



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

SAN JOSE, CALIFORNIA

WEDNESDAY, OCTOBER 07, 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 2:04 p.m. in the Council Chamber, Council Wing at City Hall.

PRESENT: Vice Mayor Rose Herrera, Vice Chair; Council Member Johnny Khamis and Council Member Chappie Jones, Members.

ABSENT: Carrasco; Liccardo. (Excused)

STAFF: City Attorney Richard Doyle, Assistant City Manager David Sykes, City Clerk Toni J. Taber, Agenda Services Manager Gloria Schmanek, Mayor's Assistant Margaret Le and Deputy City Clerk Susan M. Davis.

A. City Council (City Clerk)
1. Review October 13, 2015 Final Agenda

The Meeting was canceled.

- 2. Review October 20, 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 offered his comments on the October 20, 2015 Agenda.

Action: Upon motion by Council Member Johnny Khamis seconded by Council Member Chappie Jones and carried unanimously, the Committee accepted the October 20, 2015 Draft Agenda, as amended, with Item 3.4, Proposed Revisions to Title 12 of the San José Municipal Code Relating to the City's Ethics Commission, Elections, and Municipal Campaign Officeholder Contributions added to the Agenda and a Ten Day Sunshine Waiver granted for posting on Tuesday. (3-0-2. Absent: Carrasco; 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. **Disclosure Obligations of Municipal Bond Issuers and Procurement Process and Procedures Study Session. (City Manager/City Attorney)**
 - a. **Set a City Council Study Session for Monday, October 19, 2015 from 1:30 p.m. to 4:30 p.m. in the City Council Chamber to cover the following two topics:**
 - (1) **Review of Disclosure Obligations of Municipal Bond Issuers – “What Issuers of Municipal Securities should know about Federal Securities Law”**
 - (2) **Review of Procurement Process and Procedures including the Process Integrity Guidelines for the City of San José**
 - b. **Review of Draft Study Session Agenda.**

Documents Filed: Memorandum from City Manager Norberto Dueñas and City Attorney Richard Doyle, dated September 29, 2015, recommending setting a Council Study Session for Monday, October 19, 2015 from 1:30 p.m. to 4:30 p.m. in the Council Chamber to cover the two topics as stated above.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Johnny Khamis and carried unanimously, the Committee set the Study Session for October 19, 2015 from 1:30 p.m. to 4:30 p.m. in the Council Chamber. (3-0-2. Absent: Carrasco; Liccardo.)

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated October 2, 2015, transmitting the Public Record for the Week of September 25 – October 1, 2015.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall suggested offering full time employment to the part time employees that participate in the neighborhood cleanups.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Johnny Khamis 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 and Annual Reports**
 - a. Neighborhoods Commission Work Plan.**
Approve the FY 2015 – 2016 Neighborhoods Commission Work Plan.

Documents Filed: Memorandum from Deputy City Manager Julie Edmonds-Mares, dated September 30, 2015, recommending approval of the Work Plan.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Johnny Khamis and carried unanimously, the Committee approved the Neighborhood Commission Work Plan. (3-0-2. Absent: Carrasco; Liccardo.)

G. Rules Committee Reviews, Recommendations and Approvals

- 1. Consent Calendar**

There were no Consent Calendar items.

- 2. City Auditor Monthly Report of Activities for September 2015.**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated October 1, 2015, recommending acceptance of the report.

City Auditor Sharon W. Erickson presented the report with clarifications.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall commented on the report from the City Auditor.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Johnny Khamis and carried unanimously, the Committee accepted the report, with the Semi-Annual Recommendation Follow-Up Report placed on October 27, 2015 Council Meeting and the Structure for Conducting Personnel Investigations placed on the November 19, 2015 Public Safety, Finance and Strategic Support Committee Meeting. (3-0-2. Absent: Carrasco; Liccardo.)

- 3. Crime Free Multi-Housing Program. (Khamis/T. Nguyen)**
 - a. Direct the City Manager to report out, at the October 6, 2015 City Council meeting, on progress toward the implementation of an opt-in Crime Free Multi-Housing Program to be supported by the San Jose Police Department (SJPD).**
 - b. Place the item on the October 14, 2015 Neighborhoods Commission agenda for review so that they may provide feedback to the City Council.**
 - c. Place the Crime Free Multi-Housing Program implementation plan on the October 27, 2015 Council Agenda for discussion and action.**

G. 3. Crime Free Multi-Housing Program. (Cont'd.)

Documents Filed: Memorandum from Council Member Johnny Khamis and Council Member Nguyen, dated September 24, 2015, providing recommendations to the Rules and Open Government Committee as stated previously on Page 3.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: The following speakers expressed their views to the Crime Free Multi-Housing Program: David Wall, Nadia Aziz, Mariel Block, Law Foundation of Silicon Valley; Yolanda Lewis, Black Human Rights Coalition; Omar Vasquez, Laila Nayrouz, Maria Noel Fernandez, Working Partnerships USA; Bob Brownstein, David Wong, Roberta Moore, Arthur League and Sundiata Tate, All of Us Or None; Blair Beekman, Sasha Stuart, Robert Aguirre, Amir Amma, Joshua Howard, California Apartments Association and Harriette Davis.

