

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
November 6, 2013

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

**ABSENT:** None.

**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.

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

1. Review November 12, 2013 Final Agenda  
Cancelled.
2. Review November 19, 2013 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)

Public Comments: David Wall pulled Item 3.3 and spoke in support of the legal defense fund.

Action: The Committee approved the amended agenda with changes:  
Start time 9:00 a.m.; Item 3.2 to be heard at 9:00 a.m.; Item 3.4 to be heard no earlier than 2:00 p.m.; Items 11.5, 11.6, 11.7 moved to Public Hearing Consent Calendar; Evening Items renumbered: 1<sup>st</sup> Rocketship, 2<sup>nd</sup> Plant Master Plan, 3<sup>rd</sup> Five Wounds, 4<sup>th</sup> Thornton Way, remaining items to be heard consecutively.

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

1. Review the *Urban Village Implementation* Study Session Agenda for November 12, 2013, 9:00 a.m. – 12:00 p.m. in the Council Chambers.  
(Planning, Building and Code Enforcement)

Documents Filed: *Urban Village Implementation* Study Session Agenda for November 12, 2013, 9:00 a.m. – 12:00 p.m. in the Council Chambers.

Public Comments: David Wall expressed his concerns on the current formula used for determining urban villages.

Discussion: The Committee had a brief discussion on defining an Urban Village, and Assistant City Manager Ed Shikada outlined changes to the agenda:

- Change Item 2 to General Introduction
- Add an Item between 2 & 3 titled Report on Case Studies
- Change Item 5 to Next Steps in Directions
- Restructure the agenda as a special meeting rather than a study session

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

Action: The Committee approved Item B.1 as outlined.

**C. Legislative Update**

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

**D. Meeting Schedules**

None.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated November 1, 2013, transmitting the Public Record for the week of October 25, 2013 – October 31, 2013.

Public Comments: David Wall pulled Item E.e and voiced his concerns on Stephens Environmental Inc.'s commercial activities in which employees wash and clean their vehicles in a residential area.

Councilmember Pete Constant requested Item E.e be referred to Code Enforcement.

Action: The Committee referred Item E.e to staff and noted and filed the public record.

**F. Boards, Commissions and Committees**

1. Appointments
  - a. Council Appointment Advisory Commission FY 2013-2014 Workplan  
The Rules and Open Government Committee accept the Council Appointment Advisory Commission (CAAC) Workplan for FY 2013-2014. (City Clerk)

Documents Filed: Memorandum from the City Clerk Toni Taber to Rules and Open Government dated October 31, 2013, forwarding the recommendations.

Action: The Committee accepted the Council Appointment Advisory Commission (CAAC) Workplan for FY 2013-2014.

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. Commodore Park Grand Opening  
Approval of the Commodore Park Grand Opening sponsored by Council District 4 as a City Council sponsored Special Event, and expending funds and accepting donations from various

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

individuals, businesses, or community groups to support the event, placing the item on the November 19, 2013 Agenda for action. (Chu)

Documents Filed: Memorandum from Councilmember Kansen Chu to Honorable Mayor and City Council dated October 28, 2013, forwarding the recommendations.

Action: The Committee approved Item G.2 placing it on the November 19, 2013 Council Agenda for formal action.

3. Policy for Distribution of Tickets or Passes to City/Agency Officials

Forward a recommendation to the City Council for its November 19, 2013 meeting to adopt a resolution approving revisions to Council Policy 9-11, "Policy for Distribution of Tickets or Passes to City/Agency Officials. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle to Rules and Open Government Committee dated October 24, 2013, forwarding the recommendations.

Deputy City Attorney Neelam Naidu gave a presentation on changes to the policy and was available to answer the Committees questions.

Action: The Committee approved Item G.3 placing it on the November 19, 2013 Council Agenda for formal action.

4. Retention of Police Academy Graduates

Direct the City Manager to explore the following measure to ensure retention of Police academy graduates: (Vice Mayor/Khamis)

Include a "First Five" retention provision for new police recruits that provides for a pro-rata reimbursement by recruits to the City for the cost of training in the event the recruit leaves San Jose Police (SJPD) employment for another Police Department before completing at least five years of employment.

Request the City Manager to return to Council with a proposal by December 17<sup>th</sup>, 2013.

Documents Filed: Memorandum from Vice Mayor Madison Nguyen and Councilmember Johnny Khamis to Rules and Open Government Committee dated October 29, 2013, forwarding the recommendations.

5. Police Academy Costs

Direct City Attorney and City Manager to explore the creation of a 501(c)(3) organization tasked to finance tuition lending to police recruits, prior to their entry in the Academy, such that: (Liccardo)

- a. New recruits would be required to obtain a zero-interest loan for the cost of their training at the Academy.
- b. The principal balance of the loan would be paid by the City for every year of service in the San Jose Police Department (SJPD), up to a minimum term, such as 3 or 5 years.
- c. Departure from SJPD to move to another city's department would require that the officer- or better, the hiring city or jurisdiction – repay a pro rata share of the tuition loan balance, with interest.

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

Documents Filed: Memorandum from Councilmember Sam Liccardo to Rules and Open Government Committee dated October 29, 2013, forwarding the recommendations.

Public Comments: Richard McCoy spoke in support of Items G.4 & G.5. David Wall spoke in opposition of Items G.4 & G.5.

Action: The Committee referred both Items G.4 and G.5 to staff.

**H. 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  
Revised Rules & Open Government Committee Workplan:  
Approval of the Rules and Open Government Committee workplan for the period from August through December 2013 and setting its meeting schedule as every Wednesday at 2:00 p.m. in the City Hall Wing Committee Meeting Rooms 118-120. (City Clerk)

Documents Filed: Memorandum from the City Clerk Toni Taber to Rules and Open Government dated October 31, 2013, forwarding the recommendations.

Public Comments: David Wall suggested adding more alternates to the Committee to ensure a Quorum.

Action: The Committee accepted the revised Rules and Open Government Committee Workplan for the period from August through December 2013.

**I. Open Government**

1. Appeals of Public Records Act Request  
None.

**J. Open Forum**

David Wall recognized Joy Johnson marathon runner, Ed Shikada on his promotion to City Manager, and commented on commercial garden to table. Johnny Lee spoke on the urban villages and the lack of residential housing.

**K. Adjournment.**

The meeting adjourned at 2:52 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