



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, SEPTEMBER 16, 2015**

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 Room 120, Council Wing, City Hall.

**PRESENT:** Vice Mayor Rose Herrera, Vice Chair; Council Member Johnny Khamis and Council Member Magdalena Carrasco, Members.

**ABSENT:** Jones; Liccardo. (Excused)

**STAFF:** City Attorney Richard Doyle, Deputy City Manager Julie Edmonds-Mares, City Clerk Toni J. Taber, Agenda Services Manager Gloria Schmanek, Mayor's Assistant Chief of Staff Margaret Le and Deputy City Clerk Susan M. Davis.

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

- 1. Review September 22, 2015 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)**

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall voiced comments on various items on the September 22, 2015 Agenda.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Magdalena Carrasco and carried unanimously, the Committee accepted the September 22, 2015 Final Agenda, as amended, including a 9:00 a.m. start time for the Call to Order. (3-0-2. Absent: Jones; Liccardo.)

- A. 2. **Review September 29, 2015 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)**

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall expressed his perspective on the City’s issuance of a tax-exempt multifamily housing revenue note and a loan of note proceeds for the Canoas Terrace Apartments Project.

Action: Upon motion by Council Member Magdalena Carrasco, seconded by Council Member Johnny Khamis and carried unanimously, the Committee accepted the September 29, 2015 Draft Agenda, as amended, including a 9:30 a.m. start time for the Call to Order and the addition of To Be Heard No Earlier Than 3:00 p.m. to Item 3.3, Planning Commission Interviews. (3-0-2. Absent: Jones; Liccardo.)

**B. Review of Upcoming Study Session Agendas**

There were none presented.

**C. Legislative Update**

- 1. State
- 2. Federal

There was no Legislative Update.

**D. Meeting Schedules**

- 1. **Release of date for Study Session. (City Manager)**  
**Recommend release of date held for a Study Session on September 21, 2015**  
**at 1:30 p.m. – 4:30 p.m.**

Action: Upon motion by Council Member Magdalena Carrasco, seconded by Council Member Johnny Khamis and carried unanimously, the Committee accepted the recommendation. (3-0-2. Absent: Jones; Liccardo.)

**E. The Public Record**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated September 11, 2015, transmitting the Public Record for the Week of September 04 – September 10, 2015.

Vice Mayor Rose Herrera opened the floor for public testimony.

**E. The Public Record (Cont'd.)**

Public Comments: Warren Gannon, Chair, Senior Citizens Commission, expressed his appreciation for the approval of a temporary moratorium on closure or conversion of Mobilehome Parks. David Wall suggested that it would be prudent that during the study time for the moratorium construct, that mobilehome park owners submit their contracts to the individual residents and the Office of the City Attorney for review.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Magdalena Carrasco and carried unanimously, the Committee noted and filed the public record. (3-0-2. Absent: Jones; Liccardo.)

**F. Boards, Commissions and Committees**

- 1. Appointments**
- 2. Work Plans and Annual Reports**

There were none presented.

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

**1. Consent Calendar**

- a. Approval of the Shred-A-Thon and E-Waste Collection Day sponsored by 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 the Shred-A-Thon and E-Waste Collection Day scheduled on October 24, 2015 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 September 29, 2015 Council Agenda for action.**
- b. Approval of the Disability Awareness Day sponsored by 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 the Disability Awareness Day scheduled on October 1, 2015 as a City Council sponsored 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 September 29, 2015 Council Agenda for action.**
- c. Approval of the Third Annual July 4th Family Fun Festival and Fireworks Show sponsored by District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Khamis)**

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

1. c. (1) **Approve the Third Annual July 4th Family Fun Festival and Fireworks Show scheduled on July 4, 2016 as a City Council sponsored 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 September 29, 2015 Council Agenda for action.**

Documents Filed: (1) Memoranda from Council Member Chappie Jones, both dated September 9, 2015, requesting placement of the Shred-A-Thon and E-Waste Collection Day and Disability Awareness Day on the September 29, 2015 Agenda. (2) Memorandum from Council Member Johnny Khamis, dated September 9, 2015, requesting placement of the Third Annual July 4<sup>th</sup> Family Fun Festival and Fireworks Show on the September 29, 2015 Agenda.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall expressed his support to the Shred-A-Thon and E-Waste Collection Day in District 1.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Magdalena Carrasco and carried unanimously, the Committee accepted the Consent Calendar. (3-0-2. Absent: Jones; Liccardo.)

2. **City Auditor Monthly Report of Activities for August 2015. (City Auditor) Hear and approve the City Auditor's Office Monthly Report of Activities for the month of August 2015.**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated September 10, 2015, recommending approval of the report.

City Auditor Sharon W. Erickson offered the Monthly Report of Activities for August 2015.

Vice Mayor Rose Herrera requested that Staff include in the work plan the list of the audits that are not yet assigned.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall, referring to Item (7) of the Auditor's Report, expressed concern about potential torrential rains and flooding of North San José, especially in Alviso.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Magdalena Carrasco and carried unanimously, the Committee accepted the report. (3-0-2. Absent: Jones; Liccardo.)

- G. 3. 2015 League of California Cities Voting Delegate and Alternate Voting Delegate at the Annual Business Meeting at the San José McEnergy Convention Center. (City Manager)**
- a. Approve the proposed designation of Vice Mayor Rose Herrera, as the voting delegate, and Councilmember Magdalena Carrasco, as the alternate voting delegate at the October 2, 2015 Annual Business Meeting for the League of California Cities (LOCC).**
  - b. Place the item on the September 22, 2015 Council Agenda for action.**

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated September 8, 2015, recommending approval of the proposed designations and placement on the September 22, 2015 Council Agenda.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Magdalena Carrasco and carried unanimously, the Committee accepted the item and added it to the September 22, 2015 Council Agenda. (3-0-2. Absent: Jones; Liccardo.)

- H. Review of additions to Council Committee Agendas/Work Plans**
- 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**

There were none presented.

- I. Open Government**
- 1. Appeals of Public Records Act Request**

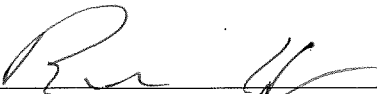
There were none presented.

## **OPEN FORUM**

- (1) David Wall expressed concern that the use of motor homes as a primary residence has increased criminal activity throughout San José neighborhoods and City Parks.
- (2) Aurelia Sanchez, President, Spartan Keys NAC, expressed concern that there was not enough transparency or community input related to the Second Street Studio Apartments Project before it was approved by Council on September 15, 2015.

## ADJOURNMENT

Vice Mayor Rose Herrera adjourned the meeting at 2:24 p.m.



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Vice Mayor Rose Herrera, Vice Chair  
Rules and Open Government Committee

RH/smd

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For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.