

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

SAN JOSE, CALIFORNIA

WEDNESDAY, MAY 18, 2016

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: Mayor Sam Liccardo, Chair; Vice Mayor Rose Herrera, Vice Chair; Council Member Johnny Khamis, Council Member Chappie Jones and Council Member Magdalena Carrasco, Members.

ABSENT: All Present.

STAFF: City Attorney Richard Doyle, Assistant City Manager David Sykes, Senior Executive Analyst Gloria Schmanek, Mayor's Assistant Weston Starbird, City Clerk Toni J. Taber, and Deputy City Clerk Susan M. Davis.

A. City Council (City Clerk)

- 1. Review May 24, 2016 Final 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)**

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall provided varied comments concerning the May 24, 2016 Agenda.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Committee accepted the May 24, 2016 Agenda, as amended, Item 2.24, Actions Related to Mayor's Staff; Item 3.4, Certificate of Sufficiency Initiative Amending Title 4; Item 4.5, Actions Related to the Google Fiber Network Hut Licenses and Easements, including Sunshine Waivers, were added to the Agenda. Item 4.3 and Item 4.5 actions related to Google Fiber will be heard jointly. (5-0.)

- A. 2. **Review May 31, 2016 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)**

The May 31, 2016 Council Meeting was canceled.

B. Review of Upcoming Study Session Agendas

There were none presented.

C. Legislative Update – Verbal Report

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

There were none presented.

D. Meeting Schedules

There were none presented.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 13, 2016, transmitting the Public Record for the Week of May 6 – May 12, 2016.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall reiterated that a public art mural in Ryland Park has been ruined by graffiti and should be restored.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Committee noted and filed the public record. (5-0.)

F. Boards, Commissions and Committees

- 1. **Appointments**
- 2. **Work Plans & Annual Reports**
 - a. **Addition of Topic for Discussion and Possible Action to the Airport Commission Agenda. (Airport)**
 - (1) **Add as a one-time item the following topic for discussion and possible action to the Airport Commission agenda for June 6, 2016: Guadalupe Gardens Soccer Complex Update.**

Documents Filed: Memorandum from Assistant Director of Aviation John Aitken, dated May 11, 2016, recommending a one-time addition to the Airport Commission Agenda on June 6, 2016.

F. 2. Work Plans & Annual Reports. (Cont'd.)

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall provided comments relating to the Guadalupe Gardens Soccer Complex.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Committee approved the addition to the June 6, 2016 Airport Commission Agenda. (5-0.)

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- a. **Approval of Vice Mayor Rose Herrera's Public Safety Fair/Forum Summer Kick-Off 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. (Herrera)**
 - (1) **Approve Vice Mayor Rose Herrera's Public Safety Fair/Forum Summer Kick-Off scheduled on June 1, 2016 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 events.**
 - (3) **Place the item on the May 24, 2016 Council Agenda for action.**
- b. **Approval of the Rainbow Flag and Transgender Pride Flag Raising Ceremony sponsored by District 6 as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event. (Oliverio)**
 - (1) **Approve the Rainbow Flag and Transgender Pride Flag Raising Ceremony scheduled on Tuesday, June 7, 2016 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 events.**
 - (3) **Place the item on the May 24, 2016 Council Agenda for action.**
- c. **Approval of the Puerto Rican 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. (Peralez)**
 - (1) **Approve the Puerto Rican Flag Raising scheduled on June 3, 2016 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 events.**
 - (3) **Place the item on the May 24, 2016 Council Agenda for action.**

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

Documents Filed: (1) Memorandum from Vice Mayor Rose Herrera, dated May 12, 2016, recommending approval of the Public Safety Fair/Forum Summer Kick-Off and placing it on the May 24, 2016 Agenda. (2) Memorandum from Council Member Pierluigi Oliverio, dated May 18, 2016, recommending approval of the Rainbow Flag and Transgender Pride Flag Raising Ceremony and placing it on the May 24, 2016 Agenda. (3) Memorandum from Council Member Raul Peralez, dated May 12, 2016, recommending approval of the Puerto Rican Flag Raising and placing it on the May 24, 2016 Agenda.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall provided comments pertaining to City Council Sponsored Special Events.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Committee approved the Consent Calendar and agendaized the three Council events on the May 24, 2016 Agenda. (5-0.)

2. SB 879 (Beall) – Affordable Housing Bond Act of 2016. (Housing)

- a. **Adopt a position of support for SB 879 (Beall).**
- b. **Recommend a one-week turnaround so that the City's Legislative Advocate in Sacramento can indicate a support position for SB 879 (Beall).**

Documents Filed: City Council Action Request from Director of Housing Jacky Morales-Ferrand, dated May 12, 2016, recommending an adoption of support and with a one week turnaround.

Director of Intergovernmental Relations Betsy Shotwell, Homelessness Response Team Manager Ray Bramson and Development Officer Ann Grabowski responded to Committee questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall expressed his opposition to SB 879 (Beall) Affordable Housing Bond Act of 2016.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Committee approved the item and added it to the May 24, 2016 Agenda. Staff was directed to have conversations with Senator Beall on the competing affordable housing legislation items coming forward to the voters. (5-0.)

- G. 3. **SPUR Reports and Recommendations Workload Assessment**
a. **Defer the SPUR reports and recommendations workload assessment to the June 8, 2016 Rules and Open Government Committee meeting. [Referred by Rules Committee 4/27/16 – Item G(4)]**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated May 11, 2016, recommending deferring the item to the June 8, 2016 Rules and Open Government Committee Meeting.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall expressed his opposition to SPUR.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Chappie Jones and carried unanimously, the Committee deferred the item to the June 8, 2016 Rules and Open Government Committee Meeting. (5-0.)

4. **Inclement Weather Response for Vulnerable Populations. (Mayor/ Khamis/Oliverio)**
a. **Amend San José Municipal Code Section 20.80.1620 to allow a church/religious assembly to provide temporary shelter to homeless persons year-round, without obtaining a special use or conditional use permit.**
b. **Place the item on the May 24, 2016 Council Agenda for discussion and action.**

Documents Filed: Memorandum from Mayor Sam Liccardo, Council Member Johnny Khamis and Council Member Pierluigi Oliverio, dated May 12, 2016, recommending amending the code and placing on the May 24, 2016 Agenda for discussion and action.

City Attorney Richard Doyle and Homelessness Response Team Manager Ray Bramson responded to Committee questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: David Wall voiced comments related to the inclement weather response.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, the Committee directed Staff to continue with previous direction to evaluate the program, to forward the item to Community and Economic Development Committee and the Neighborhood Services and Education Committee in June for additional discussion and action. Staff was further directed to extend the urgency ordinance and agenda the item on the June 7, 2016 Agenda for Council consideration and action. (5-0.)

- 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**

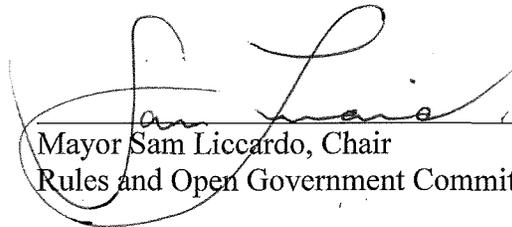
There were none presented.

OPEN FORUM

- (1) Blair Beekman reiterated his concerns pertaining to radio frequency identification, smart light poles and the stationary camera program.
- (2) David Wall voiced his opinion concerning one of the candidates running for Council Member in District 6.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting at 2:39 p.m.



Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/smd