



REGULAR MEETING OF THE SAN JOSÉ
RULES AND OPEN GOVERNMENT COMMITTEE

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 25, 2009

The Rules and Open Government Committee of the City of San Jose convened in regular session at 2:02 p.m. in Conference Rooms 118 and 119, Council Wing, City Hall.

PRESENT: Mayor Reed, Vice Mayor Chirco and Council Member Pyle

ABSENT: Council Member Constant

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Mayor's Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

CITY COUNCIL AGENDA REVIEW

3.1 Review of March 31, 2009 Final City Council Agenda.
None-Meeting Canceled.

3.2 Review of April 7, 2009 Draft Agenda.

Action: The Committee approved the April 7, 2009 draft Council Agenda, as revised.

REDEVELOPMENT AGENCY (RDA) AGENDA REVIEW

4.1 Review of March 31, 2009 Final Agenda.
None-Meeting Canceled.

4.2 Review of April 7, 2007 Draft Agenda.

Action: The Committee approved the April 7, 2009 draft RDA Agenda, as revised.

5. Review of Upcoming Study Session Agenda(s) - None

6. Legislative Update

6.1 State - None

6.2 Federal

a. Washington D.C. Update (Verbal Report) (City Manager's Office)

Director of Intergovernmental Relations Betsy Shotwell provided a verbal report regarding the Economic Recovery Act and responded to Committee questions regarding timing issues relating to the grant application approval process. Ms. Shotwell agreed to return with additional information about how the Committee might expedite approval of grant applications.

Mayor Reed provided a brief oral report on his trip to Washington, D.C.

7. Meeting Schedules - None

8. Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated March 20, 2009, transmitting items for the Public Record for the period of March 13-19, 2009.

Action: The Committee noted and filed the Public Record.

9.1 Appointments to the Project Diversity Screening Committee

Recommendation: 1) Consider recommendations from Council District 7 for appointments to the Project Diversity Screening Committee (PDSC). 2) Consider recommendation from Council District 10 for appointment to the PDSC. ((Nguyen/Pyle) DEFERRED FROM MARCH 11, 2009

Documents Filed: (1) Memorandum from Councilmember Nguyen dated February 26, 2009 forwarding the recommendation. (2) Memorandum from Councilmember Pyle dated March 19, 2009 forwarding the recommendation.

Action: The Committee agreed to recommend the appointments of Al Reinig, Maria Trejo, Buu Thai and Victor Nakamoto to the Project Diversity Screening Committee and forwarded the nominations to the full City Council on April 7, 2009.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

The Committee agreed to discuss this Item and Item 10.2 concurrently.

- 10.1 Accept the workload assessment for regulation of bail bond establishments. (Planning, Building and Code Enforcement)
DEFERRED FROM MARCH 4, 2009

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel dated March 18, 2009 forwarding the recommendation. (2) Memorandum from Council Member Constant dated March 25, 2009 recommending proposal be referred to the Public Safety, Finance and Strategic Support Committee, due its potentially significant regional public safety implications. (3) Correspondence from Supervisor Shirakawa dated March 24, 2009 regarding Agenda Items 10.1 and 10.2: Regulation of Bail Bond Establishments. (4) Correspondence from CEO of Bad Boys Bail Bonds Jeff Stanley dated March 25, 2009 regarding the regulation of Bail Bonds Establishments (Items 10.1 and Item 10.2).

