



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, DECEMBER 10, 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 Pete Constant, Councilmember Pierluigi Oliverio, and Councilmember Herrera, Alternate (2:58 p.m.)

**ABSENT:**

**STAFF:** Deputy City Manager Alex Gurza, City Attorney Richard Doyle, 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 December 16, 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)

Documents Filed: Letter and attachments related to Item 2.10.

Public Comment: David Wall raised questions related to Item 2.10 and submitted documents questioning whether items were being double billed.

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 waivers for Items 2.1, 2.3, and 4.1(c); addition of and sunshine waivers for Items 1.x, "Presentation of a commendation Reverend Deacon Salvador Enrique Alvarez...", 2.x, "Mayor Reed's Travel to Washington, D.C.", 2.x, "Amendment to Council Policies for the Operating Budget and Capital Improvement Program Policy", and 7.x, "Memorandum of Understanding with McCarthys...". (4-0.)

Councilmember Oliverio asked staff to look into Item 2.10.

**CITY COUNCIL (CITY CLERK)**

- (2) **Review December 23, 2014 Draft Agenda**  
None – Meeting Cancelled

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

None.

**LEGISLATIVE UPDATE**

- (1) State

Roxanne Miller updated the Committee on the 2015 California State Legislative Session.

- (2) Federal

Director of Intergovernmental Relations Betsy Shotwell updated the Committee on the status of the federal budget.

**MEETING SCHEDULE**

- (1) City Council Meeting and Study Session Schedule for January – June 2015. (City Manager)
- a. Approve the City Council Meeting Schedule for the period January-June 2015;  
and
  - b. Approve the Study Session Schedule for the period January-April 2015.  
(Deferred from Rules 12/3/14 – Item D.1)

Documents Filed: Memorandum from Agenda Services Manager Gloria Schmanek to the Rules and Open Government Committee, dated November 24, 2014, transmitting the City Council Meeting Schedule and Study Session Schedule for January – June 2015.

Public Comment: David Wall voiced concerns regarding holidays and cancelled Council meetings.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was approved. (4-0.)

### **MEETING SCHEDULE**

- (2) Set General Plan Hearing. (Planning, Building and Code Enforcement)  
Schedule a General Plan hearing for City-initiated General Plan Amendments, including but not limited to consideration of the revised draft Housing Element, on January 27, 2015 at 1:30 p.m.

Documents Filed: Memorandum from the Director of Planning, Building, and Code Enforcement to the Rules and Open Government Committee, dated December 3, 2014, entitled, "Set General Plan Hearing."

Public Comment: David Wall voiced his opinion on housing related items.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was approved. (4-0.)

- (3) Rules Meeting Schedule for January 2015. (City Clerk)  
Approve the Rules and Open Government Committee meeting schedule for January 2015, setting its schedule as every Wednesday in January at 2:00 p.m. in the City Hall Wing Committee Meeting Rooms W118-120.

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated December 4, 2014, transmitting the Rules Meeting Schedule for January 2015.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was approved. (4-0.)

### **THE PUBLIC RECORD**

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of November 26 – December 4, 2014.

Public Comment: David Wall pulled Item (1) and spoke regarding Biosolids.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously 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) **Public Calendars. (City Manager)**
  - a. Accept the report on posting of public calendars by City officials on the City’s website; and
  - b. Approve the modification of the bi-annual reporting requirements to identify the reporting period as January – June and July through December periods with the report to be filed with the ROGC within a month following the close of the reporting period.

(Deferred from Rules 12/3/14 – Item G.2)

Documents Filed: Memorandum from Director of Communications David Vossbrink to the Rules and Open Government Committee, dated November 25, 2014, entitled, “Public Calendars.”

Public Comment: David Wall suggested including more staff in the public calendar requirement.

Director of Communications David Vossbrink and Public Records Manager Tamara Becker answered questions from the committee.

Committee Discussion ensued. Mayor Reed suggested the reporting requirement include a report the quality of the information posted on the website.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Constant and carried unanimously, the report was approved. (4-0.)

- (3) **2015 Legislative Guiding Principles, Priorities and Advocacy Issues. (City Manager)**
  - a. Accept the 2015 Legislative Guiding Principles and the Legislative Priorities and Advocacy Issues for the first year of the two-year Legislative Session in Sacramento and the 114th Congress.
  - b. A one-week turnaround to the City Council on December 16, 2014 is requested so that the City’s lobbyists can advocate Council direction in Sacramento and in Washington, D.C.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee, dated December 2, 2014, entitled, “2015 Legislative Guiding Principles, Priorities and Advocacy Issues.”

Director of Intergovernmental Relations Betsy Shotwell was available to answer questions.

