

---

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report

January 29, 2014

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

**ABSENT:** Councilmember Pete Constant.

**STAFF:** City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Toni Taber, Mayor's Agenda Services Manager Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

**A. City Council (City Clerk)**

1. Review February 4, 2014 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 Comments: David Wall pulled Items 2.6, 2.9, 3.4.a for comments.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the amended agenda with additions: 2.4 (Mayor and Council Excused Absence Requests); 2.x (Actions Related to Councilmember Chu's Travel to San Francisco, CA). (3-0-1. Absent: Constant.)

2. Review February 11, 2014 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 Comments: David Wall pulled Item 9.1 for comments.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the amended agenda with the approved Sunshine Waiver: (3-0-1. Absent: Constant.): Approved Sunshine Waiver for Item 3.3 (Approval of the 2013-2014 Mid-Year Budget Review Report).

**B. Review of Upcoming Study Session Agenda(s)**

1. City Council/Senior Staff Budget Planning Special Meeting Agenda – Monday, February 10, 2014, 1:30 – 5:00 p.m. (City Manager)

Discussion: The Committee had a brief discussion on the City Council Priority Policies and Ordinances Prioritization: City Council Action and Item G.3 on the Rules and Open Government Agenda.

Public Comments: David Wall commented on the Redevelopment Agency (SARA) properties.

**B. Review of Upcoming Study Session Agenda(s) (Cont.)**

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee changed the Special Meeting to a Study Session; dropped Item 3.4; and added a General Fund Budget Priorities Discussion Item to the agenda, was approved (3-0-1. Absent: Constant.)

**C. Legislative Update**

1. State - None.
2. Federal - None.

**D. Meeting Schedules**

The Committee released Study Session date 2/18/2014.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated January 10, 2014, transmitting the Public Record for the week of January 3, 2014 – January 9, 2014.

Public Comments: Martha O’Connell pulled Item E.g, and expressed her concerns on the housing impact fee. David Wall pulled Item E.c-f, and commented on the qualifications of the City of San José’s senior and principal engineers and referenced the Nexus Study.

Action: Upon motion by Vice Mayor Nguyen seconded by Councilmember Oliverio the Committee noted and filed the Public Record. (3-0-1. Absent: Constant.)

**F. Boards, Commissions and Committees**

1. Appointments
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. Amendment to the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program.  
Accept the report on administrative modifications to the Tree Maintenance and Sidewalk Repair Financial Hardship Assistance Program, to include qualifying medical and dental expenses reported in filed tax returns to determine a property owner’s qualification for financial assistance. (Transportation)

Assistant Director of Transportation Jim Ortbal reported on the Financial Hardship Assistance Program, and was available to answer questions.

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

Public Comments: David Wall questioned what constitutes as a medical hardship.

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee accepted the report. (3-0-1. Absent: Constant.)

3. City Council Priority Policies and Ordinances Prioritization Process
  - a. Review the current status of the items on the Top 10 Priority Policies and Ordinances list.
  - b. Provide direction to the Administration on any desired prioritization process modifications to be incorporated into the upcoming February 10, 2014, Special City Council meeting.  
(City Manager)

Action: No action taken.

4. Recommendation to Support Postal Service Protection Act of 2013.  
Adopt a resolution in support of Senate Bill 316 and House Bill 630 – Postal Service Protection Act of 2013. (Chu)

Councilmember Ash Kalra spoke in support of Senate Bill 316 and House Bill 630, sustaining postal services, and was available to respond to the Committee's questions. Director of Intergovernmental Relations Betsy Shotwell gave a legislative update and responded to the Committee's questions.

Public Comments: Guillermo Martinez, Ernie Arrañaga, and David Wall spoke in support of Item G.4.

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee referred Item G.4 to staff for further analysis, to report back to Rules on February 12, 2014. (3-0-1. Absent: Constant.)

5. Extension of Urgency Ordinance to Control Invasive Wild Pig Populations. (Khamis)
  - a. Extend urgency ordinance until February 2, 2015, as recommended by staff, to prevent a gap in providing a solution to the wild pig issue within San Jose and to allow for the evaluation of the Urgency Ordinance through full seasonal migration patterns of local wild pig populations.
  - b. Direct staff to monitor complaints of wild pig incidences and record their observations on the effectiveness of the Urgency Ordinance and any challenges that ensue during the coming year.
  - c. Direct staff to continue to engage with stakeholders to encourage the County to consider taking concrete steps to reduce wild pig populations, through methods such as those employed in Monterey and Alameda Counties.
  - d. Direct staff to bring back to Council a recommendation for a permanent ordinance, with input from the appropriate departments including Animal Services and the San José Police Department, in early December of 2014, so that the Council may consider it before the expiration of the Urgency Ordinance.

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

Chief of Staff Shane Patrick Connelly - Council District 10, was available to respond to the Committee's questions.

Public Comments: David Wall questioned what is done with the slaughtered wild pigs.

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee approved Item G.5 placing it on the February 4, 2014 Council Agenda for formal action with the approved Sunshine Waiver. (3-0-1. Absent: Constant.)

6. Lending the Police a Hand: Crowd-Sourcing Video Evidence. (Liccardo)  
Refer to the City Manager, and to Council through the Public Safety & Finance Committee, to evaluate whether, and how:
  - a. The City can create and maintain a database that will enable residents to voluntarily identify their video surveillance equipment, and location of the camera view, by use of simple on-line registration.
  - b. The City could engage with private video surveillance companies to offer discounts for those homeowners and apartment property owners who seek to register new video systems with the City.

Councilmember Liccardo clarified the purpose of the program and responded to the Committee's questions. Assistant to the City Manager Angelique Gaeta and Lieutenant Anthony Mata responded to the Committee's questions.

Discussion: The Committee had a brief discussion regarding maintenance of the database, addressing the public records issues, and moving the project forward. The Mayor suggested referring the project to staff to scope the size of the project and to return to rules within 45-days.

Public Comments: Aurelia Sanchez spoke in opposition of the item due to lack of resources. David Wall spoke in support of the item, and voiced his concerns on retaining police officers.

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee referred Item G.6 to staff for further analysis, to report back to Rules with a scoping and workload assessment. (3-0-1. Absent: Constant.)

7. 1/2 Cent General Sales Tax Increase to Fund City Services, Including, but not limited to, Raising Police Department Authorized Staffing Level to 1,400 Officers. (Campos)
  - a. Direct Staff to prepare a 1/2 Cent Sales Tax Increase Ballot Measure in time for Council approval and placement on June 4, 2014 Primary Ballot.
  - b. Direct Staff to research how revenue from this ballot measure can be used to fund a variety of City services, including an increase in Police Department Authorized Staffing level to 1,400 from its current level of 1,109.

Chief of Staff Nicole Willett and Council Assistant Garrett Radcliffe - Council District 5, spoke on the memorandum and were available to respond the Committee's questions.

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

Public Comment: David Wall was concerned that the money could be deferred to other causes, but if the money was to be used only for public safety he would support it.

Action: Upon motion by Vice-Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the Committee deferred Item G.7 back to Rules on February 12, 2014.  
(3-0-1. Absent: Constant.)

**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  
None.

**J. Open Forum**

Jeff Bedolla spoke on a Council Item heard in December of 2012, regarding a traffic safety issue on Emory Street.

David Wall submitted to the Committee documents regarding Environmental Services Department's employees' license and job qualifications.

**K. Adjournment.**

The meeting adjourned at 3:10 p.m.



---

Mayor Chuck Reed  
Rules and Open Government Committee