



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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 20, 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 2:02 p.m. in City Hall Council Chambers, Council Wing, City Hall.

PRESENT: Mayor Sam Liccardo, Chair; Vice Mayor Magdalena Carrasco, Vice Chair; Councilmember Dev Davis; Councilmember Chappie Jones and Councilmember Johnny Khamis, Members.

ABSENT: None.

STAFF: Chief Deputy City Attorney Danielle Kenealey; City Clerk Toni J. Taber; Assistant City Manager David Sykes; Agenda Services Manager Gloria Schmanek; Mayor's Agenda Services Nicole Inamine; and Interim Legislative Secretary Suzanne Guzzetta.

A. City Council (City Clerk)

1. Review September 26, 2017 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)**

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the September 26, 2017 Final Agenda with the following amendments and related sunshine waivers: addition of Item 2.14, "Independent Police Auditor Compensation Package/Employment Agreement." (5-0.)

A. City Council (Cont'd.)

2. Review October 3, 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 Johnny Khamis and carried unanimously, the Committee approved the October 3, 2017 Draft Agenda with the San Jose Financing Authority Agenda to be heard after the Consent Calendar. (5-0.)

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

- 1. State
- 2. Federal

None.

D. Meeting Schedules

1. 2017-2018/2018-2019 City Budget Calendar and Budget Study Session Schedule. (City Manager)

Adopt the proposed 2017-2018/2018-2019 City Budget Calendar as presented in Attachment A and the detailed schedule for City Council Budget Study Sessions for the 2018-2019 Operating Budget, 2018-2019 Capital Budget and 2019-2023 City Capital Improvement Program, and 2018-2019 Fees and Charges Report as presented in Attachment B and explained in the staff memorandum.

Documents Filed: Memorandum from Budget Director Jennifer Maguire, dated September 13, 2017, transmitting the recommendation.

Councilmember Johnny Khamis requested additional information on extending deadlines for cost estimates.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the item was deferred to the September 27, 2017 Rules and Open Government Committee agenda. (5-0.)

2. Release of Date for Study Session. (City Manager)

Recommend release of date held for a Study Session on Thursday, September 28, 2017 from 1:30 p.m. to 4:30 p.m.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee approved the release of the September 28, 2017 Study Session. (5-0.)

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni Taber, CMC, dated September 8, 2017, transmitting the Public Record for September 8 – 14, 2017.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis 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. Retroactive approval of Councilmember Coffee Chat sponsored by Council District 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Davis)**
 - 1) Retroactively approve the Councilmember Coffee Chat held on September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.**
 - 3) Place the item on the October 3, 2017 City Council Agenda for action.**

Documents Filed: Memorandum from Councilmember Dev Davis, dated September 14, 2017, entitled, "Approval of Councilmember Coffee Chat sponsored by Council District 6 as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event."

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones and carried unanimously, the Committee approved the Consent Calendar, with all items placed on October 3, 2017 Council Agenda. (5-0.)

- 2. Support for SB 687: Save Our Emergency Rooms Act. (Rocha)**

Approve a request to agendize on September 26, 2017 City Council meeting the consideration of adopting a position of support for SB 687 (Skinner): Save Our Emergency Rooms Act.

Documents Filed: Memorandum from Councilmember Donald Rocha, dated September 12, 2017, entitled, "Support for SB 687 Save our Emergency Rooms Act."

Committee Discussion ensued. Councilmember Johnny Khamis expressed concerns regarding support of the bill.

Action: Vice Mayor Magdalena Carrasco moved to agendize the item on the September 26, 2017 City Council agenda. With no second, the motion failed.

3. Renting Units to House the Homeless. (Rocha)

When staff brings the Bridge Housing item back before the City Council, direct staff to include in that item an analysis of the possibility of renting single family or multifamily residences for the purpose of housing the homeless or those at risk of homelessness. This analysis would provide the Council with an additional option to consider as it deliberates on the Bridge Housing issue.

Documents Filed: Memorandum from Councilmember Donald Rocha, dated September 14, 2017, entitled, "Renting Units to House the Homeless."

Deputy Director of Housing Ray Bramson expressed reservations about bringing the item back with Bridge Housing.

Public Comments:

- (1) Robert Aguirre indicated housing the homeless is a serious problem that needs to be addressed quickly.
- (2) Sean Cartwright voiced support for the recommendation.

Committee Discussion ensued. Councilmember Johnny Khamis indicated this could be a backup plan to Bridge Housing.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee directed staff to return with analysis in late October or early November with the Bridge Housing discussions and that implementation would be a separate discussion at that time. (5-0.)

