



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

SAN JOSE, CALIFORNIA

WEDNESDAY, OCTOBER 11, 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: Mayor Sam Liccardo, Chair; Vice Mayor Magdalena Carrasco, Vice Chair; Councilmember Dev Davis, and Councilmember Chappie Jones, Members.

ABSENT: Councilmember Johnny Khamis, Member.

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 October 17, 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)**

Public Comment: Blair Beckman spoke on the establishment of the Clean Energy Community Advisory Commission.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the October 17, 2017 Final Agenda with the following amendments and related sunshine waivers: Closed Session to start at 9:00 a.m., and addition of Item 3.7, City Manager Appointment and Compensation Package. (4-0-1. Absent: Khamis.)

B. City Council (Cont'd.)

2. Review October 24, 2017 Draft 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 Magdalena Carrasco, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the October 24, 2017 Draft Agenda. (4-0-1. Absent: Khamis.)

B. Review of Upcoming Study Session Agenda(s)

There were none.

C. Legislative Update

There was no legislative update.

D. Meeting Schedules

There were none.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni Taber, CMC, dated October 6, 2017, transmitting the Public Record for September 29 – October 5, 2017.

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

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 of the Independence High School Beautification Day 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)**
 - 1) **Approve the Independence High School Beautification Day scheduled on October 14, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - 2) **Approve and accept donations from various individuals, businesses, or community groups to support the event.**
 - 3) **Place the item on the October 17, 2017 City Council Agenda for action.**

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd)

1. Consent Calendar (Cont'd.)

- b. Retroactive approval of the Silicon Valley Organization District 4 Merchant Walk 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)**
 - 1) Retroactively approve the Silicon Valley Organization District 4 Merchant Walk held on October 4, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - 2) Approve and accept donations from various individuals, businesses, or community groups to support the event.**
 - 3) Place the item on the October 17, 2017 City Council Agenda for action.**
- c. Approval of the POW! WOW! San José Flag Raising Ceremony sponsored by Council District 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Peralez)**
 - 1) Approve the POW! WOW! San José Flag Raising Ceremony scheduled on October 23, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - 2) Approve and accept donations from various individuals, businesses, or community groups to support the event.**
 - 3) Place the item on the October 17, 2017 City Council Agenda for action.**
- d. Approval of the Informational Briefing on the City of San José My Brother's Keeper (MBK) Strategy-Education Initiative as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Mayor)**
 - 1) Approve the Informational Briefing on the City of San José MBK Strategy-Education Initiative scheduled for Wednesday, November 1, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - 2) Approve and accept donations from various individuals, businesses, or community groups to support the event.**
 - 3) Place the item on the October 17, 2017 City Council Agenda for action.**

Documents Filed: (1) Memorandum from Councilmember Lan Diep, dated October 3, 2017, entitled, "Retroactively approve of the Independence High School Beautification Day 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"; (2) Memorandum from Councilmember Lan Diep, dated October 3, 2017, entitled, "Retroactively approve of the Silicon Valley Organization District 4 Merchant Walk 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"; (3) Memorandum from Councilmember Raul Peralez, dated October 5, 2017, entitled, "Approval of the POW! WOW! San José Flag Raising Ceremony sponsored by Council District 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event"; (4) Memorandum from Mayor Sam Liccardo, dated October 5, 2017, entitled, "Approval of the Informational Briefing on the City of San José My Brother's Keeper (MBK) Strategy-Education Initiative as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event."

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd)

1. Consent Calendar (Cont'd)

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Magdalena Carrasco, and carried unanimously, the Committee approved the Consent Calendar and placed all items on the October 17, 2017 City Council agenda. (4-0-1. Absent: Khamis.)

2. Monthly Report of Activities for September 2017. (City Auditor)

Approve the City Auditor's Office Monthly Report of Activities for the month of September 2017.

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated October 5, 2017, entitled, "Monthly Report of Activities for September 2017."

