

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
August 31, 2011

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

ABSENT: All Present.

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Managing Director Richard Keit, CMO Agenda Services Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright and Deputy City Clerk Ruth Krantz.

A. City Council

1. Review Final Agenda for September 6, 2011

Action: No regular meeting scheduled due to holiday – Closed Session to begin at 1:30 p.m.

2. Review of Draft Agenda for September 13, 2011

Action: The Committee approved the September 13, 2011 draft agenda, as amended. Items 2.8, 2.13 and 2.14 were pulled from the Consent Calendar and placed on the discussion calendar. The Committee waived the 14-day noticing requirement for Item 4.1 (Actions related to Medical Marijuana Collectives).

B. Redevelopment Agency (RDA)

1. Review Final Agenda for September 6, 2011

Action: None. Meeting Cancelled, except for any Closed Session items, if necessary.

2. Review Draft Agenda for September 13, 2011

Action: None, except for any Closed Session items, if necessary.

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

D. Legislative Update

1. State

Intergovernmental Relations Director Betsy Shotwell raised concerns regarding Assembly Bill 438 (Williams) – County free libraries: withdrawal: use of private contractors, and recommended an ‘oppose’ position.

Documents Filed: City Council Action Request from Intergovernmental Relations Director Betsy Shotwell dated August 23, 2011, recommending an ‘oppose’ position of AB 438 (Williams).

Public Comments: David Wall recommended this legislation be deferred until the language is more clearly stated.

Action: The Committee approved an ‘oppose’ position for AB 438 (Williams) and forwarded the bill to the full Council for review and action on September 13, 2011.

2. Federal

None.

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated August 26, 2011 transmitting the Public Record for the week of August 19 - 25, 2011.

Public Comments: David Wall pulled Item (c) to comment on the tenure of the City Manager and Item (d) to criticize unfounded accusations of “secret reports” prepared by the Redevelopment Agency.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments
 2. Workplans
 3. Annual Reports
- None

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals

None.

2. Agendize for discussion and action at the September 13, 2011 Council Meeting amendments to the City Demonstration Partnership Policy. (Mayor)

Documents Filed: (1) Memorandum from Mayor Reed dated August 25, 2011, providing recommendations regarding City Council meeting amendments to the City Demonstration Partnership Policy.

Public Comments: David Wall suggested a fee structure for Silicon Valley companies that utilize City services and added that the focus should be on San José, not Silicon Valley.

Action: The Committee approved the memorandum and forwarded it to City Council for formal action on September 13, 2011.

3. Direct Staff to lower the school zone speed limits to 15 miles per hour (mph) at both public and private schools. (Councilmember Oliverio)

Document Filed: Memorandum from Councilmembers Oliverio, dated August 19, 2011 recommending lowering school zone speed limits..

Public Comments: (1) Joseph Okpaku (representing Councilmember Kalra) offered support of the measure. (2) Dave Wall summarized the need to adequately fund the Police Department. (3) Jeff Bedolla offered that people lose respect for the law and such enforcement can backfire. (4) Jim Zito expressed concerns but offered support of Councilmember Oliverio's motion. (5) Karen Hoffert complained of speeding around the Willow Glen Elementary School.

Action: Staff was directed to provide Council with policy options and an traffic-calming analysis within fiscal means and to review with school-city collaborative superintendents before returning to Council..

4. Staff report on clarification of responsibilities to the residents of parcel and requirements to enable the change of address related to 1270 Campbell Ave. (Councilmember Liccardo)

Action: Deferred to September 14, 2011.

- 5. Consider a request for a Waiver of the Revolving Door Restriction under Municipal Code Section 12.10.070, for Edith Ramirez, former Redevelopment Agency employee and forward to City Council for formal action on August 30, 2011.
*[Deferred from August 24, 2011 Rules Meeting]***

Documents Filed: Memorandum from City Clerk Dennis Hawkins, dated August 19, 2011 recommending consideration of a request for a Waiver of the Revolving Door Restriction under the San José Municipal Code.

Public Comment: David Wall expressed opposition to any modification of the revolving door policy.

Action: The Committee recommended limited approval of the request for a Waiver of the Revolving Door Restriction for Edith Ramirez, allowing her to work on legislative or administrative matters which she worked on during the twelve months prior to her termination of service, or which was within her area of job responsibility as defined in Municipal Code Section 12.10.070. The Committee did not recommend a waiver of Sections 12.10.030 B and C. An amendment to the Ordinance was not recommended. The action was forwarded to full Council for formal action on September 13, 2011.

- 6. Authorize City Auditor's travel to Washington, DC, September 12 – 13, 2011 to attend GOVERNING's 2011 Summit on the Cost of Government at no cost to the City. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon Winslow-Erickson, dated August 19, 2011, requesting approval to attend a summit in Washington, DC.

Action: The action was forwarded to full Council for formal action on September 13, 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.

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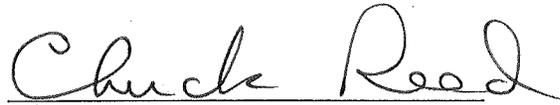
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K. Open Forum

David Wall expressed appreciation to the San José Fire Department, commented on the 'out of control' garbage and graffiti in the City, suggested putting public art monies in an escrow fund for schools and offered comments regarding the storm water permit program.

L. Adjournment

The meeting was adjourned at 3:13 p.m.



Mayor Chuck Reed
Rules and Open Government Committee