



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

SAN JOSE, CALIFORNIA

WEDNESDAY, OCTOBER 4, 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, Chair; Vice Mayor Magdalena Carrasco, Vice Chair; Councilmember Dev Davis, Councilmember Chappie Jones and Councilmember Johnny Khamis, Members.

ABSENT: All present.

STAFF: City Attorney Richard Doyle; Assistant City Manager David Sykes; City Manager's Office Agenda Services Manager Gloria Schmanek; Mayor's Staff Nicole Inamine; City Clerk Toni J. Taber, CMC; and Interim Legislative Secretary Suzanne Guzzetta.

A. City Council (City Clerk)

1. Review October 10, 2017 Final Agenda

The meeting was cancelled

2. Review October 17, 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 Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones and carried unanimously, the Committee accepted the October 17, 2017 Draft Agenda with the following amendments and related: Item 3.5 moved to the Consent Calendar. (5-0.)

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

There was no legislative update.

D. Meeting Schedules

- 1. Set General Plan Annual Review Hearing for November 2017. (Planning, Building and Code Enforcement)**
Set the General Plan Annual Review City Council Hearing beginning the evening of November 14, 2017, to consider privately and City-initiated General Plan amendments.

Documents Filed: Memorandum from Interim Director of Planning, Building and Code Enforcement Rosalynn Hughey, dated September 27, 2017, entitled, "Set General Plan Review Hearing for November 2017."

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved and set the General Plan Annual Review Hearing for November 14, 2017. (5-0.)

- 2. City of San José and County of Santa Clara Efforts to Address Homelessness Study Session. (Housing)**
Set a City Council Study Session entitled *City of San José and County of Santa Clara Efforts to Address Homelessness* for Friday, October 20, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers.

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated September 27, 2017, entitled, "Proposed City Council Study Session on Homelessness."

Public Speakers: Gail Osmer expressed concerns about the memorandum submitted by the Housing Department.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones and carried unanimously, the Committee approved and set a City Council Study Session entitled *City of San José and County of Santa Clara Efforts to Address Homelessness* for Friday, October 20, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers. (5-0.)

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni Taber, CMC, dated September 29, 2017, transmitting the Public Record for September 22-28, 2017.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones 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 community events sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event. (Nguyen)**
 - 1) Clean Up with Tam on Saturday, October 28, 2017 at Kennedy Elementary School;**
 - 2) Alma Neighborhood Halloween Family Night on Saturday, October 28, 2017 at the Alma Youth Center;**
 - 3) Varoween Haunted House on Sunday, October 29, 2017 at the Vietnamese American Community Center;**
 - 4) Halloween Festival on Monday, October 30, 2017 at Tully Library;**
 - 5) Santee Halloween Family Night on Tuesday, October 31, 2017 at FMCI Building;**
 - 6) Trunk or Treat on Tuesday, October 31, 2017 at Seven Trees Community Center;**
 - 7) Rock the Block Party on Sunday, November 5, 2017 at Vieira Park;**
 - 8) District 7 Neighborhood Leaders Appreciation Reception on Thursday, November 9, 2017 at Tully Library Community Room; and**
 - 9) Traffic Safety Townhall Meeting on Thursday, November 16, 2017 at Franklin McKinley School District;**
 - 10) Approve and accept donations from various individuals, businesses or community groups to support these events.**
 - 11) Place the item on the October 17, 2017 City Council Agenda for action.**
- b. Retroactive approval of Arbuckle Public Safety Meeting 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. (Carrasco)**
 - 1) Retroactively approve the Arbuckle Public Safety Meeting held on September 27, 2017 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 October 17, 2017 City Council Agenda for action.**
- c. Retroactive approval of Capitol Park 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. (Carrasco)**
 - 1) Retroactively approve Capitol Park Dumpster Day held on September 30, 2017 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 October 17, 2017 City Council Agenda for action.**

- G. 1. d. Retroactive approval of Light Up City Hall Event 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. (Carrasco)**
- 1) Retroactively approve the Light Up City Hall Event scheduled on October 2, 2017 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 October 17, 2017 City Council Agenda for action.**
- e. Approval of Mid-Autumn Moon Festival 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. (Carrasco)**
- 1) Approve Mid-Autumn Moon Festival scheduled on October 6, 2017 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 October 17, 2017 City Council Agenda for action.**
- f. Approval of East San José Halloween Safety 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 various Halloween events. (Carrasco)**
- 1) Approve East San José Halloween Safety Day scheduled in various areas on October 31, 2017 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 October 17, 2017 City Council Agenda for action.**

