

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

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 16, 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 2:01 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Chappie Jones, Councilmember Johnny Khamis, and Councilmember Devora Davis.

ABSENT: All Present.

STAFF: Chief Deputy City Attorney Danielle Kenealey, Assistant City Clerk Christina Gutierrez, Deputy City Manager Kip Harkness, Senior Executive Analyst Gloria Schmanek, Mayor's Policy Analyst Candace Le, and Deputy City Clerk Anh Tran.

A. City Council (City Clerk)

- 1. Review August 22, 2017 Final 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)**

Deputy City Manager Kim Welsh provided additional comments and was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones and carried unanimously, the Committee accepted the August 22, 2017 Agenda with the following changes: Sunshine Waivers for Items 3.4 and 10.3. (5-0.)

- A. City Council (City Clerk) (continued)**
- 2. Review August 29, 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 Devora Davis and carried unanimously, the Committee accepted the August 29, 2017 Agenda with the following changes: Items 4.1 and 4.2 not to be heard before 4:00 p.m., remove deferral note on Item 4.3, and add note to Finance Authority item (Item 2) to be heard with Item 7.1. (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

There were none presented.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 11, 2017, transmitting the Public Record for the time period of August 4 to August 10, 2017.

Action: Upon motion by Councilmember Chappie Jones, seconded by Johnny Khamis, and carried unanimously, the Committee noted and filed the public record. (5-0.)

F. Boards, Commissions, and Committees

- 1. Appointments**
 - a. Updated Committee Appointments. (Mayor)**
Appoint Dylan Simon to the San José Arena Authority Board.

Documents Filed: Memorandum from Mayor Sam Liccardo, dated August 9, 2017, entitled “Updated Committee Appointments.”

Action: Upon motion by Councilmember Johnny Khamis, seconded by Devora Davis, and carried unanimously, the Committee accepted the appointment of Dylan Simon to the San José Arena Authority Board. (5-0.)

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F. Boards, Commissions, and Committees (continued)

2. Work Plans & Annual Reports

There were none presented.

G. Rules Committee Reviews, Recommendations, and Approvals

1. Consent Calendar

- a. Approval of Cambrian Schools Fun Run sponsored by Council District 9 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events. (Rocha)**
 - 1) Approve the Cambrian Schools Fun Run scheduled for Sunday, October 15, 2017 as a City Council sponsored Special Event.**
 - 2) Approve and accept donations from various individuals, businesses or community groups to support these events.**
 - 3) Place the item on the August 22, 2017 City Council Agenda for action.**

- b. Retroactive approval of Evergreen Music, Art & Wine Stroll sponsored by the Mayor's Office and Council District 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events. (Mayor/Arenas)**
 - 1) Retroactively approve the Evergreen Music, Art & Wine Stroll held on August 4, 2017 as a City Council sponsored Special Event.**
 - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.**
 - 3) Place the item on the August 22, 2017 City Council Agenda for action.**

- c. Retroactive approval of Viva Parks-Welch 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 events. (Arenas)**
 - 1) Retroactively approve the Viva Parks-Welch Park held on August 3, 2017 as a City Council sponsored Special Event.**
 - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.**
 - 3) Place the item on the August 22, 2017 City Council Agenda for action.**

- d. 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 Appreciation Reception for the Vietnamese American Summer Program at the Vietnamese American Community Center scheduled for Saturday, August 11, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**

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G. Rules Committee Reviews, Recommendations, and Approvals (continued)

1. Consent Calendar

- d. 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)**
- 2) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:**
- (a) Flood Recovery Townhall Meeting on August 23, 2017 at the Franklin McKinley School District;**
 - (b) Mid-Autumn Celebration on September 30, 2017 at Yerba Buena High School;**
 - (c) Ice Cream Social on September 23, 2017 at Woodbridge Mobilehome HOA;**
 - (d) Celebration of National Hispanic Heritage Month on October 14, 2017 at Seven Trees Library;**
 - (e) Celebration of National Hispanic Heritage Month on October 14, 2017 at Tully Library; and**
 - (f) One Year Anniversary Celebration of Vietnamese American Community Center on October 15, 2017 at the Vietnamese American Community Center.**
- 3) Approve and accept donations from various individuals, businesses, or community groups to support the events listed in paragraphs 1-2.**
- 4) Place the item on the August 22, 2017 City Council Agenda for action.**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated August 4, 2017, entitled "Approval of Cambrian Schools Fun Run sponsored by Council District 9 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events"; Memorandum from Councilmember Sylvia Arenas and Mayor Sam Liccardo, dated August 8, 2017, entitled "Retroactive approval of Evergreen Music, Art & Wine Stroll sponsored by the Mayor's Office and Council District 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events"; Memorandum from Councilmember Sylvia Arenas, dated August 8, 2017, entitled "Retroactive approval of Viva Parks-Welch 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 events"; Memorandum from Councilmember Tam Nguyen, dated August 10, 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."

