



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, JANUARY 17 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 2:02 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

**PRESENT:** Mayor Sam Liccardo, Chair; Vice Mayor Magdalena Carrasco, Vice Chair; Councilmember Chappie Jones; Councilmember Johnny Khamis and Councilmember Dev Davis (2:06 p.m.)

**ABSENT:** All present.

**STAFF:** City Manager David Sykes, City Attorney Richard Doyle, Assistant City Clerk Christina Gutiérrez, Senior Executive Analyst Gloria Schmanek, Nicole Inamine, Mayor's Office Agenda Services, and Louis Ósémwegie, City Clerk's Office.

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

**1. Review January 23, 2018 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)**

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted the January 17, 2018 Agenda, with a 10-day Sunshine waiver granted for item 3.3. (4-0-1. Absent: Davis)

**2. Review January 30, 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)**

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco, and carried unanimously, the Committee accepted the January 30, 2018 Agenda, with no changes. (5-0.)

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

There were none presented.

**C. Legislative Update.**

There were none presented.

**D. Meeting Schedules**

**1. 2017-2018/2018-2019 City Budget Calendar Amendments. (City Manager)**

Documents Filed: Memorandum from Budget Director Margaret McCahan, dated January 9, 2018.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted staff recommendation and adopted the amended 2017- 2018/2018-2019 City Budget Calendar as presented in Attachment A for the 2018-2019 Operating Budget, 2018-2019 Capital Budget and 2019-2023 City Capital Improvement Program, and 2018-2019 Fees and Charges Report. (5-0.)

**2. Release of Date for Study Session. (City Manager)**

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted staff recommendation and a Study Session date to be held for Monday, January 29, 2018 from 1:30 p.m. to 4:30 p.m. was released. (5-0.)

**E. The Public Record for January 5 - 11, 2018.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated January 12, 2018, transmitting the Public Record for the Week of January 5 - 11, 2018.

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

**F. Boards, Commissions and Committees**

**1. Appointments**

**City Council Committee and Board and Commission Appointments**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated January 10th, 2018.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved the appointments of Councilmember Davis as Chair and Councilmember Khamis as a regular Member of AD-HOC Committee for Development Services. (5-0.)

## **2. Work Plans & Annual Reports**

There were none presented.

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

#### **1. Consent Calendar**

- a.** Retroactive Approval of Faith Leaders Breakfast Event Sponsored by Council District 2, as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)
- b.** Retroactive Approval of the Sound the Alarm Smoke Detector Installation Event by Council District 10 as a City Council Sponsored Special Event to to Expend City Funds and Accept Donations of Materials and Services for the Event. (Khamis)
- c.** Approve the District 4 Office Hours Event 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)
- d.** Public Calendar Postings and Public Records Request. (City Manager)

Documents Filed: (1) Memorandum from Council Member Jimenez District 2, dated January 11, 2018. (2) Memorandum from Councilmember Johnny Khamis District 10, dated January 9, 2018. (3) Memorandum from Councilmember Lan Diep District 4, dated January 8, 2018. (4) Memorandum from Communications Director Rosario Neaves, dated January 11, 2018.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee approved the Consent Calendar and added to the January 23, 2018 and the January 30, 2018 Agenda for action. (5-0.)

### **END OF CONSENT**

## **2. Monthly Report of Activities for December 2017. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated January 10, 2018.

City Auditor Sharon W. Erickson provided report overview and was available to respond to Committee questions and concerns.

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

### **3. Coyote Valley Water Resource Investment Strategy. (Public Works)**

Documents Filed: (1) Memorandum from Public Works Director Barry Ng, dated January 10, 2018. (2) Memorandum from Mayor Sam Liccardo and Councilmember Sergio Jimenez, dated November 9, 2017.

Public Works Assistant Director John Cicirelli, provided overview and of the strategy and responded to Committee questions and concerns.

Councilmember Johnny Khamis spoke to the loss of industrial lands and employment lands and proposed having a study session to educate Council to help it understand the full picture.

Mayor Sam Liccardo recommended a return of the item in two weeks with intent to decide either on a study session or a future date, and broaden the conversation to include previously involved stakeholders to have a clear idea of the objectives to be achieved.

Public Comments: Offering comments were McKenzie Mossing, (representing the Santa Clara Valley Audubon Society), Paul Ledesma, (representing the Committee for Green Foothills).

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, the Committee accepted the report. Staff was directed to return in two weeks with information on a potential study session or special meeting to discuss the decisions that should be taken regarding the future of Coyote Valley. [Note: this will be a verbal update.] (5-0.)

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

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

There were none presented.

### **2. Neighborhood Services and Education Committee Workplan. (Mayor/Rocha)**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Donald Rocha, dated January 8, 2018.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee approved the Workplan with no changes. (5-0.)

### **3. Transportation and Environment Committee Workplan. (Mayor/Carrasco.)**

Documents Filed: Memorandum from Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco, dated January 5, 2018.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee approved the Workplan with no changes. (5-0.)

**4. Public Safety, Finance and Strategic Support Committee Workplan.  
(Mayor/Peralez)**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated January 5, 2018.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Magdalena Carrasco, and carried unanimously, the Committee approved the Workplan with the following changes: (1) Move Project Hope Pilot Program Final Report from February to March (2) Move Mayor's Gang Prevention Task Force Strategic Work Plan from March to February (3) Delete Key State Legislation Semi-Annual Report from June. (5-0.)

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

There were none presented.

**6. Smart Cities and Service Improvement Committee Workplan. (Mayor/Jones)**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Chappie Jones, dated January 11, 2018.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee approved the Workplan with no changes. (5-0.)

**I. Open Government**

**3. Appeals of Public Records Act Request. (Mr. Danny Garza)**

Documents Filed: Memorandum from Communications Director Rosario Neaves, dated January 11, 2018.

City Attorney Rick Doyle clarified for the record that this is an appeal of a Public Records Act request which involves District 5 Council Office, and the Code requires that the Vice Mayor abstain from participation.

Vice Mayor Magdalena Carrasco left the meeting room at approximately 2:30 p.m.

Requestor, Danny Garza read for the record, his mission to the Committee, which he said is centered on his quest for honesty, justice, and ethical accountability from this body.

*(Item Continued on the Next Page)*

**3. Appeals of Public Records Act Request. (Mr. Danny Garza) (Cont')**

Public Comments: Blair Beekman offered comments.

Mayor Sam Liccardo noted that the Public Records Act deals with writings. To the extent writings exist the City has obligation to turn over writings which are public records. If there are no writings, it's inconceivable to turn over records that don't exist. Therefore, considering the evidence and constraints, the Mayor recommended that the appeal be denied.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, the Committee denied the Appeal. (4-0-1. Absent: Carrasco.)

**J. OPEN FORUM**

1. Blair Beekman offered comments.

**ADJOURNMENT**

Mayor Sam Liccardo adjourned the meeting at 2:46 p.m.

**DRAFT**

Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

SL/lo