

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

COMMITTEE MEMBERS

SAM LICCARDO, CHAIR
MAGDALENA CARRASCO, VICE CHAIR
DEV DAVIS, MEMBER
CHAPPIE JONES, MEMBER
JOHNNY KHAMIS, MEMBER

STAFF MEMBERS

TONI J. TABER, CITY CLERK
DAVE SYKES, ASSISTANT CITY MANAGER
GLORIA SCHMANEK, CITY MANAGER'S OFFICE
RICHARD DOYLE, CITY ATTORNEY
CANDACE LE, MAYOR'S OFFICE
ANH TRAN, CITY CLERK'S OFFICE

AGENDA

2:00 P.M.

August 16, 2017

Wing 118-120

A. City Council (City Clerk)

1. Review [August 22, 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)
2. Review [August 29, 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)

B. Review of Upcoming Study Session Agenda(s)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

E. [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
 - a. [Updated Committee Appointments.](#) (Mayor)
Appoint Dylan Simon to the San José Arena Authority Board.
2. Work Plans & Annual Reports

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
 - a. [Approval of Cambrian Schools Fun Run sponsored by Council District 9 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events.](#) (Rocha)
 - 1) Approve the Cambrian Schools Fun Run scheduled for Sunday, October 15, 2017 as a City Council sponsored Special Event.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support these events.
 - 3) Place the item on the August 22, 2017 City Council Agenda for action.
 - b. [Retroactive approval of Evergreen Music, Art & Wine Stroll sponsored by the Mayor's Office and Council District 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events.](#) (Mayor/Arenas)
 - 1) Retroactively approve the Evergreen Music, Art & Wine Stroll held on August 4, 2017 as a City Council sponsored Special Event.
 - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.
 - 3) Place the item on the August 22, 2017 City Council Agenda for action.
 - c. [Retroactive approval of Viva Parks- Welch Park sponsored by Council District 8 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the events.](#) (Arenas)
 - 1) Retroactively approve the Viva Parks-Welch Park held on August 3, 2017 as a City Council sponsored Special Event.
 - 2) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.
 - 3) Place the item on the August 22, 2017 City Council Agenda for action.

Consent Calendar Continued.

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

1. Consent Calendar (Cont'd.)
 - d. [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 events.](#) (Nguyen)
 - 1) Retroactively approve the Appreciation Reception for the Vietnamese American Summer Program at the Vietnamese American Community Center scheduled for Saturday, August 11, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - (a) Flood Recovery Townhall Meeting on August 23, 2017 at the Franklin McKinley School District;
 - (b) Mid-Autumn Celebration on September 30, 2017 at Yerba Buena High School;
 - (c) Ice Cream Social on September 23, 2017 at Woodbridge Mobilehome HOA;
 - (d) Celebration of National Hispanic Heritage Month on October 14, 2017 at Seven Trees Library;
 - (e) Celebration of National Hispanic Heritage Month on October 14, 2017 at Tully Library; and
 - (f) One Year Anniversary Celebration of Vietnamese American Community Center on October 15, 2017 at the Vietnamese American Community Center.
 - 3) Approve and accept donations from various individuals, businesses, or community groups to support the events listed in paragraphs 1-2.
 - 4) Place the item on the [August 22, 2017](#) City Council Agenda for action.

END OF CONSENT CALENDAR

2. [Monthly Report of Activities for June and July 2017.](#) (City Auditor)
Approve the City Auditor's Office Monthly Report of Activities for the months of June and July 2017.
3. [City Auditor's Fiscal Year 2017 – 2018 Workplan.](#) (City Auditor)
The City Auditor's Office recommends that the Rules and Open Government Committee review and approve the City Auditor's Fiscal Year 2017-18 Workplan.
4. [SB 35 – Planning and Zoning: Affordable Housing: Streamlined Approval Process. \(Wiener, Atkins, Allen, Vidak\).](#) (Housing/Planning, Building and Code Enforcement)
 - a. Adopt a position of support for SB 35 (Wiener) if certain amendments are included in the final bill and direct staff to engage with the Author to introduce a clean-up bill in 2018.
 - b. Recommend this item be agendaized for the [August 22, 2017](#) City Council Meeting to allow the full City Council to consider support if amended for SB 35 and to direct the City's Legislative Representatives to advocate the City's position.

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

5. [Approval of District 9 Grant](#). (Rocha)
Approve a request to agendize for City Council deliberation on August 22, 2017, to approve a \$3,000 grant for Cambrian School District to help equip their music classrooms with instruments and music supplies to support student music education programs.

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

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 San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, 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 408-535-1260 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, 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.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, 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 discussion 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. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council.
- 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.