Assistant Chief of Police Edgardo Garcia, City Attorney Richard Doyle, Assistant City Manager David Sykes, and Interim Director of Housing Jacky Morales-Ferrand responded to Committee questions and concerns.

Extensive Committee discussion ensued.

Action: Upon motion by Council Member Chappie Jones, seconded by Council Member Johnny Khamis and carried unanimously, the Committee directed the City Manager to conduct stakeholder outreach and return to the Neighborhood Services and Education Committee by March 2016. The item will return to the Rules and Open Government Committee in two weeks to address adding it to the Neighborhoods Commission's Work Plan. (3-0-2. Absent: Carrasco; Liccardo.)

4. Urban Agriculture Incentive Zones. (Mayor/Peralez/Carrasco)

- a. **City Attorney's Verbal Report with initial Staff analysis on previously recommended direction from the September 24, 2015 memorandum from Mayor Liccardo and Council Members Peralez and Carrasco.**
- b. **Direct staff to bring forward an Urban Agriculture Incentive Zone (UAIZ) ordinance, similar to Santa Clara County Ordinance No. NS-1200.350, with exploration of the following revisions:**
 - (1) **Include an early cancellation fee for landowners who choose to void their 5-year land use commitment and require a minimum 3-month eviction notice from the landowner to the community members utilizing the land to ensure that they have adequate time to vacate the location.**
 - (2) **Designate any collected fees to support local urban agriculture programs and services.**

Documents Filed: Memorandum from Mayor Sam Liccardo, and Council Members Peralez and Carrasco, dated September 24, 2015, providing recommendations to the Rules and Open Government Committee for approval as stated above.

G. 4. Urban Agriculture Incentive Zones. (Cont'd.)

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: Expressing support to the Urban Agriculture Incentive Zones were Erin Healy, The Health Trust; Lorinda Farfan, La Mesa Verde/Urban Roots and Jamie Chen, Sacred Heart Community Service. David Wall expressed opposition.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Chappie Jones and carried unanimously, the Committee directed the City Attorney to bring a resolution to the Council on October 27, 2015 authorizing parcels that are located in both an unincorporated Santa Clara County and within the sphere of influence of the City of San José to be eligible for incentives under the County's Urban Agriculture Incentive Zone Ordinance. The Committee directed the City Attorney/City Manager to place a City Ordinance similar to the County's on the Council Priority Setting Process for prioritization. (3-0-2. Absent: Carrasco; Liccardo.)

5. Resolution Against Torture and In Support of the Vietnam Human Rights Act of 2015 (H.R. 2140). (Mayor/M. Nguyen/T. Nguyen/Kalra)

- a. **That the City Council adopt the attached resolution in support of H.R. 2140 (Smith) – The Vietnam Human Rights Act of 2015 – to withhold non-humanitarian assistance to the Government of Vietnam, or to any organization working within Vietnam under an agreement signed with a Government of Vietnam entity, agency, or organization, due to their lack of progress in stopping human rights abuses committed against political and religious prisoners, journalists, bloggers, independent labor union members, democracy and free speech advocates and those detained for engaging in religious activity or peaceful protests against religious freedom restrictions.**
- b. **To encourage Congress to pass legislation in the future that imposes sanctions on individuals who are complicit in human rights abuses and torture committed against nationals of Vietnam or their families.**
- c. **Direct the City Clerk to send a copy of the Resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Honorable Members of the United States Congress representing the City of San José.**

Documents Filed: Memorandum from Mayor Sam Liccardo and Council Members M. Nguyen, Kalra and T. Nguyen, dated September 30, 2015, recommending a resolution against torture and in support of the Vietnam Human Rights Act of 2015.

Council Member Manh Nguyen provided background information on the Resolution Against Torture and in Support of the Vietnam Human Rights Act of 2015 and the memorandum he cosigned with Mayor Sam Liccardo, Council Member Ash Kalra and Council Member Nguyen.

G. 5. Resolution Against Torture and In Support of the Vietnam Human Rights Act of 2015. (Cont'd.)

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: Presenting comments in support of a Resolution Against Torture and in Support of the Vietnam Human Rights Act of 2015 (H.R. 2140) were To Nguyen, Cong Thanh Do and Barry Do. Blair Beekman commented off topic.

Action: Upon motion by Council Member Chappie Jones, seconded by Vice Mayor Rose Herrera and carried unanimously, the Committee accepted the item and referred it to the Council for action on October 20, 2015 in the evening. (3-0-2. Absent: Carrasco; 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**

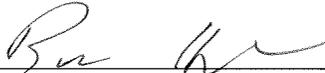
There were none presented.

OPEN FORUM

Blair Beekman urged the Committee to continue to have an open and transparent process for cell phone towers and the UAS Drone Program.

ADJOURNMENT

Vice Mayor Rose Herrera adjourned the meeting at 4:04 p.m.



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

RH/smd

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccentervt>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.