



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, AUGUST 19, 2015**

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:01 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, Assistant City Manager Dave Sykes, Mayor's Assistant Chief of Staff Maggie Le, Agenda Services Manager Gloria Schmanek, Assistant City Clerk Tom Graves, and Deputy City Clerk Anh Tran.

**CITY COUNCIL (CITY CLERK)**

- (1) Review August 25, 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:

- Martha O'Connell requested a time certain for Item 4.4.
- David Wall shared concerns regarding Items 3.4, 3.5, 3.6, and 9.1.

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: Item 4.4 to be heard not before 3 p.m. and Add Sheet. (5-0.)

**(2) Review September 1, 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 provided comments on Items 2.9, 2.16, and 4.3.

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: None. (5-0)

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

None.

**LEGISLATIVE UPDATE**

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

**MEETING SCHEDULE**

- (1) Release of Date for Study Session. (City Manager)  
Recommend release of date held for a Study Session on August 31, 2015 at 1:30 p.m. – 4:30 p.m.

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

**THE PUBLIC RECORD**

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of August 7 – August 13, 2015.

Public Comment:

- Allen Rice voiced support for Item (3).
- Jeff Bedolla provided comments on Item (3).
- David Wall provided comments on Item (1) and (2).
- Martha O'Connell voiced support for Item (3).

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**

None.

### **END OF CONSENT CALENDAR**

**Items were taken in the following order: Item 2, 3, 4, 6, 7, and 5.**

- (2) City Auditor Monthly Report of Activities for June and July 2015. (City Auditor)  
Hear the City Auditor's Office Monthly Report of Activities for the months of June and July 2015.

Documents Filed: Memorandum from City Auditor Sharon W. Erickson to the Rules and Open Government Committee, dated August 12, 2015, entitled, "Monthly Report of Activities for June and July 2015."

City Auditor Sharon Erickson introduced Program Performance Auditor Michael Tayag, provided additional comments and was available to answer questions from the Committee.

- (3) City Auditor's Fiscal Year 2015-2016 Work Plan. (City Auditor)  
Review and approve the City Auditor's Year 2015-2016 Work Plan.

Documents Filed: Memorandum from City Auditor Sharon W. Erickson to the Rules and Open Government Committee, dated August 12, 2015, entitled, "City Auditor's Fiscal Year 2015-16 Work Plan."

Public Comment:

- Jeff Bedolla shared his suggestions for the Work Plan.
- David Wall voiced support for several items.

Action: Upon motion by Councilmember Jones, seconded by Councilmember Khamis and carried unanimously, the recommendation was accepted with the following referrals: Audit of Department of Housing (Khamis); future reports to include an time to complete audits to show return on investments; how items get on the list; and prioritization (Herrera). (5-0)

- (4) Ethics Commission Recommended Revisions to Title 12 and Resolution 76954. (City Clerk)
- a. Provide feedback and direction to the San Jose Ethics Commission on suggested revisions to Title 12 of the San Jose Municipal Code and City Council Resolution 76954 governing the regulations and procedures of the Ethics Commission for investigations and hearings regarding campaign violations.

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated August 13, 2015, entitled, "Ethics Commission Title 12 and San Jose City Council Resolution 76954 Recommended Revisions."

City Clerk Toni J. Taber and Chief Deputy City Attorney Patricia Deignan provided additional comments and were available to answer questions from the Committee.

Public Comment:

- Chair of the San Jose Ethics Commission Michael Smith voiced support for the recommendations made by the Committee.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the report was accepted and specific feedback was provided to the City Clerk. (5-0)

- (5) Revisions to Title 6 and Title 25. (Herrera/Rocha/Khamis/Peralez)
- a. Direct staff to evaluate and recommend any changes to Title 6 and Title 25 of the San Jose Municipal Code as they pertain to Taxicab and Limousine Service Regulations in an effort to provide consistency in respect to the regulation of the Transportation Network Companies (TNC). These include safety issues, such as; background check and drug/alcohol testing, or operational matters, including fees or pricing models.
  - b. Refer the above item for a discussion by my colleagues, to the same October 2015 council meeting of Council which includes the Management and Operating Plan for the TNC's and the On Demand Service Model at Mineta San Jose International Airport.

