

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

March 27, 2013

PRESENT: Mayor Chuck Reed, Vice-Mayor Madison Nguyen, and Councilmember's Pete Constant and 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 April 2, 2013 Final Agenda Meeting Cancelled.
2. Review April 9, 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 the additions and the following changes and approved Sunshine Waivers:

2.x (Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund for Council District 4); Item 2.7 and Item 2.8 to be moved off of the Consent Calendar to be heard last and no earlier than 3:00 p.m.; Item 4.2 deferred to May 7, 2013; approved 14-day Sunshine Waiver for Item 6.1; Item 6.2 moved to the Consent Calendar; and approved 14-Day Sunshine Waiver for the Housing Authority of the City of San José Agenda on Tuesday, April 9, 2013.

B. Review of Upcoming Study Session Agenda(s)

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 Reed and City Council dated March 22, 2013, transmitting the Public Record for the week of March 15, 2013 – March 21, 2013.

Councilmember Constant directed staff to include Item E.d with Councilmember Liccardo's proposal to modify the San José Municipal Code to enact an ordinance prohibiting the riding of bicycles for

anyone over the age of 12 on sidewalks within the downtown core referred to the Transportation and Environment Committee meeting on April 8, 2013.

Public Comment: Representatives of the San José Senior Commission Chair Martha O'Connell and Vice-Chair Richard McCoy provided further information on Items E.b-d.

Action: The Public Record was noted and filed, and staff directed to include Item E.d with Councilmember Liccardo's proposal to modify the San José Municipal Code at the Transportation and Environment Committee on April 8, 2013.

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. Approval of the Great American Litter Pick-Up 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 April 9, 2013 Agenda for action. (City Clerk)

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor Reed and the City Council dated March 22, 2013, forwarding the recommendations.

Action Filed: The Committee approved Item G.2 and forwarded it to the City Council placing it on the April 9, 2013 Council Agenda for formal action. Staff was directed to return to the Rules and Open Government Committee with a memorandum designating the Great American Litter Pick-Up as a City Wide Special Event.

3. Direct the City Manager to announce – through an RFP or other standard public process – the availability of office space within City Hall (To be distributed separately) (City Manager) (Rules Committee referral Item G.5 on 3/13/13)

Staff Memorandum

Documents Filed: Memorandum from Director of Public Works David Sykes and Director of Economic Development Kim Welsh dated March 25, 2013, forwarding the recommendations.

Discussion: Assistant City Manager Ed Shikada and Deputy Director of Public Works Matt Morley provided additional information and answered the Committees questions.

Action Filed: The Committee referred Item G.3 to staff for further analysis to return back to the Rules and Open Government Committee at a later date.

4. AB 359 (Holden) – Vehicle Rental Agreements: Customer Facility Charge: (Airport)
 - a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 359 (Holden).

- b. Recommend this item for full Council consideration at the April 9, 2013 Council meeting, so that the City's legislative staff can advocate for the City's support for Assembly Bill 359.

Documents Filed: AB 359 Vehicle Rental Agreement from the Assistant Director/Chief Operating Officer of the Airport Kimberly B. Aguirre dated March 15, 2013, forwarding the recommendations.

Discussion: Airport Director of Governmental Relations James Webb provided further details on AB 359 Vehicle Rental Agreement and was available to answer the Committee's questions.

Action Filed: The Committee approved Item G.4 and forwarded it to the City Council placing it on the April 9, 2013 Council Agenda for formal action.

5. Recommend that the City Council direct the City Attorney and the City Manager to:
(Constant/Khamis)
 - a. Investigate whether any city funds that were provided to either Santa Clara Family Health Foundation or VMC Foundation were used to fund any campaign activities in any manner.
 - b. Immediately report to the Rules and Open Government Committee if either the Santa Clara Family Health Foundation or VMC Foundation refuses to provide the city information needed to make the above determinations.
 - c. Review all applicable contracts to ensure that they contain a provision wherein recipients of city funding are required to provide transparency into their use of those funds and make information available for review, such as meeting minutes and the data required to complete an investigation as requested above, upon request.

Documents Filed: Memorandum from Councilmember's Constant and Khamis dated March 21, 2013, forwarding the recommendations.

Discussion: Councilmember Constant, Parks, Recreation and Neighborhood Services Acting Assistant Director Angel Rios, and Acting City Clerk Toni Taber offered further explanation and answered the Committee's questions.

Public Comment: Martha O'Connell spoke in support of Item G.5, and Jim Piazza expressed his opinion on various items.

Action Filed: The Committee referred Item G.5 back to staff for further analysis and to return back to the Rules and Open Government Committee at a later date.

6. Approval of Senior Health Fair and Walk sponsored by Council District 8 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 April 9, 2013 Agenda for action. (Herrera)

Documents Filed: Memorandum from Councilmember Rose Herrera dated March 18, 2013, forwarding the recommendations.

Action Filed: The Committee approved Item G.6 and forwarded it to the City Council placing it on the April 9, 2013 Council Agenda for formal action.

7. Approval of Jewish American Flag Raising sponsored by Council District 8 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 April 9, 2013 Agenda for action. (Herrera)

Documents Filed: Memorandum from Councilmember Rose Herrera dated March 18, 2013, forwarding the recommendations.

Action Filed: The Committee approved Item G.7 and forwarded it to the City Council placing it on the April 9, 2013 Council Agenda for formal action.

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
5. Rules and Open Government Committee

I. Open Government

1. Appeals of Public Records Act Request

J. Open Forum

K. Adjournment

The meeting adjourned at 2:50 p.m.



Mayor Chuck Reed
Rules and Open Government Committee