



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
August 3, 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 Manager Abe Andrade, 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 9, 2011

Action: The Committee approved the agenda, as amended. The Committee noted that the Audit of Supplemental Military Pay & Benefits was deferred from the August 2 Council agenda (Item 3.6) to the August 9 Council agenda and that the Actions related to Medical Marijuana Collectives, (Item 4.1), will be deferred to the September 13 Council agenda.

2. Review of Draft Agenda for August 16, 2011

Action: The Committee approved the agenda, as amended. City Clerk Dennis Hawkins noted that the Public Hearing on the Sewer Service and Use Charges and Storm Sewer Services Charges, which had been continued from the August 2 Council meeting (item 3.4), would be further continued to August 23 to complete noticing requirements.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for August 2, 2011

Action: None - The agency did not have an agenda for August 9, 2011, but staff will be available during closed session.

2. Review Draft Agenda for August 9, 2011

Action: None – The agency did not have an agenda for August 16, 2011, but staff will be available during closed session.

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

D. Legislative Update

1. State

Director of Intergovernmental Relations Betsy Shotwell did not have a report because the State legislature is in recess until August 15, 2011

2. Federal

Director of Intergovernmental Relations Betsy Shotwell informed the Committee that she is working with the City's lobbyist regarding the \$1.2 trillion Congress has to cut from the Federal budget. She will keep Council informed of any Federal developments regarding the budget and how it may affect the City of San José.

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated July 29, 2011 transmitting the Public Record for the week of July 22 - July 28, 2011.

The Mayor pulled Item (d) a letter from the Silicon Valley Leadership Group and acknowledged their appreciation for the efforts of the City of San José to recruit and retain businesses in the city.

Public Comment: Martha O'Connell pulled her letter Item (e) and provided comments regarding the Senior Citizens Commission's recommendation that the definition of quorum in the Municipal Code be revised to exclude vacant seats. She also recommended that the Council abolish the Project Diversity Screening Committee because it is no longer needed as the applications do not contain information regarding race or sexual orientation.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments

- a. Approve the appointment of Sean Kaldor to the Deferred Compensation Advisory Committee as the representative nominated by the San Jose Firefighters, Local 230 (IAFF), for the balance of the four-year term.

City Clerk Dennis Hawkins noted that Mr. Kaldor currently serves as the Fire Department employee representative on the Police and Fire Retirement Board, but that there is no prohibition for employee representatives nominated by a bargaining unit to serve on more than one City Board or Commission. He requested the item be placed on the August 9 Council Agenda.

Action: The Committee approved the recommendation for Council action on August 9.

2. Workplans - None
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.

Public Comments: None

Action: The Committee approved the recommendation for Council action on August 9.

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: None

Action: The Committee approved the expansion with Staff directed to report back with the Sign Ordinance during the Fall of 2011.

4. **Accept the report on posting of public calendars by City officials on the City's website. (City Manager)**

Document Filed: Memorandum from Tom Manheim, Communications Director, to the Rules and Open Government Committee dated July 28, 2011 regarding a review of City official's posting of their public calendars on the City web site for the period April 11 – July 5, 2011.

Public Comments: None

Action: The Committee accepted the report.

5. **Authorize the introduction of state legislation amending tied-house state law to allow the City** or at the City's option the City's operator of the San Jose McEnery Convention Center and San Jose Civic to receive payments for alcohol advertising and sponsorship within these facilities. (City Manager)

Document Filed: Memorandum from Betsy Shotwell to the Rules and Open Government Committee dated July 15, 2011 regarding Authorize the introduction of state legislation amending tied-house state law to allow the City or at the City's option the City's operator of the San Jose McEnery Convention Center and San Jose Civic to receive payments for alcohol advertising and sponsorship within these facilities.

Public Comments: David Wall suggested that the proposal is an opportunity to direct funding for the City Attorney's Office and Police Department which can be used to monitor the agreements and enforce laws.

Action: The Committee approved the item and referred it to the August 9 Council meeting for action.

6. **Approval of District 1 Disability Awareness Day 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 the August 9, 2011 Council Agenda. (City Clerk)
7. **Approval of The Sixth Annual Santos Family Car Show As A City Sponsored Special Event,** To Expend City Funds and Authorization To Accept Donations for The Event.

Items 6 and 7 were considered concurrently.

Document Filed: Memoranda from City Clerk Dennis Hawkins to the Mayor and City Council dated July 29, 2011 requesting City Council approval of both events as City Council sponsored Special Events.

Public Comments: None

Action: The Committee recommended approval of the District 1 Disability Awareness Day and the Sixth Annual Santos Family Car Show as Council-sponsored Special Events and referred the items to the August 9 City Council Agenda.

I. Review of additions to Council Committee Agendas/Workplans

Items I. 1. a, b, c, d, and e were taken as one item.

Public Comments: David Wall commented on the Workplan of each Committee including family camp; the use of storm drain funds for street sweeping; and urged that the audit of the Environmental Services Department include the reclaimed water project and the advanced water treatment program.

1. Community and Economic Development Committee
 - a. **Approve the Community and Economic Development (CED) 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.

2. Neighborhood Services and Education Committee
 - b. **Approve the Neighborhood Services and Education (NSE) 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.

Assistant City Manager Ed Shikada commented that the August NSE meeting is cancelled, and that all scheduled items will be carried over to the September meeting. It was further noted that items 3 and 5 would be dropped from the Workplan and that the Neighborhoods Commission report will be done on a quarterly basis rather than a bimonthly report.

3. Transportation and Environment Committee
 - a. **Approve the Transportation and Environment (T & E) 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.

4. Public Safety, Finance and Strategic Support Committee
 - a. **Approve the Public Safety, Finance and Strategic Support (PSFSS) 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.

Deputy City Manager Alex Gurza noted for the Committee that two items on the October agenda – item 5, the Police Department’s report on operations and performance and item 11, the Airport Police Services Alternative Service Delivery discussion – would be deferred to the November agenda.

5. Rules and Open Government Committee
 - a. **Approve the Rules and Open Government (Rules) 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 approved all Council Committee Workplans as amended.

J. Open Government

1. Appeals of Public Records Act Requests

The Committee considered item (a) from The Public Record, a response to Harold Furtado which the Committee heard comments on during the June 22 Committee meeting. The memorandum from Police Chief Chris Moore to Mr. Furtado was included in the packet.

Public Comment: Harold Furtado thanked the Committee for its assistance in getting a response and also thanked members of the Police Department for sending him the information. He requested that the Department explain the exact activities that are associated with securing the employment permit.

Assistant City Manager Shikada stated that he is getting up to speed on card room issues and that he looks forward to working with Garden City on any follow up on this item and others. City Attorney Doyle indicated that this would be treated as a public records request and that his office would work with the Police Department and City Manager's Office to respond to Mr. Furtado and to the Committee. Mayor Reed commented that this was a cost recovery fee and that the City needs to justify the fee; that the related documents are public records and there should not be any issue about that.

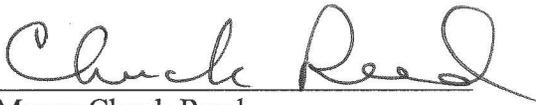
K. Open Forum

Public Comments: David Wall commented on the on a situation involving a billboard located near an affordable housing development.

Martha O'Connell commented on the City Clerk's report regarding the appointment of someone to a second Commission. She indicated that she had been told previously that no one could serve on two commissions. She stated that she will write a letter and that she is still waiting for a written response to two emails she's sent regarding the continuity of commissions.

L. Adjournment

The meeting was adjourned at 2:40 p.m.



Mayor Chuck Reed
Rules and Open Government Committee