



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, MARCH 7, 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 2:02 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

**PRESENT:** Mayor Sam Liccardo, Chair, Council Member Chappie Jones, Council Member Dev Davis, and Council Member Johnny Khamis.

**ABSENT:** Vice Mayor Magdalena Carrasco, Vice Chair.

**STAFF:** Assistant City Attorney Ed Moran, City Manager David Sykes, Senior Executive Analyst Gloria Schmanek, City Clerk Toni Taber, Nicole Inamine, Mayor's Office, and Louis Ósémwegie, City Clerk's Office.

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

**1. Review March 13, 2018 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)**

Public Comments: Martha O'Connell, Lee Ellak and Glenna Howcroft expressed support for the recommendations by the Law Foundation of Silicon Valley and spoke to their desire to separate Items 4.1 and 10.3, and the need for Item 10.3 to be heard immediately after 4.1.

Councilmember Johnny Khamis expressed consternation if the Committee is obligated to review and/or agendize the Law Foundation's recommendations if they are not Staff's.

City Manager David Sykes clarified that both Items 4.1 and 10.3 are discreet items which have reverted to Council per Council's direction. The recommendations cited by the Law Foundation are Staff recommendations to be moved forward.

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**1. Review March 13, 2018 Final Agenda (Cont'd)**

Action: Upon motion by Councilmember Dev Davis, seconded Councilmember Chappie Jones, and carried unanimously, the Committee accepted the March 13, 2018 Agenda, with 9:00 a.m. Closed Session start time, including adds with sunshine waivers for Items 2.4 and 2.11, with Item 4.1 heard after ceremonials, and with 10.3 heard immediately after 4. 1. (4-0, Absent: Carrasco.)

**2. Review March 20, 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)**

Mayor Sam Liccardo expressed concern on workload assessment for Item 4.3 and whether there is a variance on fence height.

City Manager David Sykes clarified that the Rules Committee allowed us to go forward to Council with recommendations to go to priorities setting.

Assistant City Attorney Ed Moran advised that the Mayor could recommend it to be removed or deferred if the item had been placed on the Agenda by Rules.

Action: Upon motion by Councilmember Chappie Jones, seconded Councilmember Dev Davis, and carried unanimously, the Committee accepted the March 20, 2018 Agenda, with recommendation that Item 4.3 be remove and sent to priority setting, with the sentiment to refrain from enforcement until Council weighed it and with Title 17 and Title 20 - Fence Variance Changes dropped. (4-0, Absent: Carrasco.)

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

There were none presented.

**C. Legislative Update – Verbal Report**

**1. State**

There were none presented.

**2. Federal**

There were none presented.

**D. Meeting Schedules**

**1. Elected and Appointed Officials Emergency Management Training Study Session. (City Manager)**

Documents Filed: Memorandum from Office of Emergency Management Director, Raymond Riordan, dated March 1, 2018.

Public Comments: Blair Beekman offered comments on earthquake retrofitting.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee accepted staff recommendation and a) set a Council Study Session on Emergency Management Updates to complete the Elected and Appointed Officials Emergency Management Training, on Friday, April 6, 2018, and approved the draft agenda; and,  
b) Recommended that this Council Study Session include attendance of all Elected and Appointed Officials. (4-0, Absent: Carrasco.)

**E. The Public Record**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 2, 2018, transmitting the Public Record for the Week of February 16, 2018 - March 1, 2018.

Public Comments: Blair Beekman offered comments on technology.

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

**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. Approval of the Great American Litter Pick-Up scheduled on April 21, 2018 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (City Clerk)
- b. Retroactive Approval of the Volunteer Appreciation Breakfast scheduled on March 3, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

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

- c. Approval of the Brigadoon Park Beautification Day scheduled on April 7, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)
- d. Retroactive approval of the Kollmar Neighborhood Association Community Meeting scheduled on February 28, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)
- e. Approval of the Community Pancake Breakfast scheduled on March 17, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)
- f. Approval of the Persian Nowruz Festival scheduled on March 29, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Khamis)
- g. Approval of the raising of the flags of the Republic of Ireland and City of Dublin, Ireland on March 16, 2018 and display of the flags through March 19, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Khamis)
- h. Retroactive approval of Dumpster Day Sponsored By the Mayor and Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Liccardo/Peralez)
- i. Approval of the State of Latinos: A Cinco de Mayo Call to Action scheduled on May 4, 2018 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez)

