



RULES/AGENCY RULES COMMITTEE

Meeting Report
May 4, 2005

- PRESENT:** Chair Chavez, Members Campos and Williams
Member Yeager attended as an alternative member.
- ABSENT:** Member Chirco (excused)
- STAFF:** Chief Deputy City Attorney Patty Deignan, City Clerk Lee Price, Council Agenda Manager for the Mayor's Office Jennifer Carlino, Assistant City Manager Mark Linder, Assistant to the City Manager Deanna Santana, and Redevelopment Agency Liaison Gary Miskimon

Chair Chavez called the meeting to order at 2:05 p.m.

A. Redevelopment Agency

- 1. Review of the May 17, 2005 Draft Agenda**
No items of this time.
- 2. Add New Items to May 10, 2005 Agenda**
The Committee recommended approval of the May 10, 2005 Redevelopment Agency agenda.
 - **Redevelopment Board Requests**
There were none.
 - **Executive Director Requests**
 - a. Approval of the First Amendment and continuation of an Exclusive Negotiations Agreement with Mesa SoFA Partners, LLC, extending the term to June 30, 2005, for the proposed sale of the Dimensions Site located at 351-369 South First/360-396 South Market Street, for development as a mixed-use high rise residential and retail complex.

b. Adoption by the City Council of Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Capital Fund:

1. Establish a Transfer to the Agency in the amount of \$35,000 for consultant services related to the Rincon de Los Esteros Redevelopment Plan; and
2. Decrease the appropriation to the Environmental Services Department for Master Plan Engineering project by \$35,000.

c. Adoption by the Agency Board of the Following resolutions:

1. Approving the addition of \$35,000 to the FY 2004-05 Adopted Other/Miscellaneous revenue from the City Water Utility System Master Plan Engineering Capital Improvement Program; and
2. Approving the addition of \$35,000 to the Adopted FY 2004-05 Capital Budget Rincon de Los Esteros Redevelopment Area – Industrial Work Program: Implementation project line; and,
3. Amending the FY 2004-05 Agency appropriations resolution; and,
4. Approving an amendment to the agreement with David J. Powers & Associates, in the amount of \$50,000 for a total contract amount not to exceed \$250,000, for services preparing the North San Jose EIR for certification, and extending the term through September 30, 2005.

- **RDA Counsel Requests**

There were none.

3. Staff Reports Outstanding

No reports outstanding.

B. City Council

1. Review of the May 17, 2005 Draft Agenda

The Committee recommended approval of the May 10, 2005 City Council Agenda with the following additions:

- a. Adoption of a resolution recognizing the Vietnamese Heritage and Freedom Flag as the official symbol of the Vietnamese-American community of San José (Cortese)
- b. Adoption of a resolution recognizing the flag of the former Republic of Vietnam as the symbol of the Vietnamese-American community of San José and supporting California Senate Concurrent Resolution No. 17 recognizing the flag of the former Republic of Vietnam as the flag of the Vietnamese-American community of California (Reed)

The Committee acknowledged a memorandum submitted by Council Member Cortese, dated May 2, 2005, requesting a similar resolution and suggested that the Council Members coordinate their efforts.

- c. Approval of actions related to 99 Notre Dame Avenue (Chavez)

2. Add New Items to the May 3, 2005 Agenda

The Committee recommended the following additions to the City Council Agenda with the following additions:

Mayor and Councilmember Requests

- a. Presentation of a commendation recognizing San José Fire Department Communications Dispatchers for receiving a re-accreditation award as an Emergency Academies of Emergency Dispatch (NAED) (Mayor)
- b. Presentation of commendations to Renew CSU and Kilen Gilpen for their efforts to bring renewable energy to San José State University (LeZotte)
- c. Presentation of a proclamation declaring May 10, 2005 as Palestinian Cultural Day in the City of San José (LeZotte)
- d. Approval of a contract extension to the Line of Credit Agreement between the City of San José and Across the Bridge Foundation, Inc. (Mayor)

City Manager Requests

- a. Approval of actions related to the Converged Network and Server/SAN for the New City Hall (Information Technology/City Manager)
- b. Approval of a revision to the City Council Policy on Street Naming and Renaming (Planning, Building and Code Enforcement)

- c. Approval of actions for the Fontana Dog Park (Public Works/City Manager)

City Attorney Requests

There were none.

City Clerks Requests

There were none.

3. Staff Reports Outstanding

Documents Filed: Report from the City Manager's Office dated May 3, 2005, listing two (2) staff reports outstanding for the May 10, 2005 City Council Meeting.

Discussion/Action: The Committee noted and filed the City Manager's Report.

C. Legislative Update

1. State

There was no report.

2. Federal

There was no report.

D. Meeting Schedules

Documents Filed: Memorandum from the City Clerk dated April 29, 2005, regarding Rules-in-Lieu schedule for May 11th and 18th, 2005.

Discussion/Action: The Committee recommended scheduling Rules-in-Lieu meetings for Wednesday, May 11th and 18th, 2005 at 11:30 a.m. in the Office of the City Clerk.

E. Public Record

Documents Filed: Memorandum from the City Clerk dated April 28, 2005, transmitting items filed for the Public Records for the period April 20 – 26, 2005.

Discussion/Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Re-Appointment to the Historic Landmarks Commission

Documents Filed: Memorandum from Council Member Linda J. LeZotte dated April 15, 2005, recommending re-appointment of one Historic Landmarks Commission incumbent.

Discussion/Action: The Committee recommended the re-appointment of incumbent Michael Youmans to a term ending June 30, 2008.

G. Rules Committee Reviews, Recommendations and Approvals

1. Approval Request to Use \$1,000 from the District 8 Community Gift Trust Fund

Documents Filed: Memorandum from Council Member David Cortese dated April 22, 2005, regarding Use of District 8 Funds.

Discussion/Action: The Committee recommended approval to use the existing \$1,000 from the District 8 portion of the Gifts Trust Fund (under the Day in the Park account) for the Canyon Creek Park Grand Opening Celebration.

2. City Auditor Response to a Rules Committee Referral Regarding an Audit of Police and Fire Disability Retirement Issues

Documents Filed: Memorandum from City Auditor Gerald A. Silva dated April 26, 2005, regarding the City Auditor Response to a Rules Committee Referral Regarding an Audit of Police and Fire Disability Retirement Issues.

Discussion/Action: The Committee accepted the report adding an audit of the Police and Fire Disability Retirement Issues.

H. Oral Communications

There were none presented.

I. Adjournment

The meeting adjourned at 2:36 p.m.

Cindy Chavez, Chair
Rules/Agency Rules Committee