



COUNCIL AGENDA: 1-15-13  
ITEM: 23(a)

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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
January 25, 2012

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

ABSENT: NA

STAFF: City Manager Debra Figone, 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 Executive Analyst Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis

**A. City Council**

**1. Review Final Agenda for January 31, 2012**

Action: The Committee approved the agenda, as amended with Sunshine Waivers for Items 2.9 (Revisions to Environmental Procurement Policy), 9.x (Amended Enforceable Obligation Payment Schedule and Declaration Regarding Debt Forgiveness) and 9.x (Amendments to the Agency's FY 2011-12 Budget).

**Review of Draft Agenda for February 7, 2012**

Action: The Committee approved the agenda, as amended, and deferred Item 3.3 (Marijuana Business Tax) to February 14, 2012.

Public Comments: David Wall suggested the City verify the information included on business license applications for cannabis clubs.

**b. Redevelopment Agency (RDA)**

**1. Review Final Agenda for January 31, 2012**

Action: None.

**2. Review Draft Agenda for February 7, 2012**

Action: None.

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

**D. Legislative Update**

**1. State**

Director of Intergovernmental Relations Betsy Shotwell informed the committee that she is watching the activities in Sacramento in relation to the Redevelopment Agency's dissolution and legislation. SB 659, which states a dissolution date of April 15, 2012 must be heard and signed by the Governor by midnight on January 31, 2012. This would allow the City to maximize time to pursue legislation related to the Redevelopment Agency. Ms. Shotwell also mentioned that the City Attorney's office is working on clearing up some ambiguities related to SB 626, which is scheduled to be heard in the Rule Committee in Sacramento on January 26, 2012.

**2. Federal**

- (a) Accept the memorandum for the City's federal advocacy firm of Patton Boggs, LLP, in Washington, D.C. - Overview of Federal Action Relevant to Local Government Interests – 2011 Year-End Analysis and 2012 Forecast. (City Manager)

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee date January 19, 2012 regarding Overview of federal action Relevant to Local Government Interests – 2011 Year-End Analysis and 2012 Forecast.

Director of Intergovernmental Relations Betsy Shotwell informed the Committee that the memorandum was a summary of items that did not get resolved in 2011. The federal government issued extensions for the Federal Aviation Administration and reauthorization, unemployment insurance, and the social security payroll tax. Additionally, the federal government issued a reauthorization related to transportation funding.

Actions: The Rules Committee accepted the Patton Boggs, LLP report.

**E. Meeting Schedules - None**

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated January 20, 2012 transmitting the Public Record for the week of January 13, 2012 – January 19, 2012.

Mayor Reed pulled Item (a), a letter from Charles Keenan III from Keenan Land Company regarding the San Jose 2040 General Plan Policies on Housing Production and directed City Attorney and Planning Staff to provide a response.

Public Comments: David Wall pulled Items (c), (d), (e), and (f) 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 Jeannie LoFranco and Alphonse Arretz to the Project Diversity Screening Committee for terms expiring December 31, 2013. (Mayor)

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated January 20, 2012 regarding appointments to the Project Diversity Screening Committee.

Action: The committee approved the re-appointments of Jeannie LoFranco and Alphonse Arretz to the Project Diversity Screening Committee.

2. Workplans

- (a) Approve an amendment to the FY 2011-12 Workplan for the Housing and Community Development Advisory Commission. (Housing)

Documents filed: Memorandum from Housing Director Leslye Corsiglia to the Rules and Open Government Committee dated January 19, 2012 regarding Amendments to Housing and Community Development Advisory Commission's FY 2011-12 Workplan.

Public Comments: David Wall made several suggestions on how the City could consolidate costs.

Action: The Committee approved the amendments to the Housing and Community Development Advisory Commission's Workplan.

