



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

SAN JOSE, CALIFORNIA

WEDNESDAY, JULY 29, 2015

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:00 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Vice Mayor Rose Herrera, Councilmember Chappie Jones, Councilmember Magdalena Carrasco, and Councilmember Johnny Khamis.

ABSENT: Mayor Sam Liccardo.

STAFF: Assistant City Attorney Ed Moran, City Clerk Toni J. Taber, Assistant City Manager Dave Sykes, Assistant Chief of Staff Maggie Le, Agenda Services Manager Gloria Schmanek, Assistant City Clerk Tom Graves, and Deputy City Clerk Anh Tran.

CITY COUNCIL (CITY CLERK)

- (1) Review August 4, 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)

Public Comment:

- Susan Landry requested a staff report regarding medical marijuana updates.
- David Wall provided comments regarding Items 2.10, 3.5, and 7.1.
- Richard De La Rosa of Forest Consulting representing California Waste Solutions requested a deferral of Item 7.1.

Action: Upon motion by Councilmember Carrasco, seconded by Councilmember Khamis and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Defer Item 7.1 to the September 15, 2015 City Council agenda. (4-0-1. Absent: Liccardo.)

- (2) **Review August 11, 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)

Public Comment:

- Martha O'Connell provided comments regarding Item 4.3.
- David Wall provided comments regarding Items 2.7, 3.3, and 4.1.
- Ruth Greathouse of Winchester Ranch provided comments regarding Item 4.3.
- Davlyn Jones provided comments regarding Item 4.3.

Interim Housing Department Director Jacky Morales-Ferrand provided additional information to the Committee and was available to answer questions from the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: None. (4-0-1. Absent: Liccardo.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

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 June 11 – July 23, 2015.

Public Comment:

- David Wall provided comments regarding Items (13) and (14).
- Corinna Reyes provided comments regarding Items (10), (11), and (12).

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Carrasco and carried unanimously, the public record was noted and filed. (4-0-1. Absent: Liccardo.)

BOARDS, COMMISSIONS AND COMMITTEES

(1) Appointments

(a) Work2Future Board Appointment

Approve the appointment of Anil Babbar as a representative on the work2future Board of Directors.

Documents Filed: Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated June 25, 2015, entitled, "work2future Board Nomination."

Action: Upon motion by Councilmember Jones, seconded by Councilmember Carrasco and carried unanimously, the recommendation was approved. (4-0-1. Absent: Liccardo.)

(2) Work Plans – None.

(3) Annual Reports

(a) Ethics Commission Annual Report for FY 2014-15 and Workplan for FY 2015-16

Documents Filed: Memorandum from Ethics Commission Chair Michael Smith to the Rules and Open Government Committee, dated July 13, 2015, entitled, "Ethics Commission Annual Report for FY 2014-15 and Workplan for FY 2015-16."

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the report and workplan was accepted. (4-0-1. Absent: Liccardo.)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(1) Consent Calendar

Upon motion by Councilmember Khamis, seconded by Councilmember Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (4-0-1. Absent: Liccardo.)

(a) Approval of Indian Independence Day Flag Raising sponsored by Council District 2 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Kalra)

1. Approve Indian Independence Day Flag Raising scheduled on August 12, 2015 as City Council sponsored Special Event and approve the expenditure of funds;
2. Approve and accept donations from various individuals, businesses, or community groups to support the event; and
3. Place the item on the August 11, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Ash Kalra to the Rules and Open Government Committee, dated July 23, 2015, entitled, "Approval of Indian Independence

Day Flag Raising sponsored by Council District 2 as a City Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.”

Action: The item was placed on the August 11, 2015 City Council Agenda for final action.

- (b) Approval of Shakespeare in the Park and Opera in the Park sponsored by Council District 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Oliverio)
1. Approve Shakespeare in the Park and Opera in the Park scheduled for June 2016 as City Council sponsored Special Event and approve the expenditure of funds;
 2. Approve and accept donations from various individuals, businesses, or community groups to support the event; and
 3. Place the item on the August 4, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio to the Rules and Open Government Committee, dated July 22, 2015, entitled, “Approval of Shakespeare in the Park and Opera in the Park sponsored by Council District 6 as a City Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.”

