

**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.

November 29, 2017

Wing W118-120

A. City Council (City Clerk)

1. Review [December 5, 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 12, 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 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

- a. [Approval of the World AIDS Day Flag Raising Ceremony as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Perez)

 - 1) Approve the World AIDS Day Flag Raising Ceremony scheduled on December 1, 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 December 5, 2017 City Council Agenda for action.

- b. [Retroactive approval of Roses and Reels: Movie Night sponsored by Council District 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Davis)

 - 1) Retroactively approve Roses and Reels: Movie Night held on Saturday, September 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 December 5, 2017 City Council Agenda for action.

- c. [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 Valley Palms Neighborhood Association Thanksgiving Celebration on Tuesday, November 21, 2017 at the Valley Palms Family Resource Center 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. Santee Community Holiday Celebration on Saturday, December 9, 2017 at Bridges Academy;
 - b. Iola Williams Senior Holiday Celebration on Saturday, December 2, 2017 at the Seven Trees Community Center;
 - c. Seven Trees Neighborhood Association Ugly Sweater Potluck on December 6, 2017 at the Seven Trees Community Center;
 - d. Tully Santa Program on Saturday, December 9, 2017 at the Tully Branch Library;

(Item continued on the next page)

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

1. Consent Calendar (Cont'd.)

- e. Seven Trees Santa Program on Saturday, December 16, 2017 at the Seven Trees Community Center; and
 - f. West Evergreen Neighborhood Holiday Celebration on Wednesday, December 20, 2017 at OB Whaley Elementary School.
 - 3) Approve and accept donations from various individuals, businesses, or community groups to support the event.
 - 4) Place the item on the December 5, 2017 City Council Agenda for action.
- d. [Approval of the Walk Around the Lake Ribbon Cutting Ceremony sponsored by Council District 10 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Khamis)
- 1) Approve the Walk Around the Lake Ribbon Cutting Ceremony scheduled on Saturday, December 2, 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 December 5, 2017 City Council Agenda for action.
- e. [Approval of the African American History Month Flag Raising Ceremony and Reception sponsored by Council District 1 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Jones)
- 1) Approve the African American History Month Flag Raising Ceremony and Reception scheduled on February 2, 2018 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 December 5, 2017 City Council Agenda for action.

END OF CONSENT CALENDAR

2. [Proposed Changes to Accessory Dwelling Units \(ADU\) Ordinance.](#) (Jones)
Direct staff to bring forward to City Council in January, when staff plans to return with other ADU updates, consideration of a change to Section 20.30.150.J. of the Municipal Code, which would allow second-story accessory dwelling units on detached garages.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
[Updates to the Community & Economic Development Committee Workplan.](#) (Planning, Building and Code Enforcement)
 - a. Approve the amendment to the August – December 2017 Community and Economic Development (CED) Committee Workplan as indicated below:
 - (1) Drop the following item from the December 2017 meeting, and direct the Administration to instead place the item on the January – June 2018 CED Committee Workplan that will be subject to Rules and Open Government Committee final approval at a later date:
 - Citywide Retail Opportunity Analysis and Recommendations. (Planning, Building and Code Enforcement)
2. Neighborhood Services and Education Committee
[Updates to the Neighborhood Services & Education Committee Workplan.](#) (City Manager)
 - a. Approve the amendment to the August – December 2017 Neighborhood Services and Education (NSE) Committee Workplan as indicated below:
 - (1) Drop the following item from the December 14, 2017 meeting and direct the Administration to instead place the item on the January – June 2018 NSE Committee Workplan that will be subject to Rules and Open Government Committee final approval at a later date:
 - PRNS Summer Program Highlights. (Parks, Recreation, and Neighborhood Services)
Purpose: To provide the Committee with highlights from the PRNS summer program.
3. Transportation and Environment Committee
[Updates to the Transportation and Environment Committee Workplan.](#) (Environmental Services)
 - a. Approve an amendment to the August – December 2017 Transportation and Environment (T&E) Committee Workplan as indicated below:
 - (1) Drop the following item from the December 4, 2017 agenda:
 - San José Clean Energy. (City Manager's Office)
Purpose: To provide a status report, including financials and customer status on San José Clean Energy.

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

4. Public Safety, Finance and Strategic Support Committee
[Updates to the Public Safety, Finance and Strategic Support Committee Workplan.](#) (City Manager)
 - a. Approve the amendment to the August – December 2017 Workplan for the Public Safety, Finance and Strategic Support (PSFSS) Committee Workplan as indicated below:
 - (1) Add the following item to the December 14, 2017 meeting:
 - Workers' Compensation Pilot Program Evaluation. (Human Resources)
Purpose: To provide an evaluation of service delivery options for administering workers' compensation claims, including providing services in-house with City staff, through a third party administrator, and a hybrid model that includes both in-house and third party claims administration.
 - (2) Drop the following items from the December 14, 2017 meeting, and direct the Administration to instead place the items on the January – June 2018 PSFSS Committee Workplan that will be subject to Rules and Open Government Committee final approval at a later date:
 - Mayor's Gang Prevention Task Force Strategic Workplan 2018 – 2020. (Parks, Recreation and Neighborhood Services)
Purpose: To provide the Mayor's Gang Prevention Task Force Strategic Workplan 2018 – 2020.
 - Innovation Roadmap: Safe City Strategy Status Report.
Purpose: To provide a status report on the Innovation Roadmap: Safe City Strategy regarding technology improvement opportunities and the applied use of technology within the Police Department, Fire Department, and the Office of Emergency Services.
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](#)

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.