

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, SEPTEMBER 13, 2017**

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 2:01 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

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

**ABSENT:** None.

**STAFF:** Senior Deputy City Attorney Suzanne Hutchins; Assistant City Clerk Christina Gutierrez; Assistant City Manager David Sykes; Mayor's Agenda Services Nicole Inamine; and Interim Legislative Secretary Suzanne Guzzetta.

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

**1. Review September 19, 2017 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: Davlyn Jones, Martha O'Connell, and Diana Castillo, Law Foundation of Silicon Valley, expressed concerns regarding Item 10.2, the lack of public outreach, and requested a time certain be assigned.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the September 19, 2017 Final Agenda with the following amendments: sunshine waiver for the legal documents for Item 3.4, Item 10.2 to be heard no earlier than 4 p.m., and adding Item 2.16, "Amendment to the Agreement with California High Speed Rail Authority." (5-0.)

- A. City Council (Cont'd.)**  
**2. Review September 26, 2017 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)

Action: Upon motion by Councilmember Chappie Jones, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Committee approved the September 26, 2017 Draft Agenda. (5-0.)

**B. Review of Upcoming Study Session Agenda(s)**

None.

**C. Legislative Update**

1. State
2. Federal

None.

**D. Meeting Schedules**

1. Release of Date for Study Session. (City Manager)  
Recommend release of date held for a Study Session on Monday, September 18, 2017  
from 1:30 p.m. to 4:30 p.m.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the release of the September 18, 2017 Study Session. (5-0.)

**E. The Public Record**

Documents Filed: Memorandum from City Clerk Toni Taber, CMC, dated September 8, 2017, transmitting the Public Record for September 1 – 7, 2017.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones 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. Approval of the Boys & Girls Club Grant Announcement sponsored by Council District 4 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Diep)
  - 1) Approve the Boys & Girls Club grant announcement event scheduled on September 21, 2017 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 September 19, 2017 City Council Agenda for action.
- b. Approval of the Fall Festival 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)
  - 1) Approve the Fall Festival scheduled on September 28, 2017 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 September 19, 2017 City Council Agenda for action.
- c. Approval of the 5<sup>th</sup> Annual July 4<sup>th</sup> Family Fun Festival and Firework Show 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)
  - 1) Approve the 5<sup>th</sup> Annual July 4<sup>th</sup> Family Fun Festival and Firework Show scheduled on Wednesday, July 4, 2018 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 September 19, 2017 City Council Agenda for action.
- d. Approval of Shred-A-Thon and E-Waste Collection Day 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)
  - 1) Retroactively approve the Shred-A-Thon and E-Waste Collection Day scheduled on Saturday, September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
  - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.
  - 3) Place the item on the September 19, 2017 City Council Agenda for action.
- e. Approval of the Mexican Flag Raising sponsored by Council Districts 2, 3, 5, 8 and 9 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Carrasco/Peralez/Jimenez/Arenas/Rocha)
  - 1) Approve the Mexican Flag Raising scheduled on September 15, 2017 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 September 19, 2017 City Council Agenda for action.

G. 1. **Consent Calendar (Cont'd.)**

Councilmember Johnny Khamis briefly spoke on the success of the 5<sup>th</sup> Annual July 4<sup>th</sup> Family Fun Festival.

Documents Filed: (1) Memorandum from Councilmember Lan Diep, dated September 5, 2017, entitled, "Approval of the Boys & Girls Club Grant Announcement sponsored by Council District 4 as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event"; (2) Memorandum from Councilmember Raul Peralez, dated September 7, 2017, entitled, "Approve of the Fall Festival 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"; (3) Memorandum from Councilmember Johnny Khamis, dated September 6, 2017, entitled, "Approval of the 5<sup>th</sup> Annual July 4<sup>th</sup> Family Fun Festival and Firework Show 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"; (4) Memorandum from Councilmember Chappie Jones, dated September 6, 2017, entitled, "Approval of Shred-a-Thon and E-Waste Collection Day 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"; (5) Memorandum from Vice Mayor Magdalena Carrasco, and Councilmembers Peralez, Jimenez, Arena, and Rocha, dated September 7, 2017, entitled, "Approval of the Mexican Flag Raising sponsored by Council District 2, 3, 5, 8, 9 as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event."

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the Consent Calendar, with all items placed on September 19, 2017 Council Agenda. (5-0.)

