



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

SAN JOSE, CALIFORNIA

WEDNESDAY, APRIL 24, 2019

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 Council Chambers.

PRESENT: Mayor Sam Liccardo, Chair; Councilmember Dev Davis; Councilmember Sylvia Arenas and Councilmember Johnny Khamis, Members.

ABSENT: Vice Mayor Chappie Jones. (Excused)

STAFF: Assistant City Attorney Ed Moran; City Manager David Sykes; City Clerk Toni J. Taber; Gloria Schmanek, Office of the City Manager; Agenda Services Manager, Mackenzie Mossing and Deputy City Clerk, Ruth Krantz.

A. City Council (City Clerk)

1. Review April 30, 2019 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 Sylvia Arenas, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the April 30, 2019 Final Agenda, including Sunshine Waivers for three Consent Calendar items. (4-0-1. Absent: Jones.)

2. Review May 7, 2019 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)**

Documents Filed: Chart of upcoming Housing Policy Work.

Public Comments: Brian Darby spoke to Ellis Act issues and the need of protecting renters.

(Item Continued on the Next Page)

2. Review May 7, 2019 Draft Agenda (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted the May 7, 2019 Draft Agenda, with Item 4.2 dropped and to return with other Housing items to a Special Meeting in September 2019. Upcoming Housing Policy Work items "Downtown High-Rise Feasibility Analysis" to go forward on the June 2019 Council Agenda. (4-0-1. Absent: Jones.)

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

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

There were none presented.

D. Meeting Schedules

None provided.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated April 24, 2019, transmitting the Public Record for the Week of April 5 – April 18, 2019.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee noted and filed the public record. (4-0-1. Absent: Jones.)

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. Approval of District 8 Volunteer Appreciation Event 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)**

Documents Filed: Memorandum from Councilmember Sylvia Arenas, dated April 15, 2019, recommending approval of a City Council sponsored Special Event.

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on April 30, 2019 City Council Agenda for action.
(4-0-1. Absent: Jones.)

b. Approval of Annual Senior and Older Adults Health Fair & Walk 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)

Documents Filed: Memorandum from Councilmember Sylvia Arenas, dated April 4, 2019, recommending approval of a City Council sponsored Special Event.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Johnny Khamis and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on May 7, 2019 City Council Agenda for action.
(4-0-1. Absent: Jones.)

2. Planning Commission (Liccardo, Jones, Esparza, Carrasco)

1. Amend Chapter 2 of the Municipal Code to:

a. Prohibit any new or renewing applicants for Planning Commission where two sitting commissioners come from the same Council District.

i. Specify that if a sitting Commissioner moves into a Council district with two members then that Commissioner must notify the City Clerk, but may complete their current term.

b. Provide that Commissioners may be reappointed no more than once.

2. Direct the City Attorney to draft, and return to Council with a Charter amendment for the November 2020 ballot that would align the Planning Commission to the structure of other Council nominated commissions to include 11 members with one from each Council District and one at-large member.

a. Direct the City Manager and City Attorney to look for other necessary Charter changes or clean-up actions to reduce election costs that could be included with this amendment.

3. Amend the Lobbyist Ordinance (Chapter 12.12) to prohibit an individual who has been a registered lobbyist within the previous two years from appointment to the Planning Commission.

4. Extend the Revolving Door Ordinance (Chapter 12.10) provisions that currently apply to former Councilmembers and City staff to apply to former Planning Commissioners.

5. Direct the Office of the City Clerk, in collaboration with the City Manager/Department of Planning, Building & Code Enforcement to:

a. Convene interested community leaders and external stakeholders to seek input on improving outreach and training for future Planning Commissioners.

b. Create a recruitment plan for the Planning Commission that helps to educate potential candidates on the subject matter, encourages a demographically and

geographically diverse pool of candidates, and facilitates robust outreach to qualified candidates.

- c. Consider partnerships with knowledgeable organizations such as SPUR, Urban Land Institute or the San José State University Urban Planning Department to assist or take on any part of these efforts.**
- 6. Direct the Office of the City Clerk in collaboration with the City Attorney's Office to consider the following and return with recommendations:**
 - a. Improve the clarity of online applications and the format in which the Councilmembers receive these applications.**
 - b. Reevaluate the prohibition on communication with applicants prior to the public interview to better allow Councilmembers to evaluate applicants.**

Documents Filed: (1) Letter from: Camille Llanes-Fontanilla (SOMOS Mayfair), Poncho Guevara (Sacred Heart), Tanis Crosby (YWCA Silicon Valley), Kevin Zwick (Housing Trust Silicon Valley), Cayce Hill (Veggielution), Leslye Corsiglia (SV@Home), Tamara Alvarado (Formerly School of Arts and Culture), and Shiloh Ballard (Silicon Valley Bike Coalition), dated April 17, 2019, expressing concerns with the decision to create a majority white commission for District 6 residents and inviting the Council to view this collaborative as a resource on how to build a more equitable City. (2) Letter from Mary Collins, President, League of Women Voters of San José and Santa Clara, dated April 22, 2019, expressing disappointment with the City's decision to select a former City Councilmember as a members of the Planning Commission.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, this item was approved, to be agendized with direction as outlined for City Attorney, City Clerk and City Manager, to a future meeting of the City Council. (4-0-1. Absent: Jones.)

H. Review of additions to Council Committee Agendas/Workplans

- 1. Neighborhood Services and Education Committee**
- 2. Transportation and Environment Committee**
- 3. Public Safety, Finance and Strategic Support Committee**
- 4. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole**
- 5. Smart Cities and Service Improvements Committee**

None provided.

I. Open Government

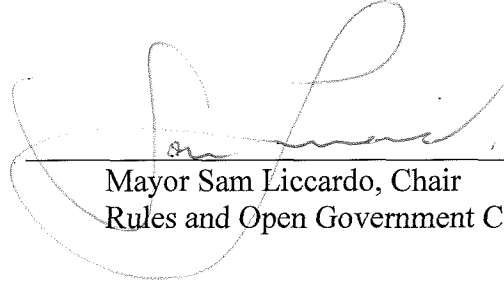
1. Appeals of Public Records Act Request – None.

J. Open Forum

Brian Darby suggested adding a section on the Agenda's Code of Conducts for Public Meetings, indicating the Councilmembers' commitment to giving full attention to public speakers with a pronouncement of 'what we can do for you'.

K. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 2:36 p.m.

A handwritten signature in dark ink, appearing to read "Sam Liccardo", is written over a horizontal line. The signature is fluid and cursive, with the first name "Sam" being more prominent than the last name "Liccardo".

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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