



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

SAN JOSE, CALIFORNIA

WEDNESDAY, JANUARY 7, 2015

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:02 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Mayor Sam Liccardo, Councilmember Magdalena Carrasco, Councilmember Rose Herrera, and Councilmember Johnny Khamis.

ABSENT:

STAFF: Interim City Manager Norberto Duenas, City Attorney Richard Doyle, Mayor's Agenda Assistant Ahmad Chapman, Agenda Services Manager Gloria Schmanek, City Clerk Toni J. Taber, Assistant City Clerk Tom Graves, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) **Review January 13, 2015 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: David Wall welcomed the new members of the Rules committee, and spoke about Item 2.7 and 3.4

Action: Upon motion by Councilmember Herrera, seconded by Councilmember Khamis and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waiver for and addition of Item 2.x, "Actions Related to Changes in Council Committees"; sunshine waiver for Item 3.4; and Item 5.1 deferred to March 2015. (4-0.)

- (2) **Review January 20, 2015 Draft Agenda**
None – Meeting Cancelled

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

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

MEETING SCHEDULE

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of December 4, 2014 – January 1, 2015.

Public Comment: David Wall spoke regarding the Montgomery-Watson invoices and offered additional comments.

Councilmember Khamis requested staff review processes relating to contracts.

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

BOARDS, COMMISSIONS AND COMMITTEES

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

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Workload Assessment for Council Requests and Referrals. – None.
- (2) **Phillips 66 Oil Train Proposal. (Kalra)**
As referred by the Rules and Open Government Committee on December 10, 2014, discuss the following: Direct staff to prepare a letter to be sent on behalf of the City of San José in opposition of the proposed Phillips 66 oil train offloading facility in San Luis Obispo County.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (2) Documents Filed: 1) Memorandum from Councilmember Kalra to the Mayor and City Council, dated December 4, 2014, entitled, "Phillips 66 Oil Train Proposal"; 2) Letters from the public, dated January 5, 2015, expressing support for the recommendation; 3) Supplemental Memorandum from Director of Environmental Services Kerrie Romanow, dated January 7, 2015, entitled, "Update on the Phillips 66 Oil Train Facility Proposal."

Councilmember Kalra offered background and was available to answer questions from the committee.

Committee discussion ensued.

Director of Environmental Services Kerrie Romanow provided additional background and answered questions from the Committee.

Public Comment: David Wall offered comments related as to whom should discuss the issue.

Action: Upon motion by Councilmember Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was placed on the January 13, 2015 City Council Agenda for discussion and action. (4-0.)

(3) **Police Sworn Disability Retirement Scenarios. (City Clerk)**

As recommended by Public Safety, Finance, and Strategic Support Committee on December 11, 2014, add an audit of Police Sworn Disability Retirement Scenarios to the City Auditor's Fiscal Year 2014-2015 Work Plan.

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated December 16, 2014, transmitting the recommendation from the Public Safety, Finance, and Strategic Support Committee of December 11, 2014.

Public Comment: David Wall spoke in support of Police and Firefighters.

City Auditor Sharon Erickson and Councilmember Oliverio offered background and were available to answer questions from the Committee.

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

(4) **Approval of the Tartan Day Flag Raising Sponsored by Council District 10 as a City Council sponsored Special Event. (Khamis)**

- a. Approve the Tartan Day Flag Raising on Tuesday, April 7, 2015 as a City Council sponsored Special Event and approve the expenditure of funds;
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the January 13, 2015 Council Agenda for action.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (4) Documents Filed: Memorandum from Councilmember Johnny Khamis to the Rules and Open Government Committee, dated December 23, 2014, entitled, "Approval of the Tartan Day Flag Raising Sponsored by Council District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the Event."

Action: Upon motion by Councilmember Khamis, seconded by Councilmember Herrera and carried unanimously, the recommendation was approved and placed on the January 13, 2015 City Council Agenda for action. (4-0.)

5. Measure B. (Mayor)

Direct the City Manager to return to Council in closed session in January 2015 to:

- a. Propose a process for re-commencing negotiation of settlement of the Measure B-related lawsuits brought by City unions against the City;
- b. Defer implementation of specific provisions of Measure B, with stipulation of all of the parties – specifically those provisions relating to the definition of "disability" and the dedication of 4% of employee pay to the Retirement Plans – until July 1, 2016, to allow an opportunity for negotiations to reach a fruitful conclusion; and
- c. Discuss how to best move forward with negotiations on pre-existing City proposals to the Police Officers Association (to which the POA has not yet responded), including but not limited to bilingual pay increase, incentives for retirement-eligible officers to remain on active duty ("PSRP"), and protections for injured officers to retain their pay level in other city positions ("Y-rating").

Documents Filed: 1) Memorandum from Mayor Liccardo to the Rules and Open Government Committee, dated December 10, 2014, entitled, "Measure B"; 2) Memorandum from Councilmember Rocha to the Rules and Open Government Committee, dated January 7, 2015, entitled, "Measure B Negotiations."

Public Comment: David Wall offered comments related to Measure B.

Councilmember Peralez urged the Committee to move forward with the memorandum from Councilmember Rocha.

Action: Councilmember Herrera made a motion to approve Part 1 of the recommendation from Councilmember Rocha's memorandum dated January 7, 2015 and defer part 2 of the recommendation one week to the Rules and Open Government Committee meeting on January 14, 2015. Councilmember Khamis seconded the motion. Upon a call for the question, the motion carried unanimously:

1. Direct staff to provide the council with the following information when they return with their response to item 1 in the Mayor's memo:
 - a. Any proposals for amendment of Measure B, either formal or informal, for which the City conducted cost estimates as part of the settlement talks last June, along with the results of said cost estimates.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(5) Action: (Cont'd.)

- b. The amendments to Measure B as proposed by Councilmember Rocha in his memo under item G6 on the April 2, 2014 Rules Committee agenda, along with the cost estimates conducted for that proposal.

(4-0.)

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

Susan Landry offered comments related to medical marijuana.

Martha O'Connell welcomed new Rules Committee members and advised the Committee to give the public their undivided attention during public comment.

David Wall voiced concerns related parking enforcement.

ADJOURNMENT

The meeting adjourned at 2:53 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

SL:slg