Documents Filed: (1) Memorandum from Councilmember Tam Nguyen, date September 28, 2017, entitled, "Approval of community events sponsored by Council District 7 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event"; (2) Memorandum from Vice Mayor Magdalena Carrasco, dated September 26, 2017, entitled, "Retroactively approve Arbuckle Public Safety Meeting 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"; (3) Memorandum from Vice Mayor Magdalena Carrasco, dated September 26, 2017, entitled, "Retroactively approve Capitol Park 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"; (4) Memorandum from Vice Mayor Magdalena Carrasco, dated September 26, 2017, entitled, "Retroactively approve Light Up City Hall Event 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"; (5) Memorandum from Vice Mayor Magdalena Carrasco, dated September 26, 2017, entitled, "Retroactively approve Mid-Autumn Moon Festival 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"; (6) Memorandum from Vice Mayor Magdalena Carrasco, dated September 26, 2017, entitled, "Retroactively approve East San Jose Halloween Safety 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."

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
1. Consent Calendar (Cont'd.)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the Consent Calendar and placed all items on the October 17, 2017 City Council agenda. (5-0.)

- 2. AB 597 (Stone). Child abuse and neglect: information: computerized database system. (City Manager)**
- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position of support of AB 597.**
 - b. Recommend that this item be placed on the October 17, 2017 City Council agenda so that the City's legislative representative can continue to advocate the City's position of support for AB 597.**

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated September 26, 2017, entitled, "AB 597 (Stone). Child abuse and neglect: information: computerized database system."

Director of Intergovernmental Relations Betsy Shotwell provided background information and responded to questions from the Committee. Councilmember Johnny Khamis indicated he would like to hear a report on park bonds and information on legislation going to the State about clean energy.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the report, placed the item on the October 17, 2017 City Council agenda, and provided a referral to staff to bring back an update on the Park Bond Measures and on Clean Energy. (5-0.)

Note: Items 3 – 9 were heard and acted on together. See Item 9 for action taken.

- 3. Council Priority Setting – Urban Street Park Pilot. (Peralez)**
Approval of nomination for priority setting on October 17, 2017 the creation of an urban street park pilot for no more than 12 months at:
- a. San Pedro Street between West Santa Clara Street and West St. John Street; and**
 - b. Post Street between South First Street and Lightson Alley.**
- The pilot should include community outreach prior to implementation in partnership with the affected businesses, San José Downtown Association, City Staff and the Council District 3 office.**

Documents Filed: Memorandum from Councilmember Raul Peralez, dated September 28, 2017, entitled, "Urban Street Park Pilot."

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

Note: Items 3 – 9 were heard and acted on together. See Item 9 for action taken.

4. Council Priority Setting – Suicide Prevention Policy. (Peralez)

Approval of nomination for priority setting on October 17, 2017 the development of a Suicide Prevention Policy, including but not limited to:

- a. Assessment of city-owned properties with recommendations for preventative measures.
- b. Explore how the City could support the County's efforts to promote suicide prevention education and align its policies.
- c. Review all the City's public safety protocols in the event of a suicide attempt and make any necessary updates including internal procedures for suicide prevention awareness for city managers and supervisors.

Documents Filed: Memorandum from Councilmember Raul Peralez, dated September 28, 2017, entitled, "Suicide Prevention Policy."

5. Council Priority Setting – Expansion on the Bring Your Own Bag Ordinance. (Jones)

Approval of nomination for priority setting on October 17, 2017 to direct staff to explore an expansion on the Bring Your Own Bag Ordinance, banning door-to-door marketers from using plastic bags to place items in front of residential homes or business storefronts.

Documents Filed: Memorandum from Councilmember Chappie Jones, dated September 28, 2017, entitled, "Council Priority Setting."

6. Council Priority Setting. (Khamis)

Approval of nomination for priority setting on October 17, 2017 for the following items:

- a. **Data Storage & Use Policy:** The development, with robust public input, of City policies on the storage and use of data collected from the general public through existing data collection devices and those anticipated to come online via future City initiatives.
- b. **Private Property Graffiti Abatement Ordinance:** Include a proposed ordinance change on the upcoming Council priority setting session that will allow staff to warn private property owners to abate graffiti on their property within 72 hours, or the City will abate the graffiti and bill the property owner.
- c. **Unified Marketing Function for City Departments:** Evaluate the feasibility of unifying marketing efforts across City departments by forming an in-house team of marketing professionals or by contracting with a professional marketing organization (such as Team San José) in order to more effectively promote our revenue-generating assets, advance community pride and unity, and better communicate City services to our residents.

Documents Filed: Memorandum from Councilmember Johnny Khamis, dated September 28, 2017, entitled, "City Council Priority Setting Nominations."

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

Note: Items 3 – 9 were heard and acted on together. See Item 9 for action taken.

