



# City of San José

City of San José  
200 East Santa Clara Street  
San Jose, CA 95113

## Agenda

### Joint Meeting for the Rules and Open Government Committee and Committee of the Whole

#### Committee Members

**Sam Liccardo, Chair**

**Chappie Jones, Vice Chair**

**Sylvia Arenas, Member**

**Dev Davis, Member**

**Johnny Khamis, Member**

#### Committee Staff

**Dave Sykes, City Manager**

**Toni Taber, City Clerk**

**Richard Doyle, City Attorney**

**Gloria Schmanek, City Manager's Office**

**Mackenzie Mossing, Mayor's Office**

**Louis Osemwegie, City Clerk's Office**

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Wednesday, January 30, 2019

2:00 PM

Wing W118-120

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#### A. City Council (City Clerk)

##### 1. Review Final Agenda

[ROGC](#)  
[18-731](#)

Review February 5, 2019 Final Agenda

a. Add New Items to Final Agenda

b. Assign "Time Certain" to Agenda Items (if needed)

c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

**Attachments** [Agenda](#)

[February 5, 2019 Add Sheet](#)

##### 2. Review Draft Agenda

[ROGC](#)  
[18-732](#)

Review February 12, 2019 Draft Agenda

- a. Add New Items to Draft Agenda
- b. Assign "Time Certain" to Agenda Items (if needed)
- c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

**Attachments**    [Agenda](#)

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

**C. Legislative Update**

1. State
2. Federal

**D. Meeting Schedules**

**E. The Public Record**

**F. Boards, Commissions and Committees**

1. Appointments
2. Work Plans & Annual Reports

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

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

**1. Consent Calendar**

- (a) [ROGC](#) **Retroactive Approval of the Pancake Breakfast 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. (Carrasco)**  
[18-730](#)

**Recommendation:**

1. Retroactive approval of the Pancake Breakfast scheduled on January 26, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the February 5, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

- (b) [ROGC](#) **Retroactive Approval of Coffee Hour 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)**  
[18-734](#)

**Recommendation:**

1. Retroactive approval of the Coffee Hour scheduled on January 24, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the February 12, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

END OF CONSENT

2. [ROGC](#)  
[18-733](#)

**Update to the San José Wage Theft Prevention Ordinance (Perez, Jones, Carrasco, Jimenez)**

**Recommendation:**

1. Approve the attached ordinance (Attachment 1) updating San José's existing Wage Theft Prevention Ordinance to achieve the following goals:
  - a. Require Developers proposed major construction projects to disclose wage theft or other violations of labor and employment law committed in the past five years by their prime contractors and their subcontractors; and if any prime contractor or subcontractor has unpaid wage theft claims or other final unsatisfied judgments, citations, or final administrative decisions against them, disqualify that contractor from the project until they have complied with back wages owed or other final judgments, citations, or final administrative decisions.
  - b. If the City provides any economic development incentives to private construction projects, those incentives should be subject to penalties if illegal abuses of workers are committed on the project. And direct staff to return to City Council with recommendations for appropriate penalties for Developers, prime contractors, and subcontracts, such as a “clawback” mechanism allowing the City to revoke all or a portion of the incentive if illegal abuses of workers are committed on the project.
2. Adopt the attached amendments (Attachment 2) updating San José's existing Wage Theft Prevention Policy to achieve the following goals:
  - a. Remove the exclusion of public works contracts from the policy.
  - b. Clarify that the existing definition of “Final Judgments, Decisions, and Orders” also includes judgments resulting from a Civil Wage and Penalty Assessment (CWPA) or from a Bureau of Field Enforcement (BOFE) Page 2 citation, as well as citations for serious, willful, and repeat OSHA violations.

**Attachments**   [Memorandum](#)  
[Letters from the Public](#)  
[Priority Setting Form](#)

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

1. Community and Economic Development Committee

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 Improvement Committee

## **I. Open Government**

### **J. Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

### **K. Adjournment**

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

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