



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, FEBRUARY 18, 2015**

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

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

**ABSENT:** None.

**STAFF:** Interim City Manager Norberto Dueñas, City Attorney Richard Doyle, Interim Assistant City Manager Dave Sykes, Mayor's Agenda Assistant Margaret Le, Agenda Services Manager Gloria Schmanek, Assistant City Clerk Tom Graves, Deputy City Clerk Suzanne Guzzetta, and Deputy City Clerk Anh Tran.

**CITY COUNCIL (CITY CLERK)**

Mayor Liccardo stepped out at 2:06 p.m.

- (1) Review February 24, 2015 Final 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:

- David Wall offered comments regarding Item 2.7 and Item 7.1.

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: Add Sheet and Item 6.1 deferred to March 3, 2015. (4-1. Absent: Liccardo.)

**(2) Review March 3, 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)

Documents Filed: Letter from Martha O'Connell, dated February 17, 2015, entitled "Sanitary Sewer Flow Study and San Jose Customer Sanitary Sewer Rate Changes."

Public Comment:

- David Wall offered comments regarding Item 6.2 and Item 7.1.
- Dave Logan, Operations Manager of Yellow Checker Cab, offered comments regarding an airport item.
- Martha O'Connell offered comments regarding Item 7.1.

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

**REVIEW OF UPCOMING STUDY SESSION AGENDA(S)**

None.

**LEGISLATIVE UPDATE**

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

**MEETING SCHEDULE**

None.

Mayor Liccardo returned at 2:12 p.m.

**THE PUBLIC RECORD**

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of February 6 – February 12, 2015; Letter from Michael Gerami, dated February 17, 2015, entitled "Minimum Wage;" Letter from Jeff Burrill, dated February 17, 2015, entitled "City Council take a support position for SB 3 (Leno);" Letter from Michael E. Fox, dated February 17, 2015, entitled "Memo in support of exemption to SB 3."

Public Comment:

- Gail Osmer offered comments on Item 3.
- David Wall offered comments on Item 4, Item 5, and Item 6.
- Martha O'Connell offered comments on Item 3.

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

**BOARDS, COMMISSIONS AND COMMITTEES**

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

**RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS**

**(1) Consent Calendar**

Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (5-0.)

- (a) Jewish American Heritage Month Flag Raising and Reception. (Herrera)
  - (1) Approve the Jewish American Heritage Month Flag Raising and Reception scheduled on May 12, 2015 as a 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 February 24, 2015 Council Agenda for action

Documents Filed: Memorandum from Vice Mayor Rose Herrera to the Rules and Open Government Committee, dated February 6, 2015, entitled, Approval of the Jewish American Heritage Month Flag Raising and Reception Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event."

Action: The item was placed on the February 24, 2015 City Council Agenda for final action. (5-0.)

**(2) January 2015 City Auditor's Monthly Report of Activities. (City Auditor)**

Approve the City Auditor's Office Monthly Report of Activities for the month of January 2015.

Documents Filed: Memorandum from City Auditor Sharon Erickson to the Rules and Open Government Committee, dated January 12, 2015, entitled, "Monthly Report of Activities for January 2015."

Public Comment:

- David Wall offered comments regarding the report and the City Auditor.

City Auditor Sharon Erickson was available to answer questions from the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the Auditor's Monthly Report of Activities for January 2015 was approved. (5-0.)

**(3) Correspondence to the Federal Government that Urges the Development of Regulations to Improve the Safety of Rail Transport of Hazardous Materials. (City Manager)**

Direct staff to forward a letter to the Administration, primarily the Pipeline and Hazardous Materials Safety Administration and the Federal Railroad Authority that urges these agencies to take actions to improve rail safety with respect to the transport of Bakken crude oil and other hazardous materials by rail with copies to the City's Congressional Delegation.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee, dated January 11, 2015, entitled, "Correspondence to the Federal Government that Urges the Development of Regulations to Improve the Safety of Rail Transport of Hazardous Materials."

Public Comment:

- David Wall offered supporting comments.

Director of Intergovernmental Relations Betsy Shotwell was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the recommendation was approved. (5-0.)

**(4) Request for the Establishment of a Council District 7 Field Office at Shirakawa Community Center. (Nguyen)**

- (a) Direct staff per Council Policy 2-4, "Council Office Space Acquisition and Modification", to research the cost of the establishment of a Council District 7 Field Office at Shirakawa Community Center, including the negotiation of a lease agreement or MOU with Work2Future to specify office hours, cost, and use of space.
- (b) Return to Council with cost analysis and proposed agreements for approval.

Documents Filed: Memorandum from Councilmember Tam Nguyen to the Rules and Open Government Committee, dated January 11, 2015, entitled, "Request for the Establishment of a Council District 7 Field Office at Shirakawa Community Center."

Public Comment:

- Minh Truong, Binh Nguyen, Moses Ramirez, and David Wall voiced support for the item.

Councilmember Tam Nguyen was available to provide comments.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the recommendation was approved. (5-0.)

**(5) City Council Committee and Board and Commission Appointments. (Mayor)**

Appoint Councilmember Charles "Chappie" Jones to Santa Clara County's Comprehensive County Expressway Planning Study Policy Advisory Board.

Documents Filed: Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated January 11, 2015, entitled, "City Council Committee and Board and Commission Appointments."

Public Comment:

- David Wall offered supporting comments.

Action: Upon motion by Councilmember Khamis, seconded by Carrasco and carried unanimously, the recommendation was approved. (5-0.)

**(6) Support for SB 3 (Leno) – Minimum Wage Fairness Act. (Mayor/Herrera/Peralez/Carrasco)**

- (a) Add this item to the agenda for the February 24, 2015 City Council meeting.
- (b) Add to our list of Key Legislative Items for 2015 – support for SB 3 (Leno), the Minimum Wage Fairness Act.

Documents Filed: Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Councilmember Raul Peralez, and Councilmember Magdalena Carrasco to the Rules and Open Government Committee, dated January 12, 2015, entitled, "Support for SB 3 (Leno) – Minimum Wage Fairness Act."

Public Comment:

- Maria Fernandez, Director of Working Partnerships San Jose, voiced support for the item.
- Jerry Mungai voiced opposition of the item.
- Dennis Raj, Political Director of South Bay Labor Council, voiced support for the item.

Action: The item was dropped. Staff will bring analysis of item directly to Council.

**END OF CONSENT CALENDAR**

## 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

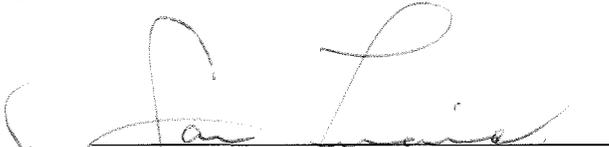
- (1) Appeals of Public Records Act Request – None.

## OPEN FORUM

- Blair Beakman voiced concerns related to transparency and drone use.

## ADJOURNMENT

The meeting adjourned at 2:55 p.m.



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Mayor Sam Liccardo  
Rules and Open Government Committee

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