



**MINUTES OF THE  
RULES AND OPEN GOVERNMENT COMMITTEE**

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, AUGUST 20, 2014**

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:00 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

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

**ABSENT:** None.

**STAFF:** City Manager Ed Shikada, Deputy City Attorney Ed Moran, City Clerk Toni Taber, Mayor's Agenda Assistant Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Suzanne Guzzetta.

**CITY COUNCIL (CITY CLERK)**

- (1) Review August 26, 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 Comment: David Wall expressed concerns on Item 7.1.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waiver and addition of Part (b) to Item 6.1, directed Item 2.x, "Federated City Employees' Retirement System Board of Administration Appointment" be placed on the September 9<sup>th</sup> agenda, Item 6.1 to be heard last on the agenda, and Item 2.3(a) deferred to the September 9<sup>th</sup> agenda. (4-0.)

**CITY COUNCIL (CITY CLERK) (CONT'D.)**

- (2) **Review September 2, 2014 Draft Agenda**  
*None – Meeting Cancelled*

**REVIEW OF UPCOMING STUDY SESSION AGENDA(S)**

**LEGISLATIVE UPDATE**

- (1) State – None.
- (2) Federal
- a. Presentation by Squire Patton Boggs staff on the City's federal activities in Washington, D.C. in the 113th Congress 2013-14.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee dated August 14, 2014 entitled "Mid-Year 2014 Report on Federal Government Relations Activities."

Director of Intergovernmental Relations Betsy Shotwell introduced staff from Squire Patton Boggs. Eric Goodman and Pamela Welsh from Squire Patton Boggs provided background and answered questions from the Committee.

Public Comment: David Wall offered comments on various issues.

**MEETING SCHEDULE**

None.

**THE PUBLIC RECORD**

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of August 8 – 14, 2014.

Public Comment: David Wall pulled Items (4), (5), et al and offered additional comments related to the Water Pollution Control Plant.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the public record was noted and filed. (4-0.)

## BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
- (2) Work Plans – None.
- (3) Annual Reports – None.

## RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Workload Assessment for Council Requests and Referrals. – None.
- (2) **SB 1262 (CORREA/AMMIANO) – Medical Marijuana: Regulation of Physicians, Dispensaries, Cultivation Sites and Processing Facilities. (City Manager)**  
It is recommended that the City take no position on SB 1262 (Correa/Ammiano).

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell and Assistant to the City Manager Angelique Gaeta dated August 13, 2014, entitled “SB 1262 (Correa/Ammiano) – Medical Marijuana: Regulation of Physicians, Dispensaries, Cultivation Sites And Processing Facilities.”

Director of Intergovernmental Relations Betsy Shotwell reported on the status of the Bill and answered questions from the Committee. Assistant to the City Manager Angelique Gaeta was available to answer questions from the Committee.

Public Comments: David Wall – no comment

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen, and carried unanimously, the Committee dropped the item and directed staff to push for similar legislation. (4-0.)

- (3) **2014 League of California Cities Resolutions. (City Manager)**
  - a. Approve the recommended City position on one (1) resolution regarding illegal marijuana grow sites, to be considered at the Annual League of California Cities (LOCC) Conference to be held in Los Angeles, September 3 – 5, 2014.
  - b. Recommend a one-week turnaround to the City Council on August 26, 2014.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell dated August 12, 2014, entitled “2014 League of California Cities Resolution.”

Director of Intergovernmental Relations Betsy Shotwell offered background and answered questions from the Committee.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, the recommendation was approved and placed on the August 26, 2014 City Council agenda for action. (4-0.)

**RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS  
(CONT'D)**

**(4) Colombian Flag Raising. (Khamis)**

- a. Approve the Colombian Flag Raising as a City Council sponsored Special Event and approve the expenditure of City Funds.
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the August 26, 2014 City Council Agenda for action.

Documents Filed: Memorandum from Councilmember Khamis to the Rules and Open Government Committee, dated August 14, 2014, entitled "Colombian Flag Raising".

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Nguyen and carried unanimously, the recommendation was approved and placed on the August 26, 2014 City Council agenda for action. (4-0.)

**(5) Administrative Citations / Fines and Enforcement of Illegal Fireworks. (Liccardo/Constant/Herrera/Khamis)**

By means of the priority setting session process, direct the City Manager to draft and bring to Council an ordinance which authorizes, in addition to the existing criminal sanctions for the possession of fireworks, the issuance of administrative citations and fines for the use, possession, sale, advertisement for sale, transportation, and/or manufacturing of fireworks.

- a. Citations and fines for persons responsible for each violation found to have occurred, with relatively higher fines for devices with larger explosive capacity; and
- b. The delegation of authority for issuance of citations by the city manager to include code enforcement officers, park rangers, community service officers, and/or building officials;
- c. Any person sixteen (16) years of age or older may be issued a citation, and every parent, guardian or other person, having the legal care, custody or control of any person under the age of eighteen years, who knows or reasonably should know that a minor is in violation of this chapter, may be issued a citation in accordance with the provisions of this section.

"Fireworks" in the ordinance should be defined similarly to the term's definition in the California Health and Safety Code.

Documents Filed: Memorandum from Councilmembers Sam Liccardo, Pete Constant, Rose Herrera, and Johnny Khamis to the Rules and Open Government Committee dated August 11, 2014, entitled "Administrative Citations / Fines and Enforcement of Illegal Fireworks."

Councilmember Constant offered comments.

## **RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS (CONT'D)**

(5) Public Comment:

David Wall expressed concerns about enforcement of the proposed regulations.

Jeff Levine urged the Committee to pursue legislation in support of the recommendation.

Richard McCoy offered comments on how to enforce regulations.

Committee Discussion ensued.

Angelique Gaeta, City Manager's Office, answered questions from the Committee.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was approved and directed to be added to the Council Priority Setting Session list. (4-0.)

(6) **Azerbaijan Flag Raising Ceremony. (Nguyen)**

- a. Approve the Azerbaijan Flag Raising Ceremony as a City Council sponsored Special Event;
- b. Approve expending funds and accepting donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the August 26, 2014 City Council Agenda for action.

Documents Filed: Memorandum from Vice Mayor Nguyen to the Rules and Open Government Committee, dated August 14, 2014, entitled "Approval of the Azerbaijan Flag Raising Ceremony as a City Council sponsored Special Event".

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the August 26, 2014 City Council agenda for action. (4-0.)

## **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.

## **OPEN GOVERNMENT**

- (1) Appeals of Public Records Act Request – None.

## OPEN FORUM

Documents Filed: Letter from Housing Commissioners Lee Ellak, Mike Graves, and Martha O'Connell, dated August 18, 2014, regarding Need for Informed Vote by HCDC Commission – Housing Impact Fee.

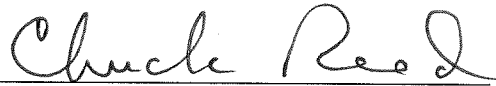
Lee Ellak spoke on the Housing Impact Fee coming before the Housing and Community Development Commission in September and expressed a desire to hear both sides of the issue equally.

Martha O'Connell offered comments on the Housing Impact Fee coming before the Housing and Community Development Commission in September.

David Wall commented on parking compliance issues.

## ADJOURNMENT

The meeting adjourned at 2:59 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee

CR:slg