4. Public Health and Environmental Policy Initiatives. (Rocha)

That the Rules Committee direct that the following items be considered as part of the priority setting session on October 3:

- 1. Smoke-Free Housing: Direct staff to explore a prohibition on smoking in multifamily housing units.**
- 2. Enhanced Tobacco Retail License Ordinance: Direct staff to explore amending San José's existing Tobacco Retail License Ordinance to establish additional restrictions on the sale of tobacco products, such as prohibiting new retailers from operating within 1,000 feet of a school, and banning the sale of flavored tobacco products, menthol cigarettes and flavored e-cigarettes in all but adult-only stores. Staff may wish to use the County of Santa Clara's Tobacco Retail Permit Ordinance, which includes many of the above provisions, as a starting point for their analysis. (The County ordinance is attached.)**
- 3. Ban on Gasoline-Powered Leaf Blowers: Direct staff to explore a ban on gasoline-powered leaf blowers in San Jose. As part of their analysis, staff should consider whether there are ways to implement the ban that would lessen the negative impact on small landscaping businesses.**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated September 14, 2017, entitled, "Public Health and Environmental Policy Initiatives."

4. Public Comments: Nicole Cox, Santa Clara County Public Health Department, Julia Barba, Breathe California, Janav Sharma, Aditi Venkatesh, Felicitas Santos, and Anna Erickson spoke in support of placing tobacco related items on priority setting.

Committee Discussion Ensued. Assistant City Manager Dave Sykes and Interim Director of Planning, Building and Code Enforcement Rosalynn Hughey responded to questions from the Committee. Councilmember Johnny Khamis voiced concerns about Item 2 and ordinances already in place for that purpose.

Action:

- (1) Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee placed Item 1, Smoke-Free Housing, on priority setting. (5-0.)
- (2) Upon motion by Councilmember Chappie Jones, seconded by Mayor Liccardo, the motion carries. The Committee placed Item 2, Enhanced Tobacco Retail License Ordinance, on priority setting. (4-1. Noes: Khamis.)
- (3) Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee placed Item 3, Ban on Gasoline-Powered Leaf Blowers, on priority setting. (5-0.)

5. Relocation of the Christopher Columbus Statue. (Peralez)

Approve a request to agendaize for City Council deliberation on September 26, 2017 to relocate the Christopher Columbus statue from the San José City Hall Lobby to a more appropriate location, with input from the community, especially our Italian American community including but not limited to the Italian American Heritage Foundation and Little Italy San José.

Documents Filed: Memorandum from Councilmember Raul Peralez, dated September 13, 2017, entitled, "Relocation of the Christopher Columbus Statue."

Councilmember Peralez introduced the item and provided background information.

Public Comments: Peter Ortiz, Dr. Joel Ruiz Herrera, Michael Roman, Mimi Hernandez, Manuel Santana, Cit Lalmina, Kenneth Rosales, Jack Spica, Joseph Torres, Martin TL Madrigal, Frank Ponciano, Naiche Dominguez, Robert Aguirre, Jose, Silicon Valley DeBug, Vera Sloan, Jesus Ruiz, Beija Gonzalez, Katherine Nasol, Shawn Cartwright, Reverend Jethroe Moore II, NAACP, Alfonso Cortinas, Mariah Poynter, Lorna Sumaraga, Roberto Ramirez, and Vanessa M Sanchez voiced support for the recommendation to relocate the Christopher Columbus state.

Committee Discussion ensued. Mayor Sam Liccardo indicated San Jose State University has offered to host a dialog about the issue, and asked that the item return to the Rules and Open Government Committee following the dialog in October.

Action: Vice Mayor Magdalena Carrasco moved to approve the memorandum from Councilmember Raul Peralez. Councilmember Chappie Jones seconded the motion.

5. Councilmember Raul Peralez indicated he was comfortable supporting the Mayor's request to return to the committee following the dialog hosted by San Jose State University.

Vice Mayor Magdalena Carrasco and Councilmember Jones accepted the amendment to the motion.

Public Speakers: A member off the public asked for clarification regarding the dialog and public participation.

Mayor Liccardo indicated that all will be invited to speak at the San Jose State University dialog.

Action: Upon a call for the question, it carried unanimously, the Committee accepted the memorandum, with direction for the item to return to the Rules and Open Government Committee in November 2017 following the dialog hosted by San Jose State University in October 2017. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

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
6. Smart Cities and Service Improvements Committee

There were none presented.

I. Open Government

1. Appeals of Public Records Act Request

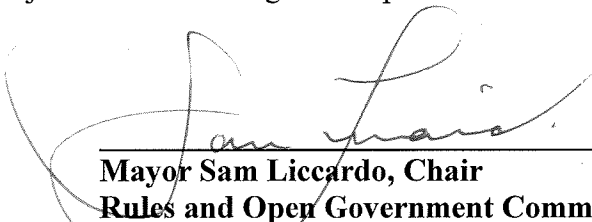
There were none presented.

J. Open Forum

There were no speakers on Open Forum.

K. Adjournment

Mayor Sam Liccardo adjourned the meeting at 4:15 p.m.



Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/sg

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