



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, DECEMBER 5, 2018**

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 2:04 p.m. in Council Chambers, City Hall.

**PRESENT:** Mayor Sam Liccardo, Chair; Vice Mayor Magdalena Carrasco, Vice Chair; Councilmember Chappie Jones, Councilmember Dev Davis, and Councilmember Johnny Khamis.

**ABSENT:** All present.

**STAFF:** David Sykes, City Manager; Toni Taber, City Clerk; Richard Doyle, City Attorney; Gloria Schmanek, Senior Executive Analyst; Mackenzie Mossing, Mayor's Office Agenda Service, and Louis Ósémwegie, City Clerk's Office.

**A. City Council (City Clerk)**

**1. Review December 11, 2018 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 comments: Blair Beekman commented on homeless assistance and emergency shelter program.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the December 11, 2018 Agenda, with 9:00 a.m. Closed Session start time, 11:00 a.m. Open Session Start time, and a half hour dinner break at 5:30 p.m. Item 3.4 is deferred to January 8 Council Agenda and a 10-day Sunshine waiver granted for Item 3.6. Item 4.2 to be heard after 4.5 but not before 3.30pm. Item 4.6 is dropped, (to be deferred to Jan. 7, 2019). No break for the evening session. Land use items is not to be heard before 6:00 p.m., and Item 10.5 to be heard first after Land Use Consent. (5-0)

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**A. City Council (City Clerk) (Cont'd)**

**2. Review December 18, 2018 Draft 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 comments: Blair Beekman offered comments on emergency bridge housing communities program, emergency shelter system, micro-mobility program regulatory framework, and the scooters.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted the December 18, 2018 Agenda with 9:00 a.m. Closed Session start time, 11:00 a.m. Open Session Start time, with IPA Resolution added to Consent and Item 2.26 dropped. (5-0)

**B. Review of Upcoming Special Meeting Agenda(s)**

**2. Joint City of San José-Santa Clara Valley Water District Board Meeting.  
(City Manager)**

Documents Filed: Joint City Council/ Santa Clara Valley Water District Board Agenda December 12, 2018 Special Meeting.

Public comments: Blair Beekman offered comments on the homeless community, housing rights issues, and tenants’ rights.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved staff recommendation. (5-0)

**C. Legislative Update.**

None presented.

**D. Meeting Schedules**

None presented.

**E. The Public Record for November 22, 2018 - November 29, 2018.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 5, 2018, transmitting the Public Record for the Week of for November 22, 2018 - November 29, 2018.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis, and carried unanimously, the Committee noted and filed the public record. (5-0)

**F. Boards, Commissions, and Committees**

**1. Appointments**

**(a) Work2Future Board Nominations. (Mayor Liccardo)**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated November 28, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved staff recommendation. (5-0)

**2. Work Plans & Annual Reports**

None presented.

**G. Rules Committee Reviews, Recommendations, and Approvals**

**1. Consent Calendar**

(a) Retroactive Approval of Brahms Dumpster Day Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

(b) Retroactive Approval of Millbrook Dumpster Day Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

(c) Retroactive Approval of Home Burglary Community Meeting Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

Documents Filed: (1) Memorandum from Councilmember Arenas, District 8, dated November 29, 2018. (2) Memorandum from Councilmember Arenas, District 8, dated November 29, 2018. (3) Memorandum from Councilmember Arenas, District 8, dated November 26, 2018.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved the Consent Calendar, and added to the December 18, 2018 Council Agenda for action. (5-0)

**END OF CONSENT**

**2. Council Travel Policy: Per Diem Meal Reimbursement. (City Clerk)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated November 29, 2018. (2) A Resolution of The Council of The City Of San Jose approving an Amendment to City Council Policy No. 9-5, "Travel by Elected and Appointed City Officials".

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved staff recommendation and added to the December 18, 2018 Agenda. (5-0)

**(3) Mobile Vendor Policy Update. (Peralez)**

Documents Filed: Memorandum from Councilmember Raul Peralez, dated November 29, 2018.

Councilmember Raul Peralez' Chief of Staff Christina Ramos spoke to State Bill 946, signed recently by the Governor to regulate sidewalk mobile vendors and the imperative of aligning local policies with the parameters of this bill; which, at a glance, obligates vendors under the new rules to pick up trash after themselves, ensure pedestrians can use the sidewalks, do business at a minimum distance from fire hydrants, driveways, curbs, building entrances as well as other street features.

Office of Economic Development Manager, Tammy Turnipseed and Office of Economic Development City Manager Assistant Blage Zelalich responded to questions as well as cited the numerous discussion around this topic and the need to have a much larger conversation about the Citywide kind of mobile peddler policies.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved the recommendation, with notation that the item will go to the Community and Economic Development Committee Work Plan before returning to Council. (5-0)

**(4) Monthly Report of Activities for November 2018. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated November 30, 2018.

City Auditor Sharon W. Erickson addressed the recently issued Audit Reports on the Homeless Assistance Program, Team San Jose, as well as the Supplemental Memo covering the Convention Center's bureau; all of which are available at the City's website. She noted that Services and the Towing Report are expected to be published during the month of December, and was available to answer any questions.

Public Comments: Blair Beekman offered comments on one of the Reports amongst the Audit: The Mayor's Gang Prevention Task Force Program.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the Audits, with the City Auditor directed to explore BEST Program (#16); and In-Lieu Fees (#19) (5-0)

**(5) Actions Related to Municipal Solid Waste Clean Incineration to Generate Energy. (Khamis)**

Documents Filed: Memorandum from Councilmember Johnny Khamis, District 10, dated November 30, 2018.

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**(5) Actions Related to Municipal Solid Waste Clean Incineration to Generate.. (Cont'd)**

Councilmember Khamis spoke to his memo that seeks to explore thermal conversion practices rather than energy burning incineration generating technology.

Environmental Services Director, Kerrie Romanow responded to questions and will meet with the external constituents that Councilmember Khamis has met with, to ensure clarity on the scope.

Action: No motion was required. The Item was referred to staff for evaluation and return to Rules in three months' time.

**(6) Approval of a District 6 Grant to Herbert Hoover Middle School Parent Teacher Staff Association. (Davis)**

Documents Filed: Memorandum from Councilmember Dev Davis, dated November 26, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the recommendation. (5-0)

**(7) Approval of District 6 office Budget Grant for HABLA Friends of River Glen. (Davis)**

Documents Filed: Memorandum from Councilmember Dev Davis, dated November 28, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the recommendation. (5-0)

**H. Review of additions to Council Committee Agendas/Work Plans**

None presented.

**1. Community and Economic Development Committee Workplan.**

None presented.

**2. Neighborhood Services and Education Committee**

None presented.

**3. Transportation and Environment Committee Workplan.**

None presented.

**4. Public Safety, Finance, and Strategic Support**

None presented.

**5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole.**

None presented.

**6. Smart Cities and Service Improvement Committee Workplan.**

None presented.

**I. Open Government**

None presented.

**J. OPEN FORUM**

Blair Beekman offered comments on The Mayor's Gang Prevention Task Force and commended City Council on engendering Peace and Good reasoning, nurturing discourse on Women Issues and Transparency, Openness; Accountability, exemplified in the SAAG Committee as well as creating other “incredibly-incredibly good ideas”.

**ADJOURNMENT**

Mayor Sam Liccardo adjourned the meeting at 2:59 p.m.

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Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

SL/lo