



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 1, 2011

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

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 Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright and Deputy City Clerk Ruth Krantz.

A. City Council

1. Review Final Agenda for June 7, 2011

Action: The Committee approved the agenda,

2. Review of Draft Agenda for June 14, 2011

Action: The Committee approved the final agenda, as amended, with Sunshine Waivers for Items 3.3 (Library Parcel Tax Rates for Fiscal Year 2011), 3.4 (Sewer Service and Use Charges and Storm Sewer Service Charges for 2011-2012), 3.6 (Recycle Plus Rates), 3.7(c) (Adoption of a resolution to repeal Resolution No. 75686 and set forth the Master Parking Rate Schedule), 3.8 (Report on RFP for Graffiti Abatement Services), 5.1 (Grant Applications for Round Two Proposition 84, Statewide Park Program Grant Funds) and 8.1 (Agreement with the County of Santa Clara Emergency Medical Services Agency 911 Emergency Medical Services Provider). The Council will hear item 9.1 first, then the Council will consider budget related items in section 3 on June 14. The Committee suggested that staff review the Agenda language of the June 13 and June 14 meetings for consistency, both of which it will review at its next meeting

B. Redevelopment Agency (RDA)

1. Review Final Agenda for June 7, 2011

Action: The Committee approved the agenda, as amended,

2. Review Draft Agenda for June 14, 2011

Action: The Committee approved the agenda, as amended, with Item 8.1 to be heard as a joint item with the City Council, removing it from the Agency agenda.

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

D. Legislative Update

1. State

Document Filed: (1) City Council Action Request approved by Director of Environmental Services John Stufflebean recommending opposition of AB 976 (Hall) – Public Contracts: Consulting Services: Community Choice Aggregators, and recommending a one-week turnaround to the City Council so the City’s legislative staff can advocate the City’s opposition; (2) City Council Action Request approved by Director of Environmental Services John Stufflebean recommending a position of Support of AB 512 (Gordon) – Local Government Renewable Energy Generation, and recommending a one-week turnaround to the City Council so the Council can re-affirm the City’s support; (3) City Council Action Request approved by Director of Environmental Services John Stufflebean recommending a position of Support of SB 790 (Leno) – Electricity: Community Choice Aggregation, and recommending a one-week turnaround to the City Council so that the City’s legislative staff can advocate the City’s support for SB 790.

Director of Intergovernmental Relations Betsy Shotwell provided a verbal status report on the State budget. She informed the Committee of recent proposals regarding the fate of the Redevelopment Agency.

Ms. Shotwell reviewed the Bills being recommended for action, and Vice Mayor Nguyen voiced strong support for AB512.

City Clerk Dennis Hawkins noted an error on the agenda, stating Item “c” should be corrected to read a position of “Support” is recommended for AB 512 (Gordon).

Public Comment: David Wall voiced criticism of AB 976 and SB 790 for their potential to interfere with interstate commerce, and criticism of AB 512 as too limiting.

Action: The Committee recommended approval of all three staff recommendations: support for AB 512 (Gordon) and SB 790 (Leno) and opposition to AB 976 (Hall) be forwarded to Council with a one-week turnaround for formal action on June 7, 2011.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated May 27, 2011 transmitting the Public Record for the week of May 20 – May 26, 2011.

Public Comment: David Wall pulled Item (c) and recommended that the project should be canceled or at least deferred until economically viable. David and Mary Lou Breithaupt each spoke to Item (a) and expressed strong criticism of how the City has handled a dispute they have had regarding a blocked sewer line.

Vice Mayor Nguyen requested Assistant City Manager Ed Shikada address Mr. and Mrs. Breithaupt concerns, and also asked that Mr. Shikada follow-up on Item (e) regarding recognition of the “Little Saigon” district.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments

- a. Approve the appointment of Mike Yaghmai to the Parks and Recreation Commission. (Pyle)**
- b. Approve the appointment of Paula Davis to the Arts Commission. (Liccardo)**

Document Filed: (1) Memorandum from Councilmember Pyle dated May 20, 2011 forwarding a recommendation for an appointment to the Parks and Recreation Commission. (2) Memorandum from Councilmember Liccardo forwarding a recommendation for an appointment to the Arts Commission.

Action: The Committee approved the recommendations and forwarded the appointments to the City Council for formal action on June 7, 2011.

2. Workplans

3. Annual Reports

None.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals

None.

- 2. Approve Amendments to Cisco Systems Development Agreement and City's Development Agreement Ordinance. (Mayor)**

Document Filed: Memorandum from Mayor Reed dated May 26, 2011, recommending agendaization of approval of an ordinance amending the Cisco Systems June 2000 Development Agreement and Modifications to the City's Development Agreement Ordinance.

Action: The Committee approved Mayor Reed's recommendation and forwarded it to the City Council for formal action on June 14, 2011.

- 3. Approval of the Jewish American Heritage Month Event as a City Council Sponsored Special Event to expend City funds and accept donations of materials and services for the event; and forward to Council for formal action on June 14, 2011. (City Clerk)**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated May 26, 2011 forwarding the recommendation.

Action: The Committee approved Item H3 and forwarded it to the City Council for formal action on June 14, 2011.

- 4. Approve the Canadian Flag Raising Event as a City Council Sponsored Special Event to expend City funds and accept donations of materials and services for the event; and forward to Council for formal action on June 14, 2011. (City Clerk)**

Action: The Committee approved Item H4 and forwarded it to the City Council for formal action on June 14, 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
- Approve addition of a verbal update on the San José/Santa Clara Water Pollution Control Plant Master Plan to the June 7, 2010 T&E Agenda. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated May 24, 2011, recommending an update to the San José Municipal Water System 2010 Urban Water Management Plan.

Action: The verbal update was accepted, and the San José/Santa Clara Water Pollution Control Plant Master Plan was added to the June 6, 2011 T&E Agenda

I. Review of additions to Council Committee Agendas/Workplans (Cont'd.)

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 suggested that the City change Parking Compliance to Parking Enforcement and espoused its potential as a viable revenue generator. He further suggested that the Mayor's senior advisory staff be reduced and police and fire department staffing be reinforced.

L. Adjournment

The meeting was adjourned at 2:37 p.m.



Mayor Chuck Reed
Rules and Open Government Committee