



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 15, 2011

PRESENT: Mayor Reed, Vice-Mayor Nguyen and Councilmembers Constant and Oliverio

ABSENT: NA

STAFF: City Manager Deb Figone, Assistant City Manager Ed Shikada, Assistant City Attorney Ed Moran, 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 Tamara Davis

A. City Council

1. Review Final Agenda for June 21, 2011

Action: The Committee approved the final agenda, as amended, with Sunshine Waivers for Items 3.4 (Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2011-12 Budget, and Resolution Establishing the Fiscal Year 2011-12 Appropriation Limit), 3.9 (Actions related to the City's Financial Reporting Fund Balance Policy), 7.2 (Actions related to the Construction and Operation of a Dry Anaerobic Digestion Facility), and 7.3 (Agreement with Zero Waster Energy Development Company, LLC, for Commercial Organic Waste Processing).

Item 7.5 (San Jose/Santa Clara Water Pollution Control Plant Assessment) was deferred to the August 16, 2011, Council Meeting.

Items 3.5 (Agreement with Signature Technologies for the Public Address System at International Terminal at the Airport) and 4.5 (Discussions with the City of Campbell Regarding Cambrian No. 36) were moved to the Consent Calendar.

Item 3.11 (Declaration of a Fiscal and Public Safety Emergency and discussion of possible ballot language) was moved to the June 24, 2011, City Council Special Meeting.

Items 3.6 (Tax and Revenue Anticipation Notes) and 3.7 (issuance of City of San Jose Airport Revenue Bonds, Series 2011 A) were assigned a Time Certain, not to be heard before 3 p.m.

The Committee established a Special Council Meeting on Friday, June 24, 2011 at 1:30 p.m.

Public Comment: David Wall discussed the City's budget and expressed the importance of having the right people at the discussion table.

2. Review of Draft Agenda for June 28, 2011

Action: None – the meeting was cancelled.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for June 21, 2011

Action: The Committee approved the agenda, as amended, with Sunshine waivers for Items 8.1 (Adoption of the Agency's FY 2011-12 Capital and Operating Budgets) and 8.2 (Approval of Cooperation Agreements for Capital Improvement Projects and City support Services).

2. Review Draft Agenda for June 28, 2011

Action: None – the meeting was cancelled.

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

D. Legislative Update

1. State

Director of Intergovernmental Relations Betsy Shotwell provided a verbal status report on the State budget. She informed the Committee that the State Legislature passed the state budget by act of majority and the Governor has 12 days to sign the measures. The legislature still has not decided the fate of the Redevelopment Agency. The measures take effect as soon as the Governor signs them.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated June 10, 2011 transmitting the Public Record for the week of June 3, - June 9, 2011.

Public Comment: David Wall pulled Item (a) and (c) and provided additional comments on the City's Budget and police officer positions. Mayor Reed requested that staff determine if item (a) was sent on behalf of the City of Cupertino and to determine if Cupertino has a proposal to work collaboratively with San Jose regarding pension reform or pension obligations.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments

- a. Approve the appointment of Hope Cahan, City Planning Commissioner, to the Airport Noise Advisory Committee. (Airport)
- b. Approve the re-appointment of incumbents Kaela Bernal, Walter Soellner, Patrick Lydon, Chris Esparza, and Ben Miyaji to the Arts Commission to terms expiring on June 30, 2014 and forward to Council for formal action on June 21, 2011. (Councilmember Liccardo)
- c. Approve the re-appointment of incumbents Daniel E. Collen and Elizabeth Kabanek to the Traffic Appeals Commission to terms expiring on June 30, 2014 and forward to Council for formal action on June 21, 2011. (Vice-Mayor Nguyen)
- d. Approve the re-appointment of incumbents Leslee Hamilton and Winston Chew to the Parks and Recreation Commission to terms expiring on June 30, 2014 and forward to Council for formal action on June 21, 2011. (Councilmember Pyle)
- e. Approve the re-appointment of incumbents James Westman and Christine Wright to the Disability Advisory Commission to terms expiring on June 30, 2014 and forward to Council for formal action on June 21, 2011. (Councilmember Pyle)
- f. Approve the re-appointment of incumbents George Gange and Ian Klufft to the Airport Commission to terms expiring on June 30, 2014 and forward to Council for formal action on June 21, 2011. (Councilmember Chu)
- g. Approve the re-appointment of incumbents William Collins and Kaushik Joglekar to the Early Care and Education Commission to terms expiring on June 30, 2014 and forward to Council for formal action on June 21, 2011. (Councilmember Rocha)
- h. Approve the appointment of Oliver Minkowski of Quality Beyond Testing, San Jose, California to serve as private-sector representative on the SVWIN Board of Directors as required by law. (Mayor Reed)

