

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
September 18, 2013

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

ABSENT: Councilmember Pete Constant.

STAFF: Chief Deputy City Attorney Danielle Kenealey, Consultant City Clerk Lee Price, Assistant City Manager Ed Shikada, Agenda Services Gloria Schmanek and Deputy City Clerk Kathy Carrillo.

A. City Council (City Clerk)

1. Review September 24, 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: Martha O'Connell spoke in opposition to Item 2.9.b.

Action: The Committee approved the amended agenda with the additions and Sunshine Waiver: 1.x (Presentation of a commendation to the College of Adaptive Arts for providing valuable educational experiences and opportunities for adults with differing abilities.); 1.x (Presentation of a proclamation declaring September 22, 2013 as "Fall Prevention Awareness Day" in the City of San José.); 1.x (Presentation of a proclamation declaring September 22-28, 2013 as "Active Aging Week" in the City of San José.); 2.x (Actions related to Councilmember Khamis' Travel to Dublin, Ireland.); Approved 14-Day Sunshine Waiver for 9.x (Proposed January – June 2014 Administrative.); Item 3.4 – Changed amounts from \$50M to \$35M (a) and (b).

2. Review October 1, 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.

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State – None.
2. Federal – None.

D. Meeting Schedules

None.

E. The Public Record

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated September 13, 2013, transmitting the Public Record for the week of September 6, 2013 – September 12, 2013.

Public Comment: Martha O'Connell pulled Item E.a-c, and expressed her concerns on bicyclists riding in the downtown area. Jim Piazza pulled Item E.d, for further comments.

Action: The Committee noted and filed the public record.

F. Boards, Commissions and Committees

1. Appointments

None.

2. Work Plans

None.

3. Annual Reports

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

None.

2. Approve the San Jose McEnery Convention Center Grand Opening Events sponsored by Council District 1 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 September 24, 2013 Agenda for action. (Constant)

Document Filed: Memorandum from Councilmember Pete Constant to the Mayor and City Council dated September 10, 2013, forwarding the recommendation.

Action: The Committee approved Item G.2 and forwarded it to the City Council for formal action on September 24, 2013.

3. Approve the Shred-A-Thon and E-Waste Collection Day sponsored by Council District 1 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 September 24, 2013 Agenda for action. (Constant)

Document Filed: Memorandum from Councilmember Pete Constant to the Mayor and City Council dated September 12, 2013, forwarding the recommendation.

Action: The Committee approved Item G.3 and forwarded it to the City Council for formal action on September 24, 2013.

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

4. Presentation of Cortex Phase II Report

Agendize a presentation to the City Council of the *Cortex Phase II Report and Recommendations* by the lead consultant from Cortex Applied Research. This presentation should be scheduled in coordination with the retirement boards in order to ensure that the lead consultant is available to make the presentation. (Mayor/Constant)

Document Filed: Memorandum from Mayor Reed and Councilmember Pete Constant to the Rules and Open Government dated September 12, 2013, forwarding the recommendation.

Action: The Committee referred Item G.4 to staff to schedule a presentation of the Cortex Phase II Report.

5. North San Jose Traffic Impact Incentive Program (Mayor)

Agendize for the September 24, 2013, City Council meeting to approve an amendment to the North San José Traffic Impact Fee Incentive Program to:

- a. Increase the total square footage available for the incentive program to 4 million square feet;
- b. Reduce the Traffic Impact Fee to \$2.00/sf for any build-to-suit Office/R&D campus of over 1 million square feet that obtains planning and building approvals by December 31, 2014; and
- c. Direct the City Manager to return in the FY 2014-15 budget process, with the total amount of tax revenues generated by the qualifying projects from sources such as the Building and Structures fee, Utility tax, or Business Cooperation Program, and with recommendations for amounts of those tax revenues that could be transferred to the North San José transportation fund.

Document Filed: Memorandum from Mayor Reed to the Rules and Open Government dated September 12, 2013, forwarding the recommendation.

Action: The Committee approved Item G.5 and forwarded it to the City Council for formal action on September 24, 2013.

6. Waiver of Revolving Door Restrictions

The Rules Committee considers a request for a Waiver of the Revolving Door Restriction under Municipal Code Section 12.10.070 for:

- a. Josue Garcia
- b. Make a recommendation to the City Council as appropriate and forward the item to the full Council for action on September 24, 2013.

Document Filed: Memorandum from Acting City Clerk Toni Taber to the Rules and Open Government dated September 13, 2013, forwarding the recommendation.

Public Comment: Josue Garcia urged the Committee to recommend the waiver.

Action: The Committee referred Item G.6 to the City Attorney's Office for further analysis including a review of the job description.

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H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
None.
2. Neighborhood Services and Education Committee
None.
3. Transportation and Environment Committee
None.
4. Public Safety, Finance and Strategic Support Committee – None.
None.

I. Open Government

1. Appeals of Public Records Act Request
None.

J. Open Forum

None.

K. Adjournment.

The meeting adjourned at 2:18 p.m.



Mayor Chuck Reed

Rules and Open Government Committee