

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

February 6, 2013

PRESENT: Mayor Reed, Vice-Mayor Nguyen, and Councilmember Oliverio

ABSENT: Councilmember Constant

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

A. City Council (City Clerk)

1. Review February 12, 2013 Final 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 Comment: David Wall expressed his views on a variety of issues.

Action: The Committee approved limiting ceremonial items to three (3) per Council Meeting, and approved the agenda as amended and with the following changes:
Sunshine waiver for Item 3.x San Jose Elections Commissions Interviews with a time certain to be heard no earlier than 3:00 p.m.; Item 3.7 Proposition 8 Amicus Brief, to be heard last; and the Joint City of San José City Council/Financing Authority to be heard immediately following the consent calendar.

2. Review February 19, 2013 Draft Agenda
Meeting Cancelled.

B. Review of Upcoming Study Session Agenda(s)

1. 2013-2014 Budget Planning Study Session Agenda for February 11, 2013, 1:30 p.m. to 5:00 p.m. at City Hall, Room W118-120. (City Manager)

Documents Filed: City Council Study Session Agenda from the City Manager to the Rules and Open Government Committee dated February 6, 2013.

Action: The Committee approved the 2013-2014 City of San Jose Budget Planning Study Session.

C. Legislative Update

1. State – No Report.
2. Federal – No Report.

D. Meeting Schedules

E. The Public Record

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated February 1, 2013, transmitting the Public Record for the week of January 25, 2013 – January 31, 2013.

Public Comment: David Wall made reference to his letter on homeless encampments in the City of San José.

Action: The Public Record was noted and filed.

F. Boards, Commissions and Committees

1. Appointments
2. Workplans
3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. Approve the District 5 Neighborhood Association Appreciation Dinner as a City sponsored Special Event, to expend City funds and accept donations of materials and services for the event; and place the item on the February 12, 2013 Council Agenda for action.
(Councilmember Campos)

Documents Filed: Memorandum from Councilmember Campos to the Mayor and City Council dated January 28, 2013, forwarding the recommendations.

Action Filed: The Committee approved Item G.2 and forwarded it to the City Council for formal action on February 12, 2013.

3. Approve the District 1 Annual Greek Flag Raising Event as a City sponsored Special Event, to expend City funds, and authorization to accept donations of materials and services for the event; and place the item on the February 12, 2013 Council Agenda for action.
(Councilmember Constant)

Documents Filed: Memorandum from Councilmember Constant to the Mayor and City Council dated January 30, 2013, forwarding the recommendations.

Action Filed: The Committee approved Item G.3 and forwarded it to the City Council for formal action on February 12, 2013.

4. Forward a recommendation to City Council for February 12, 2013 meeting to adopt a Resolution appointing representatives to the Santa Clara Valley Habitat Agency Governing Board and Implementation Board. (Mayor)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government dated January 31, 2013, forwarding the recommendation.

Public Comment: David Wall spoke against placing a Councilmember on the Santa Clara Valley Habitat Agency Governing Board and Implementation Board.

Action Filed: The Committee approved Item G.4 and forwarded it to the City Council for formal action on February 12, 2013.

5. Forward a recommendation to City Council for the February 12, 2013 meeting to approve an amendment to the North San José Traffic Impact Fee Incentive Program to expand the square footage allocation to fully accommodate the Samsung Semiconductor for expansion, the Ellis Partners 101/Tech development, and the Cisco Systems HQ intensification/parking structures, and direct the City Manager to analyze the potential impact on transportation improvements and bring recommendations to the Council in the budget process for modifications to the Transportation Improvement Program or funding to offset the potential impacts. (Mayor)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government dated January 31, 2013, forwarding the recommendations.

Public Comment: David Wall expressed his opinion against giving developers another tax break.

Action Filed: The Committee approved Item G.5 and forwarded it to City Council for formal action on February 12, 2013.

6. Forward a recommendation to City Council regarding the High Rise Incentive to:
 - a. Approve the clarification of the word “permit” within the meaning of SJMC 4.46.036 and SJMC 4.47.089, to include “demolition permit” within that definition, so long as the applicant completed the outlined items
 - b. Approve extension of the high rise incentive program timeline so that the developer must obtain a certificate of occupancy for the high rise building by August 31, 2016. (Mayor/Councilmember Liccardo)

Documents Filed: Memorandum from Mayor Reed and Councilmember Liccardo to the Rules and Open Government dated January 31, 2013, forwarding the recommendations.

Public Comment: David Wall expressed opposition against the high rise incentives.

Action Filed: The Committee approved Item G.6 and forwarded it to the City Council for formal action on February 26, 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

Approve an amendment to the January-June 2013 Transportation and Environment Committee Workplan

Documents Filed: Memorandum from Kerrie Romanow, Director of Environmental Services to the Rules and Open Government dated January 30, 2013, to amend the January-June 2013 Transportation and Environment Committee Workplan.

Public Comment: David Wall expressed his opinion against the name change of the Water Pollution Control Plant.

Action Filed: The Committee approved Item H.3.

4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

I. Open Government

1. Appeals of Public Records Act Request

J. Open Forum

Public Comment:

Jordan Trigg, owner of Jack's Bar & Lounge, cited concerns regarding Planning, Building, and Code Enforcement's decision to deny his patio permit for Jack's Bar & Lounge.

Prior owner of Jack's Bar & Lounge Amy Okazaki, Aaron Resendez, David Wall, and Bud LoMonaco, spoke in support for approval of a patio permit for Jack's Bar & Lounge.

Planning, Building, and Code Enforcement Director Joe Horwedel presented information and responded to the Committees questions.

K. Adjournment

The meeting adjourned at 2:32 p.m.



Mayor Chuck Reed
Rules and Open Government Committee