

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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 28, 2016

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 Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Mayor Sam Liccardo, Chair; Vice Mayor Rose Herrera, Vice Chair; Council Member Johnny Khamis, Council Member Chappie Jones and Council Member Magdalena Carrasco, Members.

ABSENT: All Present.

STAFF: City Attorney Richard Doyle, Assistant City Manager David Sykes, City Manager's Office Rachele Blattman, Mayor's Policy Analyst Ahmad Chapman, City Clerk Toni J. Taber and Deputy City Clerk Susan Davis.

A. City Council (City Clerk)

- 1. Review October 4, 2016 Final 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 Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Committee accepted the September 20, 2016 Agenda, as amended, Item 2.4, Request for an Excused Absence for Vice Mayor Rose Herrera on October 5, 2016 for Rules and Open Government Committee; Item 2.11, International Travel to Santiago, Chile for the AmCham Waste Management Seminar and a Ceremonial item requested by Council Member Johnny Khamis, National Retirement Security Week, all three including sunshine waivers, were added to the Agenda; a sunshine waiver was granted for Item 8.1, Police Department Staffing and Discussion of Options to Address the Unprecedented Low Staffing Levels in the Patrol Division. (5-0.)

- A. 2. **Review October 11, 2016 Draft Agenda. (COnT'd.)**
- 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: October 11, 2016 Meeting was canceled.

B. Review of Upcoming Study Session Agendas

There were none presented.

C. Legislative Update – Verbal Report

Director of Intergovernmental Relations Betsy Shotwell offered a brief update on AB 2176, Shelter Crisis – Emergency Bridge.

D. Meeting Schedules

There were none presented.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated September 23, 2016, transmitting the Public Record for the Week of September 16 – September 22, 2016.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis 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 for the Hungarian Flag Raising Ceremony 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 events. (Khamis)**
 - (1) **Approve the Hungarian Flag Raising Ceremony on Friday, October 21, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.**

- G. 1. a. (2) **Approve and accept donations from various individuals, businesses or community groups to support the event.**
(3) **Place the item on the October 4, 2016 Council Agenda for action.**

Documents Filed: Memorandum from Council Member Johnny Khamis, dated September 16, 2016, requesting approval of the City Council sponsored Special Event and to place it on the October 4, 2016 Agenda for action.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Committee accepted the Consent Calendar and agendized it on the October 4, 2016 Council Agenda. (5-0.)

2. **Accept Recommended City Positions on the November 8, 2016 California General Election Ballot – Proposition 51-67 (City Manager)**
(a) **Approve the recommended City positions for Propositions 51-67, on the November 8, 2016 California General Election ballot.**
(b) **Request that a one-week turnaround be granted so that this item can be heard at the October 4, 2016 City Council meeting.**

Documents Filed: (1) Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated September 21, 2016, recommending acceptance of the City positions on the November 8, 2016 Ballot and to place it on the October 4, 2016 Council Agenda. (2) Flyer dated September 28, 2016 submitted by Dave Truslow pertaining to the Change in Crime Rates vs. Murder Rates (2015-2016).

Mayor Sam Liccardo recommended limiting discussion to two minutes total per Council Member on items not pertaining to City business and not relevant to the residents of San José.

Motion: Vice Mayor Rose Herrera moved approval to accept the recommended City positions for Propositions 51-67 on the November 8, 2016 California General Election ballot to be heard at the October 4, 2016 Council Meeting, including limiting Council discussion for each Council Member to two minutes total. Council Member Magdalena Carrasco seconded the motion.

Council Member Johnny Khamis expressed concerns about items not germane or relevant to the City of San José, including the fact that Staff was not providing enough background material or arguments in order to make an educated, perceptive decision on each proposition.

Substitute Motion: Council Member Johnny Khamis moved approval to not agendize the recommended City positions for the Propositions on the October 4, 2016 Agenda. Mayor Sam Liccardo seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

G. 2. Accept Recommended City Positions on the November 8, 2016 California General Election Ballot – Proposition 51-67. (Cont'd.)

Public Comments: Joseph White and Dave Truslow expressed concerns and opposition related to Proposition 63 – Firearms, Ammunition Sales Initiative Statute.

