



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
February 8, 2012

PRESENT: Mayor Reed, Councilmembers Herrera and Oliverio.

ABSENT: Vice-Mayor Nguyen, Councilmember Constant (Excused)

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, Redevelopment 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 February 14, 2012

Action: The Committee approved the agenda as amended with a recommended start time of 8:30 a.m. to accommodate labor and litigation items, to continue Item 3.4 (Marijuana Business Tax) to a later date, and to add and provide a Sunshine Waiver for Item 8.x, approval of a resolution authorizing the City Manager to apply for a DHS/FEMA-administered SAFER Grant to restore positions lost through attrition in 2010-2011.

Public Comments: David Wall proposed that items 7.2 and 7.3 be pulled from the agenda, citing a flawed approach and further questioned the competence of the Environmental Services Department staff.

Review of Draft Agenda for February 21, 2012

Action: None – Meeting canceled.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for February 14, 2012

Action: None.

2. Review Draft Agenda for February 21, 2012

Action: None.

C. Review of Upcoming Study Session Agenda

1. Cancel the IBM Operations Efficiency Study Session on Tuesday, February 21, 2012, from 9:00 - Noon (City Manager)

Action: Canceled.

D. Legislative Update

1. State

Director of Intergovernmental Relations Betsy Shotwell informed the Committee that Staff is analyzing positions in anticipation of the February 24th deadline for bill introduction in Sacramento, and of pending legislation related to Redevelopment cleanup, including AB 1585, which was introduced last week by the Speaker.

2. Federal – None.

E. Meeting Schedules – None.

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated February 3, 2012 transmitting the Public Record for the week of January 27, 2012 – February 2, 2012.

Public Comments: David Wall pulled his Items (h) and (i) and provided additional comments.

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 the 2012 Community Budget Survey Results for an upcoming City Council meeting. (Mayor Reed)

Action: Approved.

3. Accept the Executive Summary of an Operations Efficiency Diagnostic report from IBM Public Sector Global Business Services. (Mayor Reed)

Documents filed: (1) Replacement memorandum from Mayor Reed, dated February 7, 2012, dropping a request for consideration of the IBM Operations Efficiency Diagnostic report. (2) Memorandum from Councilmember Rocha, dated February 8, 2012, recommending agendaization of staff direction to full Council. (3) Memorandum from Steve Kline, dated February 8, 2012, regarding the report.

Public Comments: The following offered criticism of the Operations Efficiency Diagnostic Report from IBM Public Sector Global Business Services: Marie Hayter (Senior Citizen's Commission), Robert Sapien (San José Firefighters, IAFF Local 230), Bob Brownstein, Jason Haenel (AFSCME), David Wall, Steve Kline, Dee Urista, Ricky Alexander (Sacred Heart Community Services), Jim Unland (SJPOA), Jeff Welch (Local 230).

Action: Agendaize for Council action on February 28, 2012.

4. (a) Accept the City Attorney's response to Legal Issues related to vacation, sick leave and holiday benefits for contract employees. (City Attorney)
- (b) Accept staff report regarding options related to vacation, sick leave and holiday benefits for contract Employees. (City Manager)

Documents filed: (1) Memorandum from City Attorney Richard Doyle, dated February 1, 2012, providing direction regarding legal issues related to benefits for contract employees. (2) Memorandum from Director of Public Works David Sykes, dated February 2, 2012, outlining options related to benefits for contract employees. (3) Memorandum from Councilmember Rocha, dated February 8, 2012, recommending referral to full Council.

Public Comments: David Wall expressed opposition to providing benefits to contract employees.

Action: The Committee referred the item to the Priority Setting Study Session of February 13, 2012 for further discussion.

5. Information request for police budgets.

Documents filed: Memorandum from Councilmember Oliverio, directing administration to provide data to Council at the beginning of the 2012-2013 fiscal year budget cycle.

Public Comments: David Wall recommended flexibility of funding in regard to police operations.

Action: The Committee referred this item to Council for review at the outset of the 2012-2013 fiscal year budget cycle, with Staff to gather data from other comparable cities.

H. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

6. Update the Regulation on Mobile and Outdoor Vending Ordinances.

Documents Filed: (1) Joint memorandum from Councilmembers Campos, Kalra, Liccardo and Rocha, dated February 2, 2012, recommending updating regulation on mobile and outdoor vending ordinances. (2) Memorandum from The Health Trust Director of Policy and Communications, Patty Fisher, expressing support to the Councilmember's memorandum of February 2, 2012.

Councilmember Campos spoke in support of the recommendation.

Public Comments: Offering support of the recommendation were Jenna Tenorio (SJDA), Patty Fisher (The Health Trust) and David Wall.

Action: The Committee referred the item to the Priority Setting Study Session of February 13, 2012.

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
 - Application for federal grant funding for cameras for SJPD patrol officers.

Documents Filed: Memorandum from Councilmember Liccardo, dated January 31, 2012, recommending agendization for staff evaluation and Council consideration of a potential application for federal grant funding.

Action: Deferred to February 15, 2012.

5. Rules and Open Government Committee

J. Open Government - None

1. Appeals of Public Records Act Requests

K. Open Forum

David Wall offered criticism of the Treatment Plant Advisory Committee minutes and effectiveness of the Environmental Services Department.

L. Adjournment

The meeting was adjourned at 3:23 p.m.

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in black ink and is positioned above a horizontal line.

Mayor Chuck Reed
Rules and Open Government Committee