

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
February 5, 2014

PRESENT: Mayor Chuck Reed, Vice-Mayor Madison Nguyen, Councilmember Rose Herrera and Councilmember Pierluigi Oliverio.

ABSENT: Councilmember Pete Constant.

STAFF: Assistant City Manager Norberto Dueñas, City Attorney Richard Doyle, City Clerk Toni Taber, Assistant City Clerk Tom Graves, 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 February 11, 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 2.2b, 3.5, 4.1, 7.1, and 9.1.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Herrera, and carried unanimously, the Committee approved the amended agenda with the addition:

2.x (Senior Commission Nomination). (4-0).

2. Review February 18, 2014 Draft Agenda
Cancelled.

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

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

D. Meeting Schedules

Mayor Reed suggested moving the June 17, 2014 evening session to June 10, 2014.

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated January 31, 2014, transmitting the Public Record for the week of January 24, 2014 – January 30, 2014.

Public Comments: David Wall expressed his concerns regarding management at the Water Pollution Control Plant.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Herrera, the Committee noted and filed the Public Record. (4-0).

F. Boards, Commissions and Committees

1. Appointments
None.
2. Work Plans
None.
3. Annual Reports
None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
None.
2. 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.
(Deferred from Rules 1/22/14)

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

Councilmember Rose Herrera spoke on various sides of the medical marijuana issue and responded to the Committee's concerns and questions.

Discussion: The Committee had a brief discussion to determine if a March Ordinance is feasible, staff is reviewing other state policies and possible conflicts with the 1st Amendment.

Documents Filed: Newspaper "New Time" from Gabrielle Antolovich to the Rules and Open Government Committee submitted February 5, 2014, regarding marijuana use among teens.

Public Comments: Dave Hodges spoke in opposition of Item G.2.

The following speakers spoke in support of Item G.2:
Gabrielle Antolovich, Martha O'Connell, and David Wall.

Action: Upon motion by Councilmember Herrera, seconded by Vice Mayor Nguyen, the Committee referred Item G.2 to staff to return as part of the March Marijuana actions. (4-0).

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

3. Prohibition of Cat Declawing (Oliverio)

- a. Direct Animal Care Services and City Attorney Office to examine the prohibition of cat declawing within the city limits as part of the department's current effort to update animal related ordinances.
- b. Staff should examine this topic and bring back an update to the Rules Committee in one month.

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio to the Mayor and City Council dated January 29, 2014, forwarding the recommendation.

Councilmember Pierluigi Oliverio spoke on the affects that declawing has on cats, and recommends the Item be referred to staff and returned back to Rules.

Public Comments: David Wall suggested cat declawing should be determined by a veterinarian on a case by case basis.

The following public spoke in support of Item G.3:
Tina Morril, Linda Russo, and Marion Lafras.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Herrera, the Committee referred Item G.3 to staff for inclusion in the review of animal control ordinance. (4-0).

4. AB 1193 (TING) – Bikeways (Transportation)

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support for AB 1193 (Ting).
- b. Recommend a one-week turnaround to the City Council so that the City's legislative representative can continue to advocate the City's support for AB 1193.

Documents Filed: Memorandum from Director of Transportation Hans Larsen to the Rules and Open Government Committee dated January 30, 2014, forwarding the recommendation.

Director of Transportation Hans Larsen spoke in support of AB 1193-Bikeway and responded to the Committee's questions.

Public Comments: Martha O'Connell and David Wall voiced their concerns regarding AB 1193 and suggested implementing a bike ban.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Herrera, the Committee approved Item G.4 placing it on the February 11, 2014 Council Agenda for formal action. (4-0).

5. District 4 Priority Setting Sessions Special Event

Approval of District 4 Priority Setting Sessions sponsored as a City Council Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the February 11, 2014 Council Agenda for action. (Chu)

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

Documents Filed: Memorandum from Councilmember Kansen Chu to the Mayor and City Council dated January 24, 2014, forwarding the recommendation.

Public Comments: David Wall questioned the language on accepting donations.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Herrera, the Committee approved Item G.5 placing it on the February 11, 2014 Council Agenda for formal action. (4-0).

H. 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

I. Open Government

1. Appeals of Public Records Act Request
None.

J. Open Forum

Documents Filed: Letter from David Wall to the Mayor and City Council submitted February 5, 2014, regarding the worst drought in recorded California History.

David Wall opposes the City of San José approving a site development permit, file number H12-020, in the midst of a drought.

K. Adjournment.

The meeting adjourned at 2:44 p.m.



Mayor Chuck Reed
Rules and Open Government Committee