

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, MAY 13, 2015**

The Joint Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:17 p.m. in the Council Chambers of City Hall.

**PRESENT:** Mayor Sam Liccardo, Vice Mayor Rose Herrera, Councilmember Chappie Jones, Councilmember Magdalena Carrasco, and Councilmember Johnny Khamis.

**ABSENT:** None.

**STAFF:** Assistant City Attorney Ed Moran, City Clerk Toni J. Taber, Assistant City Manager Dave Sykes, Mayor's Agenda Assistant Margaret Le, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Anh Tran.

**CITY COUNCIL (CITY CLERK)**

- (1) **Review May 19, 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:

- Larry Ames asked clarifying questions on Items 4.5 and 4.7.
- Ed Rast offered comments on Item 3.6.
- David Wall offered comments on Item 3.3.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Pull Item 2.16, Items 4.5 and Items 4.7 to be heard not before 4 p.m., and Add Sheet. (5-0.)

- (2) **Review May 26, 2015 Draft Agenda**  
None – Meeting Cancelled

## **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 May 1 – May 7, 2015 and 136 Additional Letters from the Public.

Public Comment:

- David Wall pulled Item (1) and offered additional comments.

Councilmember Johnny Khamis requested additional information.

Action: Upon motion by Councilmember Khamis, seconded by Vice Mayor Herrera 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**

No Items on the Consent Calendar.

### **END OF CONSENT CALENDAR**

**Items were taken in the following order: Item 4, 5, 3, and 2.**

**(2) Expanding Tenant Protections and Affordable Housing Options in San Jose. (Liccardo/Carrasco/Jones/Matthews)**

Direct the City Manager to accept the recommendations made by Councilmember Peralez among a range of potential options for the City's response to the housing affordability crisis, along with those listed below. Return to Council with a workload assessment, prioritizing those measures that can be quickly implemented, and referring those requiring more extensive staff work in concert with community stakeholders through the Council's prioritization process.

a. Rent Control

- 1) Report on the effectiveness of the current ordinance. Assess the legality, under relevant state law, of any expansion of the City's existing rent control ordinance.
- 2) If it is legal to reduce the current 8% maximum allowable rent increase, then assess the level at which a reduction will not inhibit maintenance and upkeep of the condition of apartments, with consideration of (1) the City's staffing challenges in enforcing code enforcement complaints currently, and (2) the 40+ year-old housing stock governed by the rent control ordinance.
- 3) Consider also those options for strengthening the range of legal protections available for residents to prevent eviction as a result of price-gouging, such as:
  - a. Ordinances—similar to those in Santa Monica and Hollywood—that allow renters to petition for mandated lower rents where needed repairs have not been made on the property, as an incentive to maintain the quality of living conditions.
  - b. Requiring landlords to offer 12-month or 24-month leases to provide tenants a means to ensure rent stability for that duration, as in Palo Alto.
  - c. Requiring longer notice periods (i.e., beyond the current 30 days) to tenants for rent increases, particularly in tight rental markets.

a. Vouchers and Non-discrimination of Income

- 1) Explore a combination of incentives and requirements to ensure a “non-discrimination of income” outcome, such as imposing a “non-discrimination” requirement in concert with an insurance program that protects landlords from damages not covered by traditional Section 8, VASH, or other voucher programs.

b. “Just Cause” Eviction

- 1) Review and expose findings gathered through the extensive community process launched in 2002-03 to explore “just cause” eviction. Determine what changes can be imposed without extensive, time-consuming, or impractical procedural mandates that leave a surrounding neighborhood vulnerable while a “problem tenant” should be evicted in situations such as drug dealing or gang activity, where evidence-gathering is often difficult.
- 2) Assess the effectiveness of current laws that resulted from the process created by the prior effort to impose “just cause” requirements. In particular, assess the current “Rental Rights and Referral Program,” to determine how it might be strengthened, as well as current mandates for arbitration and mediation.

- 3) Explore a range of alternative tools that might protect residents from gentrification, such as limiting rent increases on subsequent leases where tenants have been evicted for reasons other than non-payment of rent.
- c. Expansion of Housing Supply
  - 1) Identify incentives for redeveloping older apartment buildings in a way that will increase the housing stock consistent with the City's General Plan;
  - 2) Evaluate opportunities to make "granny units" more practical in neighborhoods where lot size makes them viable options;
  - 3) Consider other supply-boosting options within the City's footprint of existing residentially-zoned land.
- d. Mobile Home Park Conversions
  - 1) Inform council of status of staff's review of conversion ordinance, and offer suggestions in how to strengthen the ordinance to protect residential tenancies.
- e. Veterans Housing
  - 1) Identify opportunities, under the 2014 state bond measure, for the city to aggressively seek funding for construction of affordable housing for veterans.
  - 2) Discuss with stakeholders such as the Tri-County Apartment Association and apartment owners, a voluntary commitment to address veteran homelessness, such as a commitment to house 200 homeless veterans bearing VASH vouchers within 24 months.
- f. Homelessness
  - 1) Report to Council the status of several shorter-term initiatives to address the homelessness crisis, including microhousing/tiny homes, safe parking sites, motel conversions, and a Downtown "Connections" homeless center. Any other initiatives that can be implemented within the next 18 months should also be brought forward for consideration.
- g. Surrounding Jurisdictions and Our Regional Responsibility
  - 1) Direct the City Attorney and City Manager to assess the City's range of options for encouraging, prodding, or compelling --such through injunctive relief --other cities in the region to take meaningful action to implement their state-mandated Housing Element goals.

Documents Filed: Memorandum from Mayor Sam Liccardo, Councilmember Magdalena Carrasco, Councilmember Chappie Jones, and Councilmember Margie Matthews, dated May 6, 2015, entitled, "Expanding Tenant Protections and Affordable Housing Options in San Jose."