Documents Filed: (1) Memorandum from Kimberly J. Aguirre the Rules and Open Government Committee dated May 20, 2011 recommending the appointment of Hope Cahan to the Airport Noise Advisory Committee; (2) Memorandum from Councilmember Liccardo to the Rules and Open Government Committee dated June 9, 2011 recommending the appointments of Kaela Bernal, Walter Soellner, Patrick Lydon, Chris Esparza, and Ben Miyaji to the Arts Commission; (3) Memorandum from Vice-Mayor

Nguyen to the Rules and Open Government Committee dated June 8, 2011 recommending the appointments of Daniel E. Collen and Elizabeth Jean Kabanek to the Traffic Appeals Commission; (4) Memorandum from Councilmember Pyle to the Rules and Open Government Committee dated June 9, 2011 recommending the appointments of Leslee Hamilton and Winston Chew to the Parks and Recreation Commission; (5) Memorandum from Councilmember Pyle to the Rules and Open Government Committee dated June 8, 2011 recommending the appointments of James Westman and Christine Wright to the Disability Advisory Commission; (6) Memorandum from Councilmember Chu to the Rules and Open Government Committee dated June 9, 2011 recommending the appointments of George Gange and Ian Kluff to the Airport Commission (7) Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated June 10, 2011 recommending the appointments of William Collins and Kaushik Joglekar to the Early Care and Education Commission; and (8) Memorandum from Mayor Reed to the Rules and Open Government Committee dated June 9, 2011 recommending the appointment of Oliver Minkowski as a private-sector representative on the SVWIN Board of Director's.

Action: The Committee approved items G.1.a. – G.1.h and forwarded to Council for formal action on June 21, 2011.

2. Workplans
3. Annual Reports
None.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
None.
2. **Direct staff to report to Council in September 2011 with an assessment of the threat of sea level rise and options for appropriate action. (Mayor Reed, Councilmembers Chu and Liccardo)**

Document Filed: Memorandum from Mayor Reed and Councilmembers Chu and Liccardo to the Rules and Open Government Committee dated June 9, 2011 regarding Report to City Council on Predicted Sea Level Rise and Impacts to San Jose.

Councilmember Chu updated the Committee on the San Francisco Bay Conservation and Development Commission's (BCDC) proposed amendment to their bay plan. He stated that the proposal will interfere with local economic development land use planning goals. He urged the Committee and Council to take a strong position against this amendment. He requested that the Committee direct staff to complete an assessment of the impact and report back to Council in August rather than the September timeframe requested in the memo.

Public Comment: Neil Struthers, Building Trades Council, encouraged the Committee to take action on the item stating that BCDC has not done a

good job with outreach and is moving forward to amend their plan by the fall. He suggested that the amendment could have a chilling effect on the economy and would result in litigation. David Wall commended the Mayor on his support for environmental protection. He also suggested that the report include necessary habitat for protected species, land use with reference to economic development for the Alviso water front, the impacts to the WPCP, this should be integrated with the Alviso Master Plan, and that TPAC be notified of this memo.

Mayor Reed indicated that the City Attorney has had some communication with BCDC about a year ago. He stated that he would send a letter on behalf of the City to BCDC expressing the City's concern.

Action: The Committee approved the direction of staff to report back to City Council in September 2011 with an assessment of the threat of sea level rise and options for appropriate action.

3. Approval of the Mid-Autumn Festival as a City Council Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the event. (City Clerk)

Document Filed: Memorandum for City Clerk Dennis Hawkins to the Rules and Open Government Committee dated June 7, 2011 regarding the Approval of the Mid-Autumn Festival as a City Council Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the Event.

Action: The Committee approved the Event and forwarded to Council for formal action on June 21, 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 discussed legal nonconforming buildings, and requested construction of additional fencing around the Coleman Ave approach to Highway 880. He also thanked the City Manager and the Director of Planning, Building and Code Enforcement for Code enforcement efforts in his neighborhood.

Shirley Vargas discussed the recent rate increase for storm sewer service charges. She disagrees with the increase and believes the City should have provided alternative methods for residents to voice their opposition to the increase and not just subjected them to having to write and mail a letter to the City.

Jonathan Journey spoke in support of medical cannabis clubs and believes that safe access is necessary for medical cannabis patients. He urged the Committee's support to keep the clubs open.

Octavio Castanos, a volunteer at Golden State Care Collective supports medical cannabis and patient's rights to affordable medication and safe access. He believes the proposed limitations of cannabis clubs would put patients at risk.

Ricardo Haynes stated that he is a veteran on a fixed income and that the taxes imposed by the City make it hard for some patients to get their medication. He discussed the benefits of medical marijuana that he has experienced. He asked the Committee not to limit the number of collectives that will be allowed to operate in San Jose.

David Augustine spoke in support of medical marijuana and asked the Committee not to eliminate the clubs that are already in existence. He suggested the Council look at the tax revenue that the clubs will bring into the community.

L. Adjournment

The meeting was adjourned at 2:35 p.m.



Mayor Chuck Reed
Rules and Open Government Committee