

---

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
August 20, 2008

**PRESENT:** Mayor Reed, Councilmembers Constant and Cortese.

**ABSENT:** Councilmember Chirco

**STAFF:** City Attorney Rick Doyle, Assistant City Clerk Dennis Hawkins, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Noberto Duenas, Agenda Services Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco and Legislative Secretary Ruth Krantz.

**A. City Council**

**1. Review August 26, 2008 Final Agenda**

Action: The Committee approved the August 26, 2008 Final Agenda with the following changes/additions:

- Presentation of a proclamation declaring September as “Latino Health Awareness Month” in the City of San José. (Campos)
- Presentation of a commendation to San José State University Honor Students Chienfei Connie Chen, Kiran Sharma and Rick Dexter for their great service in helping to create the Urban Forest of San José website for use by our residents and City staff. (Transportation)
- Presentation of a commendation to Kerio Technologies for its innovation in software solutions and contributions to the global and local San José economies. (Mayor/Redevelopment Agency)
- Item 4.5 (Administrative Hearing regarding an appeal of the Planning Commission’s Decision to approve a Conditional Use Permit to convert an existing bookstore for daycare center and preschool use) to open for public hearing on August 26.
- Item 4.6 (Acquisition and Predevelopment Funding for the Airport Parkway Apartments Project) deferred to September 9, 2008.
- Request for an extended excused absence for Councilmember Campos, from all City Council meetings from August 27 through November 11, 2008, while on maternity leave, in addition to excusing absences for all meetings of Council committees and other boards, committees or agencies for which she serves as a member or representative of the City. (Campos)

**2. Review September 2, 2008 Draft Agenda**

None - Meeting Canceled.

**B. Redevelopment Agency**

**1. Review August 26, 2008 Final Agenda**

Action: The Committee approved the August 26, 2008 Final Agenda with following change/addition:

- 8.3 (“Acceptance of an update on the Convention Center Phase 1 Expansion Project”) deferred to September 9, 2008.

**2. Review September 2, 2008 Draft Agenda**

None - Meeting Canceled.

**C. Legislative Update**

**1. State**

**a. Sacramento Update (Verbal), City Manager**

Documents Filed: City of San José Office of Intergovernmental Relations 2008 CSJ Sponsored Bills, dated August 19, 2008.

Action: Intergovernmental Relations Director Betsy Shotwell introduced the report of 2008 City of San José Sponsored Bills.

**2. Federal**

None.

**D. Meeting Schedules**

**1. Recommend that the Agency’s Capital Improvement Plan be deferred until November or later. (Mayor)**

Documents Filed: Memorandum from Mayor Reed, dated August 8, 2008, recommending deferral of the Agency’s five-year capital improvement plan..

Action: The Committee approved the deferral.

**E. The Public Record**

Document Filed: Memorandum from Lee Price, City Clerk, dated August 15, 2008 transmitting the Public Record for the week of August 8 – August 14, 2008.

Public Comment: Kirk Vartan spoke in opposition to traffic signal modifications at the Winchester Blvd. and northern Forest Avenue intersection.

Action: The Committee noted and filed the Public Record.

**F. Appointments to Boards, Commissions and Committees**

There were none.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Resolution in Support of Renaming of the Main Post Office on Lundy Avenue. (Chu)**

Documents Filed: Memorandum from Councilmember Chu, dated August 8, 2008, recommending consideration of a resolution renaming the Main Post Office on Lundy Avenue to the Gordon N. Chan Post Office.

Action: The Committee approved the recommendation and requested that the item be addressed by the full Council at the September 16, 2008 Council Meeting.

**2. Development of Conditional Zoning Prohibiting the Establishment of New Fast-Food Restaurants in Close Proximity to Schools. (Campos/Williams/Chu)**

Documents Filed: (1) Memorandum from Councilmembers Campos, Williams and Chu, dated August 14, 2008, recommending the development of conditional zoning prohibiting the establishment of new fast-food restaurants in close proximity to schools. (2) Letter from Councilmember Campos, dated August 20, 2008, requesting that Item G.2 be submitted to the full City Council for discussion. (3) Letter from Doris Fredericks (Choices for Children) supporting Councilmember Campos' recommendation. (4) Letter from Dr. Marty Fenstersheib recommending a multi-strategy approach to health-related problems in the community.