Documents Filed: (1) Memorandum from City Clerk Toni. J. Taber, dated March 1, 2018. (2) Memorandum from Councilmember Sylvia Arenas District 8, dated February 22, 2018. (3) Memorandum from Councilmember Sylvia Arenas District 8, dated March 1, 2018. (4) Memorandum from Vice Mayor Magdalena Carrasco, District 5, dated February 21, 2018. (5) Memorandum from Vice Mayor Magdalena Carrasco, District 5, dated February 22, 2018. (6) Memorandum from Councilmember Johnny Khamis District 10, dated February 23, 2018. (7) Memorandum from Councilmember Johnny Khamis District 10, dated March 1, 2018. (8) Memorandum from Mayor Sam Liccardo, dated February 26, 2018. (9) Memorandum from Councilmember Raul Peralez District 3, dated February 21, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the Consent Calendar and added to the March 13, 2018 and the March 20, 2018 Agenda for action. (5-0.)

**2. Council Policy 1-18. (Rocha)**

That the Rules Committee direct staff to bring forward an amendment to section 20 of Council Policy 1-18 for Council consideration that revises the method by which appropriations are established for Council Office budgets in the last six months of a councilmember's term. Currently, the policy requires that both the base budget and any available rollover be split evenly between two appropriations, one for the last six months of the expiring term, and the other for the first six months of the new term. [Rules Committee referral 02/07/18 - Item G.3].

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 2, 2018.

City Clerk Toni J. Taber presented the report.

Councilmember Donald Rocha's Chief of Staff Peter Hamilton was available to respond to Committee questions and concerns.

After Committee discussion no action taken.

Action: No action taken.

**3. Approval of District 9 Grant to Branham High School to Support Student Programs and Activities. (Rocha)**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated February 21, 2018.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved a grant to Branham High School for their Sports Booster Club in the amount of \$1,500.00 to support student programs and activities to be paid by Council District 9's Office Appropriation. (4-0, Absent: Carrasco.)

**4. Actions Related to the San Jose Water Company General Rate Case. (Rocha)**

Documents Filed: (1) Memorandum from Councilmembers Donald Rocha and, Councilmember Johnny Khamis, dated March 1, 2018. (2) 17 Letters from the Public.

Public Comments: Martha O'Connell, Patricia Blevins, (representing WRATES) and William Sherman (representing WRATES) offered comments on Actions Related to the San Jose Water Company General Rate Case.

Councilmember Johnny Khamis cited the several complaints received from constituents. He hopes staff can assess and advise on what the Committee can do to be more involved.

City Manager David Sykes provided overview of the issue and noted that the medium through which public concern is expressed is the CPUC. The City Manager informed the Committee of his meeting with WRATES and cited previous Council direction around tracking and monitoring.

Assistant City Attorney, Ed Moran advised that the memo provided options for open or closed session.

Water Resource Deputy Director Jeff Provenzano reminded the Committee that Council previously voted on actions to support recommendations for advocacy when consumer water rates are raised. The San Jose Water Company will have a public hearing in May 2018. The Committee can send a letter between now and then.

Action: Upon motion by Councilmember Johnny Khamis, seconded Councilmember Dev Davis, and carried unanimously, the Committee accepted closed session briefing, and referred the Item to March 20, 2018. (4-0, Absent: Carrasco.)

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

##### **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 Improvement Committee**

There were none presented.

#### **I. Open Government**

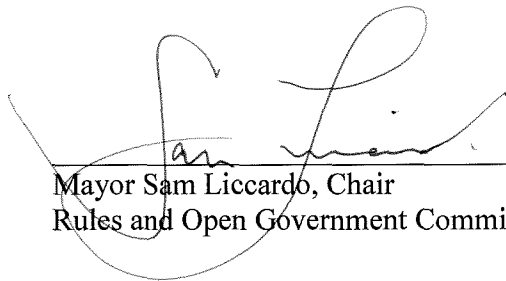
There were none presented.

**J. OPEN FORUM**

1. David S. Wall spoke to municipal water funding; recycled water should not be under the Municipal water system. He recommended that the Committee direct the Auditor to look into the issue of recycled water.
2. Martha O'Connell alerted the Mayor and the Committee to potential problem with Housing Commission, wherein the three arms representing the Park Owners, Residents and Landlords do not communicate with one another.
3. Blair Beekman offered comments on homeless issues, eavesdrop technology and civil rights.
4. Glenna Howcroft expressed appreciation for the City Clerk, Toni Taber, and City Clerk's staff, Anh Tran, for their assistance.

**ADJOURNMENT**

Mayor Sam Liccardo adjourned the meeting at 2:51 p.m.



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Mayor Sam Liccardo, Chair  
Rules and Open Government Committee.

SL/lo