
RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
February 26, 2014

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

ABSENT: Mayor Chuck Reed

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

1. Review March 4, 2014 Final 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 3.3 and 4.3 for comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera and carried unanimously, the Committee approved the amended agenda with the following additions: 1.x (Presentation of a proclamation declaring the Month of March 2014 as "Arts Education Month" in the City of San Jose; 2.x (Mayor Reed's Travel to Washington). (4-0.)

2. Review March 11, 2014 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 4.2 for comments regarding homeless housing.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera, and carried unanimously, the Committee approved the agenda. (4-0.)

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State - None.

2. Federal - None.

D. Meeting Schedules

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated February 21, 2014, transmitting the Public Record for the week of February 14, 2014 – February 20, 2014.

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

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera, and carried unanimously, the Committee noted and filed the Public Record. (4-0.)

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. District 9 Celebrate Cambrian Festival (Rocha)
Approval of the District 9 Celebrate Cambrian Festival Event scheduled for August 24, 2014, sponsored as a City Council Special Event and approve expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the event and placing the item on the March 4, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Donald Rocha to the Rules & Open Government Committee dated February 20, 2014, forwarding the recommendations.

Public Comments: David Wall questioned the language on accepting donations.

Action: Upon motion by Councilmember Herrera, seconded by Councilmember Constant and carried unanimously, the Committee approved the recommendations placing the item on the March 11, 2014 Council Agenda for formal action. (4-0.)

3. Police Budget Security (Oliverio)
Place a charter amendment on the March 4, 2014 City Council agenda for council consideration. This June 2014 ballot initiative would allocate 40% of the general fund to the police department.

For the purpose described herein, the “police department budget” would encompass all salary compensation, benefit compensation, sick leave, comp time, vacation payouts and workers compensation for sworn and non-sworn employees of the police department. It should also be understood to include all necessary police equipment, new technology (hardware & software), police dispatchers with essential communications equipment, annual utility and maintenance costs of police facilities, and the required personnel from HR, Legal and IT.

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

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio to the Rules & Open Government Committee dated February 20, 2014, forwarding the recommendations.

Public Comments: Dave Truslow offered his opinion on the diminishing police force. David Wall spoke in opposition of Item G.3, and Martha O'Connell spoke in support Item G.3.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant, the Committee approved the recommendations and seven day sunshine waiver placing the item on the March 4, 2014 Council Agenda for formal action. (3-1. Noes: Nguyen.)

4. Update on Workforce Support and Development Strategy and Employee Engagement (City Manager)
 - a. Accept update on Workforce Support and Development Strategy and employee engagement efforts.
 - b. Set a Council Study Session entitled *Workforce Support and Development Strategy and Employee Engagement Efforts* for Friday, March 14, 2014 from 9 a.m. – 12:00 p.m. in City Council Chambers.

Documents Filed: Memorandum from City Manager Edward K. Shikada to the Rules & Open Government Committee dated February 19, 2014, forwarding the recommendations.

Public Comments: David Truslow urged the City to utilize the tools they have such as satisfaction surveys, employees exit reviews and the employee suggestions program to improve the workforce. David Wall made suggestions better the workforce.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera and carried unanimously, the Committee accepted Item G.4 and set the Council Study Session. (4-0.)

5. McCarthy Ranch Property Development Restrictions (Mayor)

Place an item on the March 11, 2014 City Council Agenda to direct staff to return to City Council in August 2014, with a resolution authorizing the City Manager to execute an amendment to the McCarthy Ranch Development Declaration of Covenants, Conditions & Restrictions (CC&R's). The amendment should provide a process that would allow early termination of development restrictions on the McCarthy Ranch property upon occurrence of the following conditions:

 - a. Completion of the biosolids improvements at the Regional Wastewater Treatment Facility and transition to the new biosolids treatment process.
 - b. Verification that no odor problem exists based on an odor modeling methodology to be determined.
 - c. Payment of a fair market value for the land the City acquired as part of the transaction, upon the termination of the CC&R's.

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

Documents Filed: Memorandum from Mayor Chuck Reed to the Rules & Open Government Committee dated February 20, 2014, forwarding the recommendations.

Public Comments: Shani Kleinhouz spoke on the litigation between the Santa Clara County Audubon Society against the City of San Jose and the McCarthy Ranch Development. David Wall spoke in opposition of Item G.5 and warned of the potential cost to the City.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Herrera and carried unanimously, The Committee approved Item G.5 placing the item on the March 11, 2014 Council Agenda for action. (4-0.)

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
None.

I. Open Government

1. Appeals of Public Records Act Request
None.

J. Open Forum

David Wall spoke in regards to unlicensed staff at the Capital Improvement Program at the Water Pollution Control Plant.

Jeffrey Bedolla voiced his opinion on his right to speak at public meetings and made reference to PD 12-047.

K. Adjournment.

The meeting adjourned at 2:30 p.m.



Mayor Chuck Reed
Rules and Open Government Committee