
RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

May 28, 2014

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

ABSENT: None.

STAFF: Deputy 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 June 3, 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 item 4.1 for comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the amended agenda with the following additions, changes and approved sunshine waiver. (4-0.): 1.x (Presentation of a proclamation for "Meatless Monday" in the City of San José.) (Rules Committee referral 5/28/14); 2.x (Terms of an Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) with a term of July 1, 2014 through June 30, 2015.); City Clerk to add language regarding items pulled from the Consent Calendar to be heard after Item 8.1; Approved 10-day sunshine waiver on Item 2.28 for legal documents.

2. Review June 9, 2014 Special Meeting (Evening)
 - a. Add New Items to Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall noted there is no open forum item on the agenda.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda. (4-0.)

3. Review June 10, 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)

A. City Council (City Clerk) (Cont.)

Public Comments: Ed Rast questioned the Committee as to when the Sunshine Ordinance will return to the Rules Committee. David Wall pulled Items 3.4 and Item 3.6 for comments.

Action: Upon motion by Councilmember Constant seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda with the following time adjustments and referred Item 6.1 to the Community and Economic Development Committee in August. (4-0.): Item 3.5 to be heard no earlier than 3:30 p.m.; Changes to item number sequence to be heard as follows: Budget Items 3.8, 3.6, 3.7 and 3.9 to be heard before the Consent Calendar, and the Finance Authority item to be heard after the Budget items and before the Consent Calendar.

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State – None.

2. Federal – None.

D. Meeting Schedules

1. Council Meeting Schedule and Study Session Schedule for August - December 2014. (City Manager)

a. Approve the City Council Meeting Schedule for the period August - December 2014; and

b. Approve the Study Session Schedule for the period August-December 2014.

Documents: Memorandum from City Manager's Office Agenda Services Manager Gloria Schmanek to the Rules and Open Government Committee dated May 21, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the City Council Meeting Schedule for the period of August-December 2014 and the Study Session Schedule for the period of August-December 2014. (4-0.)

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor Reed and City Council dated May 23, 2014, transmitting the Public Record for the week of May 16, 2014 – May 22, 2014.

Public Comments: David Wall pulled Item E.1, for further comments regarding Fire Station #1.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee noted and filed the Public Record. (4-0.)

F. Boards, Commissions and Committees

1. Appointments

None.

F. Boards, Commissions and Committees (Cont.)

2. Work Plans

None.

3. Annual Reports

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

2. National Night Out. (City Clerk)

a. Approve the National Night Out scheduled for August 5, 2014, as a City Council sponsored Special Event and approve expenditure of funds.

b. Approve and accept donations from various individuals, businesses, or community groups to support the event.

c. Place the item on the June 10, 2014 Council Agenda for action.

Documents Filed: Memorandum from City Clerk Toni Taber to the Rules and Open Government Committee dated May 21, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the recommendations placing the item on the June 10, 2014 Council Agenda for formal action. (4-0.)

3. Rainbow Flag Raising Ceremony. (Oliverio)

a. Approve the Rainbow Flag Raising Ceremony scheduled for June 3, 2014, as a City Council sponsored Special Event and approve expenditure of funds.

b. Approve and accept donations from various individuals, businesses, or community groups to support the event.

c. Place the item on the June 3, 2014 Council Agenda for action and approve a ten-day sunshine waiver.

Documents Filed: Memorandum from Councilmember Oliverio to the Mayor and City Council dated May 28, 2014, forwarding the recommendations.

Public Comments: Jeff Bedolla stated that the focus should be on what unites.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the recommendations placing the item on the June 3, 2014 Council Agenda for formal action. (4-0.)

4. Ethiopian Heritage Flag Raising Event. (Liccardo)

a. Approve the Ethiopian Heritage Raising Ceremony scheduled for July 3, 2014, as a City Council sponsored Special Event and approve expenditure of funds.

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

- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the June 10, 2014 Council Agenda for action and approve a ten-day sunshine waiver.

Documents Filed: Memorandum from Councilmember Liccardo to the Mayor and City Council dated May 23, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the recommendations placing the item on the June 10, 2014 Council Agenda for formal action. (4-0.)

