

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
July 27, 2011

PRESENT: Mayor Reed, and Councilmember Oliverio

ABSENT: Vice-Mayor Nguyen and Councilmember Constant

STAFF: City Manager Debra Figone, Assistant City Attorney Ed Moran, City Clerk Dennis Hawkins, Redevelopment Agency Managing Director Richard Keit, CMO Agenda Services Manager Leanna Bieganski, 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 August 2, 2011**

Action: The Committee did not have quorum, so no action was taken. The August 2 agenda was referred to the City Council to be approved under Orders of the Day. Item 1.x (Proclamation for National Night Out) was deleted, Item 1.x (Proclamation for National Farmers Market Week) was deferred to the August 3 Rules Committee meeting. Item 3.5(a) (Discussion regarding ballot measure polling results and direction on revenue measures) will require Council approval of a Sunshine Waiver under Orders of the Day.

**2. Review of Draft Agenda for August 9, 2011**

Action: The Committee did not have quorum, so no action was taken.

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for August 2, 2011**

Action: None - The agency did not have an agenda for August 2, 2011, but staff will be available for any closed session items.

**2. Review Draft Agenda for August 9, 2011**

Action: None – The agency did not have an agenda.

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

**D. Legislative Update**

**1. State**

Document filed: (1) Memorandum from City Manager Debra Figone to the Rules and Open Government dated July 27, 2011, recommending support of AB 341 (Chesbro) – Solid Waste Diversion, and (2) Memorandum from City Manager Debra Figone to the Rules and Open Government dated July 27, 2011, recommending support of AB 723 (Bradford) – Public Goods Charge for Energy Efficiency.

Director of Intergovernmental Relations Betsy Shotwell informed the Committee that the State legislature is in recess until August 15, 2011. She reported that legislation was passed to shift the Vehicle License Fees (VLF) money to the State, a \$130 million reduction to local governments, with the City losing approximately \$2.8 million in revenue. The City's Lobbyist, Roxanne Miller, is working with the California Police Chiefs and League of Cities to determine if there is room for a legislative quick shift to restore VLF funding. Ms. Shotwell also corrected the list of supporters and opponents in the memo regarding AB 723.

Public Comments: David Wall expressed his opinion that AB 341 adds more layers to government and AB 723 creates more government taxes that interfere with the private sector. He further stated his belief that only special interests groups will benefit from AB 723.

Action: The Committee referred items D.1.b and D.1.c to the August 2, 2011 Council Agenda pending approval under Orders of the Day.

**2. Federal - None**

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated July 22, 2011 transmitting the Public Record for the week of June 17 - July 21, 2011.

The Mayor pulled Items (a) a memo from City Manager Debra Figone to the Rules and Open Government Committee & (b) a letter from Senator Ellen M. Corbett to Mayor Reed and City Council. The City Manager's memo was in response to correspondence received from Gilbert Wong, Mayor of Cupertino; it was determined that Mayor Wong's statements were his and not the official positions of the City of Cupertino. Senator Corbett's letter was in reference to the Redevelopment Reform package.

Public Comment: Martha O'Connell pulled her letter Item (i) stating that the Senior Commission had recommended changes in 2009 regarding the definition of quorum for the City's Commissions.

David Wall pulled Item (b) and provided additional comments.

Action: The Public Record was heard and no action was taken.

**G. Boards, Commissions and Committees**

**1. Appointments**

- a. Approve the appointments of Jonathan I. Clough, Donna Garcia-Cowsert, Kevin P. Klink, and Dr. Charles Whitcomb to the San José Arena Authority Board. (Mayor)**
- b. Approve the re-appointment of Jean Lee and Harish Chinai to the Library Commission to a term ending on June 30, 2014. (Councilmember Oliverio)**
- c. Approve the re-appointment of Ramiro Torres and Steven Cohen to the Historic Landmarks Commission to a term ending on June 30, 2014. (Councilmember Oliverio)**

Documents Filed: (1) Memorandum from Mayor Reed to the Rules and Open Government Committee dated June 27, 2011 regarding appointments to the San José Arena Authority Board; (2) Memorandum from Councilmember Oliverio to the Rules and Open Government Committee dated July 20, 2011 regarding appointments to the Library Commission; and (3) Memorandum from Councilmember Oliverio to the Rules and Open Government Committee dated July 20, 2011 regarding appointments to the Historic Landmarks Commission.

Action: Items G.1a - G.1c were referred to the City Council for approval at the August 2 meeting under Orders of the Day.

