

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

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 9, 2017

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, Vice Mayor Magdalena Carrasco, Councilmember Chappie Jones, Councilmember Johnny Khamis, and Councilmember Devora Davis.

ABSENT: All Present.

STAFF: City Attorney Richard Doyle, City Clerk Toni J. Taber, Assistant City Manager Dave Sykes, Senior Executive Analyst Gloria Schmanek, Mayor's Policy Analyst Candace Le, and Deputy City Clerk Anh Tran.

A. City Council (City Clerk)

- 1. Review August 15, 2017 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)**

Action: Upon motion by Councilmember Devora Davis, seconded Councilmember Chappie Jones, and carried unanimously, the Committee accepted the August 15, 2017 Agenda. (5-0.)

- 2. Review August 22, 2017 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)**

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Devora Davis and carried unanimously, the Committee accepted the August 22, 2017 Agenda. (5-0.)

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

1. **Set a General Plan City Council Hearing. (Planning, Building and Code Enforcement)**
Set a General Plan City Council Hearing for August 29, 2017, at 1:30 p.m. to consider City-initiated General Plan amendments.

Documents Filed: Memorandum from Interim Director of Planning, Building, and Code Enforcement Rosalynn Hughey, dated August 2, 2017, entitled “Set General Plan Hearing for August 2017.”

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones, and carried unanimously, the Committee set a General Plan City Council Hearing for August 29, 2017 at 1:30 p.m. (5-0.)

2. **Study Session: San José Transportation Analysis Update Required by State Law. (Transportation)**
Set a City Council Study Session for September 18, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers to discuss changes in State law (Senate Bill 743) that affect the City of San José’s environmental review policies and procedures related to transportation.

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, Interim Director of Planning, Building, and Code Enforcement Rosalynn Hughey, and Director of Public Works Barry Ng, dated August 2, 2017, entitled “Transportation Policy Update Study Session.”

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee set a City Council Study Session for September 18, 2017 from 1:30 p.m. to 4:30 p.m. (5-0.)

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 4, 2017, transmitting the Public Record for the time period of July 28 to August 3, 2017.

Action: Upon motion by Councilmember Chappie Jones, seconded by Vice Mayor Magdalena Carrasco, 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**

There were none presented.

G. Rules Committee Reviews, Recommendations, and Approvals

1. Consent Calendar

a. Approval of Events sponsored by Council District 2 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the events. (Jimenez)

- 1) Retroactively approve Movie Night scheduled for August 9, 2017 as a sponsored Special Event and approve the expenditure of funds.**
- 2) Approve the Indian Flag Raising ceremony and reception scheduled for August 11, 2017 as a sponsored Special Event and approve the expenditure of funds.**
- 3) Approve Participatory Budgeting award ceremony and reception scheduled for August 23, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
- 4) Approve Movie Night scheduled for August 25, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
- 5) Approve Movie Night scheduled for August 30, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
- 6) Approve and accept donations from various individuals, businesses or community groups to support these events.**
- 7) Place the item on the August 15, 2017 City Council Agenda for action.**

Documents Filed: Memorandum from Council Member Sergio Jimenez, dated August 3, 2017, entitled "Approval of Events sponsored by Council District 2 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the events."

Action: Upon motion by Councilmember Chappie Jones, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Committee accepted the Consent Calendar and placed it on the August 15, 2017 City Council Agenda. (5-0.)

- G. Rules Committee Reviews, Recommendations, and Approvals (continued)**
- 2. AB 1505 (Bloom, Chiu and Gloria) – Land Use: Zoning Regulations; SB 277 (Bradford) – Land Use: Zoning Regulations. (Housing)**
 - a. Adopt a position of support for AB 1505 (Bloom, Chiu and Gloria) and SB 277 (Bradford), which would strengthen the City’s Inclusionary Housing Ordinance.**
 - b. Recommend these items be agendized for the August 15, 2017 City Council meeting so that the City’s Legislative Representatives can advocate the City’s support for AB 1505 (Bloom, Chiu and Gloria) and SB 277 (Bradford).**

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated July 28, 2017, entitled “AB 1505 (Bloom, Chiu and Gloria) – Land Use: Zoning Regulations; SB 277 (Bradford) – Land Use: Zoning Regulations.”

Director of Intergovernmental Relations Betsy Shotwell and Director of Housing Jacky Morales-Ferrand provided additional comments and were available to answer questions from the Committee.

Action: Upon motion by Councilmember Devora Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the item was approved for City Council discussion and consideration during the August 15, 2017 City Council Agenda. (5-0.)

- 3. Approval of District 9 Grant. (Rocha)**

Approve a request to agendize for City Council deliberation on August 15, 2017, to approve a \$2,000 grant for Cambrian School District to help equip their music classrooms with instruments and music supplies to support student music education programs.

This item was dropped from the agenda.

