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

SAM LICCARDO, CHAIR
ROSE HERRERA, VICE CHAIR
CHAPPIE JONES, MEMBER
JOHNNY KHAMIS, MEMBER
MAGDALENA CARRASCO, MEMBER

STAFF TONI J. TABER, CITY CLERK
NORBERTO DUENAS, CITY MANAGER
RICHARD DOYLE, CITY ATTORNEY
MARGARET LE, MAYOR'S OFFICE

AGENDA

2:00 P.M.

May 13, 2015

Wing 118-120

- A. City Council (City Clerk)**
 - 1. Review May 19, 2015 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)
 - 2. Review May 26, 2015 Draft Agenda
None – Meeting Cancelled
- B. Review of Upcoming Study Session Agenda(s)**
- C. Legislative Update**
 - 1. State
 - 2. Federal
- D. Meeting Schedules**
- E. [The Public Record](#)
[Additional Letters from the Public](#)**
- F. Boards, Commissions and Committees**
 - 1. Appointments – None.
 - 2. Work Plans – None.
 - 3. Annual Reports – None.
- 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

None.

2. [Expanding Tenant Protections and Affordable Housing Options in San Jose.](#)

(Liccardo/Carrasco/Jones/Matthews)

Direct the City Manager to accept the recommendations made by Councilmember Peralez among a range of potential options for the City's response to the housing affordability crisis, along with those listed below. Return to Council with a workload assessment, prioritizing those measures that can be quickly implemented, and referring those requiring more extensive staff work in concert with community stakeholders through the Council's prioritization process.

a. Rent Control

- 1) Report on the effectiveness of the current ordinance. Assess the legality, under relevant state law, of any expansion of the City's existing rent control ordinance.
- 2) If it is legal to reduce the current 8% maximum allowable rent increase, then assess the level at which a reduction will not inhibit maintenance and upkeep of the condition of apartments, with consideration of (1) the City's staffing challenges in enforcing code enforcement complaints currently, and (2) the 40+ year-old housing stock governed by the rent control ordinance.
- 3) Consider also those options for strengthening the range of legal protections available for residents to prevent eviction as a result of price-gouging, such as:
 - a. Ordinances—similar to those in Santa Monica and Hollywood—that allow renters to petition for mandated lower rents where needed repairs have not been made on the property, as an incentive to maintain the quality of living conditions.
 - b. Requiring landlords to offer 12-month or 24-month leases to provide tenants a means to ensure rent stability for that duration, as in Palo Alto.
 - c. Requiring longer notice periods (i.e., beyond the current 30 days) to tenants for rent increases, particularly in tight rental markets.

b. Vouchers and Non-discrimination of Income

- 1) Explore a combination of incentives and requirements to ensure a “non-discrimination of income” outcome, such as imposing a “non-discrimination” requirement in concert with an insurance program that protects landlords from damages not covered by traditional Section 8, VASH, or other voucher programs.

c. “Just Cause” Eviction

- 1) Review and expose findings gathered through the extensive community process launched in 2002-03 to explore “just cause” eviction. Determine what changes can be imposed without extensive, time-consuming, or impractical procedural mandates that leave a surrounding neighborhood vulnerable while a “problem tenant” should be evicted in situations such as drug dealing or gang activity, where evidence-gathering is often difficult.
- 2) Assess the effectiveness of current laws that resulted from the process created by the prior effort to impose “just cause” requirements. In particular, assess the current “Rental Rights and Referral Program,” to determine how it might be strengthened, as well as current mandates for arbitration and mediation.

- 3) Explore a range of alternative tools that might protect residents from gentrification, such as limiting rent increases on subsequent leases where tenants have been evicted for reasons other than non-payment of rent.
 - d. Expansion of Housing Supply
 - 1) Identify incentives for redeveloping older apartment buildings in a way that will increase the housing stock consistent with the City's General Plan;
 - 2) Evaluate opportunities to make "granny units" more practical in neighborhoods where lot size makes them viable options;
 - 3) Consider other supply-boosting options within the City's footprint of existing residentially-zoned land.
 - e. Mobile Home Park Conversions
 - 1) Inform council of status of staff's review of conversion ordinance, and offer suggestions in how to strengthen the ordinance to protect residential tenancies.
 - f. Veterans Housing
 - 1) Identify opportunities, under the 2014 state bond measure, for the city to aggressively seek funding for construction of affordable housing for veterans.
 - 2) Discuss with stakeholders such as the Tri-County Apartment Association and apartment owners, a voluntary commitment to address veteran homelessness, such as a commitment to house 200 homeless veterans bearing VASH vouchers within 24 months.
 - g. Homelessness
 - 1) Report to Council the status of several shorter-term initiatives to address the homelessness crisis, including microhousing/tiny homes, safe parking sites, motel conversions, and a Downtown "Connections" homeless center. Any other initiatives that can be implemented within the next 18 months should also be brought forward for consideration.
 - h. Surrounding Jurisdictions and Our Regional Responsibility
 - 1) Direct the City Attorney and City Manager to assess the City's range of options for encouraging, prodding, or compelling –such through injunctive relief --other cities in the region to take meaningful action to implement their state-mandated Housing Element goals.
3. [Expanding Tenant Protections for Residents of San Jose](#). (Peralez)
Direct the City Manager to provide the Neighborhood Services and Education Committee within the next six months a work-plan that includes an assessment of resources and current policies for City Council consideration of adopting the following tenant protections for residents of San Jose that can be enacted by January 1, 2017:
- a. A prohibition against discrimination based on source of income (Section 8 and other housing subsidies).
 - b. Recommendations on improvements and a comprehensive analysis of the data and effectiveness of the City of San Jose's Rental Rights and Referrals Program.
 - c. Rent Control Modification:
 - 1) Assuming compliance with Costa-Hawkins, amend San Jose rent control law to include units constructed between 1979 and 1995 (the latest year allowed under state law).
 - 2) Explore rent stabilization methodologies and best practices for council consideration that will prevent annual rent increases that exceed 4%.

4. [ACA 4 \(FRAZIER\) – Local Government Transportation Projects: special taxes: voter approval.](#) (Transportation)
 - a. Adopt a position of support for ACA 4 (Frazier) – Local government transportation projects: special taxes: voter approval.
 - b. Recommend this item be agendized for the May 19, 2015 City Council Meeting so that the City’s Legislative Representative can advocate the City’s support for ACA 4.
5. [SB 16 \(Beall\) – Transportation Funding.](#) (Transportation)
 - a. Pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of SB 16 (Beall).
 - b. Recommend this item be agendized for the May 19, 2015 City Council Meeting so that the City’s Legislative Representative can advocate the City’s support for SB 16 (Beall).

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. Rules and Open Government Committee

I. Open Government

1. Appeals of Public Records Act Request – None.

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 Committee.

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 service, in a positive and timely manner, and in the full view of the public. **The City Code of Ethics may be viewed on-line at http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf**

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 City Hall, 200 E. Santa Clara Street, Office of the City Clerk 2nd Floor Wing, San José, Ca 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1252 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City’s website at <http://sanjoseca.gov/index.aspx?nid=3581>

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Successor Agency to the Redevelopment Agency Board (SARA), their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Successor Agency to the Redevelopment Agency Board (SARA), Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.