2. Workplans
3. Annual Reports  
None.

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

1. Workload Assessment for Council Requests and Referrals  
None.
2. **Approve the recommendation of the Civil Service Commission to amend the San José Municipal Code Section 2.08.2010 regarding stipends paid to members of the Civil Service Commission. Agendize this item for consideration by the City Council on August 9, 2011. (City Clerk)**

Document Filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated July 18, 2011 regarding the Civil Service Commission Stipend.

Action: The Committee deferred Item H.2 to the August 3, 2011 Rules and Open Government Committee Meeting.

3. **Approve the direction of staff to bring back to City Council the proposed update to the Electronic/Digital Sign Code in the fall of 2011 with the following direction: Expand the pilot area limiting electronic signs on Steven Creel Blvd. to include the Blossom Hill Road Corridor. (Councilmember Pyle)**

Document Filed: Memorandum from Councilmember Pyle to the Rules and Open Government Committee dated June 21, 2011 regarding Electronic/Digital Sign Code Update.

Public Comments: David Wall commended Councilmember Pyle for her forward thinking. He believes the digital signs could be a good revenue generator for the City.

Action: The Committee deferred Item H.3 to the August 3, 2011 Rules and Open Government Committee Meeting.

4. **Approval of National Night Out as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of materials and Services for the Event. Forward to City Council for formal action on August 2, 2011. (City Clerk)**

Document Filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee regarding National Night Out.

Action: The Committee referred Item H.4 to the City Council for the August 2, 2011 meeting to be approved under Orders of the Day.

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

1. **Community and Economic Development Committee**
  - a. **Approve the Community and Economic Development Committee Fall 2011 Workplan for the period of August 2011 through December 2011 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Rooms W120. (Mayor Reed and Councilmember Herrera)**

Document Filed: Memorandum from Mayor Reed and Councilmember Herrera to the Rules and Open Government Committee regarding the Community and Economic Development Committee Workplan for the period of August 2011 through December 2011.

Action: The Committee deferred Item I.1.a to the August 3, 2011 Rules and Open Government Committee Meeting.

2. Neighborhood Services and Education Committee
  - b. Approve the Neighborhood Services and Education Committee Workplan for the period August 2011 through December 2011 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Councilmember Pyle)**

Document Filed: Memorandum from Mayor Reed and Councilmember Pyle to the Rules and Open Government Committee dated July 18, 2011 regarding the Neighborhood Services and Education Committee Workplan for the period of August 2011 through December 2011.

Action: The Committee deferred Item I.2.a to the August 3, 2011 Rules and Open Government Committee Meeting.

3. Transportation and Environment Committee
  - a. Approve the Transportation and Environment Committee Workplan for the period of August 2011 through December 2011 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Councilmember Liccardo)**

Document Filed: Memorandum from Mayor Reed and Councilmember Liccardo to the Rules and Open Government Committee dated July 18, 2011 regarding the Transportation and Environment Committee Workplan for the period of August 2011 through December 2011.

Action: The Committee deferred Item I.3.a to the August 3, 2011 Rules and Open Government Committee Meeting.

4. Public Safety, Finance and Strategic Support Committee
  - a. Approve the Public Safety, Finance and Strategic Support Committee Workplan for the period of August 2011 through December 2011 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers or as noticed. (Mayor Reed and Councilmember Constant)**

Document Filed: Memorandum from Mayor Reed and Councilmember Constant to the Rules and Open Government Committee dated July 18, 2011 regarding the Public Safety, Finance and Strategic Support Committee Workplan for the period of August 2011 through December 2011.

Action: The Committee deferred Item I.4.a to the August 3, 2011 Rules and Open Government Committee Meeting.

- 5 Rules and Open Government Committee
- a. **Approve the Rules and Open Government Committee Workplan for the period of August 2011 through December 2011 and setting its meeting schedule as every Wednesday at 2 p.m. in the Committee meeting Rooms. (Mayor Reed)**

Document Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated July 20, 2011 regarding the Rules and Open Government Committee Workplan for the period of August 2011 through December 2011.

Action: The Committee deferred Item I.5.a to the August 3, 2011 Rules and Open Government Committee Meeting.

**J. Open Government**

1. Appeals of Public Records Act Requests

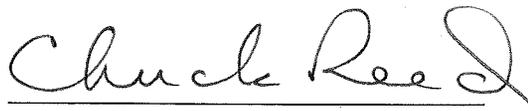
**K. Open Forum**

Public Comments: David Wall commented on the on Item 2.9 (Castellano Family Foundation matching grant Agreement for Independent Police Auditor's Teen Leadership Council) of the August 2 Council Agenda stating that the terms of the agreement are objectionable because they are vague and ambiguous.

Richard McCoy urged the Council to adjourn the August 2 evening meeting in enough time so Councilmembers can participate in their Districts' National Night Out events.

**L. Adjournment**

The meeting was adjourned at 2:46 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee