



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

SAN JOSE, CALIFORNIA

WEDNESDAY, DECEMBER 06, 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 2:04 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

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

ABSENT: All Present.

STAFF: City Attorney Richard Doyle, City Manager David Sykes, City Clerk Toni Taber, Senior Executive Analyst Gloria Schmanek, Mayor's Office Agenda Services Nicole Inamine, and Legislative Secretary Louis Osemwegie.

A. City Council (City Clerk)

1. Review December 12, 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 December 12, 2017 Agenda, including a sunshine waiver for the ordinance amending Chs 3.28, 3.56, 57, 58 of the Municipal Code, and with 9 a.m. Closed Session; and 11 a.m. Regular Session start time, and Item 4.1: Actions Related to be heard not before 1:30; with items 2.13 and 2.14 added and items 3.3 and 3.4 to be heard first in the evening session. (5-0.)

2. Review December 19, 2017 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)**

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A. City Council (City Clerk) (Cont'd.)

Public Comments: Vincent Rocha, Dennis Martin, Blair Beekman and, Danielle Pirslin offered comments.

Patrick Heisinger of the Housing Department offered comments on Inclusionary Policy, and the City's Inclusionary Housing Ordinance.

Action: Upon motion by Council Member Magdalena Carrasco, seconded by Council Member Dev Davis and carried unanimously, the Committee accepted the December 19, 2017 Agenda as drafted. (5-0.)

B. Review of Upcoming Study Session Agendas

There were none presented.

C. Legislative Update – Verbal Report

- 1. State**
- 2. Federal**

There were none presented.

D. Meeting Schedules

Documents Filed: (1) Memorandum from Independent Police Auditor Aaron B. Zisser, dated November 29, 2017. (2) Memorandum from Councilmember Sergio Jimenez, dated December 6, 2017.

Maria Villarreal read a letter from Councilmember Jimenez' Office and urged broadening the scope of the IPA's discussion to incorporate Councilmember Peralez' memo which embrace the desire of the community to have a full discussion on the topic of oversight, among other key goals.

Public Comments: Expressing comments were: Jennifer Goto, PACT and Pastor at St. Paul's United Methodist Church; Bruce Roberts, Reverend Jason Reynold, and Frank Richardson, PACT; Blair Beekman, Phil Mastercola, Alice Lynch, Reverend Rowan Fairgrove and Tony Alexander PACT.

The Committee supports Mayor Liccardo's recommendation to take Councilmember Jimenez' Memo, modify Part B and integrate in the IPA Study session.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the recommendation to set a City Council Study Session for Tuesday, January 16, 2018. (5-0.)

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 1, 2017, transmitting the Public Record for the Week of November 22 - 30, 2017.

Public Comments: Brian Darby offered comments.

Action: Upon motion by Councilmember Johnny Khamis, 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) Retroactive approval of Community Events sponsored by Council District 8 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for these events. (Arenas)

(b) Approval of Community Events sponsored by Council District 8 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for these events. (Arenas)

(c) Approval of Fiesta Navidena 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. (Carrasco)

Documents Filed: (1) Memorandum from Councilmember Sylvia Arenas, dated December 12, 2017. (2) Memorandum from Councilmember Sylvia Arenas, dated November 30, 2017. (3) Memorandum from Vice Mayor Magdalena Carrasco, dated November 27, 2017.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted the Consent Calendar and placed on the December 12, 2017 Agenda, with notation that Item G 1 (a) (1) (ii): Norwood Neighborhood Association Meeting on Tuesday, December 5, 2017 had been cancelled. (5-0.)

END OF CONSENT CALENDAR

2. Month Report of Activities for November 2017. (City Auditor)

Documents Filed: (1) Memorandum from City Auditor Sharon W. Erickson, dated December 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 Dev Davis, and carried unanimously, the Committee accepted the report. (5-0.)

3. Proposed Change to Fence Variance Findings. (Planning, Building and Code Enforcement))

Review and approve a Workplan to make changes to Section 17.24.130 of the Municipal Code, which sets out the findings for approval of a fence variance. (Referred from Rules Committee 11/8/17 – Item G.2)

Deferred to 12/13/17 per Rules Committee.

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

- 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

1. Brian Darby, Aaron Resendez, Ken Schneebeli and Blair Beekman offered comments.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting at 3:16 p.m.

DRAFT

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/lo