Action: No action taken, memorandum withdrawn.

**(3) Expanding Tenant Protections for Residents of San Jose. (Peralez)**

Direct the City Manager to provide the Neighborhood Services and Education Committee within the next six months a work-plan that includes an assessment of resources and current policies for City Council consideration of adopting the following tenant protections for residents of San Jose that can be enacted by January 1, 2017:

- a. A prohibition against discrimination based on source of income (Section 8 and other housing subsidies).

- b. Recommendations on improvements and a comprehensive analysis of the data and effectiveness of the City of San Jose's Rental Rights and Referrals Program.
- c. Rent Control Modification:
  - 1) Assuming compliance with Costa-Hawkins, amend San Jose rent control law to include units constructed between 1979 and 1995 (the latest year allowed under state law).
  - 2) Explore rent stabilization methodologies and best practices for council consideration that will prevent annual rent increases that exceed 4%.

Documents Filed: Memorandum from Councilmember Raul Peralez, dated May 6, 2015, entitled, "Expanding Tenant Protections for Residents of San Jose;" Petition from Residents Council Board of Chai House, dated May 13, 2015; Letter from Lorena M. Lopez, dated November 11, 2014, regarding San Jose Police Report Number 14113230.

Public Comment:

- The following people spoke in favor of this item: Davlyn Jones, Richard McCoy, Martha O'Connell, Ruth McKinney, Katherine Bock, Pari Sadaghiani, Irma Navarro, Bruce Roberts, Rose Wallis, David Urhausen, Brian Wheatley, Richard Badcod, Janice Carolnes, Kyra Kazantzis, Brenda Ramirez, Donna Furuta, Ennaoj "Niya" Hawthorne, Carmela Alvarez, Reverend Jeff Moore, Kara Brodfuehre, Sandy Perry, Pastor Adrienne Lawton, Sarah McDermott, Bob Brownstein, Father Jon Pedigo, Gloria Quiroz, Gloria Barragan, Elizabeth Gonzalez, Luz Mendoza, Ernesto Perez, Leslie Muniz, Pat Farrow, Aurora Solis, Maria Noel Fernandez, Camille Arinans, Maria Gandara, Rebecca Amendariz, Ernesto Perez, Pastor Raquel, Robert Aguirre, Duncan, Bill Black, Mark Ramuser, Rebecca Acosta, Christina Pham, Shaunn Cartwright, Gabriella, and Chris Lepe.
- The following people spoke in opposition of this item: Mary Ann Taylor, Javier Vega, Duane Gifford, Richard Matthews, Myron Von Raesfeld, Bridget McKay, Sandy Adams, Michael Pierce, Dean Daily, David Dudek, Gustavo Gonzales, Roger Grossenbcher, Roberta Moore, Andy Gonzalez, Thomas Scott, Silvina Gonzalez, John Eudy, Janice Welsh, Gary Walker, Chris Morris, Mary Driedger, Lorena Lopez, Michael Fitzgerald, Nubia Ramirez, Gary Jansen, Roberta Moore, Mary Esquerra, Jody Marshall, Ahmed Sultan, and Javier Vega.
- David Wall suggested that similar items be added to other related discussion items.
- Fred Glick suggested not putting a cap on other resources.

Action: No action taken, memorandum withdrawn.

- (4) **ACA 4 (FRAZIER) – Local Government Transportation Projects: special taxes: voter approval. (Transportation)**
- a. Adopt a resolution of support for Administration activities necessary to coordinate the planning host City responsibilities for the 2015 League of California Cities (LOCC) Annual Conference.
  - b. Place item on the May 19, 2015 Council Agenda for action.

Documents Filed: Memorandum from Interim Department of Transportation Director Jim Orbal, dated May 6, 2015, entitled, "ACA 4 (FRAZIER) – Local Government Transportation Projects: special taxes: voter approval."

Public Comment: David Wall spoke in opposition of this item.

Director of Intergovernmental Relations Betsy Shotwell and Interim Department of Transportation Director Jim Ortbal were available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Carrasco and carried unanimously, the item was approved and placed on the May 19, 2015 City Council Agenda for final action. (4-1. Noes: Khamis)

**(5) SB 377 (Beall) – Transportation Funding. (Transportation)**

- a. Pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of SB 16 (Beall).
- b. Recommend this item be agendized for the May 19, 2015 City Council Meeting so that the City’s Legislative Representative can advocate the City’s support for SB 16 (Beall).

Documents Filed: Memorandum from Interim Department of Transportation Director Jim Ortbal, dated May 6, 2015, entitled, “SB 377 (Beall) – Transportation Funding.”

Director of Intergovernmental Relations Betsy Shotwell and Interim Department of Transportation Director Jim Ortbal were available to answer questions from the Committee.

Action: Upon motion by Vice Mayor Herrera, seconded by Councilmember Jones and carried unanimously, the item was approved and placed on the May 19, 2015 City Council Agenda for final action. (5-0.)

**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**

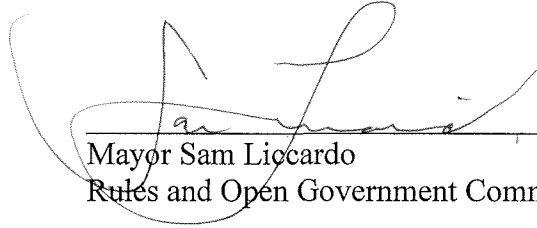
- (1) Appeals of Public Records Act Request – None.

**OPEN FORUM**

None.

**ADJOURNMENT**

The meeting adjourned at 4:24 p.m.



Mayor Sam Liccardo  
Rules and Open Government Committee

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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.