City Auditor Sharon Erickson introduced the item, provided a brief overview of the report, and responded to questions from the Committee. Mayor Sam Liccardo voiced concerns about the Preliminary Review of San José Clean Energy and indicated he would not support it moving forward to the Transportation and Environment Committee.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee added both the Audit of San José's Tier 3 Defined Contribution Plan and Audit of Employee Travel Expenses to the November 16, 2017 Public Safety, Finance, and Strategic Support Committee agenda. The Preliminary Review of San José Clean Energy was not added to the Transportation and Environment Committee agenda. (4-0-1. Absent: Khamis.)

3. Board of Fair Campaign and Political Practices SJMC Title 12 and San José City Council Resolution 777879 Recommended Revisions. (City Clerk)

Provide feedback and direction to the Board of Fair Campaign and Political Practices ("Board") on the attached table of Suggested Revisions to the San José Municipal Code Title 12 and Resolution 777879.

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 11, 2017, entitled, "Board of Fair Campaign and Political Practices SJMC Title 12 and San José City Council Resolution 777879 Recommended Revisions."

City Clerk Toni J. Taber introduced the item, provided a summary of the recommendations, and responded to questions from the Committee.

Committee discussion ensued.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee recommended moving forward with Items, 1, 2, and 4-8. (4-0-1. Absent: Khamis.)

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd)

4. Evergreen Senior Homes Initiative. (Mayor/Arenas)

Approve this request to agendize for City Council deliberation and approval on October 17, 2017 to direct the City Manager, pursuant to the California Elections Code Section 9212, to report on any and all of the following items regarding the proposed Evergreen Senior Homes Initiative, no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition, in the event the petition is certified:

- 1. Its fiscal impact.**
- 2. Its effect on the internal consistency of the city's General and Specific Plans, including the housing element, the consistency between planning and zoning, and the limitations on City actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.**
- 3. Its effect on the use of land, the impact on the availability and location of housing and the ability of the city to meet its regional housing needs.**
- 4. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.**
- 5. Its impact on the community's ability to attract and retain business and employment.**
- 6. Its impact on the uses of vacant parcels of land.**
- 7. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.**
- 8. Its economic impact.**
- 9. Its environmental impact.**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Sylvia Arenas, dated October 5, 2017, entitled, "Evergreen Senior Homes Initiative."

Public Speakers: Mackenzie Mossing, Santa Clara Valley Audubon Society, voiced concerns that the initiative circumvents the San José General Plan.

Mayor Sam Liccardo provided background information. City Attorney Rick Doyle responded to questions from the Committee.

Committee discussion ensued.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the item and placed it on the October 17, 2017 City Council agenda. (4-0-1. Absent: Khamis.)

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

There were none presented.

- 3. Transportation and Environment Committee**
 - a. Update to the Transportation and Environment Committee Workplan for August – December 2017. (Transportation)**
Approve an amendment to the August – December 2017 Workplan for the Transportation and Environment Committee to add a presentation by SPUR on the Knight Foundation Study Tour for the remaking of San José’s Diridon Station and the Diridon Station Area to the November 6, 2017 Committee meeting.

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated October 4, 2017, entitled, “Update to the Transportation and Environment Committee Workplan for August – December 2017.”

Public Speakers: Blair Beekman questioned if the tour was part of the Knight Foundation plan.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the item and placed it on the November 6, 2017 Transportation and Environment Committee. (4-0-1. Absent: Khamis.)

- 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**
- (1) Danielle Pirslin asked for clarification on items on both the October 17 and October 24, 2017 agendas.
 - (2) Blair Beekman offered comments on open government.
 - (3) Ken Schneebeli spoke on the Ratio Auto-Billing System related to the Apartment Rent and Tenant Protection ordinances.

K. Adjournment

Mayor Sam Liccardo adjourned the meeting at 2:40 p.m.



Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/slg