

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
May 7, 2014

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

ABSENT: None.

STAFF: City Manager Ed Shikada, Assistant City Attorney Ed Moran, 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 May 13, 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)

Documents filed: (1) Letter from Susan Landry to the Rules and Open Government Committee dated May 5, 2014, regarding Item 8.1 (Medical Marijuana). (2) Add for Ceremonial Item from City Clerk Toni Taber to the Rules and Open Government Committee received on May 7, 2014, regarding the presentation of commendation to Sikh Guadwara Sahib.

Public Comments: Susan Landry pulled Item 8.1 and spoke in regards to her document she submitted to the Committee. David Wall had no comment.

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

Deferred Item 11.2 to 6/10/2014 Council Agenda;

- a. Add New Items to Final Agenda:
 - 1.x (Presentation of a Commendation for teachers who have received National Board Certification.)
2. Review May 20, 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 pulled Items 4.5, 7.2 and 7.2 for further comment.

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

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the 14-day sunshine waiver for Item 4.2 and dropped Item 11.3 to be re-noticed at a later date. (4-0.)

B. Review of Upcoming Study Session Agenda(s)

C. Legislative Update

1. State – Director of Intergovernmental Relations Betsy Shotwell provided a verbal update on the City of San José’s legislative trip to Sacramento California and noted that an informational memorandum will be put forward.

Action: None.

2. Federal – Director of Intergovernmental Relations Betsy Shotwell provided a verbal report.

Action: None.

D. Meeting Schedules

None.

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor Reed and City Council dated May 2, 2014, transmitting the Public Record for the week of April 25, 2014 – May 1, 2014.

Public Comments: David Wall pulled Item E.1 for further comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Public Record, was noted and filed. (4-0.)

F. Boards, Commissions and Committees

1. Appointments (Mayor)

a. Approve the appointment of Stephen Wymer as a representative on the work2future Board of Directors.

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated April 24, 2014, forwarding the recommendation.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendations were approved. (4-0.)

2. Work Plans – None.

3. Annual Reports – None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

2. Districts 1 Candidate Forum (Constant)

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

Approval of District 1 Candidate Forum on May 10, 2014, sponsored as a City Council Special Event and approve expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the event and placing the item on the May 13, 2014 Council Agenda for action and approve a ten-day sunshine waiver.

Documents Filed: Memorandum from Councilmember Constant to the Mayor and City Council dated April 29, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, the recommendations with the ten-day sunshine waiver placing the item on the May 13, 2014 Council Agenda for formal action, were approved. (4-0.)

3. Districts 7 Mid-Autumn Festival (Nguyen)

Approval of District 7 Mid-Autumn Festival on September 7, 2014, sponsored as a City Council Special Event and approve expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the event and placing the item on the May 20, 2014 Council Agenda for action.

Documents Filed: Memorandum from Vice Mayor Nguyen to the Mayor and City Council dated April 28, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, the recommendation placing the item on the May 20, 2014 Council Agenda for formal action, was approved. (4-0.)

4. City Position on the June 3, 2014 California Primary Election Ballot – Proposition 41 and 42. (City Manager)

Approve the recommended City positions for Propositions 41 and 42 on the June 3, 2014 California Primary Election ballot. A one-week turnaround to Council is requested.

Propositions

Proposition 41 – Veterans Housing and Homeless Prevention Bond Act of 2014

Recommended City Position

Support

Proposition 42 – Public Records. Open Meetings. State State Reimbursement to Local Agencies. Legislative Constitutional Amendment.

No Position

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee dated April 30, 2014, forwarding the recommendations.

Intergovernmental Relations Betsy Shotwell, Director of Housing Leslye Corsiglia, and Director of Communications David Vossbrink responded to the Committee’s questions.

Public Comments: David Wall expressed his opinion regarding housing the homeless veterans.

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

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the position of support for both propositions placing them on the May 13, 2014 Council Agenda for formal action, was approved. (4-0.)

5. Campaign Finance Law Regarding Card Clubs (Liccardo)

Direct the City Attorney to formally advise the Council regarding the constitutionality of any attempt to close the existing loophole in campaign finance law that enables card clubs to bypass the City's prohibitions on card club contributions to political candidates.

Documents Filed: Memorandum from Councilmember Liccardo to the Rules and Open Government Committee dated April 28, 2014, forwarding the recommendations.

Public Comments: David Wall spoke on the regulation of a variety of potential campaign contributors.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, to notify the City Attorney's Office to be prepared to verbally respond to questions regarding this item at the May 13, 2014 City Council meeting; and to provide to the City Council a written opinion about contributions and prohibitions, by businesses that are regulated by the City of San José, and specifically, delineate why some should be treated differently than others, was approved. (4-0.)

6. Martial Cottle Park Transportation Plan (Khamis/Kalra)

Direct the administration to develop a comprehensive transportation plan for the streets surrounding Martial Cottle Park.

Documents Filed: Memorandum from Councilmember Khamis and Councilmember Kalra to the Rules and Open Government Committee dated May 1, 2014, forwarding the recommendations.

Discussion: The Committee had a brief discussion in regards to the impact of the project and negotiations with Santa Clara County. Councilmember Khamis and Director of Transportation Hans Larsen responded to the Committee's questions.

Public Comments: Marilyn Rodgers spoke in support of Item G.6. David Wall expressed his concerns regarding pedestrian safety.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the item was referred to staff for further analysis. (4-0.)

7. Findings for a temporary Moratorium on Mobilehome Conversion (City Attorney)

Consider the recommendation from Vice Mayor Nguyen's memo to the April 9, 2014 meeting of Rules and Open Government Committee to direct staff to return to Council with an urgency interim ordinance that would establish a temporary 45-day moratorium on mobilehome park conversions and to direct staff to study potential changes to the City's mobilehome park conversion procedures.

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

Documents: (1) Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee dated May 1, 2014, forwarding the recommendations. (2) Memorandum from Leslye Corsiglia, Director of Housing, dated April 30, 2014.

The Committee had a brief discussion, the City Attorney Richard Doyle, Housing Director Leslye Corsiglia, and Senior Deputy City Attorney Shasta Greene were available to respond to the Committee's questions and further explain their findings.

Public Comments: The following speaker spoke in support of Item G.7: Bill Wallace, Marilyn Manor, Maryann Humes, Terry Traenkle, Eunice Stevenson, Martha O'Connell, Diana Castillo, Joyce Rouborn, Ruth Greathouse, James Zahradva, Richard McCoy, Esha Menon, and Sandy Perry.

The following speakers spoke in opposition of Item G.7: Mike Graves, John Arioto, Erik Schoennaner, and John Collins.

David Wall offered suggestions to prohibit further housing developments.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Constant and carried unanimously, staff was directed to do an analysis and come up with a change in the general plan with an analysis to allow the City Council to discuss an anti-conversion in regards to all mobilehome parks in the City of San José and to include it as part of the housing element that will come back in August or September; and to incorporate this proposal into the ordinance priority setting session in August. (4-0.)

8. Status Report on Electronic Cigarette Regulation (City Attorney)

Documents: (1) Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee dated May 7, 2014, regarding the status report. (2) Picture submitted by Martha O'Connell regarding youth smoking an electronic cigarette. (3) Picture submitted regarding electronic cigarette refill flavors. (4) Letter from Smith Trinh to the Committee regarding opposition to a city-wide ban on electronic cigarettes. (5) Study to examine passive vaping submitted by James Root.

Councilmember Rose Herrera spoke on her memorandum dated March 27, 2014, to regulate electronic cigarettes and presented a picture of a youth smoking an electronic cigarette; the picture was submitted to her by Martha O'Connell.

Public Comments: The following speaker spoke in support of Item G.8: Martha O'Connell, Chris McIntyre, David Wall, and Lauren Dutra

The following speakers spoke in opposition of a city-wide ban of electronic cigarettes: Smith Trinh, Angel Modesto, J.J. Durmanich, Phil Aquino, Ricky Huynh, Jim Root, Lilian Fernando, Eric Lun, Lily Ha, and Sean Chan.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the item was referred to staff to restrict the use of electronic cigarettes in all City of San José buildings and placing the item on the June 3, 2014 Council Agenda for formal action; and the item was referred to the ordinance priority setting session in August. (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

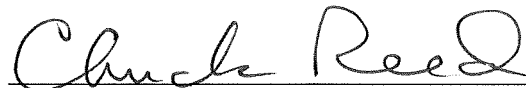
Documents: Documents submitted by David Wall to the Committee regarding Public Records Requests.

Jeff Bordolla had no comment.

David Wall submitted several documents regarding Public Records requests, and spoke on the City Manager's Debra Figone sick leave payout.

K. Adjournment.

The meeting adjourned at 4:21 p.m.



Mayor Chuck Reed
Rules and Open Government Committee