

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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 24, 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: Councilmember Pierluigi Oliverio, and Councilmember Pete Constant.

ABSENT: Mayor Chuck Reed, and Vice-Mayor Madison Nguyen.

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

Deputy City Attorney Ed Moran addressed the commission and public in attendance on how the meeting would be conducted due to lack of quorum. A brief discussion ensued.

Public Comment: Martha O'Connell and David Wall spoke in favor of allowing public testimony on items in Section (G).

CITY COUNCIL (CITY CLERK)

- (1) Review September 30, 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 offered comments on Items 2.9, 2.16, 4.2, and 6.1.

Action: The add sheet was referred to the Orders of the Day on the September 30, 2014 agenda. No action taken.

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

- (2) **Review October 7, 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 Comment: David Wall opined on Item 2.8.

Action: No action taken

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None.

MEETING SCHEDULE

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of September 12 – 18, 2014.

Public Comment: David Wall pulled Items (1) and (2) and offered comments.

Action: Rescheduled to the October 1, 2014 Rules and Open Government Committee.

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.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(2) Affordable Housing and Homeless Housing Funding Source. (Mayor)

Place the following on the City Council agenda for October 7, 2014:

Direct the City Manager and the City Attorney to engage in settlement discussions with the County of Santa Clara to resolve an existing dispute over the City/County Pass-through Agreement, with a new agreement to use all the funds in dispute (approximately \$20 million per year) for affordable housing (50%) and housing for the homeless (50%).

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee, dated September 16, 2014, entitled, "Affordable Housing and Homeless Housing Funding Source."

Public Comment: David Wall commented on affordable housing.

Action: Rescheduled to the October 1, 2014 Rules and Open Government Committee.

(3) Approval of the San Jose Gun Buyback Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Campos)

- a. Approve the San Jose Gun Buyback scheduled on December 13, 2014 as a City Council sponsored Special Event and approve the expenditure of funds.
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the October 7, 2014 City Council Agenda for action.

Documents Filed: Memorandum from Councilmember Campos to the Rules and Open Government Committee, dated September 17, 2014, entitled, "Approval of the San Jose Gun Buyback Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event."

Public Comment: David Wall commented on the recommendation.

Action: Rescheduled to the October 1, 2014 Rules and Open Government Committee.

(4) Housing Impact Fee Nexus Study. (Rocha)

Agendize the Housing Impact Fee Nexus Study for Council direction during the evening session of the October 21, 2014 City Council meeting.

Documents Filed: Memorandum from Councilmember Rocha to the Rules and Open Government Committee, dated September 18, 2014, entitled, "Housing Impact Fee Nexus Study."

Public Comment: David Wall opined on the Housing Impact Fee Nexus Study.

Action: Rescheduled to the October 1, 2014 Rules and Open Government Committee.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(5) Staff Follow-up Related to Order to Show Cause for 801 N. 13th Street (Verbal Report).

As referred by the Rules and Open Government Committee on September 10, 2014, verbal report from Staff on action that has been taken or may need to be taken related to the property located at 801 N. 13th Street.

Documents Filed: Pictures and video from residents near El Tarasco Bar.

Public Comment: Katrina Loera, Irma Marfil, Tomas Marfil, Elisa Hwang-Mendez, Larry Yamasaki, and David Wall urged the Committee to take action and spoke in favor of closing down El Tarasco.

Riko Mendez submitted a flash drive featuring pictures and video of the acts in question.

Action: Rescheduled to the October 1, 2014 Rules and Open Government Committee.

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.

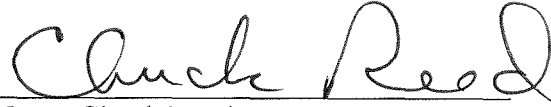
OPEN FORUM

Documents Filed: Letter from David Wall, dated September 24, 2014, entitled “Does the City Manager support, ‘Gender specific discrimination’ via appointments and or promotions under the guise, ‘Any woman will do?’”

David Wall commented on various issues and presented a letter to the Committee.

ADJOURNMENT

The meeting adjourned at 2:37 p.m.

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in black ink and is positioned above a horizontal line.

Mayor Chuck Reed
Rules and Open Government Committee

CR:slg