

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
August 28, 2013

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

ABSENT: None.

STAFF: City Attorney Richard Doyle, Acting City Clerk Toni Taber, Assistant City Manager Ed Shikada, Mayor's Council Assistant Richard Hong, Agenda Services Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

A. City Council (City Clerk)

1. Review September 3, 2013 Final Agenda Meeting Cancelled.

Action: None.

2. Review September 10, 2013 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)

Action: The Committee approved the agenda with changes and additions:

2.x (Actions related to Councilmember Chu's travel to Sacramento, CA); 2.x (Actions related to Councilmember Constant's travel to Washington, D.C.); 2.x (Councilmember Constant's travel to Savannah, GA and Seattle, WA); Item 3.3 Remove Study Session from the title; Item 5.1 to be heard no earlier than 3:00 p.m.

B. Review of Upcoming Study Session Agenda(s)

1. Review the agenda for the City Council Service Restoration and Revenue Measures Study Session Agenda for September 3, 2013, 1:30 p.m. – 5:00 p.m. in the Council Chambers. (City Manager)

Documents Filed: City Council Study Session Agenda for September 3, 2013, 1:30 p.m. – 5:00 p.m. in the Council Chambers.

Action: The Committee approved the City Council Study Session Agenda; Staff Report was distributed.

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

E. The Public Record

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated August 23, 2013, transmitting the Public Record for the week of August 16, 2013 – August 22, 2013.

Public Comments: Senior Citizens Commissioners Martha O’Connell and Richard McCoy pulled Item E.a and thanked the Committee for their support of AB 1229 (Atkins) –Land use zoning regulations. Senior Peer Advocates Representative Marie Hayter spoke in favor of affordable senior housing.

Action: The Committee noted and filed the public record.

F. Boards, Commissions and Committees

1. Appointments
2. Work Plans
3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

2. Accept the report on Airport Curfew and Noise Abatement Program Improvements. (Airport)

Documents Filed: Memorandum from the Director of Aviation William F. Sherry, A.A.E. dated August 19, 2013, to the Rules and Open Government Committee forwarding the recommendations.

Public Comment: Shasta Hanchett Park Neighborhood Association Board Representative Christopher Escher read a message from the Board requesting that the Committee create a new committee called the San José Airport Neighborhood’s Oversight Committee.

Action: The Committee accepted the report, and referred Item G.2 to the Airport Competitiveness Committee to return back to the Committee.

3. Vietnamese New Year Flag Raising Ceremony

Approve the District 7 Vietnamese New Year Flag Raising Ceremony as a City Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the September 10, 2013 Agenda for action. (Vice Mayor)

Documents Filed: Memorandum from Councilmember Vice Mayor Madison Nguyen dated August 22, 2013, to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee approved Item G.3 and forwarded it to the City Council for formal action on September 10, 2013.

4. Approve the Proposed Ordinance banning purchase, use, distribution, and sale of all sugar-sweetened beverages and sodas at City of San José events, and all City of San Jose-owned properties, placing the item on the September 10, 2013 Agenda for action. (Kalra)

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

Documents Filed: Memorandum from Councilmember Ash Kalra dated August 28, 2013, to the Rules and Open Government Committee forwarding the recommendations; Correspondence received in support of and in opposition to the Proposed Ordinance banning sugar-sweetened beverages and whole milk.

Discussion: The Committee discussed existing programs focusing on obesity education versus restricting consumer's choices. Councilmember Ash Kalra offered clarification of the proposed ordinance and was available to answer the Committee's questions.

Public Comments: The following citizens spoke in opposition to Item G.4: Martha O'Connell, Coca Cola Manager Tim Albrecht, Kevin Kitties, Chris Bracher representing Business Vending & Coffee Service, Jim Reed representing San Jose Silicon Valley Chamber of Commerce, Jim Fleischman representing Atnip Sales & Marketing, Hugo Loyola representing Dr. Pepper and Snapple, Monica Rodriguez representing Canteen, Javier Gonzalez representing California Restaurant Association, Kim Wickstrum, Daniel Orozio, Richard McCoy, and Dave Traslow representing Citizen's for Fiscal Responsibility.

The following citizens spoke in support of Item G.4: Dan McClure representing Bay Area Nutrition and PA Collaborative, Susan Karlins representing BANPAC, and Bonnie Broderick representing Santa Clara County Public Health.

Action: The Committee took no action.

5. Mid-Autumn Festival and Resource Fair
Approve the Mid-Autumn Festival and Resource Fair as a City Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the September 10, 2013 Agenda for action. (Vice Mayor)

Documents Filed: Memorandum from Vice Mayor Madison Nguyen dated August 23, 2013, to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee approved Item G.5 and forwarded it to the City Council for formal action on September 10, 2013.

6. OAC Appointments
Agendize the following for the City Council meeting September 10, 2013:
Appointment of Councilmember Pierluigi Oliverio and Councilmember Donald Rocha to serve as the City of San José representatives to the Santa Clara County Operational Area Committee. (Mayor)

Documents Filed: Memorandum from Mayor Chuck Reed dated August 22, 2013, to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee approved Item G.5 and forwarded it to the City Council for formal action on September 10, 2013.

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

I. Open Government

1. Appeals of Public Records Act Request

J. Open Forum

K. Adjournment.

The meeting adjourned at 2:59 p.m.



Mayor Chuck Reed

Rules and Open Government Committee