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## 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.

October 18, 2017

Wing W118-120

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### **A. City Council (City Clerk)**

1. Review [October 24, 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 [October 31, 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)**

1. [Joint City of San José-Santa Clara Valley Water District Board Meeting](#). (City Manager)  
Review the [November 3, 2017](#) Joint City of San José-Santa Clara Valley Water District Board Meeting Agenda.

### **C. Legislative Update**

1. State
2. Federal

### **D. Meeting Schedules**

### **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 PATH San José Fundraiser 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)
    - 1) Approve the PATH San José Fundraiser scheduled on October 25, 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 October 24, 2017 City Council Agenda for action.

**END OF CONSENT CALENDAR**

2. [District 6 Office Grant for District 6 School.](#) (Davis)  
Approve a request to agenda for City Council deliberation on October 24, 2017, to approve a \$5,000 grant to support the Herbert Hoover Middle School Parent Teacher Staff Association for their school beautification project, “The Quad Makeover,” which will be used by all 1,100 students.
3. [Donation of Surplus Property.](#) (Public Works)  
Approve initiation of the notification process for the potential donation of eight vehicles with a cumulative value of \$42,500 in accordance with Council Policy 1-20.
4. [Marijuana Regulation.](#) (Rocha)  
Approve a request to direct staff to bring back the following items for Council consideration as soon as is practicable:
  - (1) Consideration of whether to allow medical marijuana distributors, manufacturers and testing labs to operate in San José. The Council directed staff to return with these items a year ago, but the issue has not yet made it back to Council.
  - (2) At the same time as staff returns with Item (1) above, they should also bring forward consideration of whether to allow:
    - a. Licensed dispensaries to engage in sales of adult-use recreational marijuana, and to also allow cultivation, processing, manufacture, distribution and testing of recreational marijuana.
    - b. Licensed dispensaries to be sold to a new owner.
    - c. Licensed dispensaries to operate on a for-profit basis.
    - d. The same entity to own more than one licensed dispensary.

## **H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
  - a. [Update to the Community and Economic Development Committee Workplan for August – December 2017.](#) (Housing)  
Approve an amendment to the August – December 2017 Workplan for the Community and Economic Development Committee to drop “*Rebuilding for Heroes Program Update*” from the October 23, 2017 agenda.
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
  - a. [Update to the Transportation and Environment Committee Workplan for August – December 2017.](#) (Transportation)  
Approve an amendment to the August – December 2017 Workplan for the Transportation and Environment Committee to add “*Approval of the Downtown Parking Board FY 2016-2017 Annual Report and FY 2017-2018 Workplan*” to the November 6, 2017 Committee meeting.
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.
  - a. [Mr. Thomas Baker](#)  
[Letters from Mr. Baker](#)  
[Staff Memorandum dated October 11, 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, 14<sup>th</sup> 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.