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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
October 2, 2013

**PRESENT:** Vice-Mayor Madison Nguyen, Councilmember Rose Herrera and Councilmember Pierluigi Oliverio.

**ABSENT:** Mayor Chuck Reed and Councilmember Pete Constant.

**STAFF:** City Manager Debra Figone, Deputy City Manager Norberto Dueñas, Assistant City Attorney Ed Moran, Acting 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 October 8, 2013 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: The Committee approved the amended agenda with changes, additions and Sunshine Waiver:

1.x (Presentation of a proclamation recognizing October 9, 2013 as "International Walk to School Day" in the City of San José in an effort to celebrate the many benefits of walking and bicycling to school.); 2.x (Councilmember Campos' Travel to Dublin, Ireland.); 2.x (Actions related to Mayor Reed's Travel to Washington D.C.); 2.x (Councilmember Rocha's Travel to Los Angeles, CA.); Approved 14-Day Sunshine Waiver 2.x (Agreement with National Aeronautics and Space Administration Ames Research Center (NASA ARC) for Use of Moffet Federal Airfield.)

2. Review October 15, 2013 Draft Agenda  
Meeting Cancelled.

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

1. Review the agenda for the *Joint City Council/Board of Supervisors Meeting*, October 18, 2013, 9:00 a.m. – 12:00 p.m., at the Santa Clara County Board Chambers. (City Manager)  
(Agenda will be distributed at the Rules and Open Government Meeting 10/2/13)

Documents Filed: Joint City Council/County Board of Supervisors Meeting Agenda for October 18, 2013, distributed at the meeting.

Action: The Committee approved the Joint City Council/Board of Supervisors agenda for October 18, 2013, 9:00 a.m. – 12:00 p.m., at the Santa Clara County Board Chambers.

**C. Legislative Update**

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

**D. Meeting Schedules**

The Committee released October 15, 2013 Study Session hold date.

**E. The Public Record**

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated September 27, 2013, transmitting the Public Record for the week of September 20, 2013 – September 26, 2013.

Public Comment: Jeffrey Bedolla pulled Item E.d for further comment and submitted a written statement to the Committee regarding deferring land title transfer for Emory Street. Jim Piazza pulled Item E.e for further comment on the dangers of TCE at public schools and the environment.

Councilmember Oliverio referred Item E.e to staff.

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. Hindu Awareness:

Approval of the Hindu Awareness and Appreciation Month Reception as a City Council sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the October 8, 2013 Agenda for action. (Kalra)

Document Filed: Memorandum from Councilmember Ash Kalra to the Mayor and City Council dated September 20, 2013, forwarding the recommendation.

Action: The Committee approved Item G.2 and forwarded it to the City Council for formal action on October 8, 2013.

3. Documentary Showing On Community Gardens:

Approval of the showing of a Community Gardens documentary as a City Council sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the October 8, 2013 Agenda for action. (Oliverio)

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

Document Filed: Memorandum from Councilmember Oliverio to the Mayor and City Council dated September 23, 2013, forwarding the recommendation.

Action: The Committee approved Item G.3 and forwarded it to the City Council for formal action on October 8, 2013.

4. San José Gun Buy Back:

Approval of the San José Gun Buy Back as a City Council sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the October 8, 2013 Agenda for action.  
(Campos)

Document Filed: Memorandum from Councilmember Campos to the Mayor and City Council dated September 23, 2013, forwarding the recommendation.

Action: The Committee approved Item G.4 and forwarded it to the City Council for formal action on October 8, 2013.

5. Benefit Clarification for Returning Police Officers:

Direct staff to analyze and clarify retirement benefits for police officers who have and will return to work with the City of San José. (Vice Mayor)

Document Filed: Memorandum from Vice-Mayor Nguyen to the Rules and Open Government dated September 23, 2013, forwarding the recommendation.

Discussion: Vice Mayor Nguyen provided additional comments and answered the Committee's questions.

Action: The Committee approved Item G.5, and directed staff to provide an Information Memorandum within 60 days.

6. Medical Marijuana:

That the Rules Committee agendaize for an upcoming Council meeting a staff presentation and Council discussion on the scope of work staff intends to pursue this fall on the medical marijuana issue. (Rocha)

Document Filed: Memorandum from Councilmember Rocha to the Rules and Open Government dated September 25, 2013, forwarding the recommendation.

Discussion: Councilmember Rose Herrera directed staff to review public safety and expenditure versus revenue; and the impact to schools when minors acquire marijuana cards.

Action: The Committee approved Item G.6, with the added direction to staff.

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

#### 7. Charter School Development Standards:

Approve direction to staff in preparation for the next Council hearing on charter school development to: (Mayor/Rocha)

- a. Communicate with staff at the Santa Clara County Office of Education (SCCOE) about their Board's recent direction to consult with the City regarding development standards for charter schools.
- b. Determine if there are any existing state development standards for possible use as guidance for charter schools until such time as other standards are adopted by SCCOE.

Document Filed: Memorandum from Mayor Reed and Councilmember Rocha to the Rules and Open Government Committee dated September 26, 2013, forwarding the recommendation.

Action: The Committee deferred Item G.7 to October 9, 2013.

#### **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

It is recommended that the Rules Committee approve an amendment to the Fiscal Year 2013-2014 Workplan for the Transportation and Environment Committee as indicated below: (City Manager)

- a. For the October 7, 2013 meeting, defer the "South Bay Water Recycling Update on Strategic Planning Effort" to the November 4, 2013 agenda.
- b. For the November 4, 2013 meeting, add "Updates on Property Assessed Clean Energy Financing Program" to the agenda.
- c. For the December 2, 2013 meeting, add "Long-Term Trash Load Reduction Plan" to the agenda.

Document Filed: Memorandum from the Environmental Services Director Kerrie Romanow to the Mayor and City Council dated September 25, 2013, forwarding the recommendation.

Action: The Committee approved Item H.3 (a-c).

4. Public Safety, Finance and Strategic Support Committee  
None.

#### **I. Open Government**

1. Appeals of Public Records Act Request  
None.

**J. Open Forum**

Jeffrey Bordola expressed his concerns on Proposition 8. Dave Hedges spoke on medical marijuana dispensaries. Kelli Davis spoke in support of regulating medical marijuana dispensaries. Gabrielle Antolovich spoke on zoning restrictions of medical marijuana facilities near schools.

**K. Adjournment.**

The meeting adjourned at 2:23 p.m.

A handwritten signature in cursive script that reads "Chuck Reed". The signature is written in dark ink and is positioned above a horizontal line.

Mayor Chuck Reed  
Rules and Open Government Committee