

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
November 13, 2013

**PRESENT:** Mayor Chuck Reed, Vice-Mayor Madison Nguyen, and Councilmember Pierluigi Oliverio.

**ABSENT:** Councilmember Pete Constant.

**STAFF:** Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Toni Taber, Mayor's Agenda Services Manager Ahmad Chapman, Agenda Services Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

1. Review November 19, 2013 Final Agenda
  - a. Add New Items to Final Agenda

(1) Consider the request by Councilmember Oliverio to Reconsider Council Action on November 5, 2013 regarding Item 5.1 Bond Funded Softball Facility Update. (Oliverio)

- b. Assign "Time Certain" to Agenda Items (if needed)
- c. Review of Items that Meet Exception Rule (if needed)

Documents Filed: Memorandum from the City Clerk Toni Taber to Rules and Open Government dated November 8, 2013, forwarding the recommendation.

Public Comments: David Wall pulled Items 10.4, 10.3, 2.8, and 2.2 for comments.

Action: The Committee approved the amended agenda with additions and the discussion noted on Item 4.1 and the Approved Sunshine Waivers: 2.x (Councilmember Chu's Travel to Newport Beach, CA); Approved 14-Day Sunshine Waiver for 2.x (City Manager Compensation Package); 1.x (Presentation of a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy and representatives of San José's neighborhood business association declaring November 20, 2013 as "Small Business Saturday" in the City of San José; 3.x (Terms of an Agreement with the Association of Building, Mechanical and Electrical Inspectors, and authorize the City Manager to execute an agreement with a term of July 1, 2013, to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions); Item 3.3 deferred to December 3, 2013; Approved 14-Day Sunshine Waiver for Item 4.1 if documents are released on November 14, 2013; Item 5.x (Reconsideration on Item ) to be heard at the end of the afternoon.

2. Review November 26, 2013 Draft Agenda  
Cancelled.

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

**C. Legislative Update**

1. State - None.
2. Federal - None.

**D. Meeting Schedules**

1. Council Meeting Schedule and Study Session Schedule for January – June 2014
  - a. Approve the City Council Meeting Schedule for the period January – June 2014
  - b. Approve the Study Session Schedule for the period January – April 2014  
(City Manager)

Documents Filed: Memorandum from the City Manager's Office Agenda Services Manager Gloria Schmanek to Rules and Open Government dated November 6, 2013, forwarding the recommendation.

Public Comments: David Wall suggested adding a topic on the Semi-Annual Recommendation Follow-Up Auditor's Report.

Action: The Committee approved the Council Meeting Schedule and Study Session Schedule for the period of January – June 2014.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated November 8, 2013, transmitting the Public Record for the week of November 1, 2013 – November 7, 2013.

Public Comments: David Wall pulled Item E.g for further comments.

Action: The Committee noted and filed the public record.

**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.  
None.
2. Levitt Pavilions and St. James Park  
Direct the City Manager to complete the following exploratory steps regarding a potential partnership with national nonprofit Levitt Pavilions (See Memorandum for full text).  
(Liccardo)

Documents Filed: Memorandum from Councilmember Sam Liccardo to the Rules Committee dated November 5, 2013, forwarding the recommendations.

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

Councilmember Liccardo noted the supplemental Memorandum that he submitted to the Rules and Open Government Committee on November 12, 2013, and was available to answer the Committee's questions.

Public Comments: David Wall voiced various concerns regarding St. James Park. The following St. James Community residents expressed some concerns, but did not oppose Item G.2: Tim Quigly, John Luebben, Kymberli Brady, Janis Gemanani, and James Reber.

Action: The Committee approved Item G.2 placing it on the December 3, 2013 Council Agenda for formal action.

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

1. Community and Economic Development Committee  
None.
2. Neighborhood Services and Education Committee
  - a. Neighborhood Services and Education Workplan Amendment (Rocha/Khamis)  
Amend the Neighborhood Services and Education workplan to include a verbal update on the Measure P Softball Complex process at the December 12, 2013 meeting.

Documents Filed: Memorandum from Councilmember Donald Rocha and Councilmember Johnny Khamis to the Rules Committee dated November 7, 2013, forwarding the recommendations.

Action: The Committee deferred Item H.1.a to 11/20/13.

3. Transportation and Environment Committee  
None.
4. Public Safety, Finance and Strategic Support Committee  
None.
5. Rules and Open Government Committee  
None.

**I. Open Government**

1. Appeals of Public Records Act Request  
None.

**J. Open Forum**

David Wall questioned how many residents are allowed in a 1050 sq. ft. single family residence used as a commercial enterprise. Estelle Kellis voiced her concerns on the Levitt Pavilions organization taking over St. James Park.

**K. Adjournment.**

The meeting adjourned at 2:38 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