

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
November 9, 2011

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

**ABSENT:** Councilmember Constant

**STAFF:** Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, 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 November 15, 2011**

Action: The memo requesting excused absences by Councilmember Herrera was withdrawn. The Committee noted that the Civil Service Commission appointments would not be heard before 2:30, the item regarding 15 MPH speed limits in school zones would be heard last in the afternoon, and the City Manager's report on the General Fund forecast would be heard first in the evening following ceremonial items. The Committee approved the agenda, as amended.

**Review of Draft Agenda for November 22, 2011**

Action: None – The meeting was cancelled.

**b. Redevelopment Agency (RDA)**

**1. Review Final Agenda for November 15, 2011**

Action: The Committee cancelled the November 15, 2011 RDA meeting, but will be available for Closed Session items.

**2. Review Draft Agenda for November 22, 2011**

Action: None – The meeting was cancelled.

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

**D. Legislative Update**

**1. State –**

Intergovernmental Relations Director, Betsy Shotwell had no report, but noted that the State Supreme Court's hearing on the redevelopment agency case will begin on November 10.

**2. Federal**

Intergovernmental Relations Director, Betsy Shotwell, reviewed the Patton Boggs, LLP report and highlighted notable federal legislation that is of interest to the City of San Jose.

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated November 4, 2011 transmitting the Public Record for the week of October 28 – November 3, 2011.

Action: The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

**1. Appointments**

- a. Approve the appointment of Sima Yazdani, Senior IT/Business Operations Manager at Cisco in San Jose, CA to serve as a private-sector representative on the Silicon Valley Workforce Investment Board of Directors as required by law. (Mayor)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated October 31, 2011 regarding Silicon Valley Workforce Investment Board Nomination.

Actions: The Committee approved the appointment of Sima Yazdani to the Silicon Valley Workforce Investment Board of Directors.

2. Workplans
3. Annual Reports

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

1. Workload Assessment for Council Requests and Referrals
2. Approve the adoption of a resolution supporting the Santa Clara County Suicide Prevention Strategic Plan. (Councilmember Chu)  
*[Deferred from October 12, 19, and November 2, 2011 Rules meeting]*

Councilmember Chu urged the Committee to support a resolution in support of the County's Suicide Prevention Plan.

Documents filed: (1) Memorandum from Councilmember Chu to the Rules and Open Government Committee dated October 5, 2011 regarding a Suicide Prevention Resolution, and (2) Memorandum from Deputy City Manager Alex Gurza to the Rules and Open Government Committee dated October 28, 2011 regarding the Santa Clara County Suicide Prevention Strategic Plan.

Public Comments: Michelle Lew, President and CEO of Asian Americans for Community Involvement, expressed support for the City adopting a resolution on suicide prevention.

Victor Ojakian, Chair of the County's Suicide Prevention Oversight Committee, encouraged the Council to support the staff recommendation and the resolution.

Action: The Committee approved the recommendations to adopt the resolution as outlined in the staff memorandum.

3. Direct staff to bring to the City Council on January 10, 2012 an ordinance amendment for a temporary increase of the Marijuana Business Tax, and establish a reserve appropriation to offset direct and indirect expenses related to an election with the additional revenue generated by the tax increase. (Mayor)

The Mayor requested staff to bring back to the City Council on January 10, 2011 an ordinance amendment for a temporary increase of the Marijuana Business Tax and establish a reserve appropriation to offset direct and indirect expenses related to an election.

The City Attorney reminded the Committee that notice of a hearing and possible action by Council must be published 45 days in advance and that and at least one public meeting must be held to allow people to come in and talk about the item.

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated November 1, 2011 regarding the Marijuana Business Tax.

Public Comments: Matt Lucero, owner of Buddy's Cannabis, opposes the tax increase. He suggested that the City impose the tax on the 30-50 percent of cannabis clubs who are not in compliance with the business tax.

Action: The Committee set the meeting date for January 10, 2012 to hear public testimony, and to set the hearing date for January 24, 2012 for the

Council to consider action on the proposed increase in the marijuana business tax.

4. Direct staff to make amendment to the High Speed Rail Workplan. (Mayor)

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated November 2, 2011 regarding the High Speed Rail Workplan.

Public Comments: Hans Larsen, Director of Transportation, informed the Committee that DOT will be holding a community meeting on December 8, 2011, to discuss the High Speed Rail options. Staff would hold a second community meeting in January and return to the Rules Committee in January with a framework for a February Council study session. He also informed the Committee that staff is considering the creation of a local peer panel of soils experts to provide an independent analysis of the studies done by the High Speed Rail Authority (HSR) and to look soils examples of other locations where tunnels have been complete to provide independent technical information. Additionally, he stated that Assemblyman Rich Gordon is hosting public meetings on the HSR business plan on November 21 in Los Angeles, December 2 in San Francisco, and December 12 in Merced.

Action: The Committee approved staffs' recommendations to modify the Workplan as described.

5. Approve the "Let's Give" Donations Drive as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations for the Event. (City Clerk)

Documents filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated November 4, 2011 regarding the "Let's Give" Event as a City Council sponsored special event.

Action: The Committee approved the "Let's Give" Event as a City Council sponsored special event and forwarded to the City Council for formal action on the November 15, 2011 Council Agenda.

**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.

**RULES and OPEN GOVERNMENT COMMITTEE  
MEETING REPORT**

**November 9, 2011**

**Page 5**

**J. Open Government**

1. Appeals of Public Records Act Requests  
None

**K. Open Forum**

None

**L. Adjournment**

The meeting was adjourned at 2:30 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee