



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

SAN JOSE, CALIFORNIA

WEDNESDAY, FEBRUARY 25, 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 Duenas, City Attorney Richard Doyle, City Clerk Toni J. Taber, 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.

CITY COUNCIL (CITY CLERK)

(1) Review March 3, 2015 Final Agenda

None – Meeting Cancelled

- 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 offered comments on the sanitary flow study
- David Wall offered comments on Items 4.1, 6.2, and 7.1.

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: sunshine waiver for and addition of Items 1.x, "Presentation of a proclamation declaring the Month of March 2015 as 'National Women's History Month'," 1.x, "Presentation of a proclamation declaring the Month of

CITY COUNCIL (CITY CLERK)

- (1) March 2015 as ‘Arts Education Month,’ 3.x, “Application for the 2014 Staffing for Adequate Fire and Emergency Response Grant,” and 7.x, “Actions Related to the Emergency Replacement of Pond A18’s Northern Gate Structure...” and sunshine waiver for Item 4.1. (5-0.)

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis, and carried, the Committee dropped Item 6.3 from the March 3, 2015 City Council Agenda at the request of Vice Mayor Herrera. (4-0-1. Abstain: Carrasco.)

- (2) **Review March 10, 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:

- David Wall commented on Items 2.8, 2.9, 3.3, and 3.4.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Item 2.7 moved to Section 3. (5-0.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

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

MEETING SCHEDULE

- (1) **Set a Joint City Council – Santa Clara Valley Water District Study Session for Monday, April 27, 2015 from 9:00 a.m. to 12:00 p.m., in Council Wing Rooms 118-120 located at 200 East Santa Clara Street, San José, CA 95113. (Environmental Services)**

Documents Filed: Memorandum from Environmental Services Director Kerrie Romanow to the Rules and Open Government Committee, dated February 18, 2015, entitled, “Joint City Council-Santa Clara Valley Water District Study Session on April 27, 2015.”

MEETING SCHEDULE

(1) Public Comment:

- David Wall spoke on funding for advanced purification systems.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the Committee approved the recommendation and set a Joint City Council – Santa Clara Valley Water District Study Session for Monday, April 27, 2015 from 9:00 a.m. – 12:00 p.m. (5-0.)

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of February 13 – February 19, 2015.

Public Comment:

- Richard McCoy, Martha O’Connell, and Warren Gannon offered comments on Item (1), the Sanitary Sewer Flow Study.
- David Wall pulled Item (4) and offered additional comments.

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.
- (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 Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (5-0.)

- (a) Approval of the Irish Flag Raising Sponsored by the Mayor’s Office as a City-Sponsored Special Event, to expend City funds, and Accept Donations of Materials and Services for the Event. (Mayor)
 1. Approve the Irish Flag Raising 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 March 3, 2015 Council Agenda for action

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Documents Filed: Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated February 18, 2015, entitled, "Approval of the Irish Flag Raising sponsored by the Mayor's Office 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 March 3, 2015 City Council Agenda for final action. (5-0.)

- (b) Approval of the Celebrate Cambrian Festival Sponsored by Council District 9 as a City-Sponsored Special Event, to expend City funds, and Accept Donations of Materials and Services for the Event. (Rocha)
1. Approve the Celebrate Cambrian Festival scheduled on August 23, 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 March 10, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Donald Rocha to the Rules and Open Government Committee, dated February 19, 2015, entitled, "Approval of the Celebrate Cambrian Festival sponsored by Council District 9 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 March 10, 2015 City Council Agenda for final action. (5-0.)

END OF CONSENT CALENDAR

- (2) **Amicus Brief in Support of Executive Action. (Mayor/Peralez)**
Direct the City Attorney to join the efforts of the National League of Cities and the U.S. Conference of Mayors in filing an amicus brief in the appeal of the *Texas vs. United States* lawsuit, to support President Obama's recent executive action on immigration.

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez to the Rules and Open Government Committee, dated February 18, 2015, entitled, "Amicus Brief in Support of Executive Action."

Councilmember Peralez provided background and was available to answer questions from the Committee. Committee discussion ensued.

Public Comment:

- David Wall, Martha O'Connell, and Lee Ellak voiced opposition to the recommendation.
- Priya Murthy, Bikramjeet Singh, and Blair Beekman spoke in support of the recommendation.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (2) Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones, and carried, the recommendation and sunshine waiver for legal documents was approved and placed on the March 10, 2015 City Council Agenda. (4-1. Noes: Khamis.)
- (3) **Requirement to Fund the Full Normal Cost. (Rocha)**
- (a) That the Rules Committee agendize for Council consideration Mayor Liccardo's memo for item G2 on the February 4th Rules Committee meeting, in advance of sending the proposals contained in that memo to the Retirement Boards for comment. (This is the memo pertaining to fully funding the pension system normal cost. It was agendized as item 3.5 for the council meeting of February 24th, but the Rules Committee removed it from that agenda. This recommendation is simply to add it back on a future agenda before sending the Mayor's proposal to the Retirement Boards.)
- (b) When the Mayor's proposal comes forward to Council, direct staff to provide the following additional analysis:
1. Does the Municipal Code currently contain provisions with respect to how the normal cost is funded? If so, what do those provisions say?
 2. Has there been past discussion of this issue at the Retirement Boards or at the Council?
 3. If a requirement to fund the full normal cost is put in place, would it be advisable to establish a funded threshold above which the Boards and the City would have discretion, similar to the threshold of 120 percent established in section 7522.52(b)(1) of the California Government Code? (Relevant code section is attached.)
 4. Section 7522.52(b)(2) of the California Government Code implies a relationship between the funded status of retirement plans and their tax exempt status under the federal Internal Revenue Code. Is this an issue that we should consider in connection with the Mayor's proposal?

Documents Filed: Memorandum from Councilmember Donald Rocha to the Rules and Open Government Committee, dated February 19, 2015, entitled, "Requirement to Fund the Full Normal Cost."

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Committee forwarded the recommendation to the retirement boards for consideration. (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

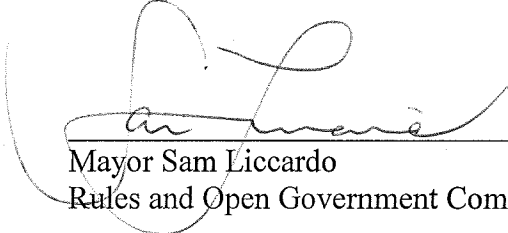
- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

Martha O'Connell offered comments on the Housing and Community Development Commission membership makeup and it should include a landlord representative.
Lee Ellak requested the City Council consider suspending the bag fee.
David Wall opined on various issues.

ADJOURNMENT

The meeting adjourned at 3:03 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

SL:slg