



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

SAN JOSE, CALIFORNIA

WEDNESDAY, NOVEMBER 5, 2014

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:01 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

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

ABSENT: All present.

STAFF: City Manager Ed Shikada, Deputy City Attorney Ed Moran, Budget Director Jennifer Maguire, Mayor's Agenda Assistant Ahmad Chapman, Agenda Services Manager Gloria Schmanek, City Clerk Toni J. Taber, Assistant City Clerk Tom Graves, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) **Review November 11, 2014 Final Agenda**
None – Meeting Cancelled
- (2) **Review November 18, 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)

Documents Filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee, dated November 5, 2014, entitled, "12/09/14 Council Agenda – Move an item regarding the Amaryl Drive Planned Development Zoning (PDC14-026) from 12/09/14 to 11/18/2014."

Public Comment: David Wall offered comments on Items 4.3, 4.4, 4.5, and 7.1. Colin Heyne, SV Bicycle Coalition, and Andrew Fitzgerald requested a later hearing time for Item 6.1.

Martha O'Connell and Lee Ellak spoke on Item 6.1.

Andrew Fitzgerald spoke on Item 6.1 – evening session

CITY COUNCIL (CITY CLERK)

- (2) Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Item 4.5 to be heard last in the afternoon, Item 5.1 referred to the Priority Setting Session, Item 6.1 moved to December 2, 2014, Item 8.1 to be heard immediately following the ceremonial items, and Item 10.1(b) moved off of General Plan Consent Calendar. (4-0.)

Following a brief discussion on Councilmember Chu's memorandum, no action was taken.

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

- (1) **Review of November 7 Special Meeting Amended Agenda. (City Manager/City Clerk)**

Documents Filed: 1) Amended Agenda for the November 7 Special Meeting Agenda; 2) Memorandum from Councilmember Herrera to the Rules and Open Government Committee, dated November 4, 2014, entitled, "Public Safety Public Comment,"; and 3) Memorandum from Councilmember Rocha to the Rules and Open Government Committee, dated November 3, 2014, entitled, "November 7th Agenda."

Councilmember Herrera addressed her memorandum, provided additional comments, and requested the Committee add an additional public comment section after Item (1) on the agenda.

Public Comment: David Wall opined on various issues related to public safety.

Action: Upon motion by Constant, seconded by Oliverio and carried unanimously, the agenda was approved, and the public comment section of the agenda was moved to be heard after Item (1). (4-0.)

LEGISLATIVE UPDATE

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

MEETING SCHEDULE

Agenda Services Manager Gloria Schmanek reported on the status of the potential December 8th joint water district meeting.

Action: Councilmember Constant moved to release the hold on December 8th. Vice Mayor Nguyen seconded the motion. The motion was tabled until the Rules and Open Government Committee meeting on November 12, 2014.

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of October 24 – 30, 2014.

Councilmember Constant asked Staff ensure that Items (4) and (5) were added to the agenda documents for consideration of the Nexus Study.

Public Comment: Martha O’Connell and Lee Ellak commented on Items (4) and (5). David Wall provided observations on various items..

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the public record was noted and filed.

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
- (2) Work Plans – None.

Items (a) and (b) were heard together

- a. PRNS Commissions Annual Reports and Workplans. (Parks, Recreation and Neighborhood Services)
Accept the FY 2013-2014 Annual Reports and FY 2014-2015 Workplans submitted by the following Commissions via the Department of Parks, Recreation and Neighborhood Services:
 - Parks and Recreation Commission
 - Senior Citizens Commission
 - Youth Commission
- b. Approve the Arts Commission annual report for FY 2013-2014 and workplan for FY 2014-2015. (Economic Development)

Documents Filed: 1) Memorandum from Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares, dated October 29, 2014, transmitting the Parks, Recreation and Neighborhood Services Commissions Annual Reports and Work Plans; 2) Memorandum from Director of Economic Development Kim Walesh, dated October 29, 2014, transmitting the Arts Commission FY2013-14 Annual Report and FY 2014-2015 Workplan.

Public Comment: David Wall voiced concerns regarding the Parks, Recreation and Neighborhood Services workplan.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, both items were approved. (4-0.)

- (3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(1) Workload Assessment for Council Requests and Referrals. – None.

(2) **Potential Litigation San José Police Officers Association. (Constant)**

Direct the City Attorney to discuss with the City Council in closed session potential litigation against Jim Unland and the San José Police Officers' Association, to recover taxpayer costs resulting from the deliberate efforts of the police union leadership to drive officers out of, and discourage recruitment to, the San José Police Department.

Documents Filed: Memorandum from Councilmember Constant to the Rules and Open Government Committee, dated October 29, 2014, entitled, "Potential Litigation San José Police Officers Association."

Councilmember Constant clarified his recommendation and was available to answer questions from the Committee.

Public Comment: Stephen Hazel voiced objections to the recommendation. David Wall suggested additional items to include in the report.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the recommendation was referred to the City Attorney to bring to Closed Session before the end of the year. (4-0.)

Items (3) and (4) were heard together

(3) **Approval of the Dove Hill Park Grand Re-opening Ceremony as a City Sponsored Special Event. (Nguyen)**

- a. Approve the Dove Hill Park Grand Re-opening Ceremony scheduled on November 15, 2014 as a City Council sponsored Special Event; and
- b. Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the November 18, 2014 City Council Agenda for action.

(4) **Approval of the District 7 Neighborhood Commission Appreciation Reception as a City Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the Event. (Nguyen)**

- a. Approve the District 7 Neighborhood Commission Appreciation Reception scheduled on December 15, 2014 as a City Council sponsored Special Event;
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event;
- c. Approve the expenditure of donations and City funds to provide incentives for participants; and
- d. Place the item on the November 18, 2014 City Council Agenda for action.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(3),(4) Documents Filed: 1) Memorandum from Vice Mayor Nguyen to the Rules and Open Government Committee, dated October 30, 2014, entitled, "Approval of the Dove Hill Park Grand Re-Opening Ceremony as a City Sponsored Special Event," 2) Memorandum from Vice Mayor Nguyen to the Rules and Open Government Committee, dated October 30, 2014, entitled, "Approval of the District 7 Neighborhood Commission Appreciation Reception as a City Sponsored Special Event and Authorization to Accept Donations of Materials and Services for the Event."

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendations were approved and placed on the November 18, 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

David Wall offered opinions on illegal dumping.
Lee Ellak provided comments on housing, and the housing impact fee.
Stephen Hazel opined on various issues.

ADJOURNMENT

The meeting adjourned at 3:05 p.m.



Mayor Chuck Reed
Rules and Open Government Committee

CR:slg