5. Korean Flag Raising. (Constant)

- a. Approve the Korean Flag Raising scheduled for June 25, 2014, as a City Council sponsored Special Event and approve expenditure of funds.
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the June 10, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Constant to Mayor Reed and City Council dated May 22, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the recommendations placing the item on the June 10, 2014 Council Agenda for formal action. (4-0.)

6. District 5 City Sponsored Events. (Campos)

Approval of District 5 City Sponsored Events:

- a. Approve the AB60 Information Forum on June 5, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
- b. Approve the Safe Summer Kick Off Resource Fair and Pharmaceutical Drug Turn In on June 22, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
- c. Approve the District 5 Portuguese Flag Raising Ceremony on 6/10/2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.

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

- d. Approve the District 5 Puerto Rican Flag Raising on 6/2/2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
- e. Approve the District 5 Filipino Flag Raising on 6/12/2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Campos to the Mayor and City Council dated May 23, 2014, forwarding the recommendations.

Public Comments: David Wall spoke in opposition of Item G.6.a (AB60 Information Forum).

Mayor Reed inquired on who pays for the flag raising ceremonies. City Clerk Toni Taber responded to the Mayor's question, stating that the Council Districts are limited to two free uses per year, more than the two free uses are paid out of the Council Districts budget.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the recommendations placing the item on the June 10, 2014 Council Agenda for formal action. (4-0.)

7. Salary for Council Appointees. (Mayor)
Agendize the following for the June 3, 2014 City Council meeting:
Adoption of a resolution to amend the City of San José Pay Plan to provide general salary increases of 3% effective June 22, 2014 for the City Manager, City Clerk, City Auditor, City Attorney, and Independent Police Auditor; and approve a ten-day sunshine waiver.

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated May 22, 2014, forwarding the recommendations.

Public Comment: David Wall expressed his concern regarding the 3% raise apportioned for Council Appointees.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the recommendations placing the item on the June 3, 2014 Council Agenda for formal action. (4-0.)

8. State Mental Health Parity Enforcement Budget Act. (City Manager)
 - a. Adopt a position of support for the State Mental Health Parity Enforcement Act.
 - b. Recommend a one-week turnaround to the City Council so that the City's legislative representative can advocate the City's support for the Mental Health Parity Enforcement Act; and approve a ten-day sunshine waiver.

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

Documents Filed: Memorandum from Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee dated May 21, 2014, forwarding the recommendations.

Director of Intergovernmental Relations Betsy Shotwell provided an update and introduced noted that staff from Senator Beall's Office and the San José Police Department was available to respond to the Committee's question's.

Public Comment: David Wall does not support Item G.8 and offered some alternative suggestions.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the recommendations placing the item on the June 3, 2014 Council Agenda for formal action. (4-0.)

9. Permit Streamlining. (Herrera)

Direct staff to:

- a. Continue to meet with stakeholders that frequently work with the planning department, such as architects and contractors, representatives from the American Institute of Architects (AIA), Building Industry Association (BIA), and the Chamber of Commerce, in order to gather feedback on:
 - b. Processes that could be improved and
 - c. The stakeholders business needs;
 - d. Return with recommendations for the expansion of the 24 hour online permit processing;
 - e. Report to the Community and Economic Development Committee a result of a benchmark study of methods in Phoenix, AZ.

Documents Filed: Memorandum from Councilmember Herrera to the Rules and Open Government Committee dated May 22, 2014, forwarding the recommendations.

Director of Planning, Building and Code Enforcement Harry Freitas responded to the Committee's questions, and addressed each item on the memorandum.

Public Comment:

David Wall, Richard McCoy and Ed Rash spoke in support of streamlining the permit process.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee referred the item to the Planning, Building and Code Enforcement staff to bring the permitting process through the Community and Economic Development Committee Workplan. (4-0.)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
None.
2. Neighborhood Services and Education Committee
None.
3. Transportation and Environment Committee
None.
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

Richard McCoy suggested that the City of San José allow the POW-MIA flag to fly all year long.

Jeff Bedolla no comments.

David Wall voiced his concerns regarding a helicopter flying near high tension lines near his home, and suggested stricter parking control enforcement on cars being stored or abandoned on neighborhood streets.

K. Adjournment.

The meeting adjourned at 2:50 p.m.



Mayor Chuck Reed
Rules and Open Government Committee