



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, APRIL 1, 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:** City Attorney Richard Doyle, City Clerk Toni J. Taber, Interim Assistant City Manager Dave Sykes, Interim Deputy City Manager Julie Edmonds-Mares, Mayor's Agenda Assistant Margaret Le, Agenda Services Manager Gloria Schmanek, Assistant City Clerk Tom Graves, and Deputy City Clerk Anh Tran.

**CITY COUNCIL (CITY CLERK)**

- (1) Review April 7, 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)
  
- (2) Review April 14, 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 offered comments on Items 2.11, 5.1, and 5.2 from the April 7 agenda and Items 2.7, 2.10, 2.11, and 4.1 from the April 14 agenda.

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 Item 2.3 (d) on April 7, not before 3 p.m. for Item 5.2 on April 7, and April 7 Add Sheet. (4-1. Noes: Khamis)

## **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 March 20 – March 26, 2015; Document from Martha O’Connell regarding “Yearly Rental Trends for San Jose.”

### Public Comment:

- Warren Gannon voiced concerns regarding Item 4.
- Richard McCoy provided comments on Item 2.
- David Wall voiced concerns regarding Item 6.
- Martha O’Connell submitted a document and provided comments on Item 3.
- Balbir Ladhar provided comments on Item 5.
- Joyce Rabourn provided comments on Item 5.

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**

No Items on the Consent Calendar.

## END OF CONSENT CALENDAR

**(2) City Council Evening Meeting Public Comment . (City Clerk)**

Relocate public comment on the City Council evening meeting agendas to immediately after ceremonials.

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated March 26, 2015, entitled, "City Council Evening Meeting Public Comment."

Action: Requested by the City Clerk, this item was deferred.

**(3) Disabled Veteran Business Enterprise (DVBE) Preference. (Herrera)**

Direct staff to return to the City Council with recommendations on Disabled Veteran Business Enterprise (DVBE) Preference Program that would provide certified businesses a preference in City procurements consistent with the Local Business Enterprise (LBE) and Small Business Enterprise (SBE) program. The preference would apply to all procurements under Section 4.12 of the San Jose Municipal Code, covering the procurement of supplies, material, equipment, Information Technology, and consulting services.

Documents Filed: Memorandum from Vice Mayor Rose Herrera to the Rules and Open Government Committee, dated March 23, 2015, entitled, "Disabled Veteran Business Enterprise (DVBE) Preference."

Public Comment:

- David Wall voiced concerns regarding this item.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried, the item was forwarded to staff to return to City Council. (5-0.)

**(4) Approval of Mayor's Office Grant for American Leadership Forum. (Mayor)**

Forward a recommendation to the City Council to approve grant funds from the Mayor's Office appropriation to the American Leadership Forum – Silicon Valley in the amount of \$250 to assist with their scholarship program.

Documents Filed: Memorandum from Mayor Liccardo to the Rules and Open Government Committee, dated March 24, 2015, entitled, "Approval of Mayor's Office Grant for American Leadership Forum."

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried, the item was forwarded to City Council. (5-0.)

**(5) Temporary Waiver for Peddler Permit Fee and Business License Tax Certificate Fee for Fixed and Mobile Street Vendors. (Mayor/Carrasco/Nguyen)**

- a. Waive City of San Jose's Peddler Permit Fee and the Business License Tax for related Peddler permits for a recommended 60 day period.
- b. Develop and set a permit education and compliance multi-agency (County Health Department) workshop to bring vendors into compliance.

Documents Filed: Memorandum from Mayor Liccardo, Councilmember Carrasco, and Councilmember Nguyen to the Rules and Open Government Committee, dated March 26, 2015, entitled, "Temporary Waiver for Peddler Permit Fee and Business License Tax Certificate Fee for Fixed and Mobile Street Vendors."