2. **Approval of District 9 Grant for District 9 Schools. (Rocha)**

**Approve a request to agendaize for City Council deliberation on September 19, 2017 to approve a grant for \$5,000 to Cambrian School District to support the student health and wellness programs at all six schools in the Cambrian district. To be paid by Council District 9 funds.**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated September 6, 2017, entitled, "Approval of District 9 Grant for District 9 Schools."

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee placed the item on the September 19, 2017 Council Agenda. (5-0.)

- G. 3. **Monthly Report of Activities for August 2017. (City Auditor)**
- a. **Approve the City Auditor's Office Monthly Report of Activities for the month of August 2017.**
  - b. **Add "Audit of Retirement Services" to the Public Safety, Finance and Strategic Support Committee October 19, 2017 agenda.**

City Auditor Sharon Erickson introduced the item, provided background information and answered questions from the Committee.

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated September 6, 2017, entitled, "Monthly Report of Activities for August 2017."

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee approved the report and added the "Audit of Retirement Services" to the October 19, 2017 Public Safety, Finance and Strategic Support Committee Agenda. (5-0.)

4. **Resolution Condemning the Rescission of DACA. (Jimenez/Peralez)**  
**Approve a request to agendize for City Council deliberation on September 19, 2017 to:**
- a. **Adopt a resolution condemning President Donald Trump's rescission of the Deferred Action for Childhood Arrivals Program (DACA).**
  - b. **Direct the City Attorney's Office to support the State of California in any and all legal actions against the Trump administration for its abrupt termination of the DACA program.**

Documents Filed: Memorandum from Councilmembers Jimenez and Peralez, dated September 7, 2017, entitled, "Resolution Condemning the Rescission of DACA."

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee placed the Resolution Condemning the Rescission of DACA on the September 19, 2017 Council Agenda. (5-0.)

5. **Opportunity to Work. (Rocha)**  
**Approve a request to agendize for City Council deliberation on September 19, 2017:**
- a. That staff be directed to analyze the administrative and budget implications of implementing the Opportunity to Work rules within the City organization and return to City Council with the results of their analysis and an implementation plan for Council consideration.
  - b. That the City Attorney be directed to provide an explanation of why the Opportunity to Work ordinance does not apply to the City of San José, along with an explanation whether it applies to other public agencies within San José.

Brief committee discussion ensued. Senior Deputy City Attorney Suzanne Hutchins, Assistant City Manager Dave Sykes, and Director of the Office of Employee Relations Jennifer Schembri responded to questions from the Committee.

G. 5. (Cont'd.)

Public Comments: Bob Brownstein and David Urhausen, Labor Support Council, spoke in support.

Documents Filed: Memorandum from Councilmember Donald Rocha, dated September 7, 2017, entitled, "Opportunity to Work."

Action: Upon motion by Councilmember Chappie Jones, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Committee placed the Opportunity to Work on the September 19, 2017 Council Agenda with direction to staff to prepare an information memo. (5-0.)

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

1. **Community and Economic Development Committee**

a. **Update to the Community and Economic Development Workplan for August-December 2017. (Economic Development)**

**Approve an amendment to the August – December 2017 Community and Economic Development Committee Workplan to add "*Approve the Arts Commission FY 2016-2017 Annual Report and Workplan for FY 2017-2018*" to the September 25, 2017 Committee meeting.**

Documents Filed: Memorandum from Deputy City Manager Kim Walesh, dated September 6, 2017, entitled, "Update to the Community and Economic Development Committee Work Plan for August – December 2017."

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, the Committee approved the update to the Community and Economic Development Committee Workplan for the period August through December 2017. (4-0.)

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**

There were none presented.

I. **Open Government**

1. **Appeals of Public Records Act Request**

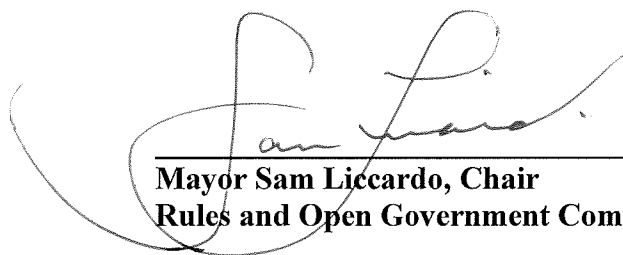
There were none presented.

**J. Open Forum**

Martha O'Connell and Davlyn Jones expressed concerns about the Housing and Community Development Commission agenda.

**K. Adjournment**

Mayor Sam Liccardo adjourned the meeting at 2:36 p.m.



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**Mayor Sam Liccardo, Chair  
Rules and Open Government Committee**

SL/slg

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