3. Annual Reports - None

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

1. Workload Assessment for Council Requests and Referrals - None
  
2. Direct Staff to provide an informational memo detailing the City's current ordinance and regulations relating to unattended donation boxes and number of administrative permits on file. Item to be placed on the City Council/Senior Staff Budget Priority Setting Session in February 2012 to be added to Staff's significant ordinances and referrals Workplan. (Nguyen, Rocha, Pyle)

Documents filed: Memorandum from Vice-Mayor Nguyen and Councilmembers Rocha and Pyle to the Rules and Open Government Committee dated January 19, 2012 regarding the regulation of unattended donation boxes.

Director Horwedel of Planning, Building and Code Enforcement informed the Committee that his staff is currently reviewing permits and licenses of these donation boxes and will issue an info memo to staff before February 13, 2012.

Public Comments: (1) Michael Fox, CEO of Goodwill Industries, supports the recommendation. He believes the proliferation of these boxes is a major issue to Goodwill Industries and takes jobs and services away from the local community. (2) David Wall asked whether the boxes constitute a separate entity, which would require a business license. He supports getting rid of them because they promote theft and blight, and it cuts into the revenue stream of the Goodwill and Salvation Army.

Action: The Committee approved the memorandum's recommendations and placed the item on the City Council/Senior Staff Budget Priority Setting Session in February 2012.

3. Direct the City Manager to provide requested information as a result of the Mayor's Community Budget Survey and June/November 2012 Tax Measures. (refer to memorandum for additional text). (Pyle)

Documents filed: Memorandum from Councilmember Pyle to the Rules and Open Government Committee dated January 19, 2012, regarding the Mayor's Community Budget Survey and June/November 2012 Tax Measures.

Public Comments: David Wall suggested the potential revenue be earmarked for public safety.

Action: The Committee approved the memorandum's recommendations to direct the City Manager to provide information about anticipated revenue generated by a ¼ and ½ percent Sales Tax increase, a Business Tax adjustment that will keep up with inflation, a Modernization of the Business Tax; an Evaluation of advantages/disadvantages of tax increase ballot measures in a June or November election; and to list other potential revenue ballot measures for June and November including those under consideration by the State.

Councilmember Constant opposed the motion.

4. Approval of addition Council Appointments:
  - Appoint Councilmember Liccardo to the Capitol Corridor Joint Powers Authority.
  - Appoint Councilmember Pyle to the Santa Clara Valley Transportation Authority Board of Directors.
  - Appoint Councilmember Oliverio to the Santa Clara Valley Transportation Authority Policy Advisory Board – El Camino Real Rapid Transit.
  - Appoint Acting Director Environmental Services Kerrie Romanow as the Alternate to the Santa Clara Valley Water District – Water Commission.  
(Mayor)

Documents filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated January 19, 2012 regarding 2012 Council Appointments.

Action: The Committee deferred Item H4 to the February 1, 2012, Rules and Open Government meeting.

5. Approve the District 4 Spring Cleaning Donations and E-Waste Event as a City Council sponsored Special Event, Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event, and place the item on the January 31, 2012 Council Agenda for action.  
(City Clerk)

Documents filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated January 20, 2012, regarding the District 4 Spring Cleaning Donation and E-Waste Drive.

Action: The Committee approved the District 4 Spring Cleaning Donation and E-Waste Drive and forwarded to the City Council for formal action on January 31, 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
5. Rules and Open Government Committee

**J. Open Government - None**

1. Appeals of Public Records Act Requests

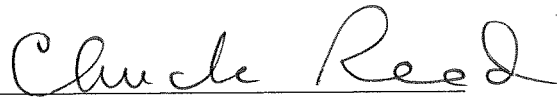
**K. Open Forum**

(1) David Wall questioned why the City Council is not investigating the Environmental Innovation Center.

(2) Martha O'Connell expressed support for the Boards and Commissions Structural Improvement Project. She urged the City Council to stay strong with the Boards and Commissions Structural Improvement Project. Ms. O'Connell also mentioned that the Youth Commission violated Council Policy 0-36 by making ageist statements.

**L. Adjournment**

The meeting was adjourned at 2:44 p.m.



Mayor Chuck Reed

Rules and Open Government Committee