

## **RULES AND OPEN GOVERNMENT COMMITTEE**

**CHUCK REED, CHAIR**  
**MADISON P. NGUYEN, VICE CHAIR**  
**PIERLUIGI OLIVERIO, MEMBER**  
**PETE CONSTANT, MEMBER**  
**ROSE HERRERA, ALTERNATE**

**STAFF** **TONI J. TABER, CITY CLERK**  
**ED SHIKADA, CITY MANAGER**  
**RICHARD DOYLE, CITY ATTORNEY**  
**AHMAD CHAPMAN, MAYOR'S OFFICE**

### **AGENDA**

2:00 P.M.

October 1, 2014

Wing 118-120

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**A. City Council (City Clerk)**

1. Review October 7, 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)
  
2. Review October 14, 2014 Draft Agenda  
*None – Meeting Cancelled*

**B. Review of Upcoming Study Session Agenda(s)**

**C. Legislative Update**

1. State
2. Federal

**D. Meeting Schedules**

**E. The Public Record**

1. [Public Record for the Week of September 12 – 18, 2014](#)
2. Public Record for the Week of September 19 – 25, 2014  
<http://sanjoseca.gov/DocumentCenter/View/35622>

**F. Boards, Commissions and Committees**

1. Appointments – None.
2. Work Plans – None.
3. Annual Reports – None.

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.

**G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)**

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%).  
**Rescheduled from September 24, 2014 – Item G(2)**
3. [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.  
**Rescheduled from September 24, 2014 – Item G(4)**
4. Staff Follow-up Related to Order to Show Cause for 801 N. 13<sup>th</sup> 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. 13<sup>th</sup> Street.  
**Rescheduled from September 24, 2014 – Item G(5)**
5. [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.**Rescheduled from September 24, 2014 – Item G(3)**
6. [Approval of the Shred-A-Thon & E-Waste Recycling Event Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event](#). (Constant)
  - a. Approve the Shred-A-Thon & E-Waste Recycling Event scheduled on October 18, 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.
7. [Approval of the Disability Awareness Day Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event](#). (Constant)
  - a. Approve the Disability Awareness Day scheduled on October 10, 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.

**G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)**

8. [Accept Recommended City Positions on the November 4, 2014 California General Election Ballot – Propositions 1, 2, 45-48.](#) (City Manager)

[Attachment – Voter Guide](#)

[Attachment – Supplemental Voter Guide](#)

- a. Approve the recommended City positions for Propositions 1, 2, 45-48, on the November 4, 2014 California General Election ballot.
- b. Request that a one-week turnaround be granted so that this item can be heard at the October 7, 2014 City Council meeting.

**Propositions**

**Recommended  
City Position**

|                  |   |             |
|------------------|---|-------------|
| Proposition 1 -  | Water Bond. Water Quality, Supply and Support Infrastructure Act of 2014 (AB 1471 Ch. 188). | Support     |
| Proposition 2 -  | State Budget Stabilization Account. Legislative Constitutional Amendment.                   | Support     |
| Proposition 45 - | Healthcare Insurance. Rate Changes. Initiative Statute.                                     | No Position |
| Proposition 46 - | Drug and Alcohol Testing of Doctors, Medical Negligence Lawsuits. Initiative Statute.       | Oppose      |
| Proposition 47 - | Criminal Sentences. Misdemeanor Penalties. Initiative Statute.                              | Oppose      |
| Proposition 48 - | Indian Gaming Compacts. Referendum.   | No Position |

9. [Police Operations and Performance Information Request.](#) (Police)  
Approve the plan to respond to the Rules Committee direction to staff to prepare a report on Police Department operations and performance through two separate Information Memos.

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

**I. Open Government**

1. Appeals of Public Records Act Request

**J. Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Committee.*

**K. Adjournment**

The City San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. **The City Code of Ethics may be viewed on-line at [http://www.sanjoseca.gov/clerk/cp\\_manual/CPM\\_0\\_15.pdf](http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf)**

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall, 200 E. Santa Clara Street, Office of the City Clerk 2<sup>nd</sup> Floor Wing, San José, Ca 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1252 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

**Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://sanjoseca.gov/index.aspx?nid=3581>**

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Successor Agency to the Redevelopment Agency Board (SARA), their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Successor Agency to the Redevelopment Agency Board (SARA), Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.