

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

SAN JOSE, CALIFORNIA

WEDNESDAY, NOVEMBER 8, 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 2:02 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, Councilmember Chappie Jones, and Councilmember Johnny Khamis, Members.

ABSENT: All present.

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

A. City Council (City Clerk)

1. Review November 14, 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 Speakers:

- (1) Blair Beekman offered comments on the TRO process.
- (2) Sean Keller raised questions related to Item 4.3 incorporating the recommendations from the October 18th Rules and Open Government Committee.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the November 14, 2017 Amended Agenda with the following amendments, additions and related Sunshine Waivers: Items 4.4, 4.5, and 4.6 not to be heard before 3 p.m., the San Jose Financing Authority Agenda to be heard immediately following the Consent Calendar, and addition of Items 2.12, "Vacation of Setback easement at 5159 and 5181 Brewster Avenue," 2.4, "Mayor and Council Absence Requests," and Item 2.13, "Mayor's Travel to Washington, D.C."

- A. **City Council (Cont'd.)**
 - 2. **Review November 21, 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)**
- None – Meeting Cancelled.

- B. **Review of Upcoming Study Session Agenda(s)**
None.

- C. **Legislative Update**
 - 1. **State**
None.

 - 2. **Federal**
 - a. **Federal Legislative and Regulatory Action Relevant to General Local Government Interests: Fall Supplement. (City Manager)**
Accept the report from the City’s federal advocacy firm of Squire Patton Boggs, LLP, in Washington, DC.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated November 1, 2017, entitled, “Federal Legislative and Regulatory Action Relevant to General Local Government Interests: Fall Supplement.”

Director of Intergovernmental Relations Betsy Shotwell introduced the item. Pamela Welsh from Squire Patton Boggs provided background information, presented the report, and responded to questions from the Committee.

Public Speakers: Blair Beekman voiced concerns about use of drones, and offered comments on various issues.

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

- D. **Meeting Schedules**
 - 1. **Council Meeting Schedule and Study Session Schedule for January – June 2018. (City Manager)**
 - a. **Approve the City Council Meeting Schedule for the period January – June 2018; and**
 - b. **Approve the Study Session Schedule for the period January – April 2018.**

Documents Filed: Memorandum from Senior Executive Analyst Gloria Schmanek, dated November 2, 2017, entitled, “Council Meeting Schedule and Study Session Schedule for January – June 2018.”

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee accepted the Council Meeting Schedule and Study Session Schedule for January – June 2018.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni Taber, CMC, dated October 27, 2017, transmitting the Public Record for October 27 – November 2, 2017.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee noted and filed the Public Record.

F. Boards, Commissions and Committees

1. **Appointments**
2. **Work Plans & Annual Reports**

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- a. **Approval of Community Events sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the events. (Nguyen)**
 - 1) **Retroactively approve the Dump Your Junk at Dahl Elementary School on Saturday, September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - 2) **Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:**
 - (i) **Ring in the New Year Celebration on Sunday, December 31, 2017 at the Vietnamese American Community Center;**
 - (ii) **TET Festival on Saturday, February 24, 2018 at the Vietnamese American Community Center; and**
 - (iii) **Black April Commemoration on Monday, April 30, 2018 at City Hall Rotunda.**
 - 3) **Approve and accept donations from various individuals, businesses, or community groups to support the event.**
 - 4) **Place the item on the November 14, 2017 City Council Agenda for action.**
- b. **Retroactively approve Evento Cultural Jaliscience Norte de California sponsored by Council Districts 5 and 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events. (Carrasco/Arenas)**
 - 1) **Retroactively approve Evento Cultural Jaliscience Norte de California held on September 9, 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 November 14, 2017 City Council Agenda for action.**

(Item continued on next page)

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar (Cont'd.)

- c. Retroactively approve the Community Pancake Breakfast sponsored by Council District 5 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events. (Carrasco)**
 - 1) Retroactively approve the Community Pancake Breakfast held on November 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 November 14, 2017 City Council Agenda for action.**
- d. Approval of District 8 Faith Leaders Appreciation Brunch 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 events. (Arenas)**
 - 1) Approve District 8 Faith Leaders Appreciation Brunch scheduled on November 16, 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 November 14, 2017 City Council Agenda for action.**

Documents Filed: (1) Memorandum from Councilmember Tam Nguyen, dated November 2, 2017, entitled, "Approval of Community Events sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the events"; (2) Memorandum from Vice Mayor Magdalena Carrasco and Councilmember Sylvia Arenas, dated October 31, 2017, entitled, "Retroactively approve Evento Cultural Jaliscience Norte de California sponsored by Council District 5 and 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event"; (3) Memorandum from Vice Mayor Magdalena Carrasco, dated October 31, 2017, entitled, "Retroactively approve Community Pancake Breakfast sponsored by Council District 5 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event"; (4) Memorandum from Councilmember Sylvia Arenas, dated November 2, 2017, entitled, "Approval of D8 Faith Leaders Appreciation Brunch 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 Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee approved the Consent Calendar and placed all items on the November 14, 2017 City Council agenda. (5-0.)

