



**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
February 1, 2012

PRESENT: Mayor Reed, Councilmembers Constant and Oliverio

ABSENT: Vice-Mayor Nguyen (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 Tamara Davis

**A. City Council**

**1. Review Final Agenda for February 7, 2012**

Action: The Committee approved the agenda, as amended and postponed all Ceremonial Items and Item 3.3 (Marijuana Business Tax) to the Council Agenda of February 14, 2012. All Consent Calendar Items and Items 2.8 (Application to the Strategic growth Council for its Sustainable Communities Planning Grant and Incentives Program Grants) and 4.1 (Streamlining Real Estate Process to Sell Surplus Properties) will be heard at 9:00 a.m.

**2. Review of Draft Agenda for February 14, 2012**

Action: The Committee approved the agenda, as amended with a Sunshine Waiver carried over from February 7 2012 and the addition of all deferred items from the February 7, 2012 agenda.

Public Comments: David Wall spoke regarding cannabis clubs and the City's regulation of them.

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for February 7, 2012**

Action: None.

**2. Review Draft Agenda for February 14, 2012**

Action: None.

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

**D. Legislative Update**

**1. State**

Director of Intergovernmental Relations Betsy Shotwell provided an update on California's financial situation. She stated the State Controller announced the State will have a deficit of approximately \$3 billion. She stated AB 1148 (Brownlee) did not get the two-thirds vote required to continue. Additionally, the legislation to extend the Redevelopment Agency did not go forward. SB 654 (Steinberg), which clarifies that existing low and moderate housing fund balances will transfer to successor housing agents of the dissolved Redevelopment Agencies, passed.

**2. Federal - None**

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated January 27, 2012 transmitting the Public Record for the week of January 20 – January 26, 2012.

The Assistant City Manager Ed Shikada thanked the Office of the City Attorney on behalf of the administration for the work they do for the City and in particular the administration.

City Clerk Dennis Hawkins informed the Committee that he will report back to the Rules Committee on February 29, 2012 with his report on the Boards and Commissions Structural Improvement Project and will include the costs of Boards and Commissions to the City.

Public Comments: David Wall pulled Item (e) and provided additional comments. Martha O'Connell pulled her Item (c) and provided additional comments.

Action: The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

**1. Appointments**

- (a) Approve the re-appointment of Mike Graves to the Mobile Home Advisory Committee to a term expiring December 31, 2014. (Vice-Mayor Nguyen)

Documents filed: Memorandum from Vice-Mayor Nguyen to the Rules and Open Government Committee dated January 25, 2012 regarding appointment to the Mobile Home Advisory Committee.

Public Comments: Martha O'Connell spoke in support of Mike Graves' re-appointment to the Mobile Home Advisory Committee.

Action: The committee approved the re-appointment of Mike Graves to the Mobile Home Advisory Committee.

2. Workplans--None
3. Annual Reports--None

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

1. Workload Assessment for Council Requests and Referrals - None
2. Approve the recommendation to send Councilmembers to Sacramento to meet with State Legislators to present information about the impacts of the state budget crisis on the City of San Jose. (Councilmember Pyle)

Documents filed: Memorandum from Councilmember Pyle to the Rules and Open Government Committee dated January 25, 2012 regarding Councilmember visits to the State Legislature.

Actions: The Committee approved the recommendation to send Councilmembers to Sacramento to meet with State Legislatures.

3. Re-affirm the City's support for SB 659 (Padilla) Community Redevelopment. Pursuant to the City's expedited bill process for responding quickly to legislative proposals, re-affirm support for SB 659, which if passed, would temporarily postpone the scheduled dissolution of redevelopment agencies and community development agencies on February 1, 2012 to April 15, 2012. Recommend a one-week turnaround to the City Council so that the Council can re-affirm the City's support for SB 659. (City Manager)

Documents filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee dated January 24, 2012 regarding reaffirmation of the City's support for SB 659 (Padilla)

Actions: The Committee dropped Item H.3, since the Redevelopment Agency was dissolved on January 31, 2012 by the State of California.

4. Approval of additional Council appointments:
  - a. Appoint Councilmember Pyle to the Santa Clara Valley Transportation Authority Board of Directors.
  - b. Appoint Councilmember Oliverio to the Santa Clara Valley Transportation Authority Policy Advisory Board – El Camino Real Rapid Transit.
  - c. Appoint Acting Director Environmental Services Kerrie Romanow as the Alternate to the Santa Clara Valley Water District – Water Commission.  
(Mayor)

*[Deferred from January 25, 2012 Rules meeting]*

The Committee heard Items H.4 and H.6 concurrently.

Documents filed: Replacement memorandum from Mayor Reed to the Rules and Open Government Committee dated January 23, 2012 regarding 2012 Council Appointments.

Public Comments: David Wall expressed his support for the appointments of the Councilmembers to the committees and asked that the appointment of the Acting Environmental Service Director be dropped from consideration.

Actions: The Committee approved the appointments of Councilmember Pyle to the Santa Clara Valley Transportation Authority Board of Directors, Councilmember Oliverio to the Santa Clara Valley Transportation Authority Policy Advisory Board – El Camino Real Rapid Transit, Acting Director Environmental Services Kerrie Romanow as the Alternate to the Santa Clara Valley Water District – Water Commission, and the re-appointment of Councilmembers Campos and Liccardo to the Santa Clara Valley Transportation Authority's Downtown/East Valley Policy Advisory Board.

5. Agendize for Council action on February 14, 2012:
  - a. Rescind the municipal code provisions in Title 6 dealing with medicinal marijuana;
  - b. Establish enforcement priorities for city actions against medical marijuana collectives to guide staff until the Council adopts a regulatory ordinance or the State of California establishes a regulatory system;
  - c. Direct staff to produce quarterly reports on tax compliance and complaint data by locations; and
  - d. Defer consideration of a tax increase to cover the cost of an election. (Mayor)

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated January 27, 2012 regarding the Medical Marijuana Ordinance.

Public Comments: Matt Lucero suggested that half of the medical marijuana clubs are not paying taxes or are severely delinquent nor are they filing tax returns. Mr. Lucero suggested that the City focus its efforts on clubs that are in violation and Council support enforcement efforts with respect to zoning. James Anthony mentioned that it is difficult for him to encourage people to pay the 7% gross receipts tax when the finance report indicates that more than half of the collectives are not paying the tax. Mr. Anthony believes there should be consequences for not paying the tax.

Action: The Committee added Item H.5 to the Council Agenda for February 14, 2012.

6. Approve the re-appointments of Councilmember Xavier Campos and Councilmember Sam Liccardo to the Santa Clara Valley Transportation Authority's Downtown/East Valley Policy Advisory Board. (Mayor)

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated January 27, 2012 regarding Santa Clara Valley Transportation Authority Downtown/East valley Policy Advisory Board.

Action: See action under Item H.4

**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 stated she believes City staff has been inappropriately influencing the dialogue on the Boards & Commissions consolidation project.

David Wall brought to the attention of the Committee that his Thank-you letters to City staff are not being properly conveyed to staff. Mr. Wall also suggested that prisoners be used to pick up garbage around the City and along freeways.

**L. Adjournment**

The meeting was adjourned at 2:37 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee