

**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

DAVE SYKES, CITY MANAGER
TONI TABER, CITY CLERK
GLORIA SCHMANEK, CITY MANAGER'S OFFICE
RICHARD DOYLE, CITY ATTORNEY
NICOLE INAMINE, MAYOR'S OFFICE

AGENDA

2:00 P.M.

December 13, 2017

Wing W118-120

A. City Council (City Clerk)

1. Review December 19, 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 December 26, 2017 Draft Agenda
None – Meeting Cancelled

B. Review of Upcoming Special Meeting Agenda(s)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

E. [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
2. Workplans & 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
No items on Consent.
2. [Proposed Change to Fence Variance Findings.](#) (Planning, Building and Code Enforcement)
Accept staff's workload assessment of a proposed change to fence variance findings. (Referred from Rules Committee 11/8/17 – Item G.2)
(Deferred from 12/6/17 – Item G.3. to 12/13/17)

Request to waive 5-day noticing requirement for staff's workload assessment report on Item G.2 "Proposed Change to Fence Variance Findings" upon determination that the 2-day posting notice to the public was appropriate. (Open Government Resolution No. 77135, Section 2.3.3.6.A.2). Requires a Majority Vote of the Members of the Council Committee Present at the Meeting.

3. [Business Tax Modernization Measure \(2016 Measure G\).](#) (Khamis)
Approve a request to agendize for City Council deliberation, to direct the Administration to do the following:
 - (a) Waive the penalty(ies) through December 31, 2018 for those who are newly eligible for the business tax, such as seniors and property owners who rent their property, under Measure G.
 - (b) Utilize all forms of outreach including advertising (including web advertising), community meetings, and letters to ensure every senior and property owner who rents property – including IRS Schedule E filers – understand how to file and pay the Measure G tax.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
[Updates to the Neighborhood Services and Education Committee Workplan.](#) (City Manager)
 - a. Drop the following item from the Neighborhood Services and Education Committee (NSE) Workplan for December 14, 2017, and direct Administration to instead place the item on the January to June 2018 NSE Committee Workplan that will be subject to Rules and Open Government Committee approval at a later date:
 - Report on Education Initiatives. (Library)
Purpose: Accept the annual update on education and learning-based programs offered by the Library, including Early Education and school readiness, reading and STEM learning, online high school programs, and other school partnerships.

(Item continued on the next page)

H. Review of additions to Council Committee Agendas/Workplans (Cont'd.)

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
 - a. [Approve the Rules and Open Government Committee Workplan for the period from January through June 2018 and setting its meeting schedule every Wednesday at 2:00 p.m. in the City Hall Wing Committee Meetings Rooms 118-120. The agendas will be posted as the Joint Rules and Open Government Committee and Committee of the Whole.](#) (Mayor)
6. Smart Cities and Service Improvements Committee

I. Open Government

1. Appeals of Public Records Act Request.
 - a. Mr. Karioki Uhuru.
[Staff Memorandum dated December 6, 2017](#)

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](#)

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 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](#)

CITY OF SAN JOSÉ 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 JOSÉ 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.