



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

SAN JOSE, CALIFORNIA

WEDNESDAY, JUNE 3, 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 Chappie Jones, Councilmember Magdalena Carrasco, and Councilmember Johnny Khamis.

ABSENT: None.

STAFF: City Attorney Richard Doyle, City Clerk Toni J. Taber, Deputy City Manager Julie Edmond-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 June 9, 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)

Documents Filed: San Jose Municipal Code: Sewer Service & Use Charge from David Wall to the Mayor and City Council.

Public Comment:

- Wendy Davies-Rodriguez voiced support for Item 4.2.
- Jose Garcia voiced support for Item 4.2.
- David Wall submitted a letter for the Public Record and offered comments on Items 3.8 and 6.1.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Sunshine Waivers for Items 3.8b and 3.14, Item 5.3 to be heard after Ceremonials in the Evening, Item 5.1 to be heard in the Evening, and Add Sheet. (5-0.)

CITY COUNCIL (CITY CLERK)

(2) Review June 16, 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:

- Martha O'Connell voiced support for Item 4.3.
- David Wall voiced comments for Items 2.16, 3.16, 4.2, and 7.1.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Khamis and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Defer Item 4.3a to the June 23, 2015 Council meeting. (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: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of May 22 – May 28, 2015; Out of Reach Report 2015 California Report from Martha O'Connell to the Mayor and City Council.

Public Comment:

- Martha O'Connell voiced support for Item (2) and submitted a letter for the Public Record.
- David Wall offered additional comments for Item (2).

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

- (a) Approval of the Philippine Flag Raising as a Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Kalra)
 1. Approve the Philippine Flag Raising as a City Council sponsored Special Event and approve the expenditures 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 June 9, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Ash Kalra to the Rules and Open Government Committee, dated May 28, 2015, entitled, "Approval of the Philippine Flag Raising as a Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event."

Action: The item was placed on the June 9, 2015 City Council Agenda for final action. (5-0.)

- (b) Approval of District 10 Leadership BBQ 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. (Khamis)
 1. Approve the District 10 Leadership BBQ as a City Council sponsored Special Event;
 2. Approve and accept donations from various individuals, businesses or community groups to support the event; and
 3. Place the item on the June 9, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Johnny Khamis to the Rules and Open Government Committee, dated May 27, 2015, entitled, "Approval of District 10 Leadership BBQ 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."

Public Comment:

David Wall offered additional comments for Item G.1.b.

Action: The item was placed on the June 9, 2015 City Council Agenda for final action. (5-0.)

- (c) Retroactive Approval of Eritrean Flag Raising as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mayor/Peralez)
1. Retroactively approve the Eritrean 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 June 9, 2015 Council Agenda for action

Documents Filed: Memorandum from Mayor Liccardo and Councilmember Raul Peralez to the Rules and Open Government Committee, dated May 28, 2015, entitled, "Retroactive Approval of Eritrean Flag Raising 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 June 9, 2015 City Council Agenda for final action. (5-0.)

- (d) Approval of Portuguese Flag Raising as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mayor/Carrasco/Matthews/Peralez)
1. Approve the Portuguese 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 June 9, 2015 Council Agenda for action

Documents Filed: Memorandum from Mayor Liccardo, Councilmember Magdalena Carrasco, Councilmember Margie Matthews, and Councilmember Raul Peralez to the Rules and Open Government Committee, dated May 28, 2015, entitled, "Approval of Portuguese Flag Raising 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 June 9, 2015 City Council Agenda for final action. (5-0.)

END OF CONSENT CALENDAR

(2) SB 661 (Hill) Property Taxation: State Assessment: Commercial Air Carrier Personal Property. (City Manager)

- a. Adopt a position of opposition for SB 661 (Hill).
- b. Recommend this item be agendaized for the June 9, 2015 City Council Meeting so that the City's Legislative Representative can advocate the City's opposition to SB 661 (Hill).

Director of Intergovernmental Relations Betsy Shotwell and Santa Clara County Assessor Larry Stone provided additional information to the Committee and were available to answer questions from the Committee.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee, dated May 28, 2015, entitled, "SB 661 (Hill) Property Taxation: State Assessment: Commercial Air Carrier Personal Property."

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was approved and placed on the June 9, 2015 City Council Agenda for final action. (5-0.)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee
 - a. Approve an addition to the January – June 2015 Community and Economic Development Committee Work Plan as indicated below:
 - (1) For the June 22, 2015 meeting, add "*Riparian Corridor Policy/Ordinance Study*" to the agenda.

Public Comment:

- David Poeschel of the Sierra Club spoke in support of an ordinance for the riparian.
- Larry Ames spoke in support of a riparian policy.
- David Wall opined on the riparian corridors.

Director of Planning, Building and Code Enforcement Harry Freitas provided additional information and was available to answer questions from the Committee.

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas to the Rules and Open Government Committee, dated May 27, 2015, entitled, "Community and Economic Development Committee Workplan Addition."

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

- (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

Documents Filed: Letter from David Wall to the Mayor and City Council, dated April 23, 2015, regarding, “Has Mayor Liccardo and Council, been duped by ESD’s ‘SBWR Master Plan?’ [Set 1]”; Letter from David Wall to the Mayor and City Council, dated April 23, 2015, regarding, “Has Mayor Liccardo and Council, been duped by ESD’s ‘SBWR Master Plan?’ [Set 3].”

Public Comment:

- Martha O’Connell commended Councilmember Magdalena Carrasco for the June 2, 2015 City Council memo and provided comments regarding senior wellness.
- David Wall submitted two documents to the Public Record and provided comments regarding his concerns of his public records requests.
- Blair Beekman voiced concerns regarding transmission towers and the homeless community.

ADJOURNMENT

The meeting adjourned at 2:51 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

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Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.