



**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 Manager David Sykes, City Attorney Richard Doyle, City Clerk Toni Taber, Senior Executive Analyst Gloria Schmanek, Nicole Inamine Mayor's Office, and Louis Osemwegie, City Clerk's Office.

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)**

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the November 14, 2017 Agenda, as amended, with the Finance Authority Successor Agency to be heard immediately after Consent Calendar; and with items 2.12, 2.4 and 2.13 added, including sunshine waiver, and with items 4, 4.5, 4.6 to be heard as one item and not before 3 p.m. (5-0.)

2. Review November 21, 2017 Draft Agenda.

The Council Meeting was canceled.

B. Review of Upcoming Special Meeting Agendas

There were none presented.

C. Legislative Update

1. State

There were none presented.

2. Federal Legislative and Regulatory Action Relevant to General Local Government Interests: Fall Supplement. (City Manager)

Documents Filed: Memorandum from Intergovernmental Relations Director Betsy Shotwell, dated November 1, 2017.

Intergovernmental Relations Director Betsy Shotwell and Pamela Welsh of Squire Patton Boggs presented the update and responded to questions from the Committee.

Public Comments: Blair Beakman offered comments on the report.

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

D. Meeting Schedules

Documents Filed: Memorandum from Senior Executive Analyst Gloria Schmanek, dated November 2, 2017.

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

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated November 3, 2017, transmitting the Public Record for the Week of 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. (5-0.)

F. Boards, Commissions and Committees

1. Appointments

There were none presented.

2. Work Plans & Annual Reports

There were none presented.

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)**

(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)**

(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)**

(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)**

Documents Filed: (1) Memorandum from Councilmember Tam Nguyen, dated November 2, 2017. (2) Memorandum from Vice Mayor Magdalena Carrasco and Councilwoman Arenas, District 5 and 8, dated October 31, 2017. (3) Memorandum from Vice Mayor Magdalena Carrasco District 5, dated October 31, 2017. (4) Memorandum from Councilmember Arenas District 8, dated November 2, 2017.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted the Consent Calendar and placed it on the November 14, 2017 Agenda. (5-0.)

END OF CONSENT CALENDAR

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

Documents Filed: Memorandum from Councilmember Donald Rocha, dated October 18, 2017.

Building, Planning and Code Enforcement Interim Director Rosalynn Hughey provided an overview and 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, (G. 2) to staff for review and make recommendations, and enforcement on the property was deferred until further Rules review. Staff was further directed to return to Rules in three weeks and defer findings until Council decided. (5-0.)

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

Documents Filed: (1) Memorandum from City Auditor Sharon W. Erickson, dated November 1, 2017.

City Auditor Sharon W. Erickson provided an overview and responded to questions from the Committee.

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)

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated November 2, 2017.

City Auditor Sharon W. Erickson provided an overview.

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

5. 15520 Almaden Road. (Housing).

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated November 1, 2017.

Director of Housing Jacky Morales-Ferrand and Parks, Recreation, and Neighborhood Services Assistant Director Matt Cano provided overview and responded to questions from the Committee.

Public Comments: Dave Poshell of the Sierra Club offered comments.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee resolved to explore any and all options to preserve the site for open space and to agendize the item, (G. 5) for 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.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the request and added to the November 14 Agenda. (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

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

Documents Filed: (1) Memorandum from Deputy City Manager Julie Edmonds-Mares, dated November 1, 2017.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the Update. (5-0.)

3. Transportation and Environment Committee

There were none presented.

4. Public Safety, Finance and Strategic Support Committee

There were none presented.

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

There were none presented.

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. Blair Beekman offered comments.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting at 2:04 p.m.

DRAFT

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/lo