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 August 22, 2017 City Council Agenda. (5-0.)

G. Rules Committee Reviews, Recommendations, and Approvals (continued)

2. Monthly Report of Activities for June and July 2017. (City Auditor)

Approve the City Auditor's Office Monthly Report of Activities for the months of June and July 2017.

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated August 10, 2017, entitled "Monthly Report of Activities for June and July 2017."

City Auditor Sharon W. Erickson provided additional comments and was available to answer 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.)

3. City Auditor's Fiscal Year 2017 – 2018 Workplan. (City Auditor)

The City Auditor's Office recommends that the Rules and Open Government Committee review and approve the City Auditor's Fiscal Year 2017-18 Workplan.

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated August 10, 2017, entitled "City Auditor's Fiscal Year 2017 – 2018 Workplan."

City Auditor Sharon W. Erickson provided additional comments and was available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted the workplan. (5-0.)

4. SB 35 – Planning and Zoning: Affordable Housing: Streamlined Approval Process. (Wiener, Atkins, Allen, Vidak). (Housing/Planning, Building and Code Enforcement)

- a. Adopt a position of support for SB 35 (Wiener) if certain amendments are included in the final bill and direct staff to engage with the Author to introduce a clean-up bill in 2018.**
- b. Recommend this item be agendized for the August 22, 2017 City Council Meeting to allow the full City Council to consider support if amended for SB 35 and to direct the City's Legislative Representatives to advocate the City's position.**

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand and Interim Director of Planning, Building, and Code Enforcement Rosalynn Hughley, dated August 29 2017, entitled "SB 35 – Planning and Zoning: Affordable Housing: Streamlined Approval Process. (Wiener, Atkins, Allen, Vidak)."

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G. Rules Committee Reviews, Recommendations, and Approvals (continued)

4. SB 35 – Planning and Zoning: Affordable Housing: Streamlined Approval Process. (Wiener, Atkins, Allen, Vidak). (Housing/Planning, Building and Code Enforcement)

Director of Intergovernmental Relations Betsy Shotwell, D Interim Director of Planning, Building, and Code Enforcement Rosalynn Hughley, Department of Housing Division Manager Kristen Clements, Department of Planning, Building, and Code Enforcement Principal Planner Jenny Nusbaum, and Department of Housing Development Officer Ann Grabaski provided additional comments and were available to answer questions from the Committee.

Action: Upon motion by Councilmember Devora Davis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted the item and placed it on the August 22, 2017 City Council Agenda. (5-0.)

5. Approval of District 9 Grant. (Rocha)

Approve a request to agendaize for City Council deliberation on August 22, 2017, to approve a \$3,000 grant for Cambrian School District to help equip their music classrooms with instruments and music supplies to support student music education programs.

Documents Filed: Memorandum from Councilmember Donald Rocha, dated August 9, 2017, entitled “Approval of District 9 Grant for District 9 Schools.”

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Devora Davis, and carried unanimously, the Committee accepted the item and placed it on the August 22, 2017 City Council 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

There were none presented.

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

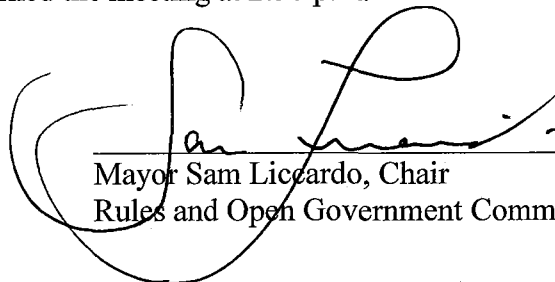
There were none presented.

OPEN FORUM

There were none presented.

ADJOURNMENT

Mayor Liccardo adjourned the meeting at 2:50 p.m.



Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/at

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccenterity>.
For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266