- 10.2 Regulation of Bail Bond Establishments (Liccardo)

Documents Filed: (1) Memorandum from Councilmember Liccardo dated March 19, 2009 forwarding the following recommendations: Bring to full Council, through the Community and Economic Development Committee, action to: 1) Modify Title 20 of the San Jose Municipal Code to require that bail bonds Operations obtain a Conditional Use Permit (CUP) to operate anywhere (including in any commercial zoning district), regardless of the hour of operation. 2) impose specific restrictions relating to businesses, to: Ban the location of any bail bonds business on the ground floor, but allowing them on the 2nd floor or above, and Limit their geographic proximity to schools, day care centers, homes, and other "sensitive receptors," and; Constrain the excessive density or proliferation of the businesses within a designated area. 3) Impose a temporary moratorium on any building permits for tenant improvements, sign permits, or other authorizations or entitlements for new bail bonds businesses until the Council's final action on an ordinance requiring a CUP. 4) Explore opportunities for the City or County to lease space to bail bonds businesses on the existing Civic Center plaza campuses, within close proximity of the main jail. 5) Consider use of such structures as the City's former Health Building to generate revenues as part of the City's larger efforts to more efficiently utilize City parcels. 6) Consider allowing such businesses to operate 24 hours at the Civic Center site, thereby providing an incentive for these businesses to leave their 1st Street locations when their lease expires. 7) Conduct outreach/coordinate with the County about possible solutions. 8) Continue existing enforcement efforts against unauthorized after-hours operations and illegal signs.

Councilmember Liccardo spoke in favor of the recommendations outlined in his memorandum and emphasized the need to impose a temporary moratorium on any new permits for bail bonds establishments until modifications to Title 20 can be approved.

MEETING REPORT

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Public Comments: CEO of Bad Boys Bail Bonds Jeff Stanley outlined points made in his correspondence to the Committee dated March 25, 2009. Antonina Ettaro, John Karns Gus K (no last name provided), Jeff Ray, Tina Morrill, William (last name not provided) and Kathleen Kraskouskas spoke in favor of Councilmember Liccardo's recommendations. Eric Schoennauer concurred adding that the over concentration of these types of business in residential areas is a land use issue created by inadequate regulations that need updating.

Action: The Committee agreed to place on the May 5, 2009 Council Agenda a draft ordinance imposing a temporary moratorium on any building permits for tenant improvements, sign permits, or other authorizations or entitlements of new bail bonds businesses pending Council approval of an ordinance requiring a CUP, as recommended by Councilmember Liccardo.

10.3 Consortium for Police Leadership in Equity (CPLE)
(Mayor Reed/Campos/Liccardo)

Recommendation: (1) That the Rules and Open Government Committee coordinate with the Administration to place an item on a future City Council agenda to initiate a process with the Consortium for Police Leadership and Equity. (2) Direct the City Manager to draft a proposed timeline for such a process and to work with the CPLE to develop a community engagement process specifically tailored to the City of San Jose and return to the City Council for a review of both items.

Documents Filed: Memorandum from Mayor Reed, Council Member's Campos and Liccardo dated March 18, 2009 forwarding the recommendation.

Action: The Committee directed staff to return with this item in two weeks.

10.4 Approval of the Designation of Operation Prom Dress as a City Council Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the Event. (City Clerk)

Recommendation: (1) Approve Operation Prom Dress as a City Council sponsored Special Event; (2) Approve and accept donations from various individuals, businesses or community groups to support the Operation Prom Dress.

Documents Filed: Memorandum from City Clerk Lee Price dated March 20, 2009 forwarding the recommendation.

Action: The Committee approved Operation Prom Dress.

OPEN GOVERNMENT INITIATIVES

- 12.2 Accept report and provide direction regarding Sunshine Reform Task Force recommendations to (1) create an online database of Council votes; and (2) post staff reports on department websites. (City Manager)

Documents Filed: Memorandum from Communication Director Tom Manheim dated March 19, 2009 forwarding the recommendation.

Communication Director Tom Manheim and Public Records Manager Tom Norris presented the staff report. Dan Pulcrano, SRTF Vice Chair and Chair of the Technology Subcommittee spoke in favor of tracking Council votes in a searchable database. Committee questions followed.

Action: The Committee accepted the reported and directed Staff to come back in a couple of weeks with more information regarding the costs to track Council votes. On a "go forward" basis.

OPEN FORUM

There were none.

ADJOURNMENT

The meeting was adjourned at 3:51 p.m.



Mayor Chuck Reed
Rules and Open Government Committee