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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
February 19, 2014

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

**ABSENT:** None.

**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, Deputy City Clerk Kathy Carrillo and Deputy City Clerk Teresa Lewis.

1. Review February 25, 2014 Final 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. (4-0.)

2. Review March 4, 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 3.3 for comments.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio, and carried unanimously, the Committee approved the agenda with the following changes:  
Item 4.9(c) deleted from the recommendation to return to the Rules Committee at a later date. (4-0.)

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

None.

**C. Legislative Update**

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

**D. Meeting Schedules**

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated February 14, 2014, transmitting the Public Record for the week of February 7, 2014 – February 13, 2014.

**E. The Public Record (Cont.)**

Public Comments: David Wall pulled Item E.b, and suggested that the City offer their condolences to the Murphy family for the loss of their son.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio, and carried unanimously, the Committee noted and filed the Public Record. (4-0.)

**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. District 8 When Women Come Marching Home (Herrera)

Approval of the District 8 When Women Come Marching Home Event scheduled for March 20, 2014, sponsored as a City Council Special Event and approve expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the event and placing the item on the March 4, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Rose Herrera to the Mayor and City Council dated February 14, 2014, forwarding the recommendations.

Public Comments: David Wall commended Councilmember Rose Herrera for sponsoring an event honoring female members of the U.S. armed forces.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen, and carried unanimously, the Committee approved the recommendations placing the item on the March 4, 2014 Council Agenda for formal action. (4-0.)

3. Cambrian Plaza (Rocha)

That staff be directed to help provide answers to the following questions pertaining to the Cambrian Plaza Shopping Center property located at 14900 Camden Ave (“the property” hereinafter.)

a. The property is currently within a County pocket. Is there a requirement that the property be annexed into the City before it can be redeveloped? If so, what is the trigger for annexation and what is the process for annexation? Are there any other relevant stipulations or requirements surrounding annexation pursuant to our agreements with the County?

b. What could be developed on the property if it remains in the County?

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

- c. If the property does redevelop within the County, what land use approvals might be necessary and what would the County's process for those approvals be?
- d. Given that the property is part of the Camden/Hillsdale Ave. Urban Village as established in the 2040 General Plan, and that the Camden/Hillsdale village is in the Plan's third growth horizon, what could be built on the site currently if it were annexed into the City?
- e. What are the "Signature Project" standards for the site? Specifically, what numerical thresholds for jobs and housing density would be required?
- f. How many acres is the Camden/Hillsdale Urban Village?
- g. Is there a process by which urban villages can be moved from one growth horizon to another?

Documents Filed: Memorandum from Councilmember Donald Rocha to the Rules and Open Government Committee dated February 13, 2014, forwarding the recommendations.

Public Comments: David Wall voiced his concerns regarding the Planning, Building, and Code Enforcement Administration.

Planning, Building and Code Enforcement Assistant Director Laura Prevetti provided further explanation and responded to the Committee's questions.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio, and carried unanimously, the Committee referred the item to staff. (4-0.)

**4. Police Budget Security (Oliverio)**

Place a charter amendment on the March 4, 2014 City Council agenda for council consideration. This June 2014 ballot initiative would allocate 40% of the general fund to the police department.

For the purpose described herein, the "police department budget" would encompass all salary compensation, benefit compensation, sick leave, comp time, vacation payouts and workers compensation for sworn and non-sworn employees of the police department. It should also be understood to include all necessary police equipment, new technology (hardware & software), police dispatchers with essential communications equipment, annual utility and maintenance costs of police facilities, and the required personnel from HR, Legal and IT.

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio to the Rules and Open Government Committee dated February 13, 2014, forwarding the recommendations.

Motion: Councilmember Oliverio moved to forward the recommendation to the March 4, 2014 City Council agenda. The motion was seconded by Councilmember Constant.

Public Comments: Martha O'Connell stated she supports Item G.4. David Wall offered his suggestions on eliminating the Police and Fire budget from the General Fund.

Councilmember Pierluigi Oliverio provided further explanation and responded to the Committee's questions.

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

Discussion: The Committee had a brief discussion regarding the allocation of tax revenue to the Police Department's budget.

Action: Upon a call for the question, the motion failed. The Committee took no action. (2-2. Noes: Mayor Reed, Vice Mayor Nguyen.)

5. Proposed Resolution to Support Federal Legislation to Retain Saturday Mail Delivery (City Attorney)

As directed by Rules and Open Government Committee on February 12, 2014, the City Attorney's Office prepared a Resolution to support legislation intent on retaining Saturday Mail Delivery from the United States Post Office.

Documents Filed: Memorandum from the City Attorney Richard Doyle to the Rules and Open Government Committee dated February 13, 2014, forwarding the recommendations.

Public Comments: David Wall voiced his support for Item G.5.

Motion: Vice Mayor Nguyen moved to forward the recommendation to City Council for discussion and action. The motion was seconded by Mayor Reed.

Discussion: The Committee had a brief discussion regarding focusing on City issues and not interfering in the U.S. Postal Services business.

Action: Upon a call for the question, the motion failed. The Committee took no action. (2-2. Noes: Constant, Oliverio.)

**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.

5. Rules and Open Government Committee  
None.

**I. Open Government**

1. Appeals of Public Records Act Request  
None.

**J. Open Forum**

Documents: Letter and attached documents from David Wall to Mayor and City Council dated February 19, 2014, regarding "Quantitative Odor Study" been conducted to substantiate "Mechanical Dewatering of Digested Sewage Sludge?"

David Wall submitted documents to the Committee and spoke on the Water Pollution Control Plant explosion and sewage sludge lagoons near the City of Milpitas.

Jeff Bedolla spoke on a general observation regarding Planned Development 12-047 (to allow the demolition of two existing buildings).

**K. Adjournment.**

The meeting adjourned at 2:44 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee