

RULES/AGENCY RULES COMMITTEE

Meeting Report
June 21, 2006

PRESENT: Chair Chavez, Members Campos, Yeager and Williams

ABSENT: Member Chirco

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, Council Agenda Manager for the Mayor's Office Lydia Tolles, Deputy City Manager Deanna Santana, Agenda Services Manager Nadine Nader and Redevelopment Agency Liaison Gary Miskimon

A. Redevelopment Agency

1. Review of the August 1, 2006, 2006 Draft Agenda

Action: None-Meeting Cancelled

2. Add New Items to June 27, 2006 Agenda

The Committee recommended approval of the June 27, 2006 Redevelopment Agency agenda with the following addition:

a. Redevelopment Board Requests

- There were none.

b. Executive Director Requests

Action: The Committee approved the Executive Director's request to add the following item:

- Approval of an amendment to the DDA with Mesa SoFA Partners, LLC, authorizing the Agency to take actions to facilitate approval of a Final Map for the 360 Residence project.

c. RDA Counsel Requests

- There were none.

3. Staff Reports Outstanding

There were no outstanding reports.

B. City Council

1. Review of the August 1, 2006 Draft Agenda

Action: None-Meeting Cancelled

2. Add New Items to the June 27, 2006 Agenda

Action: The Committee added the following items to Agenda for June 27, 2006:

- Approve recommendation to amend a contract agreement for professional services. CEQA: Not a project. (City Manager's Office)
- Approve recommendation of actions for the Park Trust Fund and Turnkey Park Agreement. CEQA: Mitigated Negative Declaration, PDC03-103. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services)
- Presentation of a commendation to Mary Noel, Principal of Frost Elementary School. (Pyle)
- Presentation of a commendation to Kaiser Permanente. (Williams)
- Presentation of commendation to CommUniverCity. (Chavez)
- Presentation of a commendation to the San Jose Police Department's Mounted Unit. (Chavez)
- Presentation of a commendation to Cecilia Barrie. (Chavez/Yeager)
- Approve recommendation of an expenditure from the Mayor's Budget Office. (Mayor)
- Approve recommendation to appoint Paula J. Rice to the Early Care and Education Commission to fill an unexpired term ending June 30, 2007. (Chirco)
- Accept the Office of the City Auditor's Report for the period of April 16, 2006 through May 15, 2006. (City Auditor)
- Adoption of a Resolution amending the Rules for the Conduct of its Meetings, and superseding Resolution No. 72784 to require a 2/3rd vote of the City Council to consider Agenda items over \$1,000,000 that were not distributed 14 days prior to the Council Meeting.

3. List of Reports Outstanding

Documents Filed: Report from the City Manager's Office dated June 20, 2006, listing four (4) staff reports outstanding for the June 27, 2006 City Council Meeting.

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

C. Legislative Update

1. State

a. AB 1900 (Lieu) Update

Documents Filed: Memorandum from Betsy Shotwell Director of Intergovernmental Relations dated June 15, 2006 recommended that the Rules Committee recommend to the City Council that the City of San José support AB 1900 (Lieu).

1. Support AB 1900 (Lieu) – Relating to Sex Offenders

Action: The Committee approved the recommendation to support the bill.

2. Federal

b. San José Federal Relations Activities Update

Documents Filed: Memorandum from Betsy Shotwell Director of Intergovernmental Relations dated June 19, 2006 recommended the acceptance of the report from the City's Federal lobbyist firm of Patton Boggs, LLP, in Washington, D.C.

Action: The Committee accepted the report.

D. Meeting Schedules

1. Approval of the Coyote Valley Specific Plan Study Session

Documents Filed: Memorandum from Joseph Horwedel, Director of Planning, Building and Code Enforcement, dated June 13, 2006 recommending approval of the Coyote Valley Specific Plan Study Session for Friday mornings, August 25, September 29, October 27, and December 15, 2006.

Action: The Committee approved the schedule as recommended.

2. Approval of the Rules Committee Summer Schedule

Documents Filed: Memorandum from Lee Price City Clerk dated June 16, 2006, recommending cancellation of the regular Rules Committee Meetings for June 28, July 5, 12 and 19, 2006 and schedule a Rules-in-Lieu meeting for July 26 at 2:00 p.m. in the Office of the City Clerk.

Action: The Committee approved the schedule as recommended.

3. Approval of the Recycle Plus Program Procurement Study Session

Documents Filed: Memorandum from Deanna J. Santana, Deputy City Manager, dated June 16, 2006 recommending approval to set a study session on the Recycle Plus Program Procurement on August 4, 2006 from 9:00 a.m. – 12:00 p.m. in the Council Chambers.

Action: The Committee approved the study session as recommended.

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated June 15, 2006 transmitting the Public Record for the week of June 7-13, 2006.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

Documents Filed: 1) Memorandum from Councilmember Yeager dated June 19, 2006 recommending an appointment to the Library Commission; 2) Memorandum from Councilmember Yeager dated June 19, 2006 recommending appointments to the Parks and Recreation Commission; 3) Memorandum from Councilmember LeZotte dated June 15, 2006 recommending appointments to the Senior Citizens Commission.

