
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
NORBERTO DUENAS, CITY MANAGER
GLORIA SCHMANEK, CITY MANAGER'S OFFICE
RICHARD DOYLE, CITY ATTORNEY
CANDACE LE, MAYOR'S OFFICE
ANH TRAN, DEPUTY CITY CLERK

AGENDA

2:00 P.M.

February 15, 2017

Wing 118-120

A. City Council (City Clerk)

1. Review [February 21, 2017](#) Final Agenda
None – Meeting Cancelled.
2. Review [February 28, 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 – Verbal Update (City Manager)
2. Federal

D. Meeting Schedules

1. Release of Date for Study Session. (City Manager)
Recommend release of date held for a Study Session on February 24, 2017 at 9:00 a.m. to Noon.

E. [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments
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 the César Chavez Day Flag Raising Sponsored by Council District 3 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Peralez/Jimenez)
 - 1) Approve the César Chavez Day Flag Raising scheduled on Thursday, March 23, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the February 28, 2017 City Council Agenda for action.
 - b. [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) Approve the Viet Heritage Gardens Grand Re-Opening and Ribbon Cutting Ceremony on Friday, February 17, 2017 at Viet Heritage Gardens; Read Across America on Thursday, March 2, 2017 at Tully Library; Grand Re-Opening of Alma Community Center on Saturday, March 4, 2017 at Alma Community Center; District 7 Budget Meeting on Thursday, March 9, 2017 at Tully Library Community Room; Spring Carnival and Egg Hunt on Saturday, April 15, 2017 at Tully Library as City Council sponsored Special Events and approve the expenditure of funds.
 - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
 - 3) Place the item on the February 28, 2017 City Council Agenda for action.

END OF CONSENT CALENDAR

2. [Monthly Report of Activities for January 2017.](#) (City Auditor)
Approve the Auditor's Office Monthly Report of Activities for the month of January 2017.
3. [Council Priority Nomination – Revision to Council Policy 6-30.](#) (Nguyen)
Approve a request to agendaize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017, a revision to Council Policy 6-30, Public Outreach Policy for Pending Land Use and Development Proposals.

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

4. [Council Priority Nomination – Build a Better BART Initiative.](#) (Diep)
Approve a request to agendize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017, a "Build a Better BART Initiative" that includes:
 - a. Exploration of incentives and policies to attract commercial development near future BART stations;
 - b. Exploration of policies that will support the development of 100% deed restricted affordable housing near future BART stations; and
 - c. Updating the citywide commercial development design guidelines (which have not been updated since 1989) and downtown design guidelines (which have not been updated since 2004) to create vibrant neighborhoods near transit.

5. [Council Priority Nomination – Personal Care Business Compliance Initiative.](#) (Peralez)
Approve a request to agendize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017, the development of a Personal Care Business Compliance Initiative that includes:
 - a. An update to the San José Municipal Code (SJMC) requiring all personal care businesses that provide any form of massage services to provide a "state registration certification" and any required permits to be approved prior to receiving the City's business tax certificate.
 - b. A registry requiring all personal care businesses that provide any form of massage services to annually register prior to obtaining a business tax certificate with an additional cost-recovery fee for a city employee position to proactively coordinate administrative processes and inspection for compliance.
 - c. A moratorium on the distribution of new business tax certificates and massage parlor permits to all personal care businesses that provide any form of massage services during the initiative development up to a period of one year with an option to extend per council's approval.

6. [Augment Council Priority Nomination – SPUR Work Items.](#) (Peralez)
Approve a request to agendize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017 to augment the nominated Priority Setting item entitled "Priority Response to SPUR and Staff Identified Work Items" to:
 - a. Include under the sub item "Citywide Urban Design Guidelines", an update to the 2004 Downtown Design Guidelines.
 - b. Reexamine and update as needed the current Downtown Ground-floor Space Area (DG Overlay Area).

7. [Council Priority Nomination – Private Percent for Art Ordinance.](#) (Carrasco)
Approve a request to agendize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017 to explore a Private Percent for Art Ordinance.

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

8. [Council Priority Nomination – Garage Conversion Ordinance.](#) (Carrasco)
Approve a request to agendaize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017 to explore a Garage Conversion Ordinance.
9. [Council Priority Nomination – Anti-Displacement Preference Ordinance.](#) (Carrasco)
Approve a request to agendaize for City Council consideration during the City Council's Priority Setting Session on February 28, 2017 to explore the development of policy that will allow a set-aside in affordable housing developments that prioritizes residents who are being displaced that live in low-income neighborhoods undergoing displacement and/or gentrification.

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

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.