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

2. Proposed Change to Fence Variance Findings. (Rocha)

Direct staff to bring forward for City Council consideration a change to Section 17.24.130 of the Municipal Code, which sets out the findings for approval of a fence variance, that alter the language of Finding A.1 such that it would no longer require that a situation be unique for a fence variance to be approved. Staff should have the flexibility to bring forward language they think is appropriate, but may wish to consider the following suggested changes outline in the memo.

Documents Filed: Memorandum from Councilmember Don Rocha, dated October 18, 2017, entitled, "Proposed Change to Fence Variance Findings."

Interim Director of Planning, Building and Code Enforcement Rosalynn Hughey and Council District 9 Policy Aide Scott Hughes responded to questions from the Committee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee referred the item to staff to review and make recommendations, enforcement on property is deferred until further Rules Review, and the item will return to the Rules and Open Government Committee in three weeks. (5-0.)

3. Monthly Report of Activities for October 2017. (City Auditor)

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

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated November 1, 2017, entitled, "Monthly Report of Activities for October 2017."

City Auditor Sharon Erickson presented the report.

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

4. External Quality Control Review of the Office of the City Auditor for the Period July 1, 2015 to June 30, 2017. (City Auditor)

Accept the independent auditor's report, "External Quality Control Review of the Office of the City Auditor for the Period July 1, 2015 to June 30, 2017," which representatives of the Association of Local Government Auditors (ALGA) prepared.

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated November 2, 2017, entitled, "External Quality Control Review of the Office of the City Auditor for the Period July 1, 2015 to June 30, 2017."

City Auditor Sharon Erickson presented the report.

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

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

5. 15520 Almaden Road. (Housing)

Consider and make recommendations to Council regarding the following options for the housing assets located at 15520 Almaden Road, which are held by the City as the housing successor to the Redevelopment Agency of the City of San José.

- a. Develop the site**
- b. Trade the site for another City-owned property**
- c. "Sell" the site at the appraised value to a City department**
- d. Sell the site to a third party**

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated November 1, 2017, entitled, "15520 Almaden Road."

Director of Housing Jacky Morales-Ferrand introduced the item and responded to questions from the Committee.

Public Speakers: David Poeschel, Loma Prieta Chapter of the Sierra Club, provided images of the subject property urged the City to find a way to trade or sell the site within the city.

Committee discussion ensued.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee selected Option 3 with direction to explore any and all options to preserve the site for open space, and to be agendized for City Council review and approval in December 2017. (5-0.)

6. Approval of District 9 SAP Grant for District 9 School. (Rocha)

Approve a request to agendize for City Council deliberation on November 14, 2017 to approve a \$750 grant for Bagby Elementary for their Home and School Club to support student programs and activities.

Documents Filed: Memorandum from Councilmember Donald Rocha, dated November 3, 2017, entitled, "Approval of District 9 SAP Grant for District 9 School."

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis and carried unanimously, the Committee placed the item on the November 14, 2017 City Council agenda. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

None.

H. Review of additions to Council Committee Agendas/Workplans (Cont'd.)

2. Neighborhood Services and Education Committee

**a. Updates to the Neighborhoods Services and Education Committee Workplan.
(City Manager)**

Drop the following item from the Neighborhood Services and Education (NSE) Committee Workplan for November 9, 2017 and direct the Administration to instead place the item on the January – June 2018 NSE Committee Workplan that will be subject to Rules and Open Government Committee final approval at a later date: Kelley Park Complex Update (Parks, Recreation and Neighborhood Services).

Documents Filed: Memorandum from Deputy City Manager Julie Edmonds-Mares, dated November 1, 2017, entitled, "Updates to the Neighborhoods Services and Education Committee Workplan."

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the updates to the Neighborhood Services and Education Committee workplan. (5-0.)

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

None.

I. Open Government

1. Appeals of Public Records Act Request.

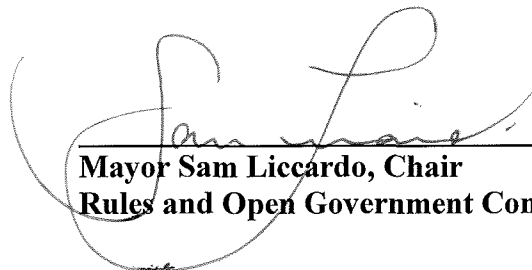
None.

J. Open Forum

(1) Blair Beekman offered comments on various issues.

K. Adjournment

Mayor Sam Liccardo adjourned the meeting at 3:06 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/civiccenter>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.