



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, NOVEMBER 28, 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 2:00 p.m. in Council Chambers, City Hall.

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

**ABSENT:** Absent: Mayor Sam Liccardo

**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 4, 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: Rich De La Rosa, (representing California Waste Solutions) offered comments and requested Items 7.1, 7.2 and 7.3 moved to the December. 18, 2018 Agenda.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted the December 4, 2018 Agenda, with Items 7.1, 7.2 and 7.3 moved to the December 18, 2018 Agenda; Addsheet approved, and Sunshine Waivers granted for items 2x and 4x. (4-0-1. Absent: Liccardo)

**2. Review December 11, 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)**

*(Item Continued on the Next Page)*

**2. Review December 11, 2018 Draft Agenda. (Cont'd)**

Public Comments: Government Affairs Associate for the Santa Clara County Association of Realtors Tim Bovian offered comments and requested the deferral of the Tenant Protection Ordinance, (TPO) Agenda item tentatively set for December 11, 2018.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted the December 11, 2018 Agenda, with no changes. (4-0-1. Absent: Liccardo)

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

None presented.

**C. Legislative Update.**

None presented.

**D. Meeting Schedules**

None presented.

**E. The Public Record for November 9, 2018 - November 21, 2018.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated November 28, 2018, transmitting the Public Record for the Week of for November 9, 2018 - November 21, 2018.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee noted and filed the public record. (4-0-1. Absent: Liccardo)

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

**1. Appointments**

**(a) VEBA Advisory Committee Appointment. (City Manager)**

Documents Filed: Memorandum from Employee Relations Director, Jennifer Schembri, dated November 20, 2018.

City Attorney Rick Doyle clarified that if the VEBA Advisory Committee recommended appointment was approved, it will be placed on the December 4, 2018 Council Agenda.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the recommendation and added to the December 4, 2018 Agenda for action. (4-0-1. Absent: Liccardo)

**2. Work Plans & Annual Reports**

None presented.

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

**1. Consent Calendar**

- (a) Retroactive Approval of Nieman Community Pick Up 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) Approval of Community Events Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Nguyen)

Documents Filed: (1) Memorandum from Councilmember Member Arenas, District 8, dated November 15, 2018. (2) Memorandum from Councilmember Tam Nguyen, District 7, dated November 15, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the Consent Calendar for Items (a) and (b) only and added to the December 11, 2018 and December 4, 2018, Council Agenda for action. (4-0-1. Absent: Liccardo)

**END OF CONSENT**

**(2) Actions Related to the 2020 U.S. Census. (Khamis)**

Documents Filed: Memorandum from Councilmember Johnny Khamis, District 10, dated November 14, 2018.

Councilmember Johnny Khamis commented on his memo in relation to the Census and the need to outreach to the Spanish, Vietnamese, and Chinese; as well as to other minority Communities in as many languages as we have in San Jose.

City Manager Assistant Zulma Maciel, noted that the Office of Immigrant Affairs is currently conferring with the Santa Clara County Executive Office on Census, the State Census Office, The U.S. Census Bureau, and other jurisdictions in the Bay Area to ensure there is proper communication.

Action: No Motion was required. The item was discussed, with staff directed to report back regularly to the Rules Committee with updates on Census progress.

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

Documents Filed: Memorandum from Councilmember Johnny Khamis, District 10, dated November 16, 2018.

Councilmember Johnny Khamis spoke to his memo, its inspiration, and a video on clean incineration on otherwise polluting our environment.

(Item Continued on the Next Page)

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

Public Comments: Jeff Christian offered comments on clean incineration, thermal conversion, gasification paralysis and dealing with the waste problems.

Environmental Services Dept. Assistant Director Napp Fukuda explained differences and similarities as well as correlation of greenhouse gas, energy generation by incineration and various waste streams.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee deferred the item until the following week. The discussion continued to Dec. 5, 2018 Agenda. (4-0-1. Absent: Liccardo)

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

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

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved the Work Plan and the below listed actions taken as indicated.

(4-0-1. Absent: Liccardo)

**(a) Update to the August - December 2018 Community and Economic Development Committee Work Plan. (Economic Development)**

Documents Filed: Memorandum from Economic Development Office Deputy Director Chris Burton, dated November 14, 2018.

Action: Staff recommendation was accepted and change to the Workplan for the Community and Economic Development (CED) Committee retroactively approved. The following item was dropped from the November 26, 2018 CED Committee Workplan: **Economic Strategy Update (OED).**

**(b) Update to the August - December 2018 Community and Economic Development Committee Work Plan. (Public Works).**

Documents Filed: Memorandum from Public Works Director Matt Cano, dated November 19, 2018.

Action: Staff recommendation was accepted and change to the Workplan for the Community and Economic Development (CED) Committee retroactively approved. The following item was dropped from the November 26, 2018, CED Committee Workplan: **City Council Policy Priority #2: Local Hire Construction Industry Local Hire Study:**

**2. Neighborhood Services and Education Committee**

None presented.

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

None presented.

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

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**

There were no cards.

**K. Adjournment**

Vice Mayor Magdalena Carrasco adjourned the meeting at 2:53 p.m.

---

Vice Mayor Magdalena Carrasco, Vice Chair  
Rules and Open Government Committee

MC/lo