



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, MARCH 11, 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 (2:06 p.m.), Vice Mayor Rose Herrera, Councilmember Johnny Khamis, Councilmember Chappie Jones, and Councilmember Magdalena Carrasco.

**ABSENT:** None.

**STAFF:** 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, and Deputy City Clerk Anh Traņ.

**CITY COUNCIL (CITY CLERK)**

- (1) Review March 17, 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 on Item 3.3.

Action: Upon motion by Councilmember Jones, seconded by Councilmember Carrasco and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waiver and addition of Items 1.x, "Presentation of a commendation to San Jose Symphonic Choir..." and 2.x, "Neighborhood Commissions Appointment." (4-0-1. Absent: Liccardo.)

**(2) Review March 24, 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 voiced concerns related to Items 6.2 and 6.3.

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: no changes. (5-0.)

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

None.

**LEGISLATIVE UPDATE**

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

**MEETING SCHEDULE**

None.

**THE PUBLIC RECORD**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of February 27 – March 5, 2015; (2) Letter from David Wall to the Mayor and City Council, dated March 9, 2015, regarding TPAC Agenda reform.

Public Comment:

- Martha O'Connell pulled Item (7) and spoke related to diversity and fairness on commissions.
- David Wall pulled Items (4), (5), (6), and (7) to offer additional comments.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco 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) Approval of National Night Out as a City-Sponsored Special Event, to expend City funds, and Accept Donations of Materials and Services for the Event. (City Clerk)
  1. Approve the National Night Out scheduled for August 4, 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 24, 2015 Council Agenda for action

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated March 2, 2015, entitled, "Approval of National Night Out as City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event."

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

### END OF CONSENT CALENDAR

### (2) Waiver of Revolving Door Restrictions. (City Attorney)

It is recommended that the Rules Committee:

- a. Consider the request by Leslye Corsiglia, the former Director of Housing, for a Waiver of the Revolving Door Restrictions for the consultant work described below and make findings as to whether such waiver is in the best interest of the City and consistent with the purpose of Municipal Code Chapter 12.10; and
- b. Forward the request and findings to the City Council for approval and place the matter on the next Council agenda.

Documents Filed: (1) Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee, dated March 4, 2015, entitled, "Waiver of Revolving Door Restrictions;" (2) Response to David Wall regarding Public Records Act request dated August 28, 2014.

- (2) City Attorney Richard Doyle offered comments and answered questions from the Committee.

Extensive Committee discussion ensued.

Public Comment: David Wall voiced concerns related to housing issues and submitted a copy of a response to a Public Records Act request from August 2014.

Mayor Liccardo disclosed that he is on the advisory board to Destination: Home.

Action: Upon motion by Vice Mayor Herrera, seconded by Mayor Liccardo and carried, the item was forwarded to City Council on March 17, 2015. (3-2. Noes: Khamis, Jones.)

(3) **Approval of District 9 SAP Grants for District 9 Schools. (Rocha)**

Forward a recommendation to the City Council to approve grants for the following schools for their general fund to support student programs and activities. To be paid by the Arena Community Fund City-Wide appropriation.

- a. Ida Price Middle School \$1,000.00
- b. Branham High School \$500.00

Documents Filed: Memorandum from Councilmember Donald Rocha to the Rules and Open Government Committee, dated March 3, 2015, entitled, "Approval of District 9 SAP Grants for District 9 Schools."

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the item was placed on the March 24, 2015 City Council Agenda for final action. (5-0.)

(4) **"Butt Out of Our Bars" Public Health Initiative. (Peralez/Rocha)**

Agendize the "Butt Out of Our Bars" Public Health Initiative for consideration of the City Council.

Documents Filed: (1) Memorandum from Councilmembers Raul Peralez and Donald Rocha to the Rules and Open Government Committee, dated March 5, 2015, entitled, "'Butt Out of Our Bars' Public Health Initiative;" (2) Letter from the *Butt Out of Our Town Coalition* in support of the recommendation; (3) Letter from Pamela Ling, Professor of Medicine and Stanton A Glantz, Professor of Medicine, UCSF, dated March 10, 2015, supporting the recommendation; (4) Article from Voices United, entitled, "Study Suggests Tobacco Marketing Strategies Reinforce Concurrent Use of Tobacco and Alcohol."

Public Comment:

- Hewitt Joyner; Marjorie Freedman, SJSU Professor of Nutrition; Esha Menon, Working Partnerships USA; Devin Wakefield; Carol Baker, American Cancer Society, Co-Chair of the Tobacco Free Coalition of Santa Clara County; Cassie Blume; Brian Davis, Tri-City Health Center in Fremont; Roba Abushaaban; and Lorna Sumaraga voiced support for the recommendation.

- (4) - Gabrielle Antolovich, Executive Director of Voices United, Board President for Billy DeFrank LGBT Community Center expressed support for the recommendation and submitted an article from Voices United.

Committee discussion ensued. City Attorney Richard Doyle answered questions from the Committee, and Interim Assistant City Manager Dave Sykes provided input.

Councilmember Khamis noted he could not support the recommendation as it should go to the Priority Setting Session.

Mayor Liccardo noted he would not support the recommendation, voicing his support of previous tobacco regulations in the City, and that it needed to be considered in the context of existing priorities.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was referred to City Council in April 2015. (3-2. Noes: Liccardo, Khamis)

#### **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.  
a. Approve an addition to the 2014-2015 Work Plan for the Transportation and Environment (T&E) Committee to add “Riparian Corridor Policy/Ordinance Study” to the June 1, 2015 meeting agenda. (Planning, Building and Code Enforcement)

Documents Filed: (1) Memorandum from Director of Planning, Building, and Code Enforcement Harry Freitas, dated March 4, 2015, entitled, “Transportation and Environment Committee Workplan Addition;” (2) Letter from Shani Kleinhaud, Ph.D., Santa Clara Valley Audubon Society, dated March 9, 2015, in support of the recommendation.

Public Comment: Larry Ames; Shani Kleinhaus, Ph.D., Santa Clara Valley Audubon Society; and Vasundhara Kadpal spoke in support of the recommendation.

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

- (4) Public Safety, Finance and Strategic Support Committee  
(5) Rules and Open Government Committee – None.

## **OPEN GOVERNMENT**


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

## **OPEN FORUM**

- Martha O'Connell expressed concerns regarding transparency on the Housing and Community Development Commission.
- David Wall spoke on various issues and referred to the response to his Public Records Act Request submitted with Item G.2
- Brian Darby spoke on various issues.

## **ADJOURNMENT**

The meeting adjourned at 3:21 p.m.



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Mayor Sam Liccardo  
Rules and Open Government Committee

SL:slg