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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, NOVEMBER 14, 2018**

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:** Councilmember Johnny Khamis (presiding Chair); Councilmember Dev Davis; Councilmember Chappie Jones, Members.

**ABSENT:** Carrasco; Liccardo.

**STAFF:** Assistant City Attorney Ed Moran; City Clerk Toni J. Taber; Gloria Schmanek, City Manager's Office; Agenda Services Manager, Mackenzie Mossing and Deputy City Clerk, Ruth Krantz.

**ORDERS OF THE DAY**

Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, item G(4) was recommended to be heard with item A(2). (3-0-2. Absent: Carrasco, Liccardo.)

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

**1. Review November 21, 2018 Final Agenda**

**None – Meeting Canceled.**

**2. Review November 27, 2018 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)**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated November 14, 2018, recommending a time-certain of the Audit at the November 27, 2018 Council meeting.

*(Item continued on the next page)*

**A. (2) (Cont'd.)**

Public Comments: Blair Beekman spoke on public safety. Shaunn Cartwright offered opposition to the deferral of item 4.2 and encouraged a 'time certain' of 2-3 p.m. for items 4.3 and 4.4.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee accepted the November 27, 2018 Draft Agenda, with the deferral of item 4.2 to early 2019, and with a time certain of 3 p.m. designated for items 4.3 and 4.4. (3-0-2. Absent: Carrasco, Liccardo.)

**B. Review of Upcoming Meeting Agenda(s)**

None provided.

**C. Legislative Update**

**1. State**

There were none presented.

**2. Federal**

**(a) Federal Legislative and Regulatory Update. (City Manager)**

Accept the report from the City's federal advocacy firm of Squire Patton Boggs.

Documents Filed: Memorandum from Chief of Staff, Office of the City Manager, Lee Wilcox, dated November 7, 2018, recommending acceptance of the report.

Pamela Welsh, Principal, Squire Patton Boggs, provided the update and responded to questions from the Commission.

Public Comments: Blair Beekman spoke on equal access to technology.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the report from the City's federal advocacy firm of Squire Patton Boggs, was accepted. (3-0-2. Absent: Carrasco, Liccardo.)

**D. Meeting Schedules**

**Council Meeting Schedule and Study Session Schedule for January - June 2019.  
(City Manager)**

- 1. Approve the City Council Meeting Schedule for the period January - June 2019;**
- 2. Approve the Study Session Schedule for the period January - April 2019.**

Documents Filed: Memorandum from Chief of Staff, Office of the City Manager, Lee Wilcox, dated November 7, 2018, recommending approval of the schedules.

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## **E. Meeting Schedules (Cont'd.)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Council Meeting Schedule and Study Session Schedule for January - June 2019, was approved. (3-0-2. Absent: Carrasco, Liccardo.)

## **E. The Public Record**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated November 14, 2018, transmitting the Public Record for the Week of October 26 – November 8, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee noted and filed the public record. (3-0-2. Absent: Carrasco, Liccardo.)

## **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 Project Hope Program Kick-Off Event & Resources Fair 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. (Arenas)**
- b. **Retroactive approval of South Bay Clean Creeks Coalition Team 222 Cleanup as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Mayor)**
- c. **Retroactive approval of the October 30, 2018 Interfaith Community Vigil and Gathering as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Mayor)**
- d. **Retroactive approval of Veteran's Day Parade scheduled on November 11, 2018, as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Khamis)**
- e. **Retroactive approval of POW! WOW! San José Flag Raising sponsored by Council District 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Perez)**
- f. **Approval of Trash Talk 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)**
- g. **Retroactive 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)**

- h. Approval of Purchase of Fiesta Navidena Materials 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)**
- i. Approval of World AIDS Day Flag Raising Ceremony as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Peralez)**
- j. Retroactive approval of Light Up the Night for Domestic Violence at City Hall 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 October 29, 2018, recommending retroactive approval of a District 8 community event. (2) Memorandum from Mayor Sam Liccardo, dated October 31, 2018, recommending retroactive approval of a City Council sponsored event. (3) Memorandum from Mayor Sam Liccardo, dated November 8, 2018, recommending retroactive approval of a City Council sponsored event. (4) Memorandum from Councilmember Johnny Khamis, dated October 31, 2018, recommending retroactive approval of a District 10 community event. (5) Memorandum from Councilmember Raul Peralez, dated November 1, 2018, recommending retroactive approval of a District 3 community event. (6) Memorandum from Councilmember Dev Davis, dated November 6, 2018, recommending approval of a District 6 community event. (7) Memorandum from Councilmember Dev Davis, dated November 6, 2018, recommending approval of a District 6 community event. (8) Memorandum from Vice Mayor Magdalena Carrasco, dated November 8, 2018, recommending approval of a District 5 community event. (9) Memorandum from Councilmember Raul Peralez, dated November 1, 2018, recommending approval of a District 3 community event. (10) Memorandum from Vice Mayor Magdalena Carrasco, dated November 8, 2018, recommending approval of a District 5 community event.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, approval of the City Council sponsored Special Events were accepted and placed on the November 27, 2018 City Council Agenda for action. (3-0-2. Absent: Carrasco, Liccardo.)

#### **END OF CONSENT CALENDAR**

#### **G. 2. Monthly Report of Activities for October 2018. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated November 1, 2018, recommending approval of the Auditor's Office Monthly Report of Activities for the month of October 2018.

City Auditor Sharon Erickson presented the report and requested the inclusion of the Team San José Audit to the November 26, 2018 Community and Economic Development (CED) Committee Agenda.

