

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

SAN JOSE, CALIFORNIA

WEDNESDAY, JUNE 10, 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: Chief Deputy Attorney Danielle Kenealey, City Clerk Toni J. Taber, Assistant City Manager Dave Sykes, Mayor's Agenda Assistant Margaret Le, Agenda Services Staff Technician Rachelle Blattman, Assistant City Clerk Tom Graves, and Deputy City Clerk Anh Tran.

CITY COUNCIL (CITY CLERK)

- (1) Review June 16, 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)

Public Comment:

- David Wall voiced support for Item 2.16 and expressed concerns regarding Item 7.1

Action: Upon motion by Councilmember Jones, seconded by Vice Mayor Herrera and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Closed Session start time at 9:00 a.m., 10 day waiver for Items 4.3 and 7.2.c, defer Item 4.2 to the June 23rd Council Agenda, City Manager's Office Add Sheet, Add Sheet, add Commendation Item for Velma Million on for the June 16th Council Agenda, and correct Item 3.7.a language from "3%" to "up to 5%". (5-0.)

CITY COUNCIL (CITY CLERK)

- (2) **Review June 23, 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)

Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano provided additional information to the Committee and was available to answer questions from the Committee.

Public Comment:

- Martha O'Connell provided comments regarding Item 2.11.
- David Wall voiced concerns regarding Items 2.13, 3.5, and 6.2.
- Richard McCoy spoke in favor and provided suggestions for Item 2.27.

Action: Upon motion by Councilmember Jones, seconded by Vice Mayor Herrera and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Closed Session start time at 9:00 a.m., Regular Session start time at 10:00 a.m., move Item 3.21 last in the Evening Session, defer Item 5.1 to August, and Add Sheet. (5-0.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

- (1) State

Documents Filed: Information Sheet from Director of Intergovernmental Relations Betsy Shotwell, dated June 10, 2015, entitled, "City of San Jose 2015 Legislative Session."

Director of Intergovernmental Relations Betsy Shotwell and Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano provided a verbal update on the status of State Legislation and answered questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the report was accepted. (5-0)

- (2) Federal – 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 29 – June 4, 2015; Packet from David Wall to the Mayor and City Council, regarding the South Bay Water Recycling.

Public Comment:

- David Wall expressed concerns regarding Items (2), (3), (4), (5), (6), and (7) and submitted a packet for the Public Record.

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

- (a) Approval of District 5 Grammercy Neighborhood Area Beautification/Dumpster Day as a Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)
 1. Approve the District 5 Grammercy Neighborhood Area Beautification/Dumpster Day scheduled on June 27, 2015 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 23, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Magdalena Carrasco to the Rules and Open Government Committee, dated June 3, 2015, entitled, "Approval of Grammercy Neighborhood Area Beautification/Dumpster Day Sponsored by Council

District 5 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 spoke in favor of this item.

Action: The item was placed on the June 23, 2015 City Council Agenda for final action. (5-0.)

- (b) Approval of District 1 Korean Flag Raising Event as a Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jones)
1. Approve the Korean 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 16, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Chappie Jones to the Rules and Open Government Committee, dated June 4, 2015, entitled, “Approval of District 1 Korean Flag Raising Event 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 16, 2015 City Council Agenda for final action. (5-0.)

END OF CONSENT CALENDAR

- (2) **Prevailing Wages – Liquidated Damages Waiver Request. (City Attorney)**
Consider a request for a waiver of liquidated damages arising out of a contract between Ford Road Family Housing, L.P., and the City of San Jose.

Documents Filed: Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee, dated June 10, 2015, entitled, “Prevailing Wages – Liquidated Damages Waiver Request”; Supplemental Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee, dated June 9, 2015, entitled, “Prevailing Wages – Liquidated Damages Waiver Request”; Letter from Joan R. Gallo to the Rules and Open Government Committee, dated June 8, 2015, entitled, “L&D Construction Co. Prevailing Wage Adjustment Request.”

Interim Director of Public Works Barry Ng and Director of the Office of Equality Assurance Nina Grayson provided additional information to the Committee and were available to answer questions from the Committee.

Public Comment:

- Andy Madeira of Eden Housing spoke in favor of this item.
- Michael Lodoen of L&D Construction spoke in favor of this item.
- David Wall spoke in favor of this item.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was approved for consideration at an August City Council meeting. (5-0.).

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee
- (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.
 - a. Approve the Rules and Open Government Committee workplan for the period from August through December 2015 and setting its meeting schedule as every Wednesday at 2:00 p.m. in the City Hall Wing Committee Meeting Rooms 118-120. The agendas will be posted as the Joint Rules and Open Government Committee and Committee of the Whole.

Documents Filed: Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated May 29, 2015, entitled, “Rules and Open Government Committee Workplan.”

City Clerk Toni Taber provided additional information to the Committee and was available to answer questions from the Committee.

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

OPEN GOVERNMENT

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

OPEN FORUM

- David Wall commented on liquated damages issues.
- Blair Beekman voiced concerns regarding rent control ordinances and various issues.

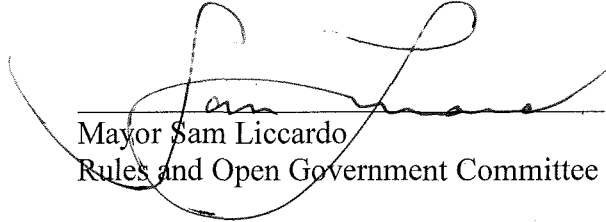
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ADJOURNMENT

The meeting adjourned at 3:27 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.