



**MINUTES OF THE  
RULES AND OPEN GOVERNMENT COMMITTEE**

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, OCTOBER 22, 2014**

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:00 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

**PRESENT:** Mayor Chuck Reed, Vice Mayor Madison Nguyen, Councilmember Pierluigi Oliverio, and Councilmember Pete Constant.

**ABSENT:** All present.

**STAFF:** City Manager Ed Shikada, City Attorney Richard Doyle, Mayor's Agenda Assistant Ahmad Chapman, Senior Executive Analyst Ernest Azevedo, City Clerk Toni J. Taber, Assistant City Clerk Tom Graves, and Deputy City Clerk Suzanne Guzzetta.

**CITY COUNCIL (CITY CLERK)**

- (1) **Review October 28, 2014 Final Agenda**
- a. Add New Items to Final Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: David Wall offered comments on Item 2.x, "Housing and Community Development Commission Nomination", and Items 2.7, 2.10, and 7.1.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waiver for and addition of 1.x, "Presentation of a proclamation to recognize the month of October as Filipino History Month," 2.4, "Mayor and Council Excused Absence Requests," 2.x, "Housing and Community Development Commission Nomination," and 2.x, "i6 Challenge Grant Application for the Economic Development Administration's Cluster Grant Program;" Item 2.8 renumbered to Section 3 and to be heard last, and Item 4.2 to be heard no earlier than 3:00 p.m. (4-0.)

- (2) **Review November 4, 2014 Draft Agenda**
- a. Add New Items to Draft Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

- (2) Public Comment: David Wall opined on Item 3.3

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: addition of Items 3.x, "Medical Marijuana Ballot Initiatives," and 3.x, "Potential Sale of Property in Diridon Area," and Item 3.3 moved to Consent Calendar. (4-0.)

## REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

- (1) **Review of November 7 Special Meeting Agenda. (City Manager/City Clerk)**

Documents Filed: Draft Agenda for the November 7 Special Meeting Agenda.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the agenda was approved. (4-0.)

## LEGISLATIVE UPDATE

- (1) State – None.  
(2) Federal – None.

## MEETING SCHEDULE

None.

## THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of October 10 – 16, 2014.

Councilmember Constant pulled Item (2) from the United Veterans' Council and referred to staff to provide an analysis on directional signs and parking spaces for the San Jose Vietnam War Memorial.

Public Comment: David Wall expressed concerns on Item (3).

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the public record was noted and filed with Item (2) referred to staff. (4-0.)

## **BOARDS, COMMISSIONS AND COMMITTEES**

- (1) Appointments – None.
- (2) Work Plans – None.
- (3) Annual Reports – None.

## **RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS**

- (1) Workload Assessment for Council Requests and Referrals. – None.
- (2) **Soft-Story Retrofit Program. (Liccardo/Herrera/Khamis)**  
Direct the City Manager to explore a means to incentivize the seismic retrofit of the 1,093 multifamily “soft-story” buildings that pose uniquely serious risks of harm to residents and occupants. Staff should explicitly consider such options as:
  - a. Creating a citywide or countywide PACE program that allows for bond financing for participating properties, whereby participating property owners finance the capital costs of the improvement through their property tax bill;
  - b. Waiving city permitting and inspection fees, along with any potential impact/mitigation fees for seismic retrofits;
  - c. Assisting in indentifying grant funding and other financing options, such as retrofit-friendly local lenders, to facilitate seismic improvements;
  - d. Allowing parcel owners to obtain expedited review for re-zonings or permits that would allow for redevelopment of those sites with hazardous soft-story buildings;
  - e. Allowing exemptions to “soft-story” building retrofits from costly building code improvements triggered by the renovation/improvement but unrelated to the seismic safety of the structure (e.g., plumbing, electrical, etc. improvements that could be required but have no bearing on building safety);
  - f. Facilitate full and complete outreach with affected property owners, tenants, renters’ rights advocates, the San Jose-Silicon Valley Chamber of Commerce, the California Apartment Association, seismic experts, and other stakeholders about options, incentives, and best practices to promote safety of “soft-story” buildings.

Documents Filed: Memorandum from Councilmembers Liccardo, Herrera, and Khamis to the Rules and Open Government Committee, dated October 16, 2014, entitled, “Soft-Story Retrofit Program.”

Councilmember Liccardo urged the Committee to refer the item to the Priority Setting Session. Director of Planning, Building, and Code Enforcement Harry Freitas, and Chief Plan Check Engineer Kathryn Sedwick offered comments and answered questions from the committee.

Public Comment: David Wall voiced objections to the potential program.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen and carried unanimously, the recommendation was referred to staff for the Priority Setting Session. (4-0.)

## REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee – None.
- (2) Neighborhood Services and Education Committee – None.
- (3) Transportation and Environment Committee – None.
- (4) Public Safety, Finance and Strategic Support Committee – None.
- (5) Rules and Open Government Committee – None.

## OPEN GOVERNMENT

- (1) Appeals of Public Records Act Request – None.

## OPEN FORUM

Documents Filed: 1) Letter from Gregg McLean Adam of Carroll, Burdick & McDonough LLP to City Manager Ed Shikada, dated October 22, 2014, regarding, "Request for Investigation into Allegations Against POA"; 2) Signed Declarations from Joanne Segovia, Kevin Mank, and Jim Unland in support of the letter submitted by Gregg Adam.

David Wall offered opinions on parking compliance and enforcement issues.

Gregg Adam, POA, addressed Mayor Reed's memorandum recently released regarding and submitted affidavits rebutting allegations made against the President of the Police Officers' Association, Jim Unland.

## ADJOURNMENT

The meeting adjourned at 2:28 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee

CR:slg