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**G. 2. Monthly Report of Activities for October 2018. (Cont'd.)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee accepted the report, including the addition of the Team San José Audit to the CED Agenda of November 26, 2018. (3-0-2. Absent: Carrasco, Liccardo.)

**G. 3. General Obligation Bond (Measure T, Public Safety and Infrastructure Bond). (Mayor Liccardo)**

Direct the City Manager to:

(1) Revise Proposed General Obligation Bond Project Categories (included as Attachment A to the City Manager's September 11, 2018 Memorandum) to read as follows:

- Preserve "Build Fire Station 37" as a priority project
- Supplant "Rebuild/relocate or build two Fire Stations, including property acquisition" with:
  - "Build at least two new fire stations, including property acquisition, or conversion of existing City land," and
  - "Rebuild/ relocate fire stations 8 and 23, including property acquisition or conversion of existing City land."
- Supplant "Public Safety Headquarters Infrastructure Needs" with "Police Headquarters Infrastructure Needs"

(2) Pursuant to the 2015 SJFD Strategic Business Plan, accelerate the development of a Facilities Master Plan that addresses fire station location, along with staffing and budget impacts, within 12 months (Goal #2, 9.4 Infrastructure and Support). The Facilities Master Plan should include specific timelines for the construction and rehabilitation of each of the new and rehabilitated fire stations called for under Measure T.

(3) Within 60 days of the certification of the election results, return to Council with:

- i. A timeline for the implementation and funding of staffing/operations of Fire Station 37, with commencement of construction within 18 months.
- ii. Timeline of construction of the next new fire station, with the purchase of land for the next new fire station within 24 months, and design and construction thereafter.

Documents Filed: Memorandum from Mayor Sam Liccardo, dated November 7, 2018, recommending action regarding General Obligation Bond (Measure T)

Director of Public Works, Matt Cano responded to questions from the Committee.

Public Comments: Blair Beekman commented on Measure T funding and the importance of accountability.

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**G. 3. General Obligation Bond (Cont'd.)**

Motion: Councilmember Chappie Jones moved approval, including Mayor Sam Liccardo's memorandum, dated November 7, 2018, with direction to include this item for full Council approval on November 27, 2018. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried unanimously, including Mayor Sam Liccardo's memorandum, dated November 7, 2018, with this item cross-referenced to the City Council Meeting of November 27, 2018. (3-0-2. Absent: Carrasco, Liccardo.)

**G. 4. Deferral of Small Project Inclusionary Housing Ordinance**

Defer the Small Project Inclusionary Housing Ordinance item from the November 27, 2018, City Council meeting agenda, and agendize the item in early 2019, together with recommendations to address needed changes to the Inclusionary Housing Ordinance, as identified by staff and in prior Council direction.

Documents Filed: Memorandum from Mayor Sam Liccardo, dated November 8, 2018, recommending deferral of the Small Project Inclusionary Housing Ordinance item from the November 27, 2018 City Council meeting agenda.

*Heard with Item A(2) review of the November 27, 2018 Draft Agenda per Orders of the Day. Deferral of item to early 2019 approved.*

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

**1. Community and Economic Development Committee**

**Update to the August - December 2018 Community and Economic Development Committee Work Plan. (Economic Development)**

Amend the August - December 2018 Community and Economic Development Committee Work Plan to drop the following item from the November 26, 2018 agenda and direct the Administration to instead place the item on the January - June 2019 Community and Economic Development Committee Work Plan that will be subject to Rules and Open Government Committee final approval at a later date:  
Downtown Retail Strategy (Economic Development Planning, Building and Code Enforcement) Purpose: Provide recommendations for the implementation of downtown retail strategy.

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated November 9, 2018 recommending amendments to the work plan.

Public Comments: Blair Beekman offered comments regarding funding.

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

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Updates to the August - December 2018 Community and Economic Development Committee Work Plan were approved. (3-0-2. Absent: Carrasco, Liccardo.)

### **2. Neighborhood Services and Education Committee**

#### **Update to the Neighborhood Services & Education and Transportation & Environment Committee Work Plans (City Manager)**

Amend the August - December 2018 Neighborhood Services & Education Committee and Transportation & Environment Committee Work Plans to consolidate various BeautifySJ activities and initiatives into one consolidated report as follows:

1. Drop the Street-Related BeautifySJ Activities from the December 3 Transportation & Environment meeting.
2. Consolidate the Illegal Dumping Initiative Update from the December 13 Neighborhood Services & Education meeting.
3. Integrate relevant activities and initiatives from the two items above into a consolidated Report on BeautifySJ currently scheduled for the December 13 Neighborhood Services & Education meeting.

Documents Filed: Joint memorandum from Director of Parks, Recreation and Neighborhood Services, Angel Rios, Jr. and Director, Department of Transportation, Jim Ortbal, dated November 8, 2018, recommending an amendment to the Work Plans.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the August – December 2018 work plans were updated as indicated. (3-0-2. Absent: Carrasco, Liccardo.)

- 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 provided.

### **I. Open Government**

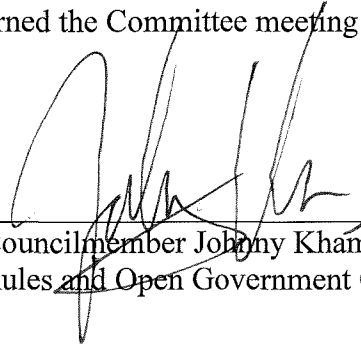
1. Appeals of Public Records Act Request – None.

### **J. Open Forum**

Blair Beekman spoke on openness and accountability.

**K. Adjournment**

Councilmember Johnny Khamis adjourned the Committee meeting at 2:39 p.m.



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Councilmember Johnny Khamis, Presiding Chair  
Rules and Open Government Committee

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