

**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 2:03 p.m. in Committee Rooms 118-120, Council Wing, City Hall.

**PRESENT:** Mayor Sam Liccardo, Chair, Vice Mayor Magdalena Carrasco, Vice Chair, Council Member Chappie Jones, Council Member Johnny Khamis, and Council Member Dev Davis.

**ABSENT:** All present.

**STAFF:** City Manager David Sykes, City Attorney Richard Doyle, City Clerk Toni Taber, Senior Executive Analyst Gloria Schmanek, and Nicole Inamine, Mayor's Office.

**A. 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 Comments: Offering comments were Sean Mulligan and Blair Beekman.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the June 27, 2017 Final Agenda, with 9:00 a.m. closed session start time, and with Addsheet approved, including a sunshine waiver for Items 2.36 and 8.2, and with Items 4.2 and 4.4 not before 4:00 p.m. (5-0.)

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

There were none presented.

**C. Legislative Update.**

There were none presented.

## **D. Meeting Schedules**

### **1. Set a City Council Study Session entitled Environmental Sustainability Plan. (Environmental Services)**

Documents Filed: Memorandum from Environmental Services Director, Kerrie Romanow, dated June 13, 2017.

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

### **2. Set a City Council Study Session entitled Broadband Strategy Recommendations. (Civic Innovation and Digital Strategy.)**

Documents Filed: Memorandum from Deputy City Manager, Kip Harkness, dated June 12, 2017.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco, and carried unanimously, the Committee accepted staff recommendation and set a City Council Study Session entitled Broadband Strategy Recommendations for Thursday, September 28, 2017 from 1:30 p.m. - 4:30 p.m. in City Council Chambers. (5-0.)

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

Documents Filed: Memorandum from Councilmember Chappie Jones and Councilmember Dev Davis, dated June 15, 2017.

Councilmember Chappie Jones proposed meetings be structured to have a hard cutoff. public comments may be scheduled at the start of the afternoon meeting, but still, have public comments at the start of the evening meeting, so that people don't have to wait until 10:00, 11:00, 12:00 to have public comments.

Councilmember Dev Davis recommended moving open forum to the beginning of the agenda, in both the afternoon and the evening meetings, so that people who aren't there for agenda items can come and say their two-minute piece.

Public Comments: Offering comments were Karen Gillette, Martha O'Connell, and Blair Beekman.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the recommendation with modifications to have the curfew at midnight and with a continuance scheduled to be determined, and not a date and time certain and with the open forum in both the afternoon and evening meetings scheduled before the Consent Agenda. (5-0.)

**E. The Public Record for June 9-15, 2017.**

Documents Filed: Memorandum from City Clerk Toni J. 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 Councilmember Dev Davis, and carried unanimously, the Committee noted and filed the public record. (5-0.)

**F. Boards, Commissions and Committees**

**1. Appointments**

There were none presented.

**2. Work Plans & Annual Reports**

There were none presented.

**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, District 5, dated June 15, 2017. (2) Memorandum from Vice Mayor Magdalena Carrasco, District 5, dated June 15, 2017.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee approved the Consent Calendar and added to the June 27, 2017 Agenda for action. (5-0.)

**END OF CONSENT**

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

Documents Filed: City Council Action Request from Housing Director Jacky Morales-Ferrand, dated June 9, 2017.

Intergovernmental Relations Director Betsy Shotwell, offered an overview to the AB 71 and responded to Committee questions and concerns.

*(Item Continued on the Next Page)*

**2. AB 71 (Chiu) – (Cont'd)**

Public Comments: Blair Beekman offered comments on the AB 71.

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted staff recommendation and the below listed actions were taken as indicated:

- a) Adopted a position of support for AB 71 (Chiu) Bring California Home Act: State low-income housing tax credits.
- b) Recommended a one-week turnaround to the June 27, 2017 City Council meeting so the City's legislative representatives could advocate the City's position in support of AB 71. (5-0.)

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

Documents Filed: Memorandum from Mayor Sam Liccardo, dated June 14, 2017.

Public Comment: Blair Beekman offered comments.

Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco, and carried unanimously, the Committee accepted the recommendation and the below listed actions were taken as indicated:

- 1) Adopted a resolution supporting the principles of the Paris Agreement on Climate Change.
- 2) Staff was directed to return with a GHG-reduction target for San Jose, as part of the Environmental Sustainability Plan, that is in alignment with the 2 degrees Celsius goal of the Paris Agreement. (5-0.)

**Per December 2015 Council direction**

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

Documents Filed: Memorandum from Councilmember Donald Rocha, dated June 15, 2017.

Councilmember Donald Rocha offered a report of his meeting with different tow companies and their operations and recounted their previous experience relative to the current contract.

Public Comment: Kenny Carvalho offered comments on behalf of the Towing Services Industry.

Councilmember Chappie Jones probed the Industry speaker's basis for seeking to renew the contract if the business model is broken and the Industry, operating at a loss.

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#### **4. Towing Services Agreement. (Rocha) (Cont'd)**

City Manager Dave Sykes clarified that the issue is the salvage value of the vehicles being towed no longer covers the cost of retrieving those vehicles.

Mayor Sam Liccardo recapped the primacy of this item to revert to City Council for a debate and anticipate staff recommendations prior to Council action.

Upon motion by Councilmember Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the recommendation and directed 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 discussions 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 Jose for the towing of an abandoned vehicle, regardless of the cost to dispose of the vehicle. (5-0.)

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

Documents Filed: (1) Memorandum from Councilmember Donald Rocha, dated June 15, 2017. (2) 1 Letter from the Public, (by Anthony and Elspeth Rossetti), dated June 17, 2017

Councilmember Donald Rocha expressed the community's desire to address City Council and present their case, while noting that there are legal issues surrounding the trestle, which are separate from the policy issues.

Public Comments: Offering comments were Larry Ames, Gail Frank, Brice Tichinin, Tai McMahan, (President of the "Friends of the Three Creeks Trail), Diane Solomon, Martha O'Connell, Brian Grayson, Anthony Rossetti, and Roger Evans.

City Attorney Richard Doyle clarified that the key legal issue is whether the City is compliant under CEQA. Council may decide on a different policy direction after the upcoming trial court decision. He recommends getting a decision first and taking this item to Closed Session.

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 and with directions to bring back the item in Closed Session following Court rulings on both the legal and the policy issues.

**H. Review of Additions to Council Committee Agendas/Work Plans**

**(1) Community & Economic Development Committee.**

There were none presented.

**(2) Neighborhood Services & 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 Improvement Committee**

There were none presented.

**I. Open Government**

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

There were none presented.

**J. OPEN FORUM**

1. Martha O'Connell commented on the change of the music played before the meeting from jazz music to classical music.
2. Sean Mulligan offered comments on the naming of the San José B.A.R.T. Station.
3. Blair Beekman spoke to the issue of lobbyist fees and the gift policy.

## ADJOURNMENT

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

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Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

SL/lo