

RULES/AGENCY RULES COMMITTEE

Meeting Report
November 8, 2006

PRESENT: Members Williams, Chirco

ABSENT: Chair Chavez, Vice Chair Campos

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

A. Redevelopment Agency

1. Review of the November 21, 2006, Draft Agenda

Action: The Committee approved the November 21, 2006 Redevelopment Agency Agenda.

2. Add New Items to November 14, 2006 Agenda

Action: The Committee approved the following change and addition to the November 14, 2006 Redevelopment Agency Agenda:

a. Redevelopment Board Requests

- There were none.

b. Executive Director Requests

- Change item 7.1 to read "...Façade Improvement Grant Agreement, in the amount of \$121,000, which includes a construction contingency in the amount of \$11,000,..."
- Approval of the first amendment to the Exclusive Negotiations Agreement with Living Tomorrow California, extending the term to March 15, 2007 and adding Mesa Development as its development partner for the development of an Agency-owned property located south of San Fernando Street, between First and Second Streets.

c. RDA Counsel Requests

- There were none.

3. List of Reports Outstanding

Documents Filed: Report from the Redevelopment Agency Council Liaison Gary Miskimon dated November 8, 2006, listing one report outstanding for November 14, 2006 Redevelopment Agency Meeting.

Action: The Committee noted and filed the Redevelopment Agency Liaison's report.

B. City Council

1. Review of the November 21, 2006 Draft Agenda

Action: The Committee approved the following additions to the November 21, 2006 City Council Agenda:

a. Mayor and Councilmember Requests

- Presentation of a proclamation declaring December 1, 2006 as World AIDS Day in the City of San José. (LeZotte)
- Proclamation recognizing the work of Sergeant Paul Panighetti and Lieutenant Rich Saito upon their retirement. (Campos)
- Presentation of commendations to Janet Castaneda, Joyce Coggburn, Rosemary Gellman, and Mark Okuda. (Cortese)
- Recognition of District 9 Stars: Vickie Johnson, Farnizaz Tavakoli, Breenu Sra, and the San José Elks Highway Crew. (Chirco)
- Approval of an amendment to the agreement with Action Vending Services for vending services at City Facilities. (Yeager)
- Acceptance of a Report on the Mayor's Gang Prevention Task Force. (Mayor)

b. Council Appointee Requests

- Interview candidates for one year vacancy on the Elections Commission. (City Clerk)
- Acceptance of the Independent Police Auditor's 2006-Mid-Year Report. (IPA)

2. Add New Items to the November 14, 2006 Agenda

Action: The Committee approved the following additions to the November 14, 2006 City Council Agenda:

a. Mayor and Councilmember Requests

- Presentation of a commendation to the Links, Incorporated. (Williams)
- Presentation of a commendation to Dr. David Reed, DVM. (Reed)
- Approval of nominations to the San José Silicon Valley Workforce Investment Network Board. (Mayor)
- Approval of actions to call and add a Special Election on March 6, 2007 to fill a vacancy in District 4. (Mayor)
- Presentation of a commendation to Sony. (Office of Economic Development)

b. Council Appointee Requests

- There were none.

3. List of Reports Outstanding

Documents Filed: Report from the City Manager's Office dated November 8, 2006, listing (2) two reports outstanding for the November 14, 2006 City Council meeting.

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

C. Legislative Update

1. State

a. State Update

Betsy Shotwell Director of Intergovernmental Relations gave a brief update on infrastructure bond measures.

2. Federal

b. Federal

No Report

D. Meeting Schedules

There were none.

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated November 2, 2006 transmitting the Public Record for the week of October 25 – November 2, 2006.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Third Term of Human Rights Commissioner Robert Sippel (LeZotte)

Documents Filed: Memorandum from Councilmember LeZotte dated November 2, 2006 recommending that the third term of Human Rights Commissioner Robert Sippel be extended to a full three years.

Action: The Committee approved Robert Sippels third term to a term ending December 31, 2009.

G. Rules Committee Reviews, Recommendations and Approvals

1. 2006 National League of Cities Voting Delegate at the Annual Business Meeting. (City Manager)

Documents Filed: Memorandum from Betsy Shotwell Director of Intergovernmental Relations dated November 6, 2006 recommending approval of Councilmember Nora Campos as the voting delegate at the December 9, 2006 Annual Business Meeting for the National League of Cities (NLC). A one-week turnaround to Council is requested in order to inform the NLC of the City's representative.

Action: The Committee approved Councilmember Campos as the voting delegate at the December 9, 2006 Annual Business Meeting for the NLC.

