

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

March 6, 2013

PRESENT: Mayor Reed, Vice-Mayor Nguyen, and Councilmembers Oliverio and Constant

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 March 12, 2013 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 Comment: David Wall spoke in opposition to Item 2.2 (a) an ordinance on collection of a portion of construction taxes on Downtown High Rise Developments, and Item 3.5 Immigration Reform as written.

Action: The Committee approved the agenda as amended, with additions and Sunshine Waiver: 2.x (Councilmember Campo's Travel to Los Angeles, CA), Sunshine Waiver approved for Item 4.2, Item 3.4 change language to "Conduct a Public Hearing on the FY 2013-2014 Mayor's March Budget Message", Item 3.5 add a time certain not to be heard before 2:30 p.m.

2. Review March 19, 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)

Public Comment: David Wall commended the Committee for approving Item 2.2 (a) and (b) (Ordinances of the Business Tax Amnesty Program)

Action: The Committee approved the draft agenda as amended, with additions and Sunshine Waiver: 1.x (Presentation of a commendation to the Pacific Coast Farmers' Market Association), Evening Meeting cancelled, Item 1.1 deferred to a later date, Sunshine Waiver approved for Item 9.1, Item 11.2 deferred to March 26, 2013.

B. Review of Upcoming Study Session Agenda(s)

1. Set a City Council Special Meeting entitled Green Vision Implementation on March 18, 2013, from 1:30 p.m. to 4:30 p.m., in the City Council Chambers. (City Manager)

Document Filed: Memorandum from the Director of the Office of Environmental Services Kerrie Romanow to the Rules and Open Government Committee dated February 27, 2013, forwarding the recommendations.

Public Comment: David Wall spoke on various issues.

Action: The Committee approved Item.B.1.

C. Legislative Update

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

D. Meeting Schedules

1. Because there will not be a full Council present at the March 19, 2013 City Council meeting, the Mayor recommends that the Final Review/Approval of the 2013-2014 Mayor's March Budget Message be moved to the March 26 City Council Meeting. (Mayor)

Document Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated February 28, 2013, forwarding the recommendations.

Public Comment: David Wall expressed his opinion on various issues.

Action: The Committee approved Item D.1 and placed it on the City Council Meeting Agenda on March 26, 2013, for formal action.

E. The Public Record

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated March 1, 2013, transmitting the Public Record for the week of February 22, 2013 – February 28, 2013.

Public Comment: David Wall spoke on Items E.c-i.

Action: The Public Record was noted and filed.

F. Boards, Commissions and Committees

1. Appointments
 - a. Approve the appointments of Darren Wallace as the representative nominated by the San José Firefighters, Local 230 (IAFF); David Woolsey as the representative nominated by the San José Police Officers Association (SJPOA); and Pascal Roubineau as the representative nominated by the "trades organizations" consisting of Association of Building, Mechanical & Electrical Inspectors (ABMEI), International Union of Operating Engineers, Local 3 (OE#3) and International Brotherhood of Electrical Workers (IBEW) to the Deferred Compensation Advisory Committee (Committee) for four year terms ending March 1, 2017; and placing the item on the March 12, 2013 Agenda for action.. (City Manager)

Document Filed: Memorandum from the Deputy City Manager Alex Gurza, to the Rules and Open Government Committee dated February 27, 2013, forwarding the recommendations.

- b. Approve the appointments of Jeff Burrill, President and CEO of Pangenera, LLC dba Panera Bread, and George Massoud, CEO and Founder of IntraServe Systems, to serve as private sector representatives on the work2future Board of Directors. (Mayor)

Document Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated February 28, 2013, forwarding the recommendations.

Action: The Committee approved both Items F.1 (a) and (b) and placed them on the City Council Meeting Agenda on March 12, 2013, for formal action

2. Workplans
 - a. Add as a one time item the "Discussion and possible action on Out of Town Taxi Permits" to the Airport Commission Workplan on March 25, 2013. (Airport)

Document Filed: Memorandum from the Assistant Director of Aviation and Chief Operating Officer Department of the Airport to the Rules and Open Government Committee dated February 27, 2013, forwarding the recommendations.