Action: The Committee took the following actions:

1. Library Commission

The Committee recommended appointment of Donna Marie Lydon for a three year term ending June 30, 2009.

2. Parks and Recreation Commission

The Committee recommended appointments of David Flaughner and Julie Matsushima to a three year term each ending June 30, 2009

3. Senior Citizens Commission

The Committee recommended appointments of Marge Powers and Larry Saltman to fill two unexpired terms ending June 30, 2007 and appointments of Roy Takeuchi, Richard Kohl, Galvin Jackson and Donald L. Parrot to a three year term each ending June 30, 2009.

G. Rules Committee Reviews, Recommendations and Approvals

1. Approve Travel for Councilmember Campos

Documents Filed: Memorandum from the Councilmember Campos dated June 13, 2006, recommending approval to travel to San Diego, California to attend the League of California Cities 2006 Annual Conference and Exposition on September 6-9, 2006.

Action: The Committee approved the travel request.

2. Evergreen East Hills Vision Strategy Task Force

Documents Filed: 1) Memorandum from Councilmember Campos dated June 15, 2006 recommending an investigation into whether material facts were withheld from the City Council and the public by Councilmember Dave Cortese regarding the Evergreen East Hills Vision Strategy Task Force (EEHVS), and if the Council and the public were misled by Councilmember's Cortese's denial of meeting with lobbyists and/or developers during the process to determine if: 1) Section 411 of the City Charter was violated; and 2) A clean process when EEHVS comes to Council in October can be ensured. 2) Memorandum from Councilmember Cortese dated June 20, 2006 providing a memo dated May 9, 2006 in response to Councilmember Campos and Pyle regarding involvement with the Evergreen Visioning Project. 3) Request to Suspend Rules Committee Investigation submitted by some members of the EEHVS Task Force.

Council Member Cortese and Deputy Director PBCE Laurel Prevetti responded to Committee questions.

Public Comment: Jim Zito, Planning Commissioner/EEHVS Task Force Member suggested the Sunshine Reform Task Force consider how extraneous conversations, even by members of other governmental agencies, may affect the work of the EEHVS Task Force.

Action: The Committee determined that no further investigation is warranted into the allegations brought forth against Councilmember Cortese, nor is any action necessary, and recommended the following:

- 1) Refer the definition of "contacts" by registered lobbyists to the Sunshine Reform Task Force to determine whether further differentiation between types of contacts and additional information is warranted in the disclosure documents now required of lobbyists;
- 2) Request that the EEHVS Task Force return to the Council in August 2006 with an update on the process, including any modifications to its Workplan, its products, and its timeline;
- 3) Direct the City Clerk and City Attorney to refine new Councilmember orientation and ethics training for Councilmember's and their staff to include a discussion about the word "direct" (as in direction to staff) and what constitutes appropriate and inappropriate language relating to council/staff interaction; and
- 4) Direct the City Attorney and City Manager to work together to draft criteria determining when a body that is advisory in nature to the City Council should be officially recognized and made subject to the Brown Act.

The Committee asked that this item be cross-referenced on the City Council Agenda for June 27, 2006.

3. Approve Council Committee Workplans

- a. All Children Achieve Committee - This item was deferred until August 2, 2006.
- b. Documents Filed: Memorandum from Mayor Ron Gonzales and Councilmember/Chair Campos, dated June 19, 2006 recommending approval of the Building Better Transportation Committee Workplan for the period August through December 2006 and setting its meeting schedule.
Action: The Committee approved the Workplan.
- c. Building Strong Neighborhoods Committee - This item was deferred until August 2, 2006.
- d. Documents Filed: Memorandum from Mayor Ron Gonzales and Councilmember/Chair Williams, dated June 16, 2006 recommending approval of the Driving A Strong Economy Committee Workplan for the period August through December 31, 2006 and setting its meeting schedule.
Action: The Committee approved the Workplan.
- e. Documents Filed: Memorandum from Mayor Ron Gonzales and Councilmember/Chair Reed dated June 19, 2006 recommending approval of the Making Government Work Better Committee Workplan for the period August through December 30, 2006 and setting its meeting schedule.
Action: The Committee approved the Workplan.
- f. Documents Filed: Memorandum from Mayor Ron Gonzales and Councilmember/Chair Chavez dated June 16, 2006 recommending approval of the Rules Committee Workplan for the period August through December 2006 and setting its meeting schedule.
Action: The Committee approved the Workplan.

4. Approve the Sunshine Reform Implementation Plan Related to the Council/Board Agenda Process

Documents Filed: Memorandum from City Manager Les White and Executive Director Harry S. Mavrogenes dated June 15, 2006 recommending acceptance of the Sunshine Reform Implementation Strategy Related to the Council/Board Agenda Process.

Action: The Committee accepted the recommendations and directed that this item be cross-referenced on the City Council Agenda of June 27, 2006 and, further, asked the City Attorney to provide Council with a recommendation about how to document or otherwise codify the early distribution process to ensure transparency as well as allow the City to do its business.

H. Open Forum
None

I. Adjournment
The meeting was adjourned at 3:43 p.m.

Cindy Chavez, Chair
Rules/Agency Rules Committee