



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

SAN JOSE, CALIFORNIA

WEDNESDAY, APRIL 22, 2015

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:00 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Mayor Sam Liccardo (2:05 p.m.), Vice Mayor Rose Herrera, Councilmember Chappie Jones, Councilmember Johnny Khamis, and Councilmember Magdalena Carrasco.

ABSENT: None.

STAFF: City Attorney Richard Doyle, Interim Assistant City Manager Dave Sykes, Mayor's Agenda Assistant Margaret Le, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) Review April 28, 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)

Public Comment: David Wall offered comments on Item 4.1.

Action: Upon motion by Councilmember Carrasco, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Sunshine waiver for and addition of Items 1.x, "Presentation of a proclamation declaring, Tuesday, April 28 as 'Día del Niño'...", 1.x, "Presentation of a commendation recognizing Saint Victor School's 50th Anniversary...", 1.x, "Presentation of commendation to recognize Archbishop Mitty High School...", and 2.x, "Actions Related to Councilmember Khamis' travel to Washington, D.C." (4-0-1. Absent: Liccardo.)

CITY COUNCIL (CITY CLERK) (CONT'D.)

(2) Review May 5, 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)

Public Comment:

David Wall spoke on Items 5.1 and 7.4. – 5.1, 7.4

Martha O'Connell asked the Committee to look into the Housing and Community Development Commission's recommendation regarding Item 4.3.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda. (5-0.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None.

MEETING SCHEDULE

None.

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of April 10 – April 16, 2015

Public Comment:

- David Wall pulled Items (5) and (6) and offered additional comments.
- Martha O'Connell spoke on Item (2).

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the public record was noted and filed. (5-0.)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
- (2) Work Plans – None.
- (3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(1) Consent Calendar

Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (5-0.)

Public Comment: David Wall voiced objections to both flag raisings.

- (a) Approval of Colombian Flag Raising Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Service for the Event. (Carrasco)
1. Approve the Colombian Flag Raising Ceremony scheduled on August 14, 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; and
 3. Place the item on the April 28, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Carrasco to the Rules and Open Government Committee, dated April 9, 2015, entitled, "Approval of Colombian Flag Raising Sponsored by District 5 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event."

Action: The item was placed on the April 28, 2015 City Council Agenda for final action. (5-0.)

- (b) Approval of Mexican Flag Raising Sponsored by Council Districts 3 and 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Service for the Event. (Carrasco/Peralez)
1. Approve the Mexican Flag Raising Ceremony scheduled on September 16, 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; and
 3. Place the item on the April 28, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmembers Carrasco and Peralez to the Rules and Open Government Committee, dated April 9, 2015, entitled, "Approval of Mexican Flag Raising Sponsored by Council Districts 5 and 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event."

Action: The item was placed on the April 28, 2015 City Council Agenda for final action. (5-0.)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) (c) Retroactive Approval of Cassell/Hillview Beautification/Dumpster Day Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Service for the Event. (Carrasco/Peralez)
1. Retroactively approve the Cassell/Hillview Beautification/Dumpster Day scheduled on April 18, 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; and
 3. Place the item on the May 5, 2015 Council Agenda for action

Documents Filed: Memorandum from Councilmember Carrasco to the Rules and Open Government Committee, dated April 14, 2015, entitled, "Approval of Cassell/Hillview Beautification/Dumpster Day Sponsored by Council District 5 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event."

Action: The item was placed on the May 5, 2015 City Council Agenda for final action. (5-0.)

END OF CONSENT CALENDAR

- (2) **AB 90 (Chau and Atkins) – Federal Housing Trust Fund. (Housing)**
- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, support AB 90 (Chau and Atkins) – Federal Housing Trust Fund.
 - b. Recommend a one-week turnaround to the City Council on April 28, 2015, so that the City's Legislative Advocate in Sacramento can indicate a support position for AB 90 (Chau and Atkins).

Documents Filed: Memorandum from Interim Director of Housing Jacky Morales-Ferrand to the Rules and Open Government Committee, dated April 15, 2015, entitled, "AB 90 (Chau and Atkins) Federal Housing Trust Fund."

Director of Intergovernmental Relations Betsy Shotwell was available to answer questions from the Committee.

Public Comment: David Wall raised concerns related to housing.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was forwarded to City Council for final action on April 28, 2015. (5-0)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (3) **AB 1009 (Garcia) – Local Government: Redevelopment: Revenues from Property Tax Override Rates. (City Manager)**
- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position to oppose for AB 1009 (Garcia) Local Government: Redevelopment: Revenues from Property Tax Override Rates.
 - b. Recommend a one-week turnaround to the City Council on April 28, 2015, so that the City's Legislative Advocate in Sacramento can re-affirm the City's position on AB 1009 (Garcia).

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee, dated April 15, 2015, entitled, "AB 1009 (Garcia) – Local Government: Redevelopment: Revenues from Property Tax Override Rates."

City Attorney Richard Doyle provided background related to the issue.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was forwarded to City Council for final action on April 28, 2015. (5-0)

- (4) **AB 1220 (Harper) – Transient Occupancy Taxes: Residential Short-Term Rental Units. (City Manager)**
- a. Adopt a position of opposition for AB 1220 (Harper) – Transient Occupancy Taxes: Residential Short-Term Rental Units.
 - b. Recommend this item to be agendaized for the April 28, 2015 City Council Meeting, so that the City's Legislative Representative can advocate the City's opposition position on AB 1220 (Harper).

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee, dated April 16, 2015, entitled, "AB 1220 (Harper) – Transient Occupancy Taxes: Residential Short-Term Rental Units."

Director of Intergovernmental Relations Betsy Shotwell provided background and was available to answer questions from the Committee.

Public Comment: David Wall voiced support for the City's position and offered suggested amendments.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was forwarded to City Council for final action on April 28, 2015. (5-0)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

(5) SB 317 (DeLeon) – Safe Neighborhood Parks, Rivers, and Coastal Protection Act of 2016. (Parks, Recreation and Neighborhood Services)

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, support if amended SB 317 (DeLeon) – Parks.
- b. Recommend a one-week turnaround to the City Council on April 28, 2015, so that the City's Legislative Advocate in Sacramento can indicate support if amended position for SB 317 (DeLeon).

Documents Filed: Memorandum from Deputy Director of Parks, Recreation, and Neighborhoods Services Matt Cano to the Rules and Open Government Committee, dated April 15, 2015, entitled, "SB 317 (DeLeon) – Safe Neighborhood Parks, Rivers, and Coastal Protection Act of 2016."

Director of Intergovernmental Relations Betsy Shotwell provided background and was available to answer questions from the Committee. Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano offered additional background

Councilmember Khamis voiced objections.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was forwarded to City Council for final action on April 28, 2015. (4-1. Noes: Khamis)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee – None.
- (2) Neighborhood Services and Education Committee – None.
- (3) Transportation and Environment Committee – None.
- (4) Public Safety, Finance and Strategic Support Committee – None.
- (5) Rules and Open Government Committee – None.

OPEN GOVERNMENT

- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

Documents Filed: Letter from David Wall to the Mayor and City Council regarding South Bay Water Recycling.

- David Wall presented a letter from a previous Public Record request and voiced concerns related to the timely response to his request.
- Richard McCoy request the flying of the MIA/POW flag at City Hall.

ADJOURNMENT

The meeting adjourned at 2:37 p.m.



Mayor Sam Liccardo
Rules and Open Government Committee

SL:slg

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