

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, NOVEMBER 1, 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:** Councilmember Chappie Jones, Chair Pro Tem; Councilmember Dev Davis, Member.

**ABSENT:** Mayor Sam Liccardo, Chair; Vice Mayor Magdalena Carrasco, Vice Chair; Councilmember Johnny Khamis, member.

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

City Attorney Rick Doyle indicated no action could be taken due to lack of quorum, any changes to the City Council agenda would need to be approved under Orders of the Day, and any items for action would be deferred to the November 8, 2017 Rules and Open Government Committee agenda.

**A. City Council (City Clerk)**

**1. Review November 7, 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: No action taken due to lack of quorum. Adds for Item 2.11, "Actions Related to the Guadalupe Oak Grove Park Management Plan," Item 2.12, "Vice Mayor's Travel to Annapolis, MD," 2.13, "Councilmember Diep's Travel to Washington, D.C.," and 2.14, "Actions Related to Councilmember Diep's Travel to Washington, D.C." to be added and approved under Orders of the Day.

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

**2. Review October November 14, 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)

Agenda Services Manager Gloria Schmanek indicated that Item 4.2 would be dropped and Item 2 on the Financing Authority Agenda to be heard following the Consent Calendar, both changes made when the agenda was approved at the meeting on November 8, 2017.

Action: No action taken due to lack of quorum.

**B. Review of Upcoming Study Session Agenda(s)**

**1. Broadband Strategy Recommendations Special Meeting. (Civic Innovation and Digital Strategy)**

**Review November 13, 2017 Broadband Strategy Recommendations Special Meeting Agenda.**

Documents Filed: City Council Agenda for November 13, 2017 Digital Inclusion and Broadband Strategy Special Meeting.

Action: No action taken due to lack of quorum.

Public Speakers: Blair Beekman spoke on the internet of things and privacy policies.

**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 27, 2017, transmitting the Public Record for October 20 – 26, 2017.

Action: No action taken due to lack of quorum.

**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. Retroactive approval of the Dumpster Day sponsored by Council District 1 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Jones)**
  - 1) Retroactively approve the Dumpster Day held on October 21, 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 7, 2017 City Council Agenda for action.**
  
- b. Approval of the Tri-Village Advisory Group Appreciation Dinner sponsored by Council District 1 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Jones)**
  - 1) Approve Tri-Village Advisory Group Appreciation Dinner scheduled on Monday, November 6, 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 7, 2017 City Council Agenda for action.**
  
- c. Approval of Community Events sponsored by Council District 7 as a City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event. (Nguyen)**
  - 1) Retroactively approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:**
    - (i) Pizza Social at Dahl Neighborhood on Saturday, October 21, 2017 at corner of Baltic Way and Arctic Avenue;**
    - (ii) Varoween Haunted House on Saturday, October 28, 2017 at the Vietnamese American Community Center; and**
    - (iii) Halloween Festival on Tuesday, October 31, 2017 at Tully Library.**
  - 2) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:**
    - (i) Dumpster Day at Alma Neighborhood on Saturday, December 2, 2017 at Alma Community Center;**
    - (ii) Richardson Park Grand Opening Celebration on Saturday, December 9, 2017 at Richardson Park; and**
    - (iii) Clean Up with Tam on Saturday, December 16, 2017 at Tolbert Drive and Lanai Avenue.**
  - 3) Approve and accept donations from various individuals, businesses, or community groups to support the events.**
  - 4) Place the item on the November 7, 2017 City Council Agenda for action.**

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Consent Calendar (Cont'd.)**

- d. Approval of District 7 Faith Leaders Breakfast sponsored by Council District 7 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Nguyen)**
  - 1) Approve the District 7 Faith Leaders Breakfast scheduled on November 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 7, 2017 City Council Agenda for action.**
- e. Approval of District 6 Faith Leaders Luncheon sponsored by Council District 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Davis)**
  - 1) Approve the D6 faith Leaders Luncheon scheduled on Monday, November 6, 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 7, 2017 City Council Agenda for action.**
- f. Retroactive approval of Community Events sponsored by Council District 8 as a City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event. (Arenas)**
  - 1) Retroactively approve the following District 8 events as City Council sponsored Special Events and approve the expenditure of funds:**
    - (i) Thompson Creek Clean-Up held on Saturday, August 12, 2017;**
    - (ii) Coastal Creek Clean-Up held on Saturday, September 16, 2017 at Thompson Creek; and**
    - (iii) Day in the Park Festival Kick-Off Celebration held on Friday, October 6, 2017 at Lake Cunningham Regional Park.**
  - 2) Approve and accept donations from various individuals, businesses, or community groups to support the events.**
  - 3) Place the item on the November 7, 2017 City Council Agenda for action.**

Documents Filed: (1) Memorandum from Councilmember Chappie Jones, dated October 20, 2017, entitled, "Approval of the Dumpster Day sponsored by Council District 1 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 Chappie Jones, dated October 24, 2017, entitled, "Retroactive Approval of the Tri-Village Advisory Group Appreciation Dinner sponsored by Council District 1 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 Tam Nguyen, dated October 26, 2017, entitled, "Approval of Community Events sponsored by Council District 7 as a City Council sponsored Special Events to expend City funds and accept donations of materials and ...

*(Item continued on next page)*

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Consent Calendar (Cont'd.)**

Documents Filed: (Cont'd.) ... services for the event.”; (4) Memorandum from Councilmember Tam Nguyen, dated October 26, 2017, entitled, “Approval of District 7 Faith Leaders Breakfast sponsored by Council District 7 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.”; (5) Memorandum from Councilmember Dev Davis, dated October 26, 2017, entitled, “Approval of District 6 Faith Leaders Luncheon sponsored by Council District 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.”; (6) Memorandum from Councilmember Sylvia Arenas, dated October 25, 2017, entitled, “Retroactively approve Community Events sponsored by Council District 8 as a City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event.”

City Clerk Toni J. Taber noted that all items would be placed on the November 7, 2017 City Council agenda on the Consent Calendar to be added under Orders of the Day.

Action: No action taken due to lack of quorum.

**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.”

Action: Deferred to November 8, 2017 Rules and Open Government Committee agenda.

**H. Review of additions to Council Committee Agendas/Workplans**

- 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.**

**J. Open Forum**

- (1) Blair Beekman offered comments on the rent ordinance.
- (2) Ken Schneebeli voiced concerns on changes to the rent ordinance.
- (3) Aaron Resendez presented concerns regarding inspections.

**K. Adjournment**

Councilmember Chappie Jones adjourned the meeting at 2:23 p.m.



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**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/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.