



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

SAN JOSE, CALIFORNIA

WEDNESDAY, FEBRUARY 6, 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 2:03 p.m. in Wing Rooms W118-120, City Hall.

PRESENT: Mayor Sam Liccardo, Chair; Vice Mayor Chappie Jones, Vice Chair; Councilmember Sylvia Arenas, 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 February 12, 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 commented on community energy, PG&E, consistent opt out policy for smart meters as a viable option and good practices in 2019. Tessa Woodmansee commented on having Rules Committee Agenda only on the table; not upcoming City Council Agenda, table should be "user friendly".

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the February 12, 2019 Agenda, with 9:00 a.m. Closed Session start time, and approval of Addsheet with Sunshine Waiver. (5-0)

2. Review February 19, 2019 Draft Agenda

Cancelled

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B. Review of Upcoming Special Meeting Agenda(s)

None presented.

C. Legislative Update.

None presented.

D. Meeting Schedules

1. Council Policy Prioritization Special Meeting. (City Manager)

Documents Filed: Draft Special Meeting Agenda, dated March 1, 2019.

Public comments: Offering comments on the Council Policy Prioritization were Andrew Boone and Tessa Woodmansee.

City Manager Dave Sykes, explained the priority setting process; it's something the City is working on.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda and rescheduled the Meeting to March 5, 2019. Staff is to issue info memo with updated timeline. (5-0)

2. Joint City of San José - Santa Clara County Meeting. (City Manager)

Dropped.

3. Release Dates for Study Sessions. (City Manager).

There was no presentation for this item.

Public comments: Blair Beekman sought clarification on what the Study Session is about.

Mayor Liccardo explained that the actual meeting is on March 5, 2019, wherein Council will prioritize all the issues proposed for consideration and decide what's to be done or not.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted staff recommendation, with February 11, 2019 Study Session date released; with February 22, 2019 as return date for review of the 2/13/19 (Rules Meeting). (5-0)

E. The Public Record for January 18 - January 31, 2019.

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 6, 2019, transmitting the Public Record for the Week of for January 18 - January 31, 2019.

Public comments: Blair Beekman offered comments on the public record; expressed delight for availability of information on different towers that go up in the different new cell sites.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee noted and filed the public record. (5-0)

F. Boards, Commissions, and Committees

1. Appointments

1. Deferred Compensation Committee Appointments. (Human Resources)

Documents Filed: Memorandum from Employee Relations Director Jennifer Schembri, dated January 30, 2019.

There was no presentation for this item.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee approved staff recommendation, and Placed the item on the February 26, 2019 City Council Agenda for action. (5-0)

2. Work Plans and Annual Reports

None presented.

G. Rules Committee Reviews, Recommendations, and Approvals

1. Consent Calendar

- (a) Approval of Day in the Park Fall Family Festival 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) Amended Approval of the Senior Winter Walk and Resource Fair Sponsored by Council District 10, 9, and 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Khamis)
- (c) Retroactive Approval of State of the District Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

Documents Filed: (1) Memorandum from Councilmember Sylvia Arenas, District 8, dated January 28, 2019. (2) Memorandum from Councilmember Johnny Khamis, District 10, dated January 25, 2019. (3) Memorandum from Councilmember Dev Davis, District 6, dated January 30, 2019.

Public comments: Tessa Woodmansee offered comments on public participation.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the Consent Calendar, and added to the added to the February 12, 2019 and February 26, 2019 Council Agenda for action. (5-0)

END OF CONSENT

2. Monthly Report of Activities for December 2018 and January 2019. (City Auditor)

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated January 30, 2019.

City Auditor Sharon W. Erickson gave a presentation and responded to questions.

Public comments: Blair Beekman reflected on how San José Tow Companies proclivity to haul people's cars away and take their livelihoods with them, is means to shape policy on what the rules should be.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee accepted the Report. (5-0)

3. Naming of 28th Street San José BART Station. (Mayor, Peralez, Carrasco)

Documents Filed: Memorandum from Mayor Sam Liccardo, Councilmember Raul Peralez, and Councilmember Magdalena Carrasco, dated January 30, 2019.

Public comments: Offering comments were: Davide Vieira, Melda Rodriguez, Blair Beekman, Andrew Boone, and Tessa Woodmansee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved staff recommendation, and added to the February 12, 2019 Agenda. (5-0)

4. Approval of an Additional General Plan Hearing for Publicly Funded Affordable Housing Projects. (Mayor and Davis)

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Dev Davis, dated January 31, 2019.

Public comments: Offering comments were Geoffrey Morgan and Blair Beekman.

Mayor Liccardo suggested some modifications, including eliminating publicly funded opportunities capped with 100% constraint.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee approved staff recommendation, and added to the February 26, 2019 Agenda; with direction that language update is required from publicly to privately funded, and the language should be confirmed with PBCE.

5. Abandoned Shopping Cart Program. (Jimenez).

Documents Filed: (1) Memorandum from Councilmember Sergio Jimenez, District 2, dated January 31, 2019. (2) Council Policy Early Consideration: Response Form. (3) Letters from the Public.

Councilmember Jimenez articulated how shopping carts work; stores around the City require a plan.

Public comments: Offering comments were Tessa Woodmansee and Blair Beekman.

Mayor Liccardo left the meeting at 3:32 p.m.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved staff recommendation. Cost recovery was referred to staff for inclusion in the Manager's Budget Process. The rest of the proposal should go to Priority Setting. (4-0. Absent: Liccardo)

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

1. Community and Economic Development Committee Workplan.

None presented.

2. Neighborhood Services and Education Committee Workplan. (Mayor and Arenas).

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Sylvia Arenas, dated January 31, 2019.

There was no presentation for this item.

Public comments: Blair Beekman offered comments on the Neighborhood Services Committee work plan for June 2019.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted the work plan. (4-0. Absent Liccardo)

3. Transportation and Environment Committee.

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 Improvements Committee.

None presented.

I. Open Government

None presented.

J. Open Forum

1. Andrew Boone commented that the City is facing another budget shortfall. We can cultivate new revenue sources from cannabis sales, by permitting more dispensaries in addition to the 16 that currently exist in a City of over a million people.
2. Blair Beekman offered comments on issues with certain population pockets in San José that is not being polled in opinion surveys.
3. Tessa Woodmansee commented on having public comments at the beginning of meetings.

ADJOURNMENT

Vice Mayor Chappie Jones adjourned the meeting at 3.46 p.m.



Vice Mayor Chappie Jones, Vice Chair
Rules and Open Government Committee

CJ/lo