Committee discussion ensued.

On a call for the question, the substitute motion failed. (2-3. Noes: Carrasco, Herrera, Jones.)

The original motion was back on the floor.

Vice Mayor Rose Herrera requested to amend her motion to allow each Council Member four minutes speaking time total, with direction to the City Attorney to return to the Rules and Open Government Committee with recommendations for Rules of Conduct for Meetings (Resolution No. 77486) on how to limit time discussions on items/initiatives outside of City limits/businesses. Council Member Magdalena Carrasco accepted the amendment.

Action: On a call for the question, the original motion carried unanimously, the Committee accepted the recommended City positions for Propositions 51-67 on the November 8, 2016 California General Election ballot and agendaized it on the October 4, 2016 Council Agenda with each Council Member allowed four minutes speaking time total. The City Attorney was directed to return to Rules and Open Government Committee with recommendations for Rules of Conduct for Meetings (Resolution No. 77486) on how to limit time discussions on items/initiatives outside of City limits/businesses. (5-0.)

**3. Proposed Gun Violence Prevention Ordinance (Police)
Defer to the October 19, 2016 Rules and Open Government Committee meeting the report out on recommendations and next steps regarding the Gun Violence Prevention Ordinance proposed by Council Members Ash Kalra and Raul Peralez in their memorandum of September 1, 2016.**

Documents Filed: Flyer dated September 28, 2016 submitted by Dave Truslow pertaining to the Gun Violence Prevention Ordinance proposed by Council Member Ash Kalra and Council Member Raul Peralez.

Mayor Sam Liccardo and City Attorney Richard Doyle presented opening comments.

Motion: Vice Mayor Rose Herrera moved approval to defer the item to the October 19, 2016 Rules and Open Government Committee Meeting. Council Member Chappie Jones seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

G. 3. Proposed Gun Violence Prevention Ordinance (Cont'd.)

Public Comments: The following speakers expressed opposition, support, comments and suggestions: Mark Towber, Russ Failing, Wallace Gardner, Dena Dickinson, Safe Cities Coalition; Greg Lytle and Dave Truslow.

Action: On a call for the question, the motion carried unanimously, the Committee deferred the item to the October 19, 2016 Rules and Open Government Committee. (5-0.)

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

1. Community and Economic Development Committee

- (a) **Approve the addition to the August – December 2016 Community and Economic Development Committee Work Plan as indicated below:
For the October 24, 2016 meeting, add “Briefing on Airport Strategic Plan” to the agenda.**

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated September 21, 2016, recommending approval of the addition to the Community and Economic Development Committee Work Plan.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Committee accepted the addition to the Community and Economic Development Committee Work Plan. (5-0.)

3. Transportation and Environment Committee

- (a) **Transportation and Environment Committee Work Plan Addition (Airport)**

**Approve the addition to the August – December 2016 Transportation and Environment Committee Work Plan as indicated below:
For the November 7, 2016 meeting, add “Briefing on Airport Strategic Plan” to the agenda.**

Documents Filed: Memorandum from Director of Aviation Services Kimberly J. Becker, dated September 21, 2016, recommending approval of the addition to the Transportation and Environment Committee Work Plan.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Committee accepted the addition to the Transportation and Environment Committee Work Plan. (5-0.)

2. Neighborhood Services and Education Committee

4. Public Safety, Finance and Strategic Support Committee

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

There were none presented.

I. Open Government

1. Appeals of Public Records Act Request

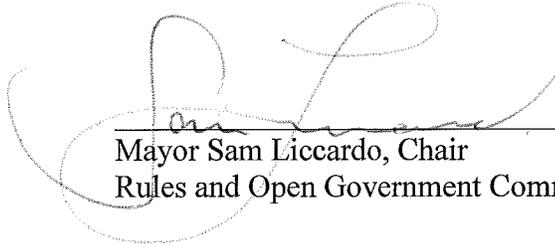
There were none presented.

OPEN FORUM

Blair Beekman reiterated concerns pertaining to surveillance, technology, openness and transparency.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting at 3:00 p.m.



Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/smd