



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 27, 2010

PRESENT: Mayor Reed, Vice Mayor Chirco, Council Members Constant and Pyle

ABSENT: None.

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor Council Agenda Manager Nik Warrior and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review February 2, 2010 Final Agenda

Action: The Committee approved the February 2, 2010 final agenda, as amended.

2. Review February 9, 2010 Draft Agenda

Action: The Committee approved the February 9, 2010 draft agenda and waived the 10-day posting requirement on Item 3.4 (Mid-Year Budget Action).

B. Redevelopment Agency (RDA)

1. Review February 2, 2010 Final Agenda

There were no items for the February 2, 2010 final agenda and staff recommended cancelation.

Action: The Committee canceled the February 2, 2010 RDA meeting.

2. Review February 9, 2010 Draft Agenda

There were no items for the February 9, 2010 RDA meeting.

C. Review of Upcoming Study Session Agenda (s)

1. Economic Strategy Update 2010-2015 Study Session Agenda for February 8, 2010 from 1:30 p.m. to 5:00 p.m. in Council Chambers.

Documents Filed: Economic Strategy Update 2010-2015 Study Session Agenda

Action: The Committee approved the February 8, 2010 Study Session Agenda

D. Legislative Update

1. State

None.

2. Federal

- Santa Clara Valley Water District FY 2011-Joint Advocacy Federal Projects.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell and Director of Environmental Services John Stufflebean dated January 21, 2010 recommending acceptance of the Santa Clara Valley Water District (SCVWS) FY 2011 – Joint advocacy Federal projects in the City of San Jose’s jurisdiction and requesting a one-week turnaround to City Council to provide the SCVWD the City’s support for these projects.

Action: The Committee approved the staff recommendation and forwarded the item to the full City Council for action on February 3, 2010.

E. Meeting Schedules

1. Approval to set a General Plan City Council spring hearing for the evening of April 27, 2010.

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel dated January 15, 2010 forwarding the recommendation.

Action: The Committee set the date for General Plan City Council spring hearing as recommended.

F. The Public Record

Document Filed: Memorandum from City Clerk Lee Price dated January 22, 2010 transmitting the Public Record for the week of January 15-21, 2010.

Action: The Committee referred Item a (letter from Children’s Discovery Museum) to staff for a safety analysis; and noted and filed the public record.

G. Appointments to Boards, Commissions and Committees

There were none.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for the Preparation of an ordinance allowing medical cannabis cultivation and dispensaries in San Jose.

CONTINUED FROM JANUARY 13, 2010

- a. Accept the workload assessment.
- b. Accept informational memorandum providing additional background material related to consideration of a workload assessment.

Documents Filed: (1) Memorandum from Councilmember Pierluigi Oliverio (with attachments) dated October 27, 2009 outlining recommendations regarding the adoption of an ordinance allowing for the cultivation and sale of Cannabis as a medical use in San Jose. (2) Memorandum from Director of Planning, Building and Code Enforcement Joseph Horwedel dated January 20, 2010 forwarding the assessment. (3) Memorandum from City Attorney Richard Doyle dated January 21, 2010 forwarding additional background material related to consideration of a workload assessment pertaining to the cultivation and use of marijuana for medical purposes. (4) Memorandum from City Clerk Lee Price dated January 22, 2010 forwarding supplemental information from the California Police Chiefs Association Website regarding medical marijuana and marijuana dispensaries. (5) Letter from Susan Landry dated January 27, 2010 regarding Medical Cannabis Ordinance.

Assistant Director of Planning, Building and Code Enforcement Laurel Prevetti and Senior Deputy City Attorney Renee Gurza provided an in-depth staff report. Committee questions followed.

Public Comment:

The following urged the immediate adoption of comprehensive regulations allowing medical cannabis cultivation and dispensaries in San Jose: Bob Sippell, Melissa Noble, Batzi Kuburovich, Pat Knoop, Hector Gonzalez, Dan Carmel, Lauren Vasquez, Andy Schwaderer, Kim Cue (408 Compassion Center), Jay Swartz, Michelle Hovey (The Holistic Pain Management Institute), Rita Thakur, MD, Roger Jackowitz (Doctor's Referral Co-op), Steve DeAngelo (Harborside Health Center), James Anthony, Robert Holman, Marnie Regen, Robert Mezzetti, Laurie Matthews, Matt Lucero, Larry Clark, John Kowalchin, and Kevin DeLong.

Lisa Roberts and Larry Clark (Alameda Business Association) urged the Committee to support the enactment of a temporary moratorium while a sensibly drafted ordinance is written.

Lengthy Committee discussion followed. City Attorney Rick Doyle emphasized that there are land use and licensing issues to consider. Mayor Reed shared concern regarding other workload priorities, like the sign ordinance, and argued that given limited resources, the Council will need to make some choices. Committee Members agreed more staff analysis is necessary.

Action: The Committee directed staff to do some follow-up analysis and, further, to forward the matter to the full Council on March 30, 2010.

2. Approve Guidelines for Commendations and Proclamations at City Council Meetings.

Documents Filed: Memorandum from Mayor Chuck Reed dated January 13, 2010 forwarding the recommendation.

Action: The Committee approved the guidelines for Commendations and Proclamations.

3. Direct the City Manager to change the working title of the “Willow Glen Spur” project to the “Three Creeks Trail” project in the 2009 Greenprint Update Document prior to publishing

Documents Filed: (1) Memorandum from Councilmember Pierluigi Oliverio dated January 15, 2010 forwarding the recommendation. (2) Letter from Bob Sippel dated January 27, 2010 urging the Committee to adopt the name “Three Creeks Trail”.

Public Comment: Bob Sippel and Jack Nadeua (Save Our Trails) spoke in favor of the recommendation.

Action: The Committee recommended the name change.

4. Approve the designation of District 6 “No Impact Man” Movie event as a City Council sponsored Special Event and to Expend City Funds and Services for the event and place item on the February 9, 2010 Council Agenda for action.

Documents Filed: Memorandum from City Clerk Lee Price dated January 22, 2010 forwarding the recommendation.

Action: The Committee approved the District 6 special event and forwarded the matter to the February 9, 2010 City Council agenda for action.

5. Approve the designation of the Westfield Oakridge Winter Walk (WOWW) and Resource Fair for Seniors as a City Council sponsored Special Event and Authorize to accept donations of materials and services for the event and place the item on the February 9, 2010 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Pyle dated January 21, 2010 forwarding the recommendation.

Action: The Committee approved the special event and forwarded the matter to February 9, 2010 City Council agenda for action.

- I Review of additions to Council Committee Agendas**
- 1. Community and Economic Development (CED) Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment (TE) Committee**
 - 4. Public Safety, Finance and Strategic Support (PSFSS) Committee**

There were none.

- J. Open Government Initiatives**
- 1. Sunshine Reform Task Force (SRTF)**
 - 2. Significant Public Records Act Requests**
 - 3. Council Policy Manual Update**

There were none.

K. Open Forum

David Wall spoke about the reclaimed water project and expressed concern about the potential loss of revenue for signage placed on City property.

K. Adjournment

The meeting adjourned at 3:35 p.m.



Mayor Chuck Reed
Rules and Open Government Committee