

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, JUNE 21, 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:** None.

**STAFF:** City Attorney Richard Doyle; City Clerk Toni J. Taber; Assistant City Manager David Sykes; City Manager's Office Agenda Services Manager Gloria Schmanek; Mayor's Policy Analyst Candace Le; and Legislative Secretary Mykel Jeffrey.

**A. Call to Order and Roll Call**

**B. City Council (City Clerk)**

**1. Review June 27, 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)**

Public Comment:

1. Sean Mulligan spoke to the Committee regarding the naming of the San José B.A.R.T. Station.
2. Phil Mastrocola asked that item 4.4 not be heard before 4:00 p.m.
3. Blair Beekman addressed the Innovative Interfaces for the Integrated Library System Services and expressed concern about potential health risks for the librarians.

*(Item Continued on the Next Page)*

**A. City Council (City Clerk) (Cont'd.)**  
**1. Review June 27, 2017 Final Agenda (Cont'd.)**

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the June 27, 2017 Final Agenda with the following amendments: additions from the add sheet and to be numbered accordingly 2.xx (Councilmember Diep's Travel to Netherlands and France.); 2.xx (Actions Related to Councilmember Diep's Travel to Washington, D.C.); 2.xx (Councilmember Jimenez's Travel to Austin, Texas); 2.xx (Acceptance of Councilmember Dev Davis' Surplus Campaign Funds and Appropriation Ordinance and Related Funding Sources Resolution Amendments in the General Fund); 2.xx (Amendment to the Agreements for the Place-Based Rapid Rehousing and Tenant Based Rental Assistance Programs.); 3.x (Actions Related to the Request for Proposals for Banking Services); including Sunshine waivers for items 2.36 and 8.2 and items 4.2 and 4.4 not to be heard before 4:00 p.m. (5-0.)

**B. Review of Upcoming Study Session Agenda(s)**

None.

**C. Legislative Update**

- 1. State**
- 2. Federal**

None.

**D. Meeting Schedules**

- 1. Set a City Council Study Session entitled Environmental Sustainability Plan for Monday, August 21, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers.**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated June 13, 2017, recommending that City Council set a Study Session entitled *Environmental Sustainability Plan* for Monday, August 21, 2017 from 1:30 to 4:30 p.m., in City Council Chambers.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Committee approved the City Council Study Session entitled Environmental Sustainability Plan for Monday August 21, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers. (5-0.)

## **D. Meeting Schedules (Cont'd.)**

### **2. Set a City Council Study Session entitled Broadband Strategy Recommendations for Thursday, September 28, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers.**

Documents Filed: Memorandum from Deputy City Manager for Civic Innovation and Digital Strategy Kip Harkness recommending that City Council set a Study Session entitled Broadband Strategy Recommendations for Thursday, September 28, 2017 from 1:30 p.m. – 4:30 p.m. in City Council Chambers.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the City Council Study Session entitled Broadband Strategy Recommendations for Thursday, September 28, 2017 from 1:30 p.m. to 4:30 p.m. in City Council Chambers. (5-0.)

### **3. Council Meeting Schedule. (Jones/Davis)**

- a) Change the City Council's meeting schedule for August-December 2017 where Council meetings, especially evening sessions, shall have a 12:00 a.m. curfew with a continuance scheduled for Wednesday at 10:00 a.m.**
  - (i) If an item is to be continued until Wednesday, all public testimony will be heard Tuesday evening.**
- b) Move Open Forum, in both afternoon and evening meetings, to before the Consent Agenda.**

Documents Filed: Memorandum from Councilmember Chappie Jones and Councilmember Dev Davis recommending a change in the City Council's meeting schedule for August-December 2017 where Council meetings shall have a 12:00 AM curfew with a continuance scheduled for Wednesday at 10:00 AM and to move Open Forum to before the Consent Agenda.

#### Public Comment:

1. Karen Gillette suggested a 10:00 p.m. ending time for the Council meetings.
2. Martha O'Connell spoke in support of putting Open Forum at the start of the meeting and having a 10:00 p.m. curfew.
3. Blair Beekman requested that Open Forum be at the start of the meeting.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Committee set a 12:00 a.m. stop time for Council meetings with a continuance to be Determined at the meeting if needed and reject Public Comment being moved to the start of the meeting. (5-0.)

**E. The Public Record**

Documents Filed: Memorandum from City Clerk Tony Taber, dated June 16, 2017, transmitting the Public Record for the Week of June 9 – 15, 2017.

Action: Upon motion by Councilmember Johnny Khamis, 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**

None.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Consent Calendar**

- a) Retroactive approval of Community Code Enforcement Meeting sponsored by Council District 5 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event. (Carrasco)**
- b) Retroactive approval of the Small Business Recognition Lunch sponsored by Council District 5 as City Council sponsored Special Events to expend City funds and accept donations of materials and services for the event. (Carrasco)**

Documents Filed: (1) Memorandum from Vice Mayor Magdalena Carrasco, dated June 15, 2017, recommending the retroactive approval of the Community Code Enforcement Meeting sponsored by Council District 5 as a City Council sponsored Special Event to expend City Funds and accept Donations of Material and Services for the Event; (2) Memorandum from Vice Mayor Magdalena Carrasco recommending approval of the Small Business Recognition Lunch 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.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the Consent Calendar. (5-0.)

