



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

SAN JOSE, CALIFORNIA

WEDNESDAY, FEBRUARY 27, 2019

The Joint Meeting of the Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:00 p.m. in Council Chambers.

PRESENT: Mayor Sam Liccardo, Chair; Vice Mayor Chappie Jones, Vice Chair; Councilmember Dev Davis; Councilmember Sylvia Arenas and Councilmember Johnny Khamis, Members.

ABSENT: None.

STAFF: City Attorney Richard Doyle; City Manager David Sykes; City Clerk Toni J. Taber; Gloria Schmanek, Office of the City Manager; Agenda Services Manager, Mackenzie Mossing and Deputy City Clerk, Ruth Krantz.

A. City Council (City Clerk)

1. Review March 5, 2019 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)**

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the March 5, 2019 Final Agenda, including Sunshine Waivers for three Consent Calendar items. (5-0.)

2. Review March 12, 2019 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 Comments: Blair Beekman voiced agreement with prioritization of the LED light program.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the March 12, 2019 Draft Agenda, including cancellation of the evening session. (5-0.)

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

B. Review of Upcoming Meeting Agenda(s)

There were none presented.

C. Legislative Update

1. State
2. Federal

There were none presented.

D. Meeting Schedules

Planning Commission and Board of Fair Campaign and Political Practices Special Meeting Date (City Clerk)

City Clerk Toni J. Taber, CMC explained the special meeting was due to the number of candidates being interviewed for these two boards.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, a special meeting was set for March 18, 2019 at 1:30 p.m. for Interviews for Planning Commission and Board of Fair Campaign and Political Practices. (5-0.)

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 27, 2019, transmitting the Public Record for the Week of February 7 – February 21, 2019.

Public Comments: Blair Beekman offered appreciation of any efforts made towards transparency.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee noted and filed the public record. (5-0.)

F. Boards, Commissions and Committees

1. Appointments
2. Work Plans & Annual Reports

There were none presented.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- a. **Retroactive approval of Vice Mayor Celebration Sponsored by Council District 1 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Jones)**

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

Documents Filed: Memorandum from Vice Mayor Chappie Jones, dated February 21, 2019, recommending retroactive approval of a City Council sponsored Special Event.

Public Comment: Blair Beekman shared his enjoyment of the February 15 event.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on March 12, 2019 City Council Agenda for action. (5-0.)

END OF CONSENT CALENDAR

2. Gun Violence Prevention (Mayor/Jones)

Direct the City Manager and City Attorney to revise and update sections of Chapter 10.32 of the San José Municipal Code (“Firearms Sales”) to:

1. Require of all licensees of vendor permits:

a) Video and Audio Recording Transactions: Video- and audio-record every firearm and ammunition transfer to any unsworn member of the public, provide adequate storage of that data for a minimum period, and enable reproduction or access to the videos to SJPD or other agency designated by the City Manager upon request;

(b) Training: Train all staff within a year of ordinance implementation and all new hires within 3 months of implementation, to question potential purchasers, within earshot of the audio recording device, to determine whether the customer seeks to purchase the gun or ammunition for themselves, or for another person (“straw purchaser”). The questions shall comply with a checklist or protocol published by the San José Police Department, in consultation with the City Attorney;

(c) Inventory Checks: Perform at least one annual inventory check, and immediately report any missing or stolen firearms and/or ammunition to SJPD;

(d) Suicide Prevention: Display information at point of-sale about local gun laws, suicide warning signs, and Santa Clara County-approved resources for suicide prevention and domestic violence.

2. Prohibit the sale of any firearms and ammunition within or from a residence.

3. Modernize section 10.32.030-requiring a license for sale, transfer, or advertisement of concealable firearms-to include the regulation of sale of all firearms, ammunition, and downloadable firearms within the city.

(a) If proposed state legislation in this session fails to address the 3D-printed gun loophole, direct the City Attorney to specifically include language that extends the requirements of SJMC Section 10.32 to anyone who provides or downloads data required for the production of a 3D-printed firearm or its components.

