



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, JUNE 12, 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 2:02 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:** All present.

**STAFF:** Assistant City Attorney Ed Moran; 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 June 18, 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)**

Public Comments: Blair Beekman espoused the principles of democratic practices and transparency.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted the June 18, 2019 Final Agenda, including a Sunshine Waiver for Item 3.5, Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for Fiscal Year 2019-2020 Budget; Requests for Travel for Councilmember Sergio Jimenez and Mayor Sam Liccardo and for AB 1477 (Gloria): Unfair Practices Act (City Attorney).  
(5-0.)

**A. 2. Review June 25, 2019 Draft Agenda (City Clerk)**

- 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)

City Manager, David Sykes noted a 9 a.m. start time for Closed Session and a 10:30 a.m. start time for Open Session.

Mayor Sam Liccardo directed pulling Item 2.26, Amendment to Agreements for City-Generated Zone Tow Services, from the Consent Calendar and moving it to Section 4. City Clerk Toni J. Taber, requested an Add and Sunshine Waiver for actions related to an agreement with Hanson Bridget LLP.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the June 25, 2019 Draft Agenda, including an Add and Sunshine Waiver for Actions Related to the Agreement for Evaluator and Investigative Services for the Board of Fair Campaign and Political Practices, and moving Item 2.26 to Section 4 (Community & Economic Development).  
(5-0.)

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

None provided.

**C. Legislative Update**

- 1. State
- 2. Federal

There were none presented.

**D. Meeting Schedules**

None provided.

**E. The Public Record**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 29, 2019, transmitting the Public Record for the Week of May 17 – May 23, 2019.

Public Comments: Martha O’Connell, Ryan Jasinsky and Glenna Howcroft addressed Council Policy 0-4 and their concerns that its interpretation prevents them from communicating with their constituents using their titles as members of the Housing and Community Development Commission.

*(Item Continued on the Next Page)*

**E. The Public Record (Cont'd.)**

Mayor Sam Liccardo directed staff to have Council Policy 0-4 presented to full Council in August with revisions proposed to clarify its interpretation. City Clerk Toni J. Taber indicated she is currently working with the City Attorney's Office to further clarify this policy.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee noted and filed the public record, and Council Policy 0-4 was directed to be brought before Council in August for consideration.  
(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 the Cannery Park Grand Opening Sponsored by Council District 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Peralez)**

Documents Filed: Memorandum from Councilmember Raul Peralez, dated June 5, 2019, recommending approval of a City Council sponsored Special Event.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the June 25, 2019 City Council Agenda for action.  
(5-0.)

- b. Approval of PTSD Awareness Month Presentation & Panel Discussion 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)**

Documents Filed: Memorandum from Councilmember Johnny Khamis, dated June 6, 2019, recommending approval of a City Council sponsored Special Event.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, approval of the City Council sponsored Special Events were accepted and placed on the June 18, 2019 City Council Agenda for action.  
(5-0.)

**END OF CONSENT CALENDAR**

**2. Monthly Report of Activities for May 2019. (City Auditor)**

Documents Filed: (1) Memorandum from City Auditor Joe Rois, dated June 5, 2019, recommending approval of the report.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the City Auditor's Office Monthly Report of Activities for the month of May 2019 was accepted. (5-0.)

**3. Energy Resilience Study Session. (Mayor, Jones, Jimenez, Peralez, Foley)**

Documents Filed: Joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones and Councilmembers Jimenez, Peralez and Foley, dated June 6, 2019, recommending convening an Energy Resilience Study Session.

Public Comment: Blair Beekman spoke on sustainability, natural disasters, and the role of PG&E.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, approval of a Council Study Session to inform Council and educate the public about serious challenges that San Jose and other Northern California cities face regarding maintaining electric reliability and resilience in the light of recent events, as outlined in the June 6, 2019 joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones and Councilmembers Jimenez, Peralez and Foley, was approved. (5-0.)

**4. Rick Doyle Salary Setting. (Mayor)**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated June 7, 2019, recommending an adjustment to the City Attorney's salary.

Staff noted that this item will be renamed to "City Attorney's Salary Setting".

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, an adjustment to the salary for the City Attorney to better align with other jurisdictions' chief counsels, to a base pensionable salary of \$285,000, plus the existing non-pensionable 5% was approved for full Council consideration at the meeting on June 18, 2019. (5-0.)

## **H. Review of additions to Council Committee Agendas/Workplans**

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

Documents Filed: Memorandum from Rosalynn Hughey, Director, Planning, Building and Code Enforcement, dated June 4, 2019, recommending an update to the CEDC Work Plan.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, an Update to the January – June 2019 Community and Economic Development Committee Work Plan was approved, adding an item “San Jose Building Reach Code Update” to June 24, 2019. (5-0.)

### **2. Neighborhood Services and Education Committee**

### **3. Transportation and Environment Committee**

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

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

### **6. Smart Cities and Service Improvements Committee**

None provided.

## **I. Open Government**

1. Appeals of Public Records Act Request – None.

## **J. Open Forum**

Blair Beekman lauded the County Board of Supervisors’ protocol in dealing with ICE.

## **K. Adjournment**

Mayor Sam Liccardo adjourned the Committee meeting at 2:44 p.m.



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Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

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