Public Comment:

- The following people spoke in favor of this item: Executive Director of Arts & Culture Tamera Alvarado, SIREN Community Organizer Jeremy Barousse, Anna Rodriguez, Executive Director of Amingos de Guadalupe Martiza Maldonado, Maria Estrada, Lupita Gonzalez, Crystal Romero, Dolores Perez, Pastoral Organizer of Our Lady of Guadalupe Church Idania Peralta, Hesus Mendoza, Ester Lamora, Gerard Perez, Antonia Dominguez, Jose Luis Zajada Santos, Tolanda Casas, Rene Salazar, Jose Guribo, Jesus Guribo, Omar Vasquez, Yolanda Trevino, Sacred Heart Community Fresh Community Organizer – Fresh Cart Vendor Julian Posadas, Plata Arroyo Member Danny Garza, Latinos United for a New America Member Salvador Bustamante, Camille Executive Director of Samos Mayfair Community Center Llanes-Fontanilla, Ernesto Perez, Lourdes, President of Luna Park Neighborhood Association Jose Posadas, Nelly, Blair Beekman, and Berta Garcia.

- David Wall spoke against this item.

Councilmember Raul Peralez provided comments regarding the item. Angelique Gaeta provided background and answered questions from the Committee.

Action: Upon motion by Councilmember Carrasco, seconded by Vice Mayor Herrera and carried, the item was forwarded to the City Manager. (5-0.)

**(6) Clean Air Act Resolution. (Peralez/Jones/Kalra/Matthews/Rocha)**

- a. Add this item to the City Council agenda for the April 21, 2015 meeting.
- b. Direct the City Attorney to:
  - 1) Draft a resolution highlighting:
    - a) The problems caused by greenhouse gases and global climate change;
    - b) The significance of the Clean Air Act;
    - c) The City's desire to curb greenhouse gases;
    - d) The City's support of utilizing the Clean Air Act to reduce greenhouse gases; and
    - e) Instructions that the City Clerk will send the resolution to the President and Environmental Protection Agency.
  - 2) Submit the resolution to Council for consideration at the April 21, 2015 City Council meeting.

Documents Filed: Memorandum from Councilmembers Peralez, Jones, Kalra, Matthews, and Rocha to the Rules and Open Government Committee, dated March 25, 2015, entitled, "Clean Air Act Resolution."

Public Comment:

- Sustainable San Jose Member Michael Kutilek spoke in support of the item.
- David Wall spoke against the item.

Councilmember Raul Peralez provided comments regarding the item. Director of Intergovernmental Relations Betsy Shotwell was available to answer questions from the Committee.

Action: Upon motion by Councilmember Jones, seconded by Vice Mayor Herrera and carried, the item was forwarded to City Council. (4-1. Noes: Khamis)

Councilmember Khamis left the meeting at 4:11 p.m.

**(7) SB 321 (Beall) – Motor vehicle fuel taxes: rates: adjustments. (Transportation)**

Adopt a position of support for SB 321 (Beall) – Motor vehicle fuel taxes: rates: adjustments, so that the City's Legislative Representative can advocate the City's support for SB 321.

Documents Filed: Memorandum from Transportation Director Hans F. Larsen to the Rules and Open Government Committee, dated March 26, 2015, entitled, "SB 321 (Beall) – Motor vehicle fuel taxes: rates: adjustments."

Public Comment:

- David Wall offered comments regarding the item.

Director of Intergovernmental Relations Betsy Shotwell and Assistant Director of Transportation Department Jim Ortbal was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried, the item was forwarded to City Council. (4-0-1. Absent: 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.
- (4) Public Safety, Finance and Strategic Support Committee – None.
- (5) Rules and Open Government Committee – None.

## OPEN GOVERNMENT

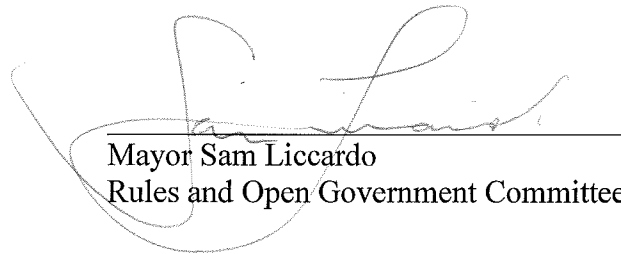
- (1) Appeals of Public Records Act Request – None.

## OPEN FORUM

- Blair Beekman provided comments related to transparency.
- David Wall submitted letters and offered comments on various issues.

## ADJOURNMENT

The meeting adjourned at 4:19 p.m.



Mayor Sam Liccardo  
Rules and Open Government Committee

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