

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
September 25, 2013

PRESENT: Mayor Chuck Reed, Councilmember Rose Herrera and Councilmember Pierluigi Oliverio.

ABSENT: Vice-Mayor Madison Nguyen and Councilmember Pete Constant.

STAFF: City Attorney Richard Doyle, Acting City Clerk Toni Taber, Assistant City Manager Ed Shikada, Mayor's Public Information Officer Michelle McGurk, Agenda Services Rachelle Blattman, and Deputy City Clerk Kathy Carrillo.

A. City Council (City Clerk)

1. Review October 1, 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 referenced Item 4.1 and the North San Pedro Townhomes LLC,

Action: The Committee approved the amended agenda with the additions and Sunshine Waiver: 2.x (Actions Related to Councilmember Herrera's Travel Dublin, Ireland.); 2.x (Appointment of City Staff to Implementation Board of the Santa Clara Valley Habitat Agency.); Approved 14-Day Sunshine Waiver for Joint City Council/Council Agency Item 2.b.

2. Review October 8, 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 referenced Items 2.2 and 7.1.

Action: The Committee approved the agenda with the change and Sunshine Waiver: Approved 14-Day Sunshine Waiver for Items 3.3 with reports distributed on 9/30/13.

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State - Sacramento Update (Verbal Report) –Intergovernmental Director Betsy Shotwell stated there is no update at this time and was available to answer Committee's questions.
2. Federal
None.

D. Meeting Schedules

The Committee held the date of Tuesday, October 15, 2013 as a possible Study Session date.

E. The Public Record

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated September 20, 2013, transmitting the Public Record for the week of September 13, 2013 – September 19, 2013.

Councilmember Rose Herrera pulled Item E.a for staff comments regarding attorney representation at Mobile Home Park hearings.

Public Comment: Martha O'Connell and Richard McCoy encouraged the Committee to retain the wording of section 17.22.800 of the Mobile Home Ordinance. David Wall spoke in favor of mobile home park rent control.

Action: The Committee noted and filed the public record.

F. Boards, Commissions and Committees

1. Appointments

None.

2. Work Plans

None.

3. Annual Reports

a. Deferred Compensation Advisory Committee FY 2012-2013 Annual Report and FY 2013-2014 Workplan (City Manager)

It is recommended that the Rules and Open Government Committee approve the Deferred Compensation Advisory Committee Annual Report for FY 2012-2013 and Work Plan for FY 2013-2014.

Documents Filed: Memorandum from Deputy City Manager Alex Gurza to the Rules and Open Government Committee dated September 18, 2013, forwarding the recommendation.

Public Comment: David Wall offered suggestions on Item F.3.a

Action: The Committee approved Item F.3.a.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

2. AB 841 (Torres) – Junk dealers and recyclers: nonferrous materials: payments.
(Transportation)

a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position of support regarding AB 841 (Torres).

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 841.

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

Documents Filed: AB 841 (Torres) from the Department of Transportation Hans Larsen to Rules and Open Government Committee dated September 17, 2013, forwarding the recommendations.

Intergovernmental Director Betsy Shotwell noted the agenda timeline.

Public Comment: David Wall spoke in support of Item G.2.

Action: The Committee approved Item G.2 and forwarded it to the City Council for formal action on October 1, 2013.

3. Amendment to the Tree and Sidewalk Hardship Program

Request city staff consider on-going and/or unanticipated medical expenditures, not covered by insurance as a criterion to qualify for the Tree and Sidewalk Hardship Program. (Oliverio)

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio to Rules and Open Government Committee dated September 19, 2013, forwarding the recommendations.

Discussion: Councilmember Oliverio Pierluigi and Department of Transportation Assistant Director Jim Ortbal offered further explanation and answered questions from the Committee.

Public Comment: David Wall offered several suggestions on alternative funding.

Action: The Committee referred Item G.3 to staff.

4. Fireworks Policy Review

- a. Direct staff to review the City's current approach to fireworks regulation, including the provisions contained in section 17.12.940 of the San José Municipal Code, to determine if there is a more effective approach to deterring illegal fireworks use, and report back on their findings to the Neighborhood Services and Education Committee and the Public Safety and Strategic Support Committee by December 2013. It may also be appropriate to refer this issue to the Neighborhoods Commission for its review at some point in the process.
- b. Staff should have discretion in evaluating options for improving our approach to fireworks, but may wish to consider the following issues, to the extent that data is readily available:
(See memorandum for full text).
(Rocha/Campos/Khamis)

Documents Filed: Memorandum from Councilmember's Rocha, Campos, and Khamis to Rules and Open Government dated September 19, 2013, forwarding the recommendations.

Discussion: The Committee had a brief discussion, Councilmember Donald Rocha offered further explanation and was available to answer the Committees questions. Members of the San José Police and Fire Department gave an overview of their response to the increase use of illegal fireworks in the past 5 years.

Public Comment: David Wall and Martha O'Connell spoke in support of Item G.4.

Action: The Committee referred Item G.4 to staff.

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.

I. Open Government

1. Appeals of Public Records Act Request
None.

J. Open Forum

David Wall spoke on the Habitat for Humanity and the Environmental Innovation Center.

Martha O'Connell and Richard McCoy noted that they would like copies of the Rules and Open Government full agenda packet available to the public at the meeting.

K. Adjournment.

The meeting adjourned at 2:51 p.m.



Mayor Chuck Reed

Rules and Open Government Committee