G. Rules Committee Reviews, Recommendations, and Approvals (continued)

4. Conforming Rezoning of 1009 Sycamore Cl and 15520 Almaden Rd from R-1-5 and A(PD) [File 04064], respectively, to OS-Open Space. (Khamis)

Direct Planning Staff to bring back to the City Council a conforming rezoning of the properties at the northeast corner of Almaden Expressway and Coleman Road from their current zoning of R-1-5 and A(PD) to Open Space (OS) to bring the lots into conformance with the General Plan 2040 designation of these lots as Open Space, Parklands, and Habitat (OSPH).

Documents Filed: Memorandum from Councilmember Johnny Khamis, dated August 2, 2017, entitled "Conforming Rezoning of 1009 Sycamore Cl and 15520 Almaden Rd from R-1-5 and A(PD) [File 04064], respectively, to OS-Open Space"; Handout from Councilmember Khamis, entitled "Incidents Reported at Almaden Expressway/Coleman Road."

Mayor Sam Liccardo opened the floor for public testimony: Mackenzie Mossing, Dave Poeschel, Robert Hubbard, and Nicole Montojo.

Director of Housing Jacky Morales-Ferrand provided additional comments and was available to answer questions from the Committee.

Action: The item was referred to staff to review options, including a land swap, and will return to the City Council during a September 2017 City Council Agenda. (5-0.)

5. Cool Pavements. (Khamis)

Approve a request to agendize for City Council deliberation on August 15, 2017, to direct the City Manager to explore the possibility of using "Cool Pavements", as an alternative to the industry standard of black asphalt/slurry seal, on a trial basis, especially in areas of the City most affected by the Urban Heat Island (UHI) effects, in order to lower outside air temperatures, create energy savings, emission reductions, lessen creation of smog, improve water quality, and slow climate change.

Documents Filed: Memorandum from Councilmember Johnny Khamis, dated August 3, 2017, entitled "Cool Pavements."

Mayor Sam Liccardo opened the floor for public testimony: Dave Poeschel and Blair Beekman.

Director of Transportation Jim Ortball and Council Assistant Dora Gonzalez provided additional comments and were available to answer questions from the Committee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Devora Davis, and carried unanimously, the was referred to staff to analyze in which staff will respond with an information memorandum. (5-0.)

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

1. Community and Economic Development Committee

- a. Approval of the Community and Economic Development Committee Workplan for the period August through December 2017 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Rooms W118-119.**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Johnny Khamis, dated August 2, 2017, entitled "Community and Economic Development Committee Workplan."

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Committee approved the item. (5-0.)

2. Neighborhood Services and Education Committee

There were none presented.

3. Transportation and Environment Committee

There were none presented.

4. Public Safety, Finance and Strategic Support Committee

There were none presented.

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole

There were none presented.

6. Smart Cities and Service Improvements Committee

- a. Approval of the Smart Cities and Service Improvements Committee Workplan for the period August through December 2017 and setting its meeting schedule on the first Thursday of each month at 1:30 p.m. in City Hall Council Chambers.**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Chappie Jones, dated August 2, 2017, entitled "Smart Cities and Service Improvements Committee Workplan."

Mayor Sam Liccardo opened the floor for public testimony: Blair Beekman.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Devora Davis and carried unanimously, the Committee approved the item with the addition of Data Privacy Policy to the Smart Cities Update and Internet of Things item on the October 1, 2017 Smart Cities and Service Improvements Committee Agenda. (5-0.)

I. Open Government
1. Appeals of Public Records Act Request
a. Mr. Thomas Baker

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated August 2, 2017, entitled "Public Records Appeal – Thomas Baker"; Email from Thomas Baker, dated June 12, 2017, entitled "My Public Records Request"; Handout from Thomas Baker, dated August 9, 2017, entitled "Thomas Baker – Public Records Request Appeal – 8/9/17."

Mayor Sam Liccardo opened the floor for the appellant testimony. Assistant Director of Transportation Kevin O'Connor provided additional information to the Committee and appellant. He was available to answer questions from the Committee.

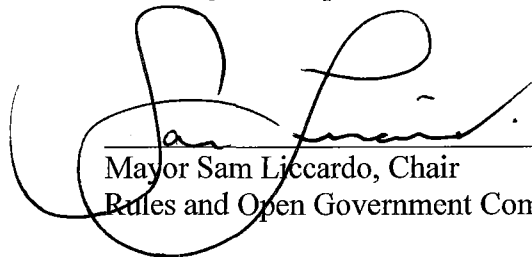
Action: Upon motion by Council Member Johnny Khamis, seconded by Councilmember Devora Davis and carried unanimously, the Public Records Act Request Appeal was denied based on the City had provided the requested documents to the appellant. (5-0.)

OPEN FORUM

Environmental Advocacy Association Mackenzie Mossing from the Santa Clara Valley Audubon Society shared the organization's concern on the tree removal process. Blair Beekman shared his concerns on how the Council makes decisions.

ADJOURNMENT

Mayor Liccardo adjourned the meeting at 3:09 p.m.



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