Action: The item was placed on the August 4, 2015 City Council Agenda for final action.

- (c) Approval of the San Jose Jazz Flag to be raised at City Hall. (Perez)
1. Approve the San Jose Jazz flag to be raised August 3-10, 2015 as City Council sponsored Special Event.
 2. Place the item on the August 4, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Raul Perez to the Rules and Open Government Committee, dated July 21, 2015, entitled, “Approval of the San Jose Jazz Flag to be raised at City Hall.”

Public Comment:

- David Wall raised concerns regarding this item.

Action: The item was placed on the August 4, 2015 City Council Agenda for final action.

END OF CONSENT CALENDAR

- (2) Amending Rules of Conduct Resolution Related to Convening Council Meetings. (City Attorney)
- a. Adopt a resolution amending the Council's Rules for the Conduct of Its Meetings, Superseding Resolution No. 77268, to allow the Mayor, in his or her discretion, to convene any regular City Council meeting or special City Council meeting at the noticed times with at least one other member of the Council present in order to proceed with the Invocation, the Pledge of Allegiance, and Ceremonial Items.
 - b. Place the item on the August 4, 2015 Council Agenda for action.

Documents Filed: Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee, dated July 10, 2015, entitled, "Amending Rules of Conduct Resolution Related to Convening Council Meetings."

Public Comment:

- David Wall voiced concerns regarding this item.
- Martha O'Connell provided supporting comments for this item.
- Unidentified constituent made comments regarding solutions for homelessness.

Committee discussion ensued.

Action: Upon motion by Councilmember Jones, seconded by Councilmember Carrasco and carried unanimously, the item was placed on the August 4, 2015 City Council Agenda for final action. (4-0-1. Absent: Liccardo.)

- (3) Approve the Charter of a Bus for 3rd Grade Field Trip to City Hall. (Khamis)
Approve the charter of a bus, at the cost of \$580.00 to Lux Bus, to transport 3rd graders from Los Alamitos Elementary School for an educational trip to City Hall.

Documents Filed: Memorandum from Councilmember Johnny Khamis to the Rules and Open Government Committee, dated July 23, 2015, entitled, "Approve the Charter of a Bus for 3rd Grade Field Trip to City Hall."

Action: Upon motion by Councilmember Jones, seconded by Vice Mayor Herrera and carried unanimously, the recommendation was approved. (4-0-1. Absent: Liccardo.)

- (4) Council Committee and Board and Commission Appointments. (Mayor)
- a. Appoint Councilmember Charles "Chappie" Jones as an alternate to the El Camino Real Rapid Transit Policy Advisory Board.
 - b. Appoint Councilmember Jones to the Federated City Employees Retirement Board as a Non-Voting Member.
 - c. Appoint Councilmember Manh Nguyen to replace Councilmember Margie Matthews on the following Boards and Commissions:
 1. Recycling and Waste Reduction Commission of Santa Clara County
 2. Recycled Water Policy Advisory Committee
 3. Santa Clara Valley Habitat Agency Governing Board (Alternate)
 4. Santa Clara Valley Habitat Agency Implementation Board (Alternate)
 5. Santa Clara Valley Water District - Water Commission (two year appointment)
 6. SJ/SC Clean Water Financing Authority
 7. SJ/SC Treatment Plant Advisory Committee
 - d. Place the items on the August 4, 2015 Council Agenda for final approval.

Documents Filed: Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated July 16, 2015, entitled, "City Council Committee and Board and Commission Appointments"; Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated July 1, 2015, entitled, "City Council Committee and Board and Commission Appointments"; Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated July 22, 2015, entitled, "City Council Committee and Board and Commission Appointments."

Public Comment:

- David Wall provided comments against Item G.4.c.
- Andrew Boone, Director I Walk I Bike I Vote, spoke in favor of Item G.4.a.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Carrasco and carried unanimously, the item was placed on the August 4, 2015 City Council Agenda for final action. (4-0-1. Absent: Liccardo.)

