



# City of San José

City of San José  
200 East Santa Clara Street  
San Jose, CA 95113

## Agenda

### Joint Meeting for the Rules and Open Government Committee and Committee of the Whole

#### Committee Members

Sam Liccardo, Chair

Chappie Jones, Vice Chair

Sylvia Arenas, Member

Dev Davis, Member

Johnny Khamis, Member

#### Committee Staff

Dave Sykes, City Manager

Toni Taber, City Clerk

Richard Doyle, City Attorney

Gloria Schmanek, City Manager's Office

Mackenzie Mossing, Mayor's Office

Louis Osemwegie, City Clerk's Office

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Wednesday, December 4, 2019

2:00 PM

Wing Rooms W118-120

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#### A. City Council (City Clerk)

##### 1. Review Final Agenda

[ROGC  
19-462](#)

Review December 10, 2019 Final Agenda

a. Add New Items to Final Agenda

b. Assign "Time Certain" to Agenda Items (if needed)

c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

**Attachments** [Amended Agenda](#)  
[Add Sheet](#)

##### 2. Review Draft Agenda

- [ROGC](#)  
[19-463](#)
- Review December 17, 2019 Draft Agenda
- a. Add New Items to Draft Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

**Attachments** [Agenda](#)

## **B. Review of Upcoming Special Meeting Agenda(s)**

## **C. Legislative Update**

1. State
2. Federal

## **D. Meeting Schedules**

- [ROGC](#)  
[19-467](#)
- Emergency Management Study Session. (City Manager)

**Recommendation:** Set a City Council Study Session entitled Emergency Management for Thursday, January 30, 2020 from 9:00 a.m. - 12:00 p.m. in Wing Rooms 118-120 and approve a draft Study Session agenda.

**Attachments** [Memorandum](#)

## **E. The Public Record**

- [ROGC](#)  
[19-474](#)
- The Public Record for November 14, 2019 - November 26, 2019

**Recommendation:** Receive and file the Public Record for November 14, 2019 - November 26, 2019. (City Clerk)

**Attachments** [The Public Record](#)

## **F. Boards, Commissions and Committees**

1. Appointments
2. Work Plans & Annual Reports

## G. Rules Committee Reviews, Recommendations and Approvals

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

### 1. Consent Calendar

- (a) [ROGC](#)  
[19-464](#) Approval of Palestinian Flag Raising Event Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Khamis)

- Recommendation:**
1. Approve the Palestinian Flag Raising scheduled on April 3, 2020 as a City Council sponsored Special Event.
  2. Approve and accept donations from various individuals, businesses or community groups to support the event.
  3. Place the item on the December 10, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

- (b) [ROGC](#)  
[19-465](#) Approval of City Hall Free Use on Saturday, December 21, 2019 by Council District 2 for the Homeless Memorial Observance as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)

- Recommendation:**
1. Adopt a resolution authorizing “Free Use” for a memorial observance in the Rotunda on Saturday, December 21, 2019, to honor the houseless individuals that have died unsheltered on the streets of San José, bring awareness to the tragedy of homelessness and build community support for compassionate solutions to our City’s homeless crisis, hosted by the Silicon Valley Interreligious Council and the District 2 Council office.
  2. Approve the Homeless Memorial Observance scheduled on December 21, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
  3. Approve and accept donations from various individuals, businesses or community groups to support the event.
  4. Place the item on the December 10, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

- (c) [ROGC](#)  
[19-469](#) Retroactive Approval of District 4 Christmas Tree for the Berryessa Community Center Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Diep)

- Recommendation:**
1. Retroactively approve the donation of a Christmas tree from District 4 to be placed in the Berryessa Community Center lobby and decorated by staff on December 2, 2019 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.
  3. Place the item on the December 10, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

- (d) [ROGC](#)  
[19-470](#) Approval of District 4 Crafts Booth at the Berryessa Community Center Breakfast with Santa Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Diep)

**Recommendation:**

1. Approve the crafts booth at the Berryessa Community Center Breakfast with Santa event scheduled on December 7, 2019 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.
3. Place the item on the December 10, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

- (e) [ROGC](#)  
[19-471](#) Approval of District 4 Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Diep)

**Recommendation:**

1. Approve the Dumpster Day event scheduled on December 14, 2019 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.
3. Place the item on the December 10, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

END OF CONSENT

2. [ROGC](#)  
[19-466](#) Digital Cities Survey Awards Dinner. (Jones)

**Recommendation:**

1. Approve the receipt of gifts received in official capacity in accordance with Municipal Code section 12.08.120.B.
2. Place the item on the December 10, 2019 Council Agenda for action.

**Attachments** [Memorandum](#)

3. [ROGC](#)  
[19-472](#) Spending Priorities for Potential General Fund Revenue from a Real Property Transfer Tax Measure. (Mayor, Peralez, Diep, Foley)

**Recommendation:**

1. Place on the December 10, 2019 Council meeting agenda a budgeting discussion and consideration of spending priorities for potential General Fund revenue that may result from the passage of a real property transfer tax measure.
2. Direct staff to provide the necessary amendments to Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, for the outcome of the Council's deliberations on this budgeting decision.
3. Include within the Council Policy the following spending priorities for General Fund revenue flowing from the potential real property transfer tax measure:
  - a. Up to 5% set-aside for City administration of funding related to increased workload resulting from more robust homeless prevention efforts and the creation of more affordable housing, and
  - b. Of the remaining revenue, allocate:
    - i. 10% for homelessness prevention and rental assistance for homeless college and school-engaged students, victims of domestic violence, seniors, and families,
    - ii. 45% for permanent supportive and affordable rental housing for extremely low-income (ELI) households-defined as earning less than 30% of area median income (AMI),
    - iii. 35% for affordable rental housing for 30%-80% AMI households, and
    - iv. 10% for below market-rate for-sale housing and moderate-income rental housing-up to and including 120% AMI-including rent-restricted ADU forgivable loans, down payment assistance, and first-time homeownership opportunities for households up to 120% AMI.
4. We also propose further transparency and accountability of the City Council's spending decisions relating to revenue from the real property transfer tax revenue, in addition to the already-directed requirement of a two-thirds Council vote amending any spending priorities and establishment of an Oversight Committee:
  - a. Requiring a 60-day notice and at least two public hearings prior to the Council taking action on any proposed change to the annual spending plan that could shift any funding, and
  - b. Creating a separate accounting for the revenues generated by the measure for the purposes of oversight by the Oversight Committee.

**Attachments** [Memorandum](#)

4. [ROGC](#)  
[19-475](#) Resolution in Support of Transforming PG&E into a Customer-Owned Utility. (Mayor)

**Recommendation:** Adopt a resolution that supports transforming Pacific Gas & Electric into a private, customer-owned utility, maintaining the utility's current service area.

**Attachments** [Memorandum](#)  
[Mutualization Resolution](#)

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee

[ROGC](#)  
[19-468](#) Update to the August - December 2019 Neighborhood Services & Education Committee Workplan. (Parks, Recreation & Neighborhood Services)

**Recommendation:** Approve the following change to the August - December 2019 Neighborhood Services & Education Committee Workplan to drop the following item from December 12, 2019: BeautifySJ Annual Report and Update on Council Policy Priority #25 (Private Property Graffiti Abatement Ordinance). (Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement).

**Attachments** [Memorandum](#)

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
6. Smart Cities and Service Improvement Committee

**I. Open Government**

**J. Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

## **K. Adjournment**

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

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