7. Council Priority Setting – Develop Innovative Strategies to Hire Crossing Guards. (Carrasco)

As part of the City Council Policy Prioritization Setting for Fiscal Year 2017-2018, direct the City Manager’s Office to develop new and innovative strategies to hire crossing guards.

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated September 25, 2017, entitled, “Develop Innovative Strategies to Hire Crossing Guards.”

8. Council Priority Setting – Include the Women’s Bill of Rights. (Carrasco)

As part of the City Council Policy Prioritization Setting for Fiscal Year 2017-2018, direct the City Manager’s Office to explore a Women’s Bill of Rights.

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated February 9, 2017, entitled, “Include the Women’s Bill of Rights for the Council Policy Prioritization Process.”

9. Council Priority Setting – Reinstate the Family Domestic Violence Advisory Commission. (Carrasco)

As part of the City Council Policy Prioritization Setting for Fiscal Year 2017-2018, direct the City Manager’s Office to explore the reinstatement of the Family Domestic Violence Advisory Board.

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated September 25, 2017, entitled, “Reinstate the Family Domestic Violence Advisory Commission.”

Public Speakers:

- (1) Matthew Quevedo, president of the Downtown San José Residents Association, voiced support for the Urban Street Park Pilot.
- (2) Lan Nguyen, Santa Clara County Suicide and Crisis Services, Mary Gloner, Project Safety Net, Paul Escobar, Kathy Forward, National Alliance of Mental Illness Santa Clara County, Mohammed Ali, Santa Clara County Behavioral Health Ethnic and Cultural Communities Advisory Committee Outreach and Engagement Program, and Brian Darby spoke in support of the suicide prevention policy.

Committee Discussion ensued.

Action: Upon motion by Councilmember Chappie Jones seconded by Councilmember Dev Davis, and carried unanimously, the Committee added all items to the Council Priority Setting Session on the October 17, 2017 City Council agenda. (5-0.)

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

10. Responding to the Housing Crisis. (Mayor)

Direct the City Manager to:

- a. Return to Council with a workload assessment identifying which of the items listed in the attached Memorandum can be implemented immediately, which require additional resources and prioritization at the October 17, 2017 priority setting session and which would consume undue staff time, public cost, or risk that would outweigh the likely benefit.**
- b. Prepare an implementation workplan for those items within staff resources to move forward now (“green light”).**
- c. Identify and recruit partners, in collaboration with the Mayor’s Office of Strategic Partnerships, including San José State University’s Planning Department, SPUR, Housing Trust Silicon Valley, the San José Downtown Association, and various foundations interested in affordable housing development (e.g., Chan Zuckerberg Initiative, Silicon Valley Community Foundation, Ford Foundation and others) to provide talent, professional skills and financial resources to help in these efforts.**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated September 28, 2017, entitled, “Responding to the Housing Crisis.”

Public Speakers:

Vincent Rocha, Santa Clara County Association of Realtors, and Anil Babbar indicated concerns for an empty home tax.

Committee Discussion ensued. Assistant City Manager Dave Sykes responded to questions from the Committee. Mayor Liccardo requested staff identify each proposal individually using the green – yellow – red methodology.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis, and carried unanimously, the Committee added the item to the Council Priority Setting Session on the October 17, 2017 City Council agenda with staff directed to identify each proposal individually using the green – yellow – red methodology. (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.

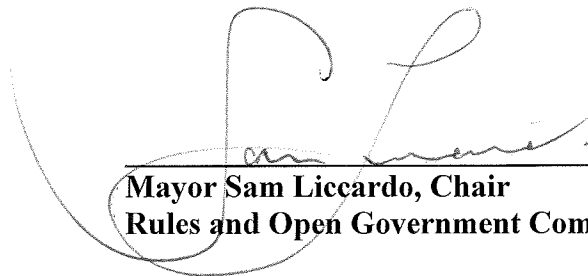
J. Open Forum

Documents Filed: Proposal submitted by Brian Darby entitled, "Restore to reuse renovate legacy hardware and use open source software to provide technology for individuals in the community with disabilities."

- (1) Brian Darby spoke on ideas for assisting the disabled and submitted a proposal outlining his plan.
- (2) Cheryl Lubow requested assistance to provide transparency to tenant ordinance.
- (3) Gail Osmer noted that warming centers need to be heard by the City Council prior to December and voiced additional concerns.
- (4) Danny Garza requested to be informed of the next meeting date for the Board of Fair Campaign Political Practices.

K. Adjournment

Mayor Sam Liccardo adjourned the meeting at 2: 46 p.m.



**Mayor Sam Liccardo, Chair
Rules and Open Government Committee**

SL/slg