

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report

April 20, 2011

**PRESENT:** Mayor Reed, Vice-Mayor Nguyen and Councilmembers Oliverio and Herrera.

**ABSENT:** Councilmember Constant

**STAFF:** Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Assistant Director Gary Miskimon, CMO Agenda Services Staff Technician Gloria Schmaneck, Mayor's Council Agenda Manager Sara Wright and Deputy City Clerk Tamara Davis

**A. City Council**

**1. Review Final Agenda for April 26, 2011**

Action: The Committee approved the agenda, as amended, to hear the San Jose Financing Authority item immediately following Item 3.3 and deferred Item 2.8 (Actions Related to Civil Service Classifications) to May 3, 2011.

**2. Review of Draft Agenda for May 3, 2011**

Action: The Committee approved the draft agenda as amended with a 14-day Sunshine Waiver for the Joint City of San Jose City Council/Redevelopment Agency Financing Authority Agenda and moved Item 1.4 to April 26, 2011.

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for April 26, 2011**

Action: The Committee approved the final agenda as amended with a 10-day Sunshine Waiver for Item 7.1 (Approval of an amendment with SJ Real Estate Partners, LLC to modify the terms of a promissory note for the 360 Residences).

**2. Review Draft Agenda for May 3, 2011**

Action: None – the Committee will review and discuss any agenda items at its next meeting.

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

**D. Legislative Update**

**1. State**

Director of Intergovernmental Relations Betsy Shotwell reported no news from Sacramento as the State Legislature is in recess.

**2. Federal - None**

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated April 15, 2011 transmitting the Public Record for the week of April 8-14, 2011.

Martha O'Connell pulled Item (g) and provided additional comments about increases in the sewer, storm drain, and garbage fees paid by Mobilehome residents.

David Wall pulled Item (h) and made comments about public safety at the water pollution control plant. He also spoke to item (g) requesting that the City respond to the numerous letters from Mobilehome park residents on this issue; and item (i) restating his advocacy of having the Treatment Plant Advisory Committee meetings staffed and recorded by the Office of the City Clerk.

Action: Mayor Reed noted that the garbage, sewer, and storm fees would be discussed as a part of the fees and charges discussion during the upcoming Budget hearings and will be noticed when they are scheduled for Council action. The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

**1. Appointments**

**2. Workplans**

**a. Approve the Arts Commission Workplan for FY 2010-11.**

Document Filed: Memorandum from Kim Walesh to rules and Open Government Committee dated April 7, 2011 regarding the Arts Commission FY 2010-11 Workplan.

Office of Cultural Affairs Director and Deputy Director of the Office of Economic Development Kerry Adams-Heppner provided an overview of the Commission workplan. She indicated that the Commission has consolidated three sub-committees into two; and reduced the number of monthly Commission meetings from 12 to 10 per year.

Public comment: David Wall thanked the people involved in the arts for their contributions to the City. He also suggested doing away with the City's "Art Tax Ordinance", public art required as a part of public works projects.

Bobby Yount, Arts Commission Chair, expressed his thanks to the City for allowing the commission to operate and develop a cultural plan for the City. He highlighted the seamless working relationship between the Commission and the Office of Cultural Affairs.

Committee Discussion: Councilmember Herrera commented on her appreciation for the work of the Office of Cultural Affairs, Commissioner Yount for agreeing to continue his service as Chair, and the importance of the arts to the City's economic development plans. She mentioned the relatively small number of staff that supports a large number of events and the significant amount of economic benefit to the City as a result.

Mayor Reed questioned staff regarding the number of Commission meetings requiring staff support, minutes, by-laws, and other administrative matters. Staff agreed to implement the efficiencies from prior Council direction.

Action: The Committee approved the Arts Commission Workplan for FY 2010-11.

3. Annual Reports  
None.

**H. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals  
None.
2. **Direct the Administration to include Bascom Community Center as a re-use facility and/or incorporate the unique services clause if appropriate.**

Action: The Committee deferred Item H2 one week, to April 27, 2011.

**I. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee  
None.

**J. Open Government**

1. Appeals of Public Records Act Requests  
None.

**K. Open Forum**

Public Comments: David Wall provided comments about the feasibility study for the South San Francisco Bay Emergency Port Access Project and the lack of security at the water pollution control plant (WPCP). He suggested relocation of the City Hall Security Staff to the WPCP, since the City is looking to contract out the security at City Hall. Additionally, he suggested augmenting security at the plant with light duty police officers.

Martha O'Connell expressed her concern with the frequency of the Art Commission meetings as compared to the number authorized for the Senior Citizens Commission, encouraging that all Commissions be treated the same. She also suggested that commissioners should not be allowed to hop from commission to commission once they have met their term limits.

**L. Adjournment**

The meeting was adjourned at 2:30 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee