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

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 23, 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 2:03 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

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

ABSENT: Mayor Sam Liccardo, Chair.

STAFF: City Attorney Richard Doyle; Assistant City Manager David Sykes; City Manager's Office Agenda Services Manager Gloria Schmanek; Mayor's Staff Nicole Inamine; City Clerk Toni J. Taber, CMC; and Interim Legislative Secretary Suzanne Guzzetta.

A. City Council (City Clerk)

1. Review August 29, 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)**

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the August 29, 2017 Final Agenda, as amended, including sunshine waivers and the following changes: 9:00 a.m. Closed Session start time; Item 2.18, Settlement of Paulino v. City of San Jose, and Item 2.19, Continuation of the Proclamation of the Existence of a Local Emergency, were added to the agenda. (4-0-1. Absent: Liccardo.)

2. Review September 5, 2017 Draft Agenda

The meeting was cancelled

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State
2. Federal

None.

D. Meeting Schedules

None.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni Taber, CMC, dated August 18, 2017, transmitting the Public Record for August 11-17, 2017.

Public Comments: Blair Beekman offered comments on the Verizon letter regarding City of San Jose Small Cells.

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

F. Boards, Commissions and Committees

1. Appointments

2. Work Plans & Annual Reports

- a. **Neighborhoods Commission Workplan for FY 2017-18. (City Manager)**
Approve the Neighborhoods Commission Workplan for FY 2017-18 as recommended by staff.

Documents Filed: Memorandum from Deputy City Manager Julie Edmonds-Mares, dated August, 18, 2017, entitled, "Neighborhoods Commission Workplan for FY 2017-18."

Public Speakers: (1) Jonathan Fleming, Vice Chair of the Neighborhoods Commission, clarified items on the workplan. (2) Blair Beekman offered comments on potential items for the workplan.

Assistant to the City Manager Zulma Maciel responded to questions from the Committee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee approved the Neighborhoods Commission Work Plan for FY 2017-18. (4-0-1. Absent: Liccardo.)

- F. 2. **Work Plans & Annual Reports (Cont'd.)**
b. **Independent Citizens Oversight Committee for the Measure B Sales Tax. (City Manager)**
Approve the creation of a Standing Committee for the Neighborhoods Commission to fulfill their annual role as Independent Citizens Oversight Committee for the Measure B Sales Tax.

Documents Filed: Memorandum from Deputy City Manager Julie Edmonds-Mares, dated August, 17, 2017, entitled, "Neighborhoods Commission Standing Committee."

Public Speakers: Blair Beekman voiced support for the creation of the standing committee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the creation of Standing Committee for the Neighborhoods Commission to fulfill their annual role as Independent Citizens Oversight Committee for the Measure B Sales Tax. (4-0-1. Absent: Liccardo.)

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

1. **Consent Calendar**

- a. **Retroactive approval of District 4 Dumpster Day as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Diep)**
- 1) **Retroactively approve District 4 Dumpster Day scheduled on June 24, 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 these events.**
 - 3) **Place the item on the August 29, 2017 City Council Agenda for action.**
- b. **Retroactive approval of Viva Parks – Meadowfair Park sponsored by Council District 8 as a City Council Special Event to expend City funds and accept donations of materials and services for the event. (Arenas)**
- 1) **Retroactively approve the Viva Parks - Meadowfair Park held on August 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 these events.**
 - 3) **Place the item on the August 29, 2017 City Council Agenda for action.**

Documents Filed: (1) Memorandum from Councilmember Lan Diep, dated August 14, 2017, entitled, "Retroactively Approve District 4 Dumpster Day sponsored as a City Council Event"; (2) Memorandum from Councilmember Sylvia Arenas, dated August 16, 2017, entitled, "Retroactive Approval of Viva Parks – Meadowfair Park 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."

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the Consent Calendar and placed both items on the August 29, 2017 City Council Agenda. (4-0-1. Absent: Liccardo.)

G. 2. San José Water Company. (Rocha)

Approve a request to agenda for City Council deliberation on August 29, 2017, to direct the City Manager to do the following and return to Council before the San José Water Company Public Participation Hearing in September:

- 1) Research and present to Council a summary of the City of San José's payments to San José Water Company for water service for the last 6 years (2012-2016). The City Manager should present as a part of this summary:**
 - a. The total number of San José residents who receive water services from San José Water Company.**
 - b. The amount the City of San José pays for water service from San José Water Company monthly and annually.**
 - c. The total increase in cost for water services from San José Water Company.**
 - d. The total amount paid in drought surcharges.**
 - e. A list of all rate changes from San José Water Company with the associated purpose for the rate change.**
 - f. An estimate of the total refund the City of San José may receive as proposed in San José Water Company's advice letter #510 to the PUC.**
 - g. An estimate of the total refund the City of San José would receive due to the meter credit proposed in advice letter #510 as calculated from when the City of San José account was first started.**
- 2) Evaluate based on the information above, the scale and scope of the situation, and whether the City of San José should take a more active role in representing the interests of the San José residents concerning San José Water Company rate increases. If appropriate, the City Manager should consider if there are ways for the City to become more engaged in the CPUC protest and response, formal complaint process, or any investigations that would allow us to represent the interests of San José residents and ensure their concerns are heard.**
- 3) Any other pertinent or beneficial information for the public.**

Documents Filed: (1) Memorandum from Councilmember Donald Rocha, dated August 17, 2017, entitled, "San José Water Company"; (2) 111 Letters from the Public in support of the recommendation.

Public Speakers:

- (1) John Tang, San José Water Company, provided information related to the water company and its regulations.
- (2) Rita Benton spoke on the impact of water rates on the community.

Director of Environmental Services Kerrie Romanow and Assistant City Manager Dave Sykes answered questions from the committee.

Action: Councilmember Johnny Khamis moved to place Part 1 of the recommendation on the September 12, 2017 City Council agenda with direction to staff to present a workload analysis for Item 2 at the same time. Councilmember Jones seconded the motion. Upon a call for the motion, it carried unanimously, the Committee placed Part 1 of the recommendation on the September 12, 2017 Council Agenda with direction to staff to return to Council at the same time with a workload analysis for Item 2. (4-0-1. Absent: Liccardo.)

- H. Review of additions to Council Committee Agendas/Workplans**
- 1. Community and Economic Development Committee**
 - 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

Blair Beekman offered comments related to items heard at the August 22, 2017 City Council meeting.

K. Adjournment

Vice Mayor Magdalena Carrasco adjourned the meeting at 2:35 p.m.



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/civiccentertv>.
For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.