Documents Filed: Memorandum from Vice Mayor Herrera, Councilmember Donald Rocha, Councilmember Johnny Khamis, and Councilmember Raul Peralez to the Rules and Open Government Committee, dated August 13, 2015, entitled, "Revisions to Title 6 & Title 25."

Public Comment:

- David Wall shared his concerns regarding this item.

Interim Department of Transportation Director Jim Ortbal and Airport Department Deputy Director of Airport Operation Bob Lockhart provided additional comments and was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was placed on an October 2015 City Council Agenda for final action. (4-0-1. Abstain: Carrasco)

- (6) Resolution in Support of the Fix Our Roads Coalition's Goals for State Transportation Special Session. (Mayor)
- a. Refer to Council for full discussion to adopt a resolution in support of the Fix Our Roads Coalition's goals for the California State Transportation Special Session.
  - b. Place the item on the August 25, 2015 Council Agenda for action

Documents Filed: Memorandum from Mayor Sam Liccardo to the Rules and Open Government Committee, dated August 13, 2015, entitled, "Resolution in Support of the Fix Our Roads Coalition's Goals for State Transportation Special Session."

Director of Intergovernmental Relations Betsey Shotwell and Interim Department of Transportation Director Jim Ortbal provided additional information to the Committee and was available to answer questions from the Committee. Director Shotwell recommended the Committee revised the following language of the resolution: "Make a significant investment in transportation infrastructure. Any package should raise at least \$6 billion annually as an ongoing dedicated funding source."

Public Comment:

- Jeff Bedolla spoke against this item.
- David Wall spoke against this item.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item included the recommended language change and was placed on the August 25, 2015 City Council Agenda for final action. (5-0)

- (7) Minimum Wage Study. (Mayor/Jones/M. Nguyen)
- a. Hire an independent, widely-regarded economist/economics firm to:
    - 1) Assess the net economic benefit of an increase of the minimum wage to current wage earners at or near the minimum wage;
    - 2) Assess the net economic impact of a minimum wage increase on San Jose residents with the highest unemployment and underemployment rates, such as residents under 24, residents lacking a college degree, residents having prior criminal convictions, and others with significant barriers to employment, incorporating the experience of local agencies like Work2Future;
    - 3) Assess the net economic impact on small businesses;
    - 4) Estimate likely aggregate job loss/creation as a result of the increase; and
    - 5) Assist the City Council and the region to assess the net benefit of including:
      - a) A lower "training wage" for youth under the age of 18, to ensure a pathway to careers for young people needing to get their "foot in the door";
      - b) An exemption for organizations employing persons in the "hard-to-employ" such as parolees, homeless, and emancipated foster youth, and providing unique training to those members of our community;
      - c) A "ramp-up" period for small businesses, e.g., those employers with fewer than 15 employees, and/or earning below a predetermined threshold of gross revenue, or for all businesses;
      - d) An exemption for the employment of verifiable immediate or extended family members; and

- e) Other exemptions that might be appropriate.
- b. Pending Council determination of prioritization, and prior to spending resources on this effort, return to Council with a report on the status of a statewide initiative is being circulated for signatures now by the SEIU to increase the state of California's minimum wage to \$15 by 2021. Where polling suggests likely passage of a statewide measure, assess whether any local ordinance would be unnecessary or duplicative in effort.
- c. As part of this effort, enlist the Mayor and Council in active engagement with neighboring cities in Santa Clara County to determine how the Valley can "move together" to raise the minimum wage for the benefit of struggling residents. Work through Councilmember Jones, Councilmember Manh Nguyen, and the Cities Association of Santa Clara County to obtain concurrence of mayors and councils throughout the County, and include the County to ensure consistency in unincorporated areas.
- d. Place the item on the September 1, 2015 Council Agenda for action

Documents Filed: Memorandum from Mayor Sam Liccardo, Councilmember Chappie Jones, and Councilmember Manh Nguyen to the Rules and Open Government Committee, dated August 13, 2015, entitled, "Minimum Wage Study."