2. Accept staff reports (2) on improvements to the General Code Complaint Handling Process and the Fee Based Multi-Family Dwelling Program. (Planning, Building and Code Enforcement) (Deferred from October 11, 18 and 25, 2006)

Documents Filed: (1) Memorandum from Joseph Horwedel Acting Director of PBCE dated October 5, 2006 recommending acceptance of staff's report on improvements to the General Code Complaint Handling Process and fee-based Multiple Housing Program. (2) Memorandum from Joseph Horwedel Acting Director of PBCE dated November 2, 2006 provided additional information related to current Code Enforcement data retention and customer service. (3) Memorandum from Councilmember Cortese dated November 8, 2006 recommending acceptance of staff's report on improvements and re-implementation and enhancement of the dormant Code Enforcement tracking system available to City Staff. Encourage staff to expedite the planned launch of a public version of the Code Enforcement tracking system to be accessed via the internet.

Action: The Committee approved staff's reports.

3. Add to the Auditor's Office 2006-07 Workplan an ongoing audit of the Procurement Card Program. (City Auditor)

Documents Filed: Memorandum from Gerald A. Silva City Auditor dated October 31, 2006 recommending to add an ongoing audit of the Procurement Card Program to the Auditor's Office 2006-07 Workplan.

Action: The Committee approved the recommended addition to the Auditor's Office 2006-07 Workplan.

4. Acceptance by the Rules Committee the scope of work developed for the San Jose Police Department's (SJPD) Internal Affairs Study. (Police)

Documents Filed: Memorandum from Police Chief Robert L. Davis dated November 2, 2006 recommending that the Rules Committee accept the scope of work developed for the SJPD Internal Affairs Study.

Action: The Committee accepted the recommended SJPD Internal Affairs Study.

H. Review of Significant Public Records Act Requests

Rick Doyle City Attorney noted that the South Almaden Valley Rural Alliance filed a Public Records Act request and added that his office is working with the department of Planning, Building and Code Enforcement in response.

I. Review of Council Policy Updates per Sunshine Reforms (PIR #12)

1. Approve rescission of the following policies as contained in the Council Policy Manual and forward to Council for adoption of a resolution rescinding:

- (a) **Policy 0-4, Section H: Consolidated Board and Commission Policies (Section H: Code of Ethics for Officials and Employees of the City of San José);**
- (b) **Policy 0-4, Section F: Child Care Reimbursement (Meetings and Travel Expense);**
- (c) **Policy 0-7: Affirmative Action Plan;**
- (d) **Policy 0-16: Sexual Harassment;**
- (e) **Policy 0-25: Local Preference Policy;**
- (f) **Policy 1-5: Fees for Publications, Materials, Printing, and Duplicating;**
- (g) **Policy 1-7: Child Care Reimbursement (Meeting and Travel Expenses);**
- (h) **Policy 1-9: Open Market Purchase of Used Vehicles;**
- (i) **Policy 1-10: Private Activity Bonds;**
- (j) **Policy 1-13: Use of Recourse and Non-Recourse;**
- (k) **Policy 2-5: Temporary Use of City Equipment by Community Organizations;**

- (l) **Policy 5-1: Funeral Escort Services;**
 - (m) **Policy 5-4: Alternate Traffic Mitigation Measures;**
 - (n) **Policy 6-1: Annexation of City of San José;**
 - (o) **Policy 6-3: Emergency Zoning;**
 - (p) **Policy 6-6: Interim Residential Uses of Excluded in Industrial Areas;**
 - (q) **Policy 6-12: Water Pollution Control Plan Growth Management Policy**
 - (r) **Policy 6-13: City-Initiated Planned Development Zoning;**
 - (s) **Policy 6-21: Church Location Policy;**
 - (t) **Policy 6-24: Evaluation Criteria for High Density Housing New Rail Transit;**
 - (u) **Policy 7-9: Housing Property Acquisition Policy;**
 - (v) **Policy 8-2: Criteria for the Installation of Through Streets;**
 - (w) **Policy 8-9: Remedial Installation of Soundwalls (Formerly “Criteria for Installations of Sound Barriers”);**
 - (x) **Policy 8-10: Multi-Family Housing Mortgage;**
 - (y) **Policy 8-11: Use of Products Blown With Chlorofluorocarbon Compounds in City Building, Construction and Remodeling Projects; and,**
 - (z) **Policy 9-7: Swimming Program Policy.**
- (City Manager's Office)**

Documents Filed: Memorandum from Deanna J. Santana Deputy City Manager dated November 3, 2006 recommending to approve rescission of policies as contained in the Council Policy Manual and forward to Council for adoption of a resolution rescinding.

Action: The Committee approved the rescission of the policies.

J. Open Forum

K. Adjournment

The meeting was adjourned at 2:35 p.m.

Forrest Williams, Chair Pro Tem
Rules/Agency Rules Committee