Action: The Committee approved the addition to the Workplan.

3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. Approval of the District 10 Great America Litter Pick-Up Event 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 March 12, 2013 Agenda for action. (Khamis)

Document Filed: Memorandum from Councilmember Khamis to the Rules and Open Government Committee dated February 27, 2013, forwarding the recommendations.

Action: The Committee approved Item G.2 and placed it on the City Council Meeting Agenda on March 12, 2013, for formal action; and directed staff to prepare a Memorandum declaring the "Great American Litter Pick-Up Event" a City Wide Special Event.

3. Approve the resolution relating to the burdens placed upon the City by representatives and officials from the Socialist Republic of Vietnam traveling in or through the City of San José; and direct the City Attorney to make necessary changes and prepare the resolution in the most efficient way. (Chu)

Documents Filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated February 28, 2013, forwarding the recommendations.

Letter from Dave Cortese, Santa Clara County Supervisor for District Three to the Rules and Open Government Committee dated March 6, 2013.

Petition from Nguyen Minh Duong, President of Luc Luong Si Quan Thu Duc/QLVNCH to the Rules and Open Government Committee dated March 6, 2013.

Discussion: Councilmember Chu offered further explanation on the Resolution and was available to answer the Committee's questions.

Public Comment:

Public testimony was given before the Committee by the Vietnamese Community in support of Item G.3, the Resolution to restrict representatives and officials from the Socialist Republic of Vietnam traveling in or through the City of San José, the speakers were as follows:

Dave Hoang, Thi Danh Le, David Mac, Ton Ng, Charlie Ly, Thuong Hoang, Ly Tong, Tien N., David Wall, Martha O'Connell, Nghiep Phan, Johnny Lee.

Discussion:

Vice Mayor Nguyen encouraged Councilmember Chu to place the language of restrictions for officials and representatives of the Socialist Republic of Vietnam travels to and through the City of San José into the Resolution.

Mayor Reed asked staff to return with information on any Federal travel restrictions regarding foreign delegations, and clarification on any legal constraints on actions the City can take against a delegation that may generate a requirement for a larger than normal police response.

Action: The Committee referred Item G.3 to the City Manager and City Attorney's staff for further analysis, and to report back to the Rules and Open Government Committee at a later date.

4. That the Rules and Open Government Committee accept the Santa Clara Valley Water District's (SCVWD) FY 2014 – Joint advocacy Federal projects in the City of San José's jurisdiction and approve the City's mutual request for funds through the funding process; and placing the item on the March 12, 2013 Agenda for action, in order to provide the SCVWD the City's support for these projects (City Manager/Office of Environmental Services)

Document Filed: Memorandum from the Director of Intergovernmental Relations Betsy Shotwell, City Manager's Office, and the Director of Environmental Services Kerrie Romanow, Department of Environmental Services, to the Rules and Open Government Committee dated February 26, 2013, forwarding the recommendations.

Public Comment: David Wall spoke in opposition of Item G.4.

Action: The Committee approved Item G.4, and placed it on the City Council Meeting Agenda on March 12, 2013, 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

- a. Deny the appeal of John Hrabe regarding the withholding of Division of Gaming Control (DGC) records pertaining to applications for permits or licenses by Eric Swallow, Casino M8trix, and/or Garden City Casino. (City Manager)

Document Filed: Memorandum from Communications Director David Vossbring, City Manager's Office to the Rules and Open Government Committee dated February 28, 2013, forwarding the recommendations.

Discussion: Public Records Manager Tom Norris provided further explanation and was available for Committee questions.

Public Comment:

Rich DeLaRosa representing Eric Swallow and Casino M8trix supported the Committee's decision to deny the public records request.

David Wall spoke in favor of the City's conduct regarding Public Records Requests.

Action: The Committee denied the appeal for John Hrabe's Public Records Request.

J. Open Forum

David Wall spoke on various issues.

K. Adjournment

The meeting adjourned at 3:12 p.m.



Mayor Chuck Reed
Rules and Open Government Committee