
RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 20, 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, Deputy City Attorney Ed Moran, City Clerk Toni Taber, Mayor's Agenda Services Manager Ahmad Chapman, Agenda Services Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

1. Review November 26, 2013 Final Agenda
Cancelled
2. Review December 3, 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 Items 4.3, 5.1, and 6.1 and expressed his opinion.

Action: The Committee approved the agenda with changes:

Authorized to staff to adjust 9:30 a.m. start time; Combine Items 3.4, 3.6, and 3.7 into 1 Item; Item 3.5 to be heard separately; Approved time certain not to be heard before 3:00 p.m. for Items 3.4, 3.5, 3.6, and 3.7.

B. Review of Upcoming Study Session Agenda(s)

C. Legislative Update

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

D. Meeting Schedules

The Committee released December 9, 2013 Study Session date.

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated November 15, 2013, transmitting the Public Record for the week of November 8, 2013 – November 14, 2013. Administrative Memorandum from the City Attorney's Office to the Rules Committee dated November 14, 2013, in response to questions raised by Vice Mayor Nguyen at the Rules Committee on 10/30/2013.

Vice Mayor Nguyen pulled Items E.(1) & (a) for discussion, Councilmember pulled Item E.b to refer to staff, and the Mayor pulled Item E.g for discussion.

E. The Public Record (Cont.)

Public Comments: David Wall pulled Item E.(e-g) and spoke on the Environmental Innovation Center (EIC) meeting; he also stated he does not support any housing impact fees. Martha O'Connell, Richard McCoy, and Nancy Williamson pulled Item E.b and reviewed the customer service survey on meals served by Bateman to participants in the Senior Nutrition Program at City of San José's Senior/Community Centers.

The following residents pulled Item E.g and spoke in support of the Housing Impact Fee: Wendy Ho, Cecely Barneson, Bruce Roberts, and Eileen Hunter spoke in opposition of the delay

The following residents pulled Item E.g and spoke in support of deferring the proposed Housing Impact Fee 90 days: Joshua Howard, Pat Sausedo (submitted a letter of support for the 90 day housing impact fee deferral), and Anil Babar.

The following residents pulled Items E.a (Oak Hill Cemetery Expansion): Chris Foley, Norm Matteoni, Bart Hechtman, Carl Wisbar, Karen Carter, Gene Fanucchi, Steve Davies, Phil Keller, Robert Wallinger, Chris Citti, Ken Cooper, and Gary Ferraro spoke in support of the expansion of Oak Hill Cemetery. Scott Guthridge spoke in opposition of the expansion. Shani Kleinhaus spoke in reference to the Burrowing Owls.

Discussion: The Committee had a brief discussion on Item E.g (Affordable Housing Fee Nexus Study) and Item E.a (Oak Hill Cemetery Expansion). The Housing Department's Division Manager Kristen Clements stated she would be available to provide an update on the Affordable Housing Fee Nexus Study to the Committee at the Rules meeting on 12/4/2013.

Action: The Committee noted and filed the Public Record, referred Item E.b to Parks, Recreation and Neighborhood Services staff, and referred Item E.g to the City Attorney staff with direction to be ready to respond at the 12/4/2013 Rules Committee meeting.

F. Boards, Commissions and Committees

1. Appointments

None.

2. Work Plans

a. PRNS Commissions Annual Reports and Work Plans:

Accept the 2012-2013 Annual Reports and 2013-2014 Work Plans submitted by the following Commissions via the Department of Parks, Recreation and Neighborhood Services: (PRNS)

- Youth Commission
- Parks and Recreation Commission
- Senior Citizens Commission

Documents Filed: Memorandum from Parks Recreation and Neighborhood Services Director Julie Edmonds-Mares to Mayor and City Council dated November 12, 2013, forwarding the recommendations.

F. Boards, Commissions and Committees (Cont.)

Public Comments: Martha O'Connell noted the Senior Citizens Commission report. David Wall referenced Councilmember Liccardo's effort to ban bicycle riders riding on sidewalks.

Action: The Committee accepted the PRNS Commissions Annual Reports and Work Plans.

3. Annual Reports
None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

None.

2. Operation Prom Dress (City Clerk)

- a. Approval of the Operation Prom Dress as a City Council sponsored Special Event authorizing the expenditure of funds
- b. Approval and acceptance of donations from various individuals, businesses or community groups to support Operation Prom Dress.
- c. Approval of retroactive expenses related to the 2013 Operation Prom Dress, a City Council sponsored special event
- d. Place the item on the December 3, 2013 Council Agenda for action.

Documents Filed: Memorandum from Vice Mayor Nguyen to Mayor and City Council dated November 15, 2013, forwarding the recommendations.

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

3. Taxi Drop Off Fees

- a. Recommend to City Council the elimination of any fees and/or permit requirements for taxis relating to "drop-offs" at San José Mineta International Airport (SJC) and other venues throughout the City.
- b. Suspend the prosecution and collection of fines issued since May 2013 for "drop offs" at San José Mineta International Airport (SJC) and other venues throughout the City.
(Mayor/Liccardo/Rocha)

Documents Filed: Memorandum from Mayor Reed and Councilmember's Liccardo and Rocha dated November 14, 2013, forwarding the recommendations:

Public Comments: Dmitriy Vorik, Dave Logas, Amarjit Singh, Lashkar Singh, Shakur Bunei, and Ibrahim Mohamed spoke in support of Item G.3.

Discussion: The Committee had a brief discussion on the drop-off fees structure and billing, and the Airport Department's Acting Assistant Director John Aitken was present and responded to the Committee's questions.

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

Action: The Committee referred Item G.3(1) to staff, and directed the City Attorney to prepare a moratorium for all taxi drop-offs on Item G.3(2) with an approved 14-day Sunshine Waiver to return to City Council on 12/10/2013.

4. San Jose Police Department (SJPD) Gang Crime Statistics & Classification

Agendize the following item for an upcoming council agenda before the end of the calendar year:

Direct the City Manager staff to work with SJPD Command staff to provide a report to City Council on: (Kalra)

- a. An update on current gang crime statistics to include the effect of any policy changes as to deployment as well as data collection.
- b. A calendar year update, with year-to-year comparisons with 2011 and 2012, for:
 - Reported incidents by crime category per Council District.
 - Calls for service by crime category per Council District.

Documents Filed: Memorandum from Mayor Reed and Councilmember Kalra dated November 14, 2013, forwarding the recommendations.

Councilmember Kalra further explained his memorandum and Chief Esquivel and Assistant Chief Garcia were available to answer the Committee's questions. Councilmember Constant made a recommendation to refer the item to the Public Safety, Finance and Strategic Support Committee.

Public Comments: David Wall offered suggestions on deterring gang activity.

Action: The Committee referred Item G.4 to Public Safety, Finance and Strategic Support Committee.

5. Re-Open the Office On Aging

Direct staff to explore options of reopening the Office on Aging for the purposes of coordinating and implementing services and public safety outreach for senior citizens. Staff should return to council with proposed options during the Annual Budget process. (Vice Mayor Nguyen)

Documents Filed: Memorandum from Vice Mayor Nguyen dated November 14, 2013, forwarding the recommendations.

Vice Mayor Nguyen spoke on raising the awareness on elder abuse and the options of bringing back the Office On Aging. Parks, Recreation and Neighborhood Services Deputy Director Suzanne Wolf responded to the Committee's questions.

Public Comments: Martha O'Connell, Richard McCoy, Richard Calhoun, David Wall, and Marie Hayter spoke in opposition to Item G.5 and suggested funding could be used to enhance senior programs at Senior/Community Center HUB's.

Action: The Committee referred Item G.5 to staff with direction to provide an Informational Memorandum regarding duplicate services that are currently provided by the City, other agencies and follow-up on senior abuse prosecution practices.

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
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.
(Rocha/Khamis) (Deferred from Rules on 11/13/2013)

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

Action: The Committee accepted the amendment to the Neighborhood Services and Education Committee Work Plan.

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 spoke in regards to the salary table of the San José Police Department and those of surrounding cities. Richard McMurtry submitted a letter to the Committee regarding a grant fund to remove the barrier to fish migration at Singleton Road crossing of Coyote Creek. Vice Mayor Nguyen submitted Summerhill Homes/Dairy Hill Marketing flyers and requested that they be included in the 12/4/2013 Public Record Packet.

K. Adjournment.

The meeting adjourned at 3:58 p.m.



Mayor Chuck Reed
Rules and Open Government Committee