Public Comment:

- Aurelia Sanchez spoke against this item and provided suggestions for this item.
- Jack Bedolla voiced support for this item.
- Salvador Bustamante, Executive Director of Latinos United for New America (LUNA) provided suggestions for this item.
- David Wall spoke against this item.
- Maria Noel Fernandez, Director of Organizing and Civic Engagement of Working Partnerships USA, requested a strong process for all options.
- Dennis Raj, Political Director of the South Bay Labor Council, requested the City contract with a credible firm.
- Rebeca Armendariz requested the City contract with a credible firm.

Director of Economic Development and Chief Strategist Kim Walesh provided additional information to the Committee and was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was placed on the September 2, 2015 Joint Meeting of the Rules and Open Government Committee and Committee of the Whole Agenda. (4-1. Noes: Khamis)

- (8) Utilization of License Plate Readers on Garbage Trucks. (Mayor/Khamis/Peralez)
  - a. Direct the City Manager and City Attorney to explore the feasibility, legality, and civil liberties implications of mounting license plate readers on garbage trucks owned by our four recycling providers to provide investigative data directly to the San Jose Police Department.
  - b. Request City staff to provide feedback on the following feasibility questions:
    1. What is the process to transfer data from garbage trucks to the police department?

2. Will the existing SJPD license plate reader policies be applied to this proposal? If not, what would be different?
  3. Are there other cities that have similar programs or best practices? What can be learned from other models?
  4. How do waste and recycling hauling companies view this proposal? Would this require change to our hauling contracts?
- c. Place the item on the September 1, 2015 Council Agenda for action

Documents Filed: Memorandum from Mayor Sam Liccardo, Councilmember Johnny Khamis, and Councilmember Raul Peralez to the Rules and Open Government Committee, dated August 7, 2015, entitled, "Utilization of License Plate Readers on Garbage Trucks."

Public Comment:

- Steve Jones, General Manager of Garden City Sanitation, spoke in favor of this item.
- Jeff Bedolla spoke in favor of this item.
- David Wall spoke in favor of this item.
- Blair Beekman spoke against this item.
- Aurelia Sanchez spoke against this item.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera and carried unanimously, the item will return to a future Joint Meeting of the Rules and Open Government Committee and Committee of the Whole Agenda. (4-1. Noes: Jones)

Councilmember Carrasco left the meeting at 4:07 p.m.

## **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) Joint Meeting of the Rules and Open Government Committee and Committee of the Whole – None.

## **OPEN GOVERNMENT**

- (1) Appeals of Public Records Act Request  
Public Records Request Appeal of Denial. (City Manager)  
Deny the appeal of Josh Koehn.

Documents Filed: Memorandum from Director of Communications David Vossbrink, dated August 12, 2015, entitled, "Public Records Request Appeal of Denial – Josh Koehn."

Public Comment:

- Josh Koehn provided additional information to the Committee and was available to answer questions from the Committee.
- The following people spoke in favor of the memo: Victor Garza of the La Raza Garza, Rose Amador, and Aaron Rezendez.
- The following people spoke in support of the release of all documents: Dan Pulcrano, Jeff Bedolla, Martha O'Connell, and David Wall.

Director of Communications David Vossbrink and Open Government Manager Tamera Becker provided additional information to the Committee and were available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, staff was directed to release all documents with redaction of all information that is deemed protected by the Public Records Act as determined by the City Attorney's Office. (4-1. Absent: Carrasco)

**OPEN FORUM**

- Martha O'Connell requested a time certain for Item 4.4 on the August 25, 2015 City Council Agenda.
- Jeff Bedolla shared his comments on Women's Equality Day.
- Blair Beekman voiced concerns regarding public safety and drone usage.
- David Wall voiced concerns related to various issues.

**ADJOURNMENT**

The meeting adjourned at 5:23 p.m.



Mayor Sam Liccardo  
Rules and Open Government Committee

SL:at

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.