

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

SAN JOSE, CALIFORNIA

WEDNESDAY, APRIL 8, 2015

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:03 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Mayor Sam Liccardo, Vice Mayor Rose Herrera, Councilmember Chappie Jones, Councilmember Johnny Khamis, and Councilmember Magdalena Carrasco (2:10).

ABSENT: All present.

STAFF: City Attorney Richard Doyle, City Clerk Toni J. Taber, Julie Edmonds Mares, Mayor's Agenda Assistant Margaret Le, Agenda Services Manager Gloria Schmanek, Assistant City Clerk Tom Graves, Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) Review April 14, 2015 Final Agenda**
- a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Notice Waiver Requests for Agenda Items or Documents (if needed)

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Closed Session start time of 9:00 a.m., addition of and sunshine waivers for Items 1.x, "Presentation of a proclamation recognizing April as, 'Black April Remembrance Month'..." and 1.x, "Presentation of a commendation to Corinne Winter...." (4-0-1. Absent: Carrasco.)

- (2) Review April 21, 2015 Draft Agenda**
- a. Add New Items to Draft Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Notice Waiver Requests for Agenda Items or Documents (if needed)

- (2) Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Items 8.2 and 8.3 to be heard together. (5-0.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

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

MEETING SCHEDULE

- (1) Set a City Council Study Session entitled The History of San José’s Medical Marijuana Program, An Update on the City’s Implementation of the Program and A Comparison with the Initiative Filed by Medical Marijuana Advocates to Replace the Program for Monday, April 20, 2015 from 1:30 p.m. - 4:30 p.m., in City Council Chambers and approve the study session agenda. (City Manager)

Documents Filed: Memorandum from Assistant to the City Manager Angelique Gaeta to the Rules and Open Government Committee, dated April 2, 2015, entitled, “The History of San Jose's Medical Marijuana Program, an Update on the City's Implementation of the Program and a Comparison with the Initiative Filed by Medical Marijuana Advocates to Replace the Program.”

Angelique Gaeta provided background and answered questions from the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the study session was set on Monday, April 20, 2015 from 1:30 p.m. – 4:30 p.m., and the agenda was approved. (5-0.)

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of March 27 – April 2, 2015.

Public Comment: Martha O’Connell pulled Item (2) and offered additional comments regarding rent control.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the public record was noted and filed. (5-0.)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
 - (a) Work2Future Board Nomination. (Mayor)
Approve the appointment of Carl Cimino as a representative on the work2future Board of Directors.

Documents Filed: Memorandum from Mayor Liccardo to the Rules and Open Government Committee, dated April 1, 2015, entitled, “Work2future Board Nomination.”

Action: Upon motion by Councilmember Jones, seconded by Vice Mayor Herrera and carried unanimously, the item was forwarded to the City Council for final approval on April 21, 2015. (5-0.)

- (2) Work Plans – None.
- (3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(1) Consent Calendar

No Items on the Consent Calendar.

(2) City of San Jose Actions in Opposition to State of Indiana’s Religious Freedom Restoration Act. (Kalra/Peralez/Matthews/Carrasco)

Consider a recommendation to the City Council to direct the City Manager to expedite the preparation of a resolution with the following goals:

- a. Ban all City travel and business with the State of Indiana unless the State through legislative or executive action repeals the Religious Freedom Restoration Act;
- b. Ban travel to any other State which passes similar legislation;
- c. Call on Governor Brown and California Legislature to follow the lead of other States and a number of other California municipalities and corporations in condemning the actions of the State of Indiana.

Documents Filed: Memorandum from Councilmembers Ash Kalra, Raul Peralez, Margie Matthews, and Magdalena Carrasco, dated April 2, 2015, entitled, “City of San Jose Actions in Opposition to State of Indiana’s Religious Freedom Restoration Act.”

Councilmember Kalra offered comments and withdrew his memo.

Action: No action taken, memorandum withdrawn.

(3) Approval of District 10 SAP Grant to Andres Castellero Middle School Education Foundation. (Khamis)

Forward a recommendation to the City Council to approve a grant of \$500.00 to the Andres Castellero Middle School Education Foundation, an IRS-recognized 501(c)(3) public charity in good standing with the IRS and the California Secretary of State, to be paid from the budgeted District 10 SAP Center at San José allocation, which is funded by the Arena Community City-Wide appropriation.

Documents Filed: Memorandum from Councilmember Johnny Khamis to the Rules and Open Government Committee, dated March 30, 2015, entitled, "Approval of District 10 SAP Grant to Andres Castellero Middle School Education Foundation."

Councilmember Khamis disclosed that his son attends the school, but noted he gives grants to all schools in his district.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was forwarded to City Council for final action on April 21, 2015. (4-0-0-1. Abstain: Khamis.)

(4) Building Inspection Staffing. (Mayor)

Place an item on the April 21, 2015 City Council Agenda to direct the City Manager to bring forward recommendations for pay and classification changes for building inspectors that will bolster the ability of the Department of Planning, Building, and Code Enforcement to retain and attract high-caliber members of our Building Inspection Division team.

Documents Filed: Memorandum from Mayor Liccardo to the Rules and Open Government Committee, dated April 2, 2015, entitled, "Building Inspection Staffing."

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was forwarded to City Council for final action on April 21, 2015. (5-0.)

(5) Police Officer Equipment & Safety. (Peralez)

Consider a recommendation to the City Council to direct the City Manager to:

- a. Conduct an immediate review of the performance and functionality of the mobile data terminals (MDT's) that our police officers use, including how often the system malfunctions, slows down, or has failures, and report back in 14 days to the extent possible; and
- b. Present Council with immediate solutions that can be implemented, if the review concludes that the MDT's currently used are underperforming.

Documents Filed: Memorandum from Councilmember Raul Peralez to the Rules and Open Government Committee, dated March 27, 2015, entitled, "Police Officer Equipment & Safety."

- (5) Deputy Chief Jeff Marozick answered questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Commission requested staff return with an Information Memorandum to the full City Council within fourteen days. (5-0.)

- (6) **Support for SB 11 & SB 29 (Beall) – Behavioral Health Training for California Peace Officers. (Rocha)**

Agendize Council consideration of taking a support position for SB 11 and SB 29 (Beall), pertaining to behavioral health training for California peace officers for the April 21, 2015 City Council meeting.

Documents Filed: Memorandum from Councilmember Rocha to the Rules and Open Government Committee, dated April 2, 2015, entitled, “Support for SB 11 & SB 29 (Beall) – Behavioral Health Training for California Peace Officers.”

Director of Intergovernmental Relations Betsy Shotwell and Sergeant Elle Washburn were available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was forwarded to City Council for final action on April 21, 2015. (5-0.)

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.

OPEN GOVERNMENT

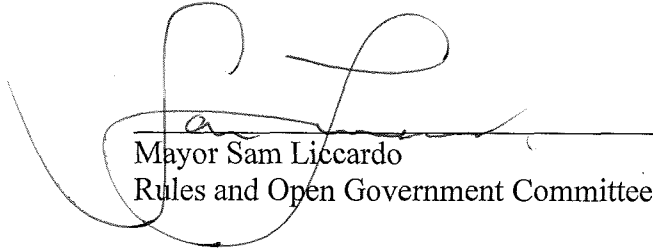
- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

Dawn Anderson offered comments on express plan review and permit fees.
Blair Beekman voiced concerns related to transmission towers and police drone use.

ADJOURNMENT

The meeting adjourned at 2:32 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

SL:slg