
RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

May 15, 2013

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

ABSENT: None.

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

A. City Council (City Clerk)

1. Review May 21, 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 commented on Items 3.5, 6.1, and 7.3.

Action: The Committee approved the amended agenda with the approved 14-Day Sunshine Waiver and addition: 1.x (Presentation of a commendation to the organizers of Affordable Housing Week for their efforts to raise awareness about programs that enhance the quality of life of residents in the City of San José and Santa Clara County, and for their assistance in the development of affordable housing, support services, and housing conservation for low-income and special needs populations.) (Herrera) (Rules Committee referral); 14-Day Sunshine Waiver on Item 7.2.

2. Review May 28, 2013 Draft Agenda
Meeting Cancelled.

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 and City Council dated May 10, 2013, transmitting the Public Record for the week of May 3, 2013 – May 9, 2013.

Councilmember Pete Constant pulled Item E.a regarding the cost of Public Notices mailed by certified mail verses regular mail.

E. The Public Record (Cont.)

Martha O'Connell pulled Item E.a for further discussion.

David Wall pulled Item E.b for further discussion.

Action: The Committee referred Item E.a to staff and noted and filed the public record.

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. AB 28 (V. Manuel Perez) Economic Development: Enterprise Zones. (Economic Development)
 - a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of AB 28.
 - b. Recommend a one-week turnaround to the City Council so that the City's legislative representative can continue to advocate the City's support for AB 28.

Documents Filed: AB 28 (V. Manuel Perez) Enterprise Zone Program from Economic Development to the Rules and Open Government Committee dated May 1, 2013, forwarding the recommendations.

Director of Intergovernmental Relations Betsy Shotwell provided updates for Assembly Bill AB 28 & Senate Bill SB 434. Betsy Shotwell and Economic Development Officer John Lang were available to answer questions.

Public Comment: David Wall expressed his opinion on AB 28 and SB 434.

Action: The Committee approved the support position for Item G.2 and forwarded it to the City Council for formal action on May 21, 2013.

3. SB 434 (Hill) Personal Income and Corporation Taxes: Hiring Credits: Enterprise Zones, Lambras, Manufacturing Enhancement Areas, and Targeted Tax Areas. (Economic Development)
 - a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in opposition to SB 434.
 - b. Recommend a one-week turnaround to the City Council so that the City's legislative representative can continue to advocate the City's opposition to SB 434.

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

Documents Filed: SB 434 (Hill) Personal Income and Corporation Taxes from Economic Development to the Rules and Open Government Committee dated May 1, 2013, forwarding the recommendations.

Action: The Committee supported the oppose position for Item G.3 and forwarded it to the City Council for formal action on May 21, 2013.

4. Approval of District 6 Shakespeare In The Park as a 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 May 21, 2013 Agenda for action. (Oliverio)

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio dated May 9, 2013 to the Rules and Open Government Committee, forwarding the recommendations.

Public Comment: Scott Lane spoke in support of Item G.4.

Action: The Committee approved Item G.4 and forwarded it to the City Council for formal action on May 21, 2013.

5. Schedule a Study Session to discuss the Three Trestle Bridge. The Study Session will have potential outcome to direct Public Works and Parks Department to select an alternative engineering firm to do additional analysis of the existing trestle structure located within the Three Creeks Trail. (Oliverio)

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio dated May 9, 2013 to the Rules and Open Government Committee, forwarding the recommendations.

Public Comment: The following Community members spoke in support of forwarding Item G.5 to City Council: Alice Kaufman, David Wall, Jean Dresden, Jack Nadeau, Helen Champman, Barbara Keeg, and Richard Zappelli.

The following Community members opposed Item G.5: Larry Ames, Scott Lane, Charles Jake Jacobson, and Roland Lebrun.

The Committee heard public comments and had a substantial discussion regarding the history, construction and trails surrounding the Three Trestle Bridge.

Councilmember Pierluigi Oliverio requested a full Informational Memorandum from staff.

City Manager Debra Figone, Parks, Recreation and Neighborhood Services Director Julie Edmond-Mares, Deputy Director Matt Cano, and Public Works Director Dave Sykes were available to answer the Committee's questions and spoke on the reasons of the recommendation to Council to replace the trestle bridge.

Action: The Committee took no action on Item G.5.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee Workplan Amendment
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

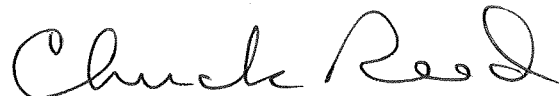
David Wall commended the City Manager and Department of Transportation for weed removal at the location of Hedding Street and West Taylor Street and spoke on various issues.

Jean Dresden spoke on the difficulty of downloading agendas and reports from the city website; Mayor Chuck Reed referred the item to the City Manager's Office and City Clerk's Office for review.

Jeff Bedolla provided his comments on Bellarmine College Preparatory Development Plan.

K. Adjournment

The meeting adjourned at 3:18 p.m.



Mayor Chuck Reed
Rules and Open Government Committee