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

SAM LICCARDO, CHAIR
ROSE HERRERA, VICE CHAIR
CHAPPIE JONES, MEMBER
JOHNNY KHAMIS, MEMBER
MAGDALENA CARRASCO, MEMBER

STAFF TONI J. TABER, CITY CLERK
NORBERTO DUENAS, CITY MANAGER
RICHARD DOYLE, CITY ATTORNEY
MARGARET LE, MAYOR'S OFFICE
SUSAN DAVIS, DEPUTY CITY CLERK

AGENDA

2:00 P.M.

January 20, 2016

Wing 118-120

- A. City Council (City Clerk)**
1. [Review January 26, 2016 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 February 2, 2016 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**
1. [San José/Santa Clara Regional Wastewater Facility Capital Improvement Program and Master Agreements Special Meeting](#). (Environmental Services)
[Memorandum from Councilmember Khamis](#)
- Set a City Council Special Meeting for Monday, February 8, 2016 from 1:30 p.m. to 4:30 p.m. in City Council Chambers, entitled San José/Santa Clara Regional Wastewater Facility Capital Improvement Program and Master Agreements, to cover the following topics and to review and approve recommended next steps:
- a. Review of Regional Wastewater Facility Capital Improvement Program; and
 - b. Discuss potential amendments to Master Agreements between San José/Santa Clara and the Tributary Agencies, direct staff to begin negotiations with the Tributary Agencies, and approve Guiding Principles to guide the negotiations of the Master Agreements.

2. [Proposed Study Session on Civic Innovation and “Smart Cities”](#). (Mayor)
Set a Council Study Session on Innovation and Smart Cities for February 8, 2016 from 1:30 p.m. – 5:00 p.m. in the City Council Chambers.

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 Assyrian Flag Raising 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 Assyrian Flag Raising scheduled on March 18, 2016 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; and
 3. Place the item on the February 2, 2016 Council Agenda for action
- b. [Approval of Greek Flag Raising sponsored by 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 Greek Flag Raising scheduled on March 25, 2016 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; and
 3. Place the item on the February 2, 2016 Council Agenda for action
- c. [Approval of Scottish \(Tartan Day\) Flag Raising sponsored by 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 Scottish (Tartan Day) Flag Raising scheduled on April 5, 2016 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; and
 3. Place the item on the February 2, 2016 Council Agenda for action
- d. [Approval of Community Events sponsored by District 7 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (T. Nguyen)

1. Retroactively approve the Valley Palms Community Holiday Party on December 16, 2015 at Project Access Resource Center as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Retroactively approve the West Evergreen Community Holiday Party on December 16, 2015 at OB Whaley Elementary School as a City Council sponsored Special Event and approve the expenditure of funds.
 3. Approve the Santee Community Meeting on January 21, 2016 at Educare Center; Latinos United for a New America (LUNA) Community Clean Up Day at Midfield and Havana Avenue on January 30, 2016; Vietnamese Townhall Meeting on January 31, 2016 at Berryessa Community Center; Vietnamese Heritage Flag Raising Ceremony on February 8, 2016 at City Hall Plaza; Bellevue Park Community Clean Up Day on February 28, 2016; and District 7 Beautification and Dumpster Day on March 19, 2016 as City Council sponsored Special Events and approve the expenditure of funds.
 4. Approve and accept donations from various individuals, businesses or community groups to support the event; and
 5. Place the item on the February 2, 2016 Council Agenda for action
- e. [Approval of the Rainbow Flag Raising Ceremony sponsored by District 6 as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event.](#) (Oliverio)
1. Approve the Rainbow Flag Raising Ceremony scheduled on June 7, 2016 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; and
 3. Place the item on the January 26, 2016 Council Agenda for action

END OF CONSENT CALENDAR

2. [Public Calendar Postings.](#) (City Manager)
Accept the semi-annual report on posting of public calendars by City officials on the City's website.
3. [Prostitution and Sex Trafficking.](#) (Mayor/Herrera/Peralez/T. Nguyen/Rocha)
Direct the Chief of Police to present at a March Public Safety, Finance, and Strategic Support Committee or City Council meeting:
 - a. An update on SJPD's ongoing efforts to reduce prostitution and sex trafficking along the Monterey Corridor, Washington/Guadalupe neighborhoods, and city-wide.
 - b. Ways to partner with the County's Human Trafficking Task Force and/or the sheriff to combat sex trafficking;
 - c. SJPD's current enforcement efforts against prostitution and sex trafficking, keeping in mind the following questions:
 - 1) How are sex trafficking victims identified? Is this limited by age?
 - 2) How does law enforcement and government (including the County Sheriff) handle the arrest, citation or field initiated responses to all involved in prostitution including minors?
 - 3) How many minors have been cited/stopped by law enforcement in San Jose over the past three years?

- 4) Do we refer minors who are victims of human trafficking to supportive services? Is age a factor? What are the services that are offered? Do these differ based on sex?
 - 5) Is there a current protocol to process these minors in lieu of an arrest or citation? Does this occur every time?
 - 6) How do we identify and enforce against solicitors to ensure they don't become repeat customers?
 - 7) How do we better engage motels/hotels and other local businesses in our effort to enforce against human trafficking/prostitution?
 - 8) What additional resources are needed to better address sex trafficking?
4. [Vietnamese Community Center](#). (Mayor/M. Nguyen/T. Nguyen)
- a. Direct the Directors of Parks, Recreation and Neighborhood Services (PRNS) and Public Works (DPW) to prioritize the feasibility study for a Vietnamese Community Center within the Kelley Park Master Plan for Spring of 2016 and conduct the first community outreach meeting on February 25, 2016.
 - b. If the community feedback is supportive, designate a site within Kelley Park for the Vietnamese Community Center.
 - c. Place the item on the [February 2, 2016 Council Agenda](#) for action
5. [Supergraphics](#). (Mayor)
- Agendize an item for the City Council meeting of January 26, 2016 directing the City Manager to return to Council by June 2016 with recommendations relating to prior Council direction in 2009-2010 to allow temporary Large Banner Signs/Supergraphics in the Downtown Sign Zone.
6. [Potential Gross Receipts Tax Ballot Initiative](#). (Rocha/Peralez)
- a. Direct the City Manager to perform an analysis, either with in-house staff or through a consultant, of the gross receipts tax proposal that was recently filed with the City Clerk (see attached). The analysis should be completed as expeditiously as possible and should include the following elements:
 - 1) A comparison between San Jose's current business license tax, the proposed gross receipts tax, and business taxes of other comparable California jurisdictions, for the purpose of providing a broader policy context for San Jose's current and proposed business taxes. This analysis should include a comparison of what each tax is assessed on (i.e. gross receipts, payroll, number of employees), the tax rate, and how much the taxes generate.
 - 2) An in-depth comparison between the current business license tax and the proposed gross receipts tax, for the purpose of understanding how the new tax would affect various types and sizes of businesses differently than the current tax. This analysis should include real case studies, to the extent possible, that attempt to illustrate what different types and sizes of business would pay under each tax. If possible, staff should also attempt to estimate how revenue to the City would change under the proposed tax.
 - 3) An analysis of the exemptions included in the proposed gross receipts tax ordinance, for the purpose of clarifying who would and would not pay the tax.
 - 4) A technical analysis of the proposed ordinance for the purpose of determining whether it is clear enough for effective implementation.
 - b. Direct the City Attorney to perform an analysis of the ordinance for the purpose of determining whether it gives rise to any legal concerns.

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

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 Jose 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, Successor Agency to the Redevelopment Agency Board (SARA), 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.

3. