



**MINUTES OF THE
RULES AND OPEN GOVERNMENT COMMITTEE**

SAN JOSE, CALIFORNIA

WEDNESDAY, NOVEMBER 12, 2014

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:01 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

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

ABSENT: All present.

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

CITY COUNCIL (CITY CLERK)

- (1) **Review November 18, 2014 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)

Public Comment: Martha O'Connell offered comments on Item 6.1.
Lee Ellak provided observations on Item 4.5, the Housing Nexus Study.
David Wall voiced concerns related to Items 4.5 and 10.2.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waivers for legal documents for Items 4.2 and 4.5; sunshine waiver and addition of Items 1.x, "Presentation of a commendation to Ken Schreiber...", 1.x, "Presentation of a proclamation for 'Sikh Awareness & Appreciation Month'...", 1.x, "Pancreatic Awareness Month...", 1.x, "Presentation of a commendation to the Almaden Valley Women's Club...", and 2.x, "Councilmember Khamis' Travel to Washington, D.C."; Closed Session to start at 9:00 a.m., Item 4.5 to be heard last in the afternoon but no earlier than 3:00 p.m., Item 8.1 to be heard immediately following the Consent Calendar, and Items 9.1 and 9.2 to be heard as a Successor Agency Consent Calendar in conjunction with the regular Consent Calendar. (4-0.)

CITY COUNCIL (CITY CLERK)

- (2) **Review November 25, 2014 Draft Agenda**
None – Meeting Cancelled

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

Agenda Services Manager Gloria Schmanek reported on the status of the potential December 8th joint water district meeting.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio, and carried unanimously, the Committee cancelled the December 8th Joint Water District Meeting.

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None.

MEETING SCHEDULE

None.

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of October 31 – November 6, 2014.

Public Comment: David Wall pulled Items (3) and (4) and raised related concerns.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the public record was noted and filed. (4-0.)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.

BOARDS, COMMISSIONS AND COMMITTEES

(2) Work Plans

- a. Approve the Housing and Community Development Commission FY 2013-14 Annual Accomplishments Report and its FY 2014-2015 Workplan. (Housing)

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated November 5, 2014, transmitting the Housing and Community Development Commission Annual Report and Work Plans.

Public Comment: David Wall voiced objections.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the annual report and workplan were approved. (4-0.)

(3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Workload Assessment for Council Requests and Referrals. – None.

(2) Recommendation to Rename a Plaza. (City Clerk)

Place the following recommendation on the November 18, 2014 City Council Agenda: As recommended by the Arts Commission, rename a plaza located in Downtown San Jose on Market Street, from the Circle of Palms Plaza to The Janet Gray Hayes Circle of Palms Plaza.

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated November 6, 2014, entitled, “Recommendation to Rename a Plaza.”

Public Comment: David Wall questioned the choice of civic properties to be renamed.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the December 2, 2014 City Council agenda for discussion and action. (4-0.)

(3) Sign Ordinance Revisions. (Mayor)

Plan an item on the December 9, 2014 City Council Agenda for approval of revisions to the Sign Ordinance (Title 23) Regulations detailed in the memorandum.

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee, dated November 6, 2014, entitled, “Sign Ordinance Revisions.”

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (3) City Attorney Richard Doyle offered additional background and information related to the recommendation, and cautioned that the recommended date was too aggressive of a date to bring this forward due to legal obligations, and answered questions from the Committee.

Director of Planning, Building and Code Enforcement Harry Freitas encouraged the Committee to refer the recommendation to the quarterly sign code update, offered potential solutions to various problems, and answered questions from the Committee.

Public Comment: Andria Sousa, Legacy Partners, Carlene Matchniff, Irvine Company, and Dean Rubinson, Ellis Parters, spoke in support of the recommendation. David Wall opposed the recommendation.

Extensive Committee discussion ensued.

Motion: Councilmember Constant made a motion to add discussion of and direction on potential revisions to the Sign Ordinance; and review of the Quarterly Sign Code Revisions to the December 9, 2014 City Council Agenda, and direct Staff to return to the Rules and Open Government Committee on November 19, 2014 with draft agenda language. Councilmember Oliverio seconded the motion.

City Attorney Richard Doyle and Director of Planning, Building, and Code Enforcement Harry Freitas answered questions from the Committee.

Action: Upon a call for the question, the motion carried unanimously. (4-0.)

Items (4) and (5) were heard together.

- (4) **Approval of the Mayor's Farewell Celebration as a City Sponsored Special Event. (Mayor)**
- a. Approve the Mayor's Farewell Celebration scheduled on December 17, 2014 as a City Council sponsored Special Event; and
 - b. Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.
 - c. Place the item on the November 18, 2014 City Council Agenda for action.
- (5) **Approval of the Del Monte Park Grand Opening Ceremony as a City Sponsored Special Event. (Oliverio)**
- a. Approve the Del Monte Park Grand Opening Ceremony scheduled on December 6, 2014 as a City Council sponsored Special Event; and
 - b. Approve expending funds and accept donations from various individuals, businesses, or community groups to support the event.
 - c. Place the item on the November 18, 2014 City Council Agenda for action.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(4), (5) Documents Filed: 1) Memorandum from Mayor Reed to the Rules and Open Government Committee, dated November 7, 2014, entitled, "Approval of the Mayor's Farewell Celebration as a City Sponsored Special Event," 2) Memorandum from Councilmember Oliverio to the Rules and Open Government Committee, dated November 6, 2014, entitled, "Approval of the Del Monte Park Grand Opening Ceremony as a City Sponsored Special Event."

Public Comment: David Wall offered comments on Item (4).

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, the recommendations were approved and placed on the November 18, 2014 City Council agenda for action. (4-0.)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee – None.
- (2) Neighborhood Services and Education Committee
 - a. Approve an amendment to the Neighborhood Services and Education Committee Workplan to add a report on the Place-Based Neighborhood Strategy to the November 13, 2014 meeting agenda. (City Manager)

Documents Filed: Memorandum from Deputy City Manager Norberto Dueñas to the Rules and Open Government Committee, dated November 5, 2014, entitled, "Place-Based Neighborhood Strategy."

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the amendment to the workplan was approved. (4-0.)

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

OPEN GOVERNMENT

- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

Lee Ellak commented on business' recognition of Veterans' Day.
David Wall spoke on issues related to the Treatment Plant Advisory Commission

ADJOURNMENT

The meeting adjourned at 3:17 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

CR:slg

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanioseca.gov/civiccenterv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.