



Memorandum

**TO: HONORABLE MAYOR AND
CITY COUNCIL**

FROM: DENNIS HAWKINS

**SUBJECT: REVISION OF RULES AND OPEN
GOVERNMENT MEETING REPORT
OF SEPTEMBER 7, 2011**

DATE: SEPTEMBER 23, 2011

Approved

Date

RECOMMENDATION:

Approve the amended report of the Rules and Open Government Committee September 7, 2011 meeting.

BACKGROUND:

On September 20, 2011 the City Council approved the above referenced report. During the Public Comment period on the item, David Wall pointed out a typographical error in the report. The report incorrectly stated that Mr. Wall expressed thanks to Councilmember Liccardo for his efforts to reduce speed limits around schools. In fact, Mr. Wall thanked Councilmember Oliverio for those efforts. This was a typographical error that should be corrected so that the report is accurate.

ANALYSIS:

A red-lined version of the corrected report is attached. Upon approval of the corrected report, the revised report will be recorded.

DENNIS D. HAWKINS, CMC
City Clerk

For questions, please contact Dennis Hawkins, City Clerk at 408-535-1275



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report (Revised)

September 7, 2011

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

ABSENT: NA

STAFF: City Manager Debra Figone, Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Managing Director Richard Keit, CMO Agenda Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis

A. City Council

1. Review Final Agenda for September 13, 2011

Action: The Committee clarified that item 4.1 (Medicinal Marijuana) would be heard last and Mayor Reed reminded staff that the item should include the resolution from the Santa Clara County Cities Association regarding state and federal regulations per Councilmember Liccardo's request and prior Council direction. The Committee dropped Items 2.16 (travel to San Francisco by Councilmember Campos, as Council approval is not required) and 3.2 (Labor Negotiation Update). The Committee added Ceremonial Items 1.x (Presentation of proclamation recognizing Mexican Independence Day on September 16), and 1.x (Presentation of a commendation to residents of Watkins Way). The agenda, with a 9:30 closed session start time, was approved as amended, including a Sunshine waiver for item 4.1.

2. Review of Draft Agenda for September 20, 2011

Action: The Committee approved the agenda, as amended. The Committee noted that the San Jose Financing Authority agenda would be deferred to September 27.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for September 13, 2011

Action: None - The agency did not have an agenda for September 13, 2011, but staff noted that there will be closed session items. The Committee cancelled the meeting except for closed session and any City-Agency joint items.

2. Review Draft Agenda for September 20, 2011

Action: None – The agency did not have an agenda for September 20, 2011, but staff will be available to discuss any closed session items and they will be available for any joint items. The Committee cancelled the meeting except for closed session and any City-Agency joint items.

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

D. Legislative Update

1. State - None

Director of Intergovernmental Relations Betsy Shotwell did not have a report, but noted that the State Legislature is back in session and anticipates further reports following conclusion of the session on Friday.

2. Federal - None

E. Meeting Schedules - None

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated September 2, 2011 transmitting the Public Record for the week of August 26 – September 1, 2011.

Public Comment: David Wall pulled his Item (c) regarding the Community and Economic Development Committee regarding the Redevelopment Agency Incubator program report, stating that he does not believe there was a hidden report, and expressing his displeasure with the chairmanship of the Transportation and Environment Committee by Councilmember Liccardo regarding the municipal regional storm drain permit; Item (e) commenting on a recent newspaper article concerning the San Jose Repertory Theater and their efforts with San Jose State University, encouraging that the program be expanded to include high schools; and Item (d) commending Councilmember Liccardo *Oliverio* for his efforts to reduce speed limits near schools.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments

- (a) Approve the appointment of David London, Senior Director of U.S. Government Relations at eBay, San José, California to serve as a private-sector representative on the SVWIN Board of Directors as required by law. (Mayor)
- (b) Approve the appointment of Matt D. Navarro, Regional Vice President of Staples, Inc., San José, California to serve as a private-sector representative on the SVWIN Board of Directors as required by law. (Mayor)

- (c) Approve the appointment of Robert Dolci as a Neighborhoods Commission Member for Council District 5 and Rita Ann Guess as the 1st Alternate for District 5 and recommend this item for full Council consideration at the September 13, 2011 Council Meeting. (City Manager)

Action: The Committee forwarded the appointments to the City Council for formal action, adding them to the September 13, 2011 Council Agenda.

2. Workplans - None
3. Annual Reports - None

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals - None
2. Declaration of a Fiscal and Service Level Emergency. (Mayor)
(refer to memorandum for full text)

Public Comment: David Wall commented on the number of communications staff and consultants engaged in crafting possible ballot language.

Action: The Committee approved the memo from Mayor Reed to defer discussion of the Fiscal and Service Level Emergency until after October 31, 2011, pending negotiations with the City's bargaining units; and to agendaize a discussion of the City's Fiscal Year 2012 – 2013 General Fund Budget for the September 13, 2011 Council Agenda.

3. Staff analysis of land assets prior to City Council's deliberation on the General Plan designation for Rancho del Pueblo Golf Course. (refer to memorandum for full text) (Rocha)

Public Comment: David Wall commented on the memo, asking how the City could declare a fiscal emergency if it has assets to sell and stating his opinion that Rancho del Pueblo should be left alone. Carrie Hamilton stated she and her group are in favor of fiscal responsibility but suggested that the Council can not make a general plan amendment based on a budgetary situation alone; she stated that she believes there has been deception regarding the issue, noting that the bond debt is not solely on the golf course and the issue is one of social equity and open space.

Action: The Committee approved the memo stating that staff should be prepared to answer questions on the matter at the September 20 Council meeting as part of the budget discussion and that staff may need to provide a more detailed response in the future.

I. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

J. Open Government

1. Appeals of Public Records Act Requests

K. Open Forum

Public Comments: Yolanda Cruz, representing AFSCME/MEF, spoke on behalf of the non-management retirement coalition, commented on the ground rules for open negotiations with the City's bargaining units, stating that the City had rejected their proposal. She requested a written statement from the City stating that it does not want negotiations in public. David Wall commented on nomadic living in San Jose, pointing out a recent newspaper article; he further commented on the upcoming Treatment Plant Advisory Committee meeting, suggesting that any toxic events at the Water Pollution Control Plant may be caused by items entering the plant, suggesting that the City reinstate the trunk line monitoring program.

L. Adjournment

The meeting was adjourned at 2:27 p.m.

Mayor Chuck Reed
Rules and Open Government Committee