- (5) VTA Ballot Measure. (Rocha/Peralez/Kalra)
- a. Agendize City Council consideration of adopting an official City position as to which funding priorities should be included in the 2016 sales tax measure currently under consideration by the Santa Clara Valley Transportation Agency (VTA).
 - b. At the same time as the above discussion comes forward to City Council, direct staff to provide the City Council with an overview of past VTA sales tax measures, for the purpose of providing context on past funding priorities. The overview should include:
 1. A list of prior VTA sales tax measures.
 2. The projects included for funding in those measures.
 3. The total amount actually spent from sales tax increment proceeds on each of those projects, as well as the amount anticipated to be spent on any ongoing or future projects.
 4. An accounting of the total amount spent or anticipated to be spent on the BART project, both from sales tax revenue and from other funding sources. It would be helpful to break down this amount between money that has been spent or is anticipated to be spent on capital expenses, as well as money anticipated to be spent on operating expenses.

Documents Filed: Memorandum from Councilmember Donald Rocha, Councilmember Raul Peralez, and Councilmember Ash Kalra to the Rules and Open Government Committee, dated July 23, 2015, entitled, "VTA Ballot Measure."

Department of Transportation Director Jim Ortbal provided additional information to the Committee and was available to answer questions from the Committee.

Public Comment:

- David Wall provided comments against this item.
- Andrew Boone, Director I Walk I Bike I Vote, spoke in favor of this item.
- Ken Pyle provided comments for this item and suggested staff look into new technology.

Action: Upon motion by Councilmember Jones, seconded by Councilmember Khamis and carried unanimously, the recommendation was approved to incorporate items related to priorities and not to projects, which will be place on a City Council Agenda by October 2015. (4-0-1. Absent: Liccardo.)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee
Approval of the Community and Economic Development Committee Workplan for the period August through December 2015, and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Rooms W118-119.

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Johnny Khamis to the Rules and Open Government Committee, dated July 22, 2015, entitled, "Community and Economic Development Committee Workplan."

Public Comment:

- David Wall referenced Super Bowl 50 and provided additional comments.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the recommendation was approved. (4-0-1. Absent: Liccardo.)

- (2) Neighborhood Services and Education Committee
Approval of the Neighborhood Services and Education Committee Workplan for the period August through December 2015, and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Rooms W118-119.

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Donald Rocha to the Rules and Open Government Committee, dated July 13, 2015, entitled, "Neighborhood Services and Education Committee Workplan."

Agenda Services Manager Gloria Schmanek requested that the Committee drop Item 4 due to duplication.

Public Comment:

- David Wall provided supporting comments for the Animal Care and Services.

Action: Upon motion by Councilmember Jones, seconded by Councilmember Khamis and carried unanimously, Item 4 was dropped and the recommendation was approved. (4-0-1. Absent: Liccardo.)

- (3) Transportation and Environment Committee
Approval of the Transportation and Environment Committee Workplan for the period August through December 2015, and setting its meeting schedule on the 1st Monday of each month at 1:30 p.m. in Rooms W118-119.

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Ash Kalra to the Rules and Open Government Committee, dated July 13, 2015, entitled, "Transportation and Environment Committee Workplan."

Public Comment:

- David Wall provided additional comments for this item.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the recommendation was approved. (4-0-1. Absent: Liccardo.)

- (4) Public Safety, Finance and Strategic Support Committee
Approval of the Public Safety, Finance, and Strategic Support Workplan for the period August through December 2015, and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers with the exception of the December 10th meeting that will start at 9:30 a.m. and will be held in the Committee Wing Rooms.

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Pierluigi Oliverio to the Rules and Open Government Committee, dated July 23, 2015, entitled, "Public Safety, Finance and Strategic Support Committee Workplan."

Public Comment:

- David Wall provided additional comments for this item.

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Jones and carried unanimously, the recommendation was approved. (4-0-1. Absent: Liccardo.)

- (5) Rules and Open Government Committee – None.

OPEN GOVERNMENT


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

OPEN FORUM

- David Wall requested legislation related to parks.
- Allen Rice provided comments related to the road diet project in the Willow Glen neighborhood.
- John shared his concerns related to the homeless issues.
- Corinna Reyes shared her experiences and made comments related to the City Manager's Office.

ADJOURNMENT

The meeting adjourned at 3:34 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

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