



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

SAN JOSE, CALIFORNIA

WEDNESDAY, JULY 30, 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: All Present.

STAFF: Assistant City Manager Norberto Duenas, Assistant City Attorney Ed Moran, City Clerk Toni Taber, Assistant City Clerk Tom Graves, Mayor's Senior Policy Advisor and Public Information Officer Michelle McGurk, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) Review August 5, 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)

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 for Item 2.3(b), addition of and sunshine waiver for Item 2.x, Board and Commission Appointments, Closed Session Start time changed to 9:00 a.m., Item 3.9 moved to Consent, and Item 4.2 to be heard last. (4-0.)

- (2) Review August 12, 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)

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

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

Agenda Services Manager Gloria Schmanek updated the Committee on future dates held for City Council Study Sessions.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the hold for the August 22, 2014 Study Session was removed. (4-0).

LEGISLATIVE UPDATE

- (1) State – Verbal Update. (City Manager)

Director of Intergovernmental Relations Betsy Shotwell updated the Committee on the status of State Legislation and was available to answer questions. The Committee directed staff to bring back further information related to legislation about marijuana cultivation in two weeks.

- (2) Federal – None

MEETING SCHEDULE

- (1) Planning staff recommends that the Rules Committee:
- a. Reschedule the General Plan hearing for privately and City-initiated General Plan Amendments, including but not limited to initial consideration of the draft Housing Element from August 19, 2014 to September 23, 2014 at 7:00 p.m. and continue this General Plan Hearing to September 30, 2014 at 7:00 p.m., which would require adding an evening session to the City Council hearing calendar on September 30, 2014.
 - b. Schedule an additional General Plan Hearing on November 18, 2014 at 7:00 p.m. for the privately initiated iStar General Plan Amendment.
 - c. Schedule an additional General Plan Hearing on December 9, 2014 at 7:00 p.m. for City initiated General Plan Amendments including the Housing Element, and continue this General Plan Hearing to the afternoon of December 16, 2014.
(Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building, and Code Enforcement Harry Freitas to the Rules and Open Government Committee dated July 21, 2014, entitled “Set General Plan Hearings”.

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

MEETING SCHEDULE (CONT'D.)

- (2) Cancel the Annual Joint City-County Meeting set on October 24, 2014 at 9:00 a.m. (City Manager)

Documents Filed: Memorandum from Agenda Services Manager Gloria Schmanek to the Rules and Open Government Committee dated July 22, 2014, entitled "Cancel October 24, 2014 Joint City-County Meeting".

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

- (3) Set a Special City Council Meeting on November 7, 2014 at 9:00 a.m. to conduct interviews for the Police and Fire Department Retirement Plan Board of Administration, Federated City Employees' Retirement System Board of Administration, Civil Service Commission, and Appeals Hearing Board. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee dated July 24, 2014, entitled "Approval to Set a Special City Council Meeting on November 7, 2014".

City Clerk Toni J. Taber provided background and was available to answer questions from the Committee.

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 Taber to the Mayor and City Council dated July 25, 2014, transmitting the Public Record for the Week of June 6, 2014 – July 24, 2014.

Public Comments:

Marie Hayter, Senior Citizens Commission, pulled Item E.5, speaking in support of continuing the Commission Emeritus program.

Joyce Raybourne, Senior Citizens Commission, pulled Item E.5 and E.6, offering comments and expressing the need to continue Senior Citizens Commission subcommittees.

Martha O'Connell, emeritus member of the Senior Citizens Commission, pulled Items E.5 and E.6, speaking in favor of the Senior Citizens Commission Emeritus program and emphasizing the importance of the Commission subcommittees.

Councilmember Constant expressed a desire for further staff review of Items E.5 and E.6.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Nguyen and carried unanimously, Items E.5 and E.6 were referred to the City Clerk and Parks and Recreations Services for further review and the Public Record was noted and filed. (4-0.)

BOARDS, COMMISSIONS AND COMMITTEES

(1) Appointments

Items (a) and (b) were heard together.

- a. Work2future Board Nomination. (Mayor)
Approve the appointment of Louise Auerahn as a representative on the work2future Board of Directors.

- b. 2014 ABAG Appointments. (Mayor)
Agendize the following for the August 5, 2014 City Council Meeting:
Appointment to the Association of Bay Area Governments Executive Board as listed below:
 1. Representatives:
 - a. Sam Liccardo (term ending 12/31/14)
 - b. Kansen Chu (term ending 6/30/16)
 - c. Ash Kalra (term ending 6/30/16)
 2. Alternates:
 - a. Rose Herrera (term ending 6/30/16)
 - b. Donald Rocha (term ending 6/30/16)
 - c. Chuck Reed (term ending 12/31/14)

Documents Filed: (1) Memorandum from Mayor Chuck Reed to the Rules and Open Government Committee dated June 26, 2014, entitled "Work2future Board Nomination"; (2) Memorandum from Mayor Chuck Reed to the Rules and Open Government Committee dated July 23, 2014, entitled "2014 ABAG Appointments".

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, both recommendations were approved and placed on the August 5, 2014 City Council agenda for action. (4-0.)

(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
(CONT'D)**

Items (2) and (3) were heard together.

- (2) **AB 1521 (Fox) – Annexations (City Manager)**
- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position of support for AB 1521 (Fox).
 - b. Recommend a one-week turnaround to the City Council so that the City's legislative advocate can continue to advocate the City's support for AB 1521.
- (3) **SB 785 (Wolk) – Design-Build (Public Works)**
- a. Adopt a position of support for SB 785 (Wolk).
 - b. Recommend this item be agendaized for the August 5, 2014, City Council Meeting so that the City's legislative representative can advocate the City's support for SB 785.

Documents Filed: (1) Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee dated July 21, 2014, entitled "AB 1521 (Fox) - Annexations"; (2) Memorandum from Director of Public Works David Sykes to the Rules and Open Government Committee dated July 23, 2014, entitled "SB 785 (Wolk) – Design-Build".

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, both recommendations were approved and placed on the August 5, 2014 City Council agenda for action. (4-0.)

- (4) **Approve a Resolution Delegating to the BAWSCA Board authority to initiate, defend and settle arbitration related to the WSA. (Mayor)**
- a. Approve a resolution delegating to the BAWSCA Board authority to initiate, defend, and settle arbitration related to the WSA.
 - b. Direct the City Manager to appoint a representative to serve on the Wholesale Customer Settlement Committee.

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated June 26, 2014, entitled "Approve a Resolution Delegating to the BAWSCA Board Authority to Initiate, Defend and Settle Arbitration Related to the WSA".

Mayor Reed offered background on the recommendation. Assistant City Attorney Ed Moran asked the resolution be modified to add language for the City Attorney's Office to receive notification.

Action: Councilmember Constant moved to incorporate the City Attorney's modification, seconded by Nguyen and carried unanimously, the recommendation was approved and placed on the August 5, 2014 City Council agenda for action. (4-0.)

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

- (5) **Approval of the District 10 Leadership BBQ sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.. (Khamis)**
- a. Approve the District 10 Leadership BBQ 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 5, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Khamis to the Rules and Open Government Committee dated July 15, 2014, entitled "Approval of District 10 Leadership BBQ Sponosred by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event".

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was approved and placed on the August 5, 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

Martha O'Connell expressed concerns about the Housing and Community Development Commission and the Nexus Study Fees coming before the Commission in August. The Committee referred the matter to the City Manager's Office for further information.

ADJOURNMENT

The meeting adjourned at 2:36 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