Public Comment: David Wall opined on legislative issues

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the December 16, 2014 City Council agenda for action. (4-0.)

- (4) Approval of 2 Community Events Sponsored by Council District 4. (Chu)**
- a. Approve two (2) community event sponsored by Council District 4 as City-sponsored Special Events and approve the expenditure of funds:
    1. Kung Fu Tai chi Day on May 17, 2015; and
    2. 10<sup>th</sup> Annual Santos Family Car Show on Saturday, September 3, 2015.
  - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  - c. Place the item on the December 16, 2014 Council Agenda for action.  
(Deferred from Rules 12/3/14 – Item G.4)

Documents Filed: 1) Memorandum from Councilmember Kansen Chu to the Rules and Open Government Committee, dated November 20, 2014, entitled, “Approval of 2 Community Events as City Council Sponsored Special Events to expend City funds and accept donations of materials and services for the Event”; 2) Supplemental Memorandum from Council District 4 Office to the Mayor and City Council, dated December 8, 2014, providing additional information related to the recommendation.

Interim District 4 Chief of Staff Margie Espinoza offered background information and was available to answer questions from the Committee.

Public Comment: Richard Santos spoke in support of the recommendation.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the December 16, 2014 City Council Agenda for action. (4-0.)

- (6) Phillips 66 Oil Train Proposal. (Kalra)**
- Direct staff to prepare a letter to be sent on behalf of the City of San José in opposition of the proposed Phillips 66 oil train offloading facility in San Luis Obispo County.

Documents Filed: Memorandum from Councilmember Kalra to the Mayor and City Council, dated December 4, 2014, entitled, “Phillips 66 Oil Train Proposal.”

Councilmember Kalra offered background information and was available to answer questions from the Committee.

Public Comment: David Wall spoke in support of the issue.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the January 7, 2015 Rules Committee Agenda for further discussion. (4-0.)

**(7) Interim Appointment to Vacant District 4 Seat. (Liccardo)**

Agendize for the December 16, 2014 City Council meeting the appointment of an interim representative for Council District 4 to serve until a new councilmember has been elected.

Documents Filed: Memorandum from Councilmember Sam Liccardo to the Rules and Open Government Committee, dated December 5, 2014, entitled, "Interim Appointment to Vacant District 4 Seat."

Public Comment: David Wall expressed concerns.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was approved and placed on the December 16, 2014 City Council Agenda for further discussion. (4-0.)

Mayor Reed left at 2:58 p.m, Councilmember Herrera joined the Committee at 2:58 p.m.

**(5) Airport Ground Transportation Program. (Herrera/Khamis)**

- a. Implement City Council direction from the March 4, 2014 memorandum regarding demand ground transportation management for the Mineta San José International Airport;
- b. Modify RFP SJC131415 On-Demand Ground Transportation Management for the SJC Mineta International Airport as follows:
  1. Delete the following language from the RFP: "It is not expected, nor would an option be reviewed and approved by the Airport that calls for an equal/identical number of drivers to be assigned to the Airport per company despite the size of the company."
  2. Add the following language to the RFP: "Qualified cab companies will be required to provide an equal number of taxi cabs at the Airport to meet the demand from first to last flight, or from 5:00 a.m. to 12:00 midnight. The cab companies can schedule their drivers by 8 hours or more per day shift to give all of their drivers a chance to work at the Airport."

Documents Filed: Memorandum from Councilmembers Rose Herrera and Johnny Khamis to the Rules and Open Government Committee, dated December 4, 2014, entitled, "Airport Ground Transportation Program."

Councilmember Herrera offered background and was available to answer questions from the Committee.

Deputy Director of Aviation John Aitken answered questions from the Committee.

Committee discussion ensued.

Councilmember Oliverio left at 3:08 p.m.

- (5) Public Comment: Rahul Malik, Shakur Buni, Abdirahman Ateye, Salan Buni, Ibrahim Mohammed, Larry Silva, Harpal Chahal, Amatjit Singh, Enders, Dave Logan, Kindie Setegne, Daniel Berhane spoke in opposition to the recommendation. Bikram Jeet Singh and Mark Resurreccion voice support for the recommendation. Martha O'Connell expressed opposition.

Action: Upon motion by Councilmember Herrera, seconded by Vice Mayor Nguyen and carried, the recommendation was forwarded to the City Council Agenda in January 2015 for consideration. (2-1-2. Noes: Constant. Absent: Reed, Oliverio.)

## 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

Martha O'Connell thanked outgoing members of the Committee.  
David Wall offered thanks to outgoing members of the Committee and expressed concerns regarding meetings conducted tomorrow during extreme weather.

## ADJOURNMENT

The meeting adjourned at 3:32 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee

CR:slg