

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 22, 2014

PRESENT: Vice-Mayor Madison Nguyen, Councilmember Pete Constant and Councilmember Pierluigi Oliverio.

ABSENT: Mayor Chuck Reed.

STAFF: City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Toni Taber, Mayor's Agenda Services Manager Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

A. City Council (City Clerk)

1. Review January 28, 2014 Final Agenda
 - a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Items 3.7 and 9.1, and expressed his opinion regarding building inspector classification and the Successor Agency Redevelopment Agency (SARA) sale of properties.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the amended agenda, as amended with the following additions and approved Sunshine Waivers:

1.x (Presentation of a proclamation for "San José Firefighter's Day" on the Department's 160th anniversary in the City of San José.); 1.x (Presentation of a commendation to Taylor Palmaffy for his heroic actions in saving two lives while vacationing with his family in Hawaii.); 2.x (Actions Related to Mayor Reed's Travels to Washington, D.C. and Pheonix, AZ.); 2.x (Actions Related to Councilmember Constant's Travels to Sacramento, CA, Ontario, CA, and Los Angeles, CA.); 3.x (Amendments to the Pay Plan for Chief of Police and Assistant Police Chief.); Item 1.1 add Vice Mayor Nguyen's name to item; Item 3.5 to be heard immediately following the Consent Calendar. (3-0-1. Absent: Reed.)

2. Review February 4, 2014 Draft Agenda
 - a. Add New Items to Draft Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall opposed Item 2.7 and expressed his opinion on Item 3.5.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the agenda with no changes. (3-0-1. Absent: Reed.)

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State - None.
2. Federal - None.

D. Meeting Schedules

None.

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated January 17, 2014, transmitting the Public Record for the week of January 10, 2014 – January 16, 2014.

Public Comments: David Wall pulled Items E.a, b, and d for further comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee noted and filed the Public Record. (3-0-1. Absent: Reed.)

F. Boards, Commissions and Committees

1. Appointments
None.

2. Work Plans

- a. Arts Commission Annual Report for FY 2012-2013 and Workplan for FY 2013-2014 (Economic Development)

It is recommended that the Rules and Open Government Committee approve the Arts Commission annual report for FY 2012-2013 and workplan for FY 2013-2014.

Documents Filed: Memorandum from Director of Economic Development Kim Welsh to Rules and Open Government Committee dated January 15, 2014, forwarding the recommendation.

Public Record: No comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved Item F.2.a. (3-0-1. Absent: Reed.)

3. Annual Reports
None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
None.

2. Documentary Screening of "Flesh"

Approval of the documentary screening of "Flesh" District 9 sponsored as a City Council Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event scheduled for January 24, and placing the item on the January 28, 2014 Council Agenda for action. (Rocha)

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

Documents Filed: Memorandum from Councilmember Rocha to the Mayor and City Council dated January 15, 2014, forwarding the recommendation.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the recommendations placing the item on the January 28, 2014 Council Agenda for formal action. (3-0-1. Absent: Reed.)

3. Retirement Board Governance Reform Strategic Workplan (City Manager)
 - a. Acceptance of the Retirement Board Governance Reform Strategic Workplan.
 - b. Direct the City Manager staff to work with the City Attorney's Office to provide policy alternatives for the City Council.

Documents Filed: Memorandum from Deputy City Manager Alex Gurza to the Rules and Open Government dated January 16, 2014, forwarding the recommendation.

Public Record: David Wall spoke in opposition of Item G.3.

Deputy City Manager Alex Gurza responded to the Committees questions.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved both recommendations. (3-0-1. Absent: Reed.)

4. Prohibition on Campaign Contributions from Medical Marijuana Establishments
Direct the Administration to: (Herrera)
 - a. Draft an ordinance to prohibit medical marijuana dispensaries, dispensary owners, officers of a dispensary, key management employees of a dispensary, spouses of a dispensary owner or spouses of a dispensary officer from contributing to the campaigns of candidates for office in San José and candidate-controlled committees.
 - b. Add a reference to the amendment from the December 10, 2013 City Council meeting, requesting a prohibition on campaign contributions, to the medical marijuana status report published on January 14, 2014.
 - c. Implement the ordinance in time for the 2014 election cycle.

Documents Filed: Memorandum from Councilmember Rose Herrera to the Mayor and City Council dated January 16, 2014, forwarding the recommendation.

Public Comments: David Wall spoke in support of item G.4.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee deferred the item to January 29, 2014. (3-0-1. Absent: Reed.)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
None.

H. Review of additions to Council Committee Agendas/Workplans (Cont'd.)

2. Neighborhood Services and Education Committee

- a. Approve the Neighborhood Services & Education Committee Workplan for the period of January through June 2014 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Room W118-119. (Mayor Reed and Chair Nguyen)

Documents Filed: Memorandum from Mayor Reed and Chair Nguyen to the Rules and Open Government Committee dated January 13, 2014, forwarding the recommendation.

Public Record: David Wall questioned how much money in the Library Budget was received from parcel taxes and dedicated to study programs.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the recommendations. (3-0-1. Absent: Reed.)

3. Transportation and Environment Committee

- a. Approve the Transportation and Environment Committee Workplan for the period of January through June 2014 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Rooms W118-119. (Mayor Reed and Chair Liccardo)

Documents Filed: Memorandum from Mayor Reed and Chair Liccardo to the Rules and Open Government Committee dated January 17, 2014, forwarding the recommendation.

Public Record: No comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the recommendations. (3-0-1. Absent: Reed.)

4. Public Safety, Finance and Strategic Support Committee

None.

5. Rules and Open Government Committee

None.

I. Open Government

1. Appeals of Public Records Act Request

None.

J. Open Forum

Documents filed: Document from Dave Truslow to the Rules and Open Government Committee dated January 22, 2014, regarding Fix the City's website and a "to do" list of staff assigned items; Document submitted by David Wall to the Rules and Open Government Committee dated January 8, 2014, regarding organization chart on wastewater facility capital improvement program.

David Wall submitted an organizational chart on wastewater facility capital improvement program dated 1/8/2014, and spoke in regards to unlicensed engineers and poor management of the Water Pollution Control Plant.

J. Open Forum (Cont'd.)

David Truslow submitted a copy of the City of San Jose's Office of the City Clerk's screenshot and requested that the City of San José website be updated and that a "To Do" list assigned to staff be available for the public.

K. Adjournment.

The meeting adjourned at 2:24 p.m.



Mayor Chuck Reed
Rules and Open Government Committee