**2. AB 71 (Chiu) – Bring California Home Act: State Low-Income Housing Tax Credits. (Housing)**

- a) Adopt a position of support for AB 71 (Chiu) Bring California Home Act: State low income housing tax credits.**
- b) Recommend a one-week turnaround to the June 27, 2017 City Council meeting so the City’s legislative representatives can advocate the City’s position in support of AB 71.**

*(Item Continued on the Next Page)*

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

**2. AB 71 (Chiu) – Bring California Home Act: State Low-Income Housing Tax Credits. (Cont'd.)**

Document Filed: City Council Action Request from Director of Housing Jacky Morales-Ferrand, dated June 9, 2017, recommending a position of support for AB 71 (Chiu) Bring California Home Act: State Low-Income Housing Tax Credits.

Public Comment: Blair Beekman voiced concerns with AB 71 and related housing bills.

Director of Intergovernmental Relations Betsy Shotwell gave a verbal presentation on AB 71 and answered questions from Committee Members.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, the Committee approved a position of support for AB 71 and placed the item on the June 27, 2017 City Council agenda. (5-0.)

**3. Resolution in Support of Paris Agreement on Climate Change. (Mayor)**

- a) **Adopt the attached resolution supporting the principles of the Paris Agreement on Climate Change.**
- b) **As directed by Council in December 2015, staff should return with a GHG-reduction target for San José, as part of the Environmental Sustainability Plan, that is in alignment with the 2 degrees Celsius goal of the Paris Agreement.**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated June 14, 2017, recommending the adoption of the resolution supporting the principles of the Paris Agreement of Climate Change with direction to staff to return with a GHG-reduction target for San José as part of the Environmental Sustainability Plan that is in alignment with the 2 degrees' Celsius goal of the Paris Agreement.

Public Comment: Blair Beekman noted that the Bay Area Air Quality Management District was meeting today as well.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the Resolution for City Council for consideration on the August 8, 2017 Agenda. (5-0.)

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

### **4. Towing Services Agreement. (Rocha)**

**Direct staff to report back to Council in late August with the following updates regarding the City's Tow Services Agreement:**

- a) **Update on staff's discussion with tow contractors on how the current towing services agreement is working.**
- b) **Update on the financial model of the contract and areas of concern that may be affecting the tow companies. Examples might include, but are not limited to:**
  - (i) **The cost of the towing, storage, and disposal of vehicles such as RVs, motorhomes, trailers, or homemade vehicles that are abandoned, inoperable, and of no value.**
  - (ii) **The Contract Compensation Fee contractors are required to pay the City of San José for the towing of an abandoned vehicle, regardless of the cost to dispose of the vehicle.**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated June 15, 2017, recommending direction to staff to report back to Council in late August with updates regarding the City's Tow Services Agreement.

Councilmember Donald Rocha introduced the item, presented background information, and responded to questions from the Committee.

#### Public Comment:

Kenny Carvalho addressed the Committee regarding his business issues with the current Towing Services Agreement and efforts to work with City staff.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee directed staff to report back to City Council in late August with updates regarding the City's Tow Services Agreement. (5-0.)

### **5. Willow Glen Trestle. (Rocha)**

- a) **Agendize a closed session item at the June 27, 2017 City Council meeting to discuss the current status of litigation over the Willow Glen Trestle.**
- b) **Agendize an open session item at a Council meeting in August that would give the Council the opportunity, if it so chooses, to discuss the policy question of whether San José should continue efforts to replace the trestle. Under this item, staff is directed to present the Council with any and all options for moving forward with a bridge project at the Trestle location.**

Documents Filed: Memorandum from Councilmember Donald Rocha, dated June 15, 2017, recommending agendizing a closed session item at the June 27<sup>th</sup> Council meeting to discuss the current status of litigation over the Willow Glen Trestle and to agendize an open session item at a Council meeting in August regarding trestle replacement efforts.

*(Item Continued on the Next Page)*

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

### **5. Willow Glen Trestle. (Cont'd.)**

Councilmember Donald Rocha gave a verbal presentation to the Committee and answered questions.

#### Public Comment:

1. Larry Ames presented a summary of the Willow Glen Trestle and the surrounding area.
2. Gayle Frank spoke in support of keeping the Willow Glen Trestle and completing the surrounding trail.
3. Brice Tichinin spoke against placing this item on the City Council agenda.
4. Tai McMahon requested the Committee not place the item on the City Council agenda.
5. Diane Solomon spoke in favor of saving the Willow Glen Trestle and placing it on the agenda.
6. Martha O'Connell spoke to the Committee in favor of placing the item on the City Council Agenda.
7. Brian Grayson spoke in support of an item for the Willow Glen Trestle at the next City Council Agenda.
8. Anthony Rossetti requested that the City refurbish the Willow Glen Trestle instead of tearing it down.
9. Roger Evans spoke in support of keeping the Willow Glen Trestle.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, the Committee referred the item to the City Attorney for further consideration.

## **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**

None.

## **I. Open Government**

### **1. Appeals of Public Records Act Request**

None.

**J. Open Forum**

1. Martha O’Connell thanked Facilities for changing the music played before the meeting from jazz music to classical music.
2. Sean Mulligan spoke to the naming of the San José B.A.R.T. Station.
3. Blair Beekman thanked the Committee for taking up the issue of lobbyist fees and the gift policy.

**K. Adjournment**

Mayor Sam Liccardo adjourned the meeting at 3:28 p.m.

**DRAFT**

---

Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

SL/mj