



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 30, 2011

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

ABSENT: NA

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, 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 December 6, 2011

Action: The Committee approved the agenda, as amended. The Committee dropped Item 3.5 (Discussion and Consideration of Council Action to Either Repeal Ordinance No. 28960 relating to Medical Marijuana or Call an Election) and moved Item 3.6 (Police and Fire Retirement Plan Board of Administration and Federated City Employees Retirement System Board of Administration Interviews) to the Consent Calendar.

Review of Draft Agenda for December 13, 2011

Action: The Committee approved the agenda, as amended with a Sunshine Waiver for Item 4.4 (Settlement in Union Pacific Railroad Company v. City of San Jose). The Committee tentatively moved Items 4.1 (Amendment to Title 20 Zoning Ordinance) and 4.2 (Ordinance Amending the Sign Code) to the afternoon session.

b. Redevelopment Agency (RDA)

1. Review Final Agenda for December 6, 2011

Action: The Committee approved the agenda, as amended, and dropped Item 2.1b (Redevelopment Agency Monthly Financial Statements, Capital Costs, and Cash Flow Projections – Approve recommendations by staff to change from monthly to quarterly reports.)

2. Review Draft Agenda for December 13, 2011

Action: None – The Agency did not have an agenda, but will be available for Closed Session items.

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

D. Legislative Update - None

1. State

2. Federal

E. Meeting Schedules

1. Approve the 2012-2013 City Budget Calendar and Budget Study Session Schedule. (City Manager)

Documents filed: Memorandum from Jennifer Maguire to the Rules and Open Government Committee dated November 18, 2011 regarding the 2012-2013 City Budget Calendar and Budget Study Session Schedule.

Action: The Committee approved the 2012-2013 City Budget Calendar and Budget Study Session Schedule.

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated November 22, 2011 transmitting the Public Record for the week of November 11 -21, 2011.

Public Comments: David Wall pulled his Items (b), (c), (d), and (e) and provided additional comments.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees

1. Appointments

- a. Approve the appointment of Mitch Schoch, President and CEO of Bentek, Inc. in San Jose, CA to serve as a private-sector representative on the SVWIN Board of Directors as required by law.

Document filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated November 18, 2011 regarding Silicon Valley Workforce Investment Board Nomination

Action: The Committee approved the appointment of Mitch Schoch to the SVWIN Board of Directors.

2. Workplans

- (a) Approve the Senior Citizens Commission's 2010–2011 Annual Report; and the 2011–2012 Workplan as recommended by staff.

Document Filed: Memorandum from Parks, Recreation, and Neighborhood Services Acting Director, Julie Edmonds-Mares, to the Rules and Open Government Committee dated November 22, 2011 regarding the Senior Citizens Commission Annual Report and Work Plan.

The Mayor questioned the use of subcommittees for City Commissions because of the added workload for City staff and the commission passing along work it does not want to do.

The City Clerk reminded the Committee that some commissions have subcommittees established in their bylaws. He further mentioned that he is looking at this issue as part of the structural improvement project.

Parks, Recreation, and Neighborhood Services, Acting Assistant Director, Angel Rios, discussed the changes that have been made to the Senior Citizens Commission, such as the reduction from 48 meetings a year to 16 meetings a year.

Public Comments: Martha O'Connell spoke in support of the Senior Commission's Workplan, and reminded the Committee of the Senior Commission's recommendations for cost cutting, primarily the 1.5 staff positions that are used to support the commission. She does not believe staff needs to be at every subcommittee meeting.

Action: The Committee approved the Senior Citizens Workplan until the end of the FY 11-12.

- (b) Approve Youth Commission's 2010–2011 Annual Report; and the 2011–2012 Workplan as recommended by staff.

Document Filed: Memorandum from Parks, Recreation, and Neighborhood Services Acting Director, Julie Edmonds-Mares, to the Rules and Open Government Committee dated November 22, 2011 regarding the Youth Commission Annual Report and Work Plan.

Public Comments: David Wall suggested that the Youth Commission's Workplan incorporate some forum to hire youth.

Action: The Committee approved the Youth Commission's Workplan until the end of FY 11-12.

3. Annual Reports

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
2. Approve the Recommendations related to Ground-Floor Uses in the Downtown Core. (Mayor Reed and Councilmember Liccardo)

Documents filed: Memorandum from Mayor Reed and Councilmember Liccardo to the Rules and Open Government Committee dated November 22, 2011 regarding the Ground-Floor Uses in the Downtown Core.

Public Comments: Henry Cord of the Downtown Association Advocacy Committee spoke in support of the memo. He believes this will increase occupancy and expand economic development. His group would like to work with the City Manager's Office on policy recommendations through a stakeholder's meeting.

David Wall discussed two areas of the memo that he believes to be burdensome and oppressive to potential businesses, (1) the 12-month suspension period listed in the memo, and (2) the restricted 9 a.m. to 5 p.m. business hours.

Action: The Committee approved the staff recommendations to suspend Municipal Code § 20.70.100 (F), and the corresponding portions of Table 20-140 (and any other provisions of that sub-section that restrict ground-floor uses in the Downtown core).

I. Review of additions to Council Committee Agendas/Workplans - None

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

J. Open Government - None

1. Appeals of Public Records Act Requests

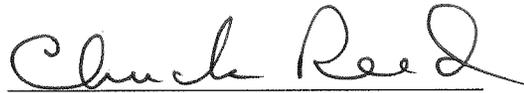
K. Open Forum

Martha O'Connell discussed the status of the Senior Boutiques and that the leader of the Southside boutique has resigned and that there is still not a signed agreement. She also requested that public records information be provided in bigger font for visually impaired individuals.

David Wall mentioned that Item 2.14 on the December 13 Council Agenda is not clear pertaining to what the temporary environmental inspectors will be hired to do. He urged the Committee to find funding to keep the employee ECO Pass Program.

L. Adjournment

The meeting was adjourned at 2:39 p.m.



Mayor Chuck Reed
Rules and Open Government Committee