



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 9, 2010

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

ABSENT: None.

STAFF: City Attorney Richard Doyle, Deputy City Manager Ed Shikada, Assistant City Clerk Dennis Hawkins, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Nikhil Warrior and Deputy City Clerk Ruth Krantz.

A. City Council

1. Review June 15, 2010 Final Agenda

Actions: The Committee approved the June 15, 2010 final agenda as amended, with Item 3.14 (Municipal Regulations and Enforcement Pertaining to Medicinal Use of Cannabis) deferred to June 22, 2010. The Committee waived the 10-day noticing requirement on Item 11.2 (Rezoning Real Property located at/on the west side of North Third Street).

2. Review June 22, 2010 Draft Agenda

Actions: The Committee approved the June 22, 2010 draft agenda as amended. The Committee waived the 10-day noticing requirement on Items 2.20 (Agreement with David Akbar and Manvir Gillon for Lease of Real Property Located at 150 s. 2nd Street), Item 3.8 (Actions Related to Retiree Healthcare), Item 2.27 (Airport Interim Rental Car Parking Lot Demolition Project), Item 9.2 (Authority to Advertise the RFP for the Convention Center), Item 3.2 (Approval of Various Budget Actions for FY 2009-2010), Item 3.3 (Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for FY 2010-2011 Budget, and Resolution Establishing the FY 2010-2011 Appropriation Limit), and Item 3.10 (Municipal Regulations and Enforcement Pertaining to Medicinal Use of Cannabis).

B. Redevelopment Agency (RDA)

1. Review June 15, 2010 Final Agenda

Action: The Committee approved the June 15, 2010 RDA Agenda. The Committee waived the 10-day noticing requirement on Item 8.2 (Approval of an amendment to the Inclusionary Housing Policy).

2. Review June 22, 2010 Draft Agenda

Action: The Committee approved the June 22, 2010 RDA Agenda.

C. Review of Upcoming Study Session Agenda(s)
None.

D. Legislative Update

1. State

- (a) Reaffirm and approve the City's and Agency's expressed opposition to SB 974 (Steinberg): Income and Corporations Tax: Hiring and Career Credits which was opposed by the City and the Redevelopment Agency in 2009 as AB 1139 (Perez) and forward to the City Council for formal action on June 15, 2010. (Redevelopment Agency).**

Documents Filed: Memorandum from Redevelopment Agency Executive Director Harry S. Mavrogenes dated June 3, 10, forwarding the recommendation.

Action: The Committee approved a position of opposition for SB 974 (Steinberg) and forwarded the bill to the full City Council for formal action on June 15, 2010.

- (b) Approve a position of support for Senate Bill 1107 (Kehoe): Water Quality: Interceptor and Trap Grease and forward to the City Council for formal action on June 15, 2010. (Environmental Services).**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated June 2, 10, forwarding the recommendation.

Action: The Committee approved a position of support for Senate Bill 1107 (Kehoe) and forwarded the bill to the full City Council for formal action on June 15, 2010.

D. Legislative Update (cont'd.)

2. State

- (c) Approve the City's expressed support for AB 1784 (Fong): Santa Clara Valley Transportation Authority and forward to the City Council for formal action on June 15, 2010. (Transportation).**

Documents Filed: Memorandum from Acting Director of Transportation Hans Larsen dated May 24, 2010, forwarding the recommendation.

Action: The Committee approved a position of support for AB 1784 (Fong) and forwarded the bill to the full City Council for formal action on June 15, 2010.

- (d) Approve a position of support for AB 2064 (Perez & Bass): Emergency Shelter Operations Grant Account and forward to the City Council for formal action on June 15, 2010. (Housing).**

Documents Filed: Memorandum from Acting Director of Transportation Hans Larsen dated May 24, 2010, forwarding the recommendation.

Action: The Committee approved a position of support for AB 2064 (Perez & Bass) and forwarded the bill to the full City Council for formal action on June 15, 2010.

2. Federal

- (a) Approve a position of support for S. 3141(Bingaman) and S. 3326 (Cantwell): Low-Income Housing Tax Credit (LIHTC) Program and forward to the City Council for formal action on June 15, 2010. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko dated June 2, 2010, forwarding the recommendation.

Action: The Committee approved a position of support for S. 3141 (Bingaman) and S. 3326 (Cantwell) and forwarded the bills to the full City Council for formal action on June 15, 2010.

E. Meeting Schedules

None.

F. The Public Record

Document Filed: (1) Memorandum from City Clerk Lee Price dated June 4, 2010 transmitting the Public Record for the week of May 28 – June 3, 2010.

Councilmember Constant pulled item (b) a letter from the Senior Commission dated May 23, 2010, regarding creation of an Emeritus category for honoring past commissioners. Assistant City Clerk Dennis Hawkins explained that the City Clerk's Office is currently working with all commissions to develop an alternate method of honoring long-standing commissioners and recommended this be referred to the structural improvement process for refinement and for possible change to the code.

Public Comments: David Wall voiced a number of concerns regarding Item (d), a petition from students attending the Starbird Community Center.

Action: The Public Record was noted and filed. Item (b) was referred to Staff for further refinement with the possibility of considering ex-officio membership.

G. Appointments to Boards, Commissions and Committees

- 1. Approve the appointment of Sajeev Sidher, Senior Tax Manager for Deloitte, to serve as a private sector representative on the Silicon Valley Workforce Investment Network (SVWIN) Board of Directors as required by law. (Mayor)**

Document Filed: (1) Memorandum from Mayor Reed dated June 1, 2010 forwarding the recommendation.

Action: The Committee approved Item G1 and forwarded the appointments to the City Council for formal action on June 15, 2010.

H. Rules Committee Reviews, Recommendations and Approvals

- 1. Approve direction to Staff to amend San José Municipal Code Sections 9.44.030 and 9.44.040 as it relates to smoking in public. (Kalra, Campos, Herrera)**

Document Filed: (1) Joint memorandum from Councilmembers Kalra, Campos and Herrera, dated June 3, 2010 forwarding the recommendation. (2) Replacement memorandum dated June 9, 2010 from Councilmembers Kalra and Campos, dated June 3, 2010 updating the memorandum by removing Councilmember Herrera's name as a co-author. (3) Letter from Patricia E. Sausedo, Vice President, SJSV Chamber of Commerce, urging the City to prioritize providing core services over amending existing ordinances and policies.

H. Rules Committee Reviews, Recommendations and Approvals (cont'd.)

- 1. Approve direction to Staff to amend San José Municipal Code Sections 9.44.030 and 9.44.040 as it relates to smoking in public. (Kalra, Campos, Herrera)**

Public Comments: Dennis Acha (Breathe California) spoke in support of the proposal. Joshua Howard (California Apartment Association) voiced opposition to changing the code until the City has sufficient resources to extend outreach to impacted stakeholders.

Vice Mayor Chirco recommended that the workload assessment include an estimate of staff time to partner with the California Apartment Association on some of the obstacles and challenges in the unenclosed and common areas.

Action: Staff was directed to return in August with a complete workload assessment.

- 2. Approve District 2 Edenvale Technology Park 2010 Business Appreciation Event as a City sponsored Special Event, to expend City Funds and Authorization to Accept Donations of Materials and Services for the Event and place item on the June 15, 2010 Council Agenda for action. (Kalra)**

Document Filed: (1) Memorandum from Councilmember Kalra dated June 3, 2010 forwarding the recommendation.

Action: The Committee approved Item H2 and forwarded it to the City Council for formal action on June 15, 2010.

- 3. Approve co-sponsorship of the National League of Cities Public Safety and Crime Prevention Steering Committee Meeting as a City sponsored Special Event, to expend City Funds and Authorization to Accept Donations of Materials and Services for the Event and place item on the June 22, 2010 Council Agenda for action. (Clerk)**

Document Filed: (1) Memorandum from City Clerk Lee Price dated June 4, 2010 forwarding the recommendation.

Action: The Committee approved Item H3 and forwarded it to the City Council for formal action on June 15, 2010.

I. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
 - 2. Transportation and Environment Committee**
 - 3. Neighborhood Services and Education Committee**
 - 4. Public Safety, Finance and Strategic Support Committee**
- There were none.

J. Open Government Initiatives

- 1. Sunshine Reform Task Force (SRTF)**
- 2. Appeals of Public Records Act Requests**
- 3. Council Policy Manual Update**

There were none.

K. Open Forum

David Wall extolled the importance of neighborhood watch programs and offered personal observations.

L. Adjournment

The meeting adjourned at 2:59 p.m.



Mayor Chuck Reed

Rules and Open Government Committee