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2. Gun Violence Prevention (Cont'd.)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Vice Mayor Chappie Jones, dated February 19, 2019, recommending revision of Sections of Chapter 10.32 of the Municipal Code. (2) "Council Policy Early Consideration Response Form", sponsored by Mayor Sam Liccardo, dated February 25, 2019. (3) Letter from Giffords Law Center, dated February 5, 2019, offering support to the proposed amendment. (4) Email correspondence from Lawrence Ashley Townsend, dated February 24, 2019, Ron Romanow, dated February 25, 2019, and Wallace Gardner, dated February 27, 2019, offering opposition to the proposed amendment. (5) Email correspondence from Portia Mather-Hempler and from Connie Cunningham, both dated February 26, 2019, expressing support to the proposed amendment.

Public Comments: Expressing support to the gun violence prevention proposal were Katy Wilkinson, Teresa Fiss and Sharon Genkin (Moms Demand Action); Andrew Boone, Erik Swanson and Steve Jacobs. Expressing opposition to the proposal, citing an infringement of civil rights, were Stephen Monfort, Vince Moudry, Wallace Gardner and Lawrence Townsend. Dave Truslow advocated for investigating applicants that lie on their form 4473.

Councilmember Johnny Khamis expressed reservations with the amendments as proposed and recommended a deferral of this item pending further input by law enforcement officials.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sylvia Arenas, and carried, the City Manager and City Attorney were directed to revise and update sections of Chapter 10.32 of the San José Municipal Code, as outlined in the joint memorandum from Mayor Sam Liccardo and Vice Mayor Chappie Jones, dated February 19, 2019, including preparation of a draft resolution, with the exception of Item #3, which will be introduced at a later date. The remainder of this item will return to Council by the end of the fiscal year. (4-1. Noes: Khamis.)

3. Age and Family Friendly City Initiative (Arenas)

1. **Modify the name of the "Age Friendly City Initiative" to the "Age and Family Friendly City Initiative."**
2. **Integrate into the "Age and Family Friendly Initiative" current and relevant items in the Neighborhood Services and Education Committee work plan.**
3. **At the next Quarterly Legislative Update, bring forward to Council an update to the "Family Friendly Legislation" policy position to read "Age and Family Friendly Legislation" and include it in the list of top city-wide legislative priorities. Also, include updates on legislative efforts that focus on children and families.**
4. **Include in the "Age and Family Friendly City Initiative" other relevant prioritization items that the Council adopts, as well as the implementation of existing human resources city policies.**

3. Age and Family Friendly City Initiative (Cont'd.)

Documents Filed: (1) Memorandum from Councilmember Sylvia Arenas, dated February 21, 2019, providing recommendations regarding the Age and Family Friendly City Initiative. (2) "Council Policy Early Consideration Response Form", sponsored by Councilmember Sylvia Arenas, dated February 26, 2019. (3) Letter from Laura Arechiga, TOCKNA President, dated February 27, 2019, offering support to Councilmember Arenas' recommendations.

Public Comments:

1. Andrew Boone agreed on the need for special accommodations for children and seniors.
2. Wendy Guraboo (First 5 Santa Clara County) thanked Arenas for her vision.
3. Blair Beekman brought up the need to address other issues such as youth crime.

Mayor Sam Liccardo questioned if the name change will pose a problem for procuring grants since the designation is different. Chief of Staff, Office of the City Manager, Lee Wilcox responded, and discussion followed. Concerns were shared on a potential loss of focus on the senior program.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Vice Mayor Chappie Jones and carried unanimously, recommendations as outlined in Councilmember Sylvia Arenas' memorandum dated February 21, 2019, providing recommendations regarding the Age and Family Friendly City Initiative, were accepted. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

- 1. Neighborhood Services and Education Committee**
- 2. Transportation and Environment Committee**
- 3. Public Safety, Finance and Strategic Support Committee**
- 4. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole**
- 5. Smart Cities and Service Improvements Committee**
None provided.

I. Open Government

1. Appeals of Public Records Act Request – None.

J. Open Forum

1. Andrew Boone referenced the draft budget proposal and expressed concerns that the City is unprepared for a pending recession. He offered ideas for raising new, much-needed revenue.
2. Blair Beekman addressed life with technology, urging openness and accountability, and expressed his gratitude for the public process.

K. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 3:15 p.m.



Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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