Councilmember Williams offered support for the zoning proposal.

Public Comments: Offering support for the conditional zoning proposal were: Javier Gonzalez (representing Councilmember Campos), Dr. Martin Fenstersheib, Aurelia Sanchez, Amor Santiago, Marjorie Freedman, and Julie Waters (American Heart Association). Speaking in opposition to the proposal were: Chuck Hammers (owner Pizza My Heart), Jody Hansen (San José Silicon Valley Chamber of Commerce), Amalia Chamorro (California Restaurant Association), Scott Knies (San José Downtown Association), Clint Johnson, Carmen Lemus, and Kirk Varton (owner Slice of New York). Expressing concerns by members of Mujeres Activas de Mayfair were Sandra Mendoza, Luisa Chavarin, Jaime Alvarado and Maria Teresa Barcenas.

Action: The committee referred the issue of what we might do about childhood obesity to the Healthy Neighborhood Ventures Fund and to the Schools-City Collaborative for further discussion, with staff directed to bring back a formal report with results to be presented at a future Rules Committee meeting for further consideration.

**3. A Resolution of the City Council of the City of San José Promoting Health Awareness and Recognizing that the City Council is Empowered to Encourage and to be a Role Model for Fitness, Physical Activity, Nutrition and Wellness to the Residents and Employees of the City. (Williams)**

Documents Filed: Memorandum from Councilmember Williams, recommending the proposed resolution be agendized.

Action: The Committee accepted the proposed resolution.

**G. 4. City-Wide Policy for Relocation/Closure and/or Selling Fire Station; Removal of Station 6 from Budget. (Reed/Oliverio/Chirco)**

Documents Filed: Memorandum from Mayor Reed and Councilmembers Oliverio and Chirco, recommending a change to the City-Wide policy for Fire Station #6.

Public Comment: Richard Zappelli and Ed Rast of the Willow Glen Neighborhood Association spoke in support of the proposed policy change.

Action: The Committee accepted the report and agreed to its inclusion to the September 9, 2008 City Council meeting agenda.

**H. Review of additions to Council Committee Agendas**

1. Community and Economic Development (CED) Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee

There were none.

**I. Open Government Initiatives**

**1. Reed Reforms**

**2. Sunshine Reform Task Force (SRTF)**

**Review of SRTF Phase II Report and Recommendations**

- a. SRTF Phase II Report and Recommendations
- b. Staff's Response to Phase II Report and Recommendations of the SRTF.
- c. SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.

**(Continued from August 13, 2008)**

Documents Filed: 1) Memorandum from City Clerk Lee Price, dated August 14, 2008 referencing documents relating to the Sunshine Reform Task Force (SRTF) Phase II Report and Recommendations previously discussed at the August 13, 2008 Rules and Open Government Committee Meeting..

Discussion: Discussion was held regarding the Sunshine Reform Task Force Phase II Recommendations. Sunshine Reform Task Force Member Tom Manheim clarified items on staff implementation, Dan Pulcrano discussed the electronic management of documentation and presenting information uniformly on the Web. Public Records Manager Tom Norris offered input on email access/storage and creating a workable retention schema.

Deputy Director of Information Technology Steve Turner, clarified that the City is currently negotiating with a consultant who should be on board within 30-days, for the ECMS review. The Consultant will begin a process leading to an RFP. Tom Manheim estimated that any system is over a year away.

Action: Survey other cities and key segments of the private sector on retention of email. The Committee agreed to continue discussion of other sections, 7.1.2 (request for public records), 7.1.3b (searchable database); and 7.3.1.010a and the Enterprise Content Management System (ECMS) at the next meeting of the Rules and Open Government Committee.

**3. Significant Public Records Act Requests**

**4. Council Policy Manual Update**

There were none.

**J. Open Forum**

Martha O'Connell voiced concerns regarding the Mobile Home Advisory Commission and procedures for processing commission applications. She was referred to the City Clerk to discuss appointment scheduling and the application process.

**K. Adjournment**

The meeting adjourned at 4:00 p.m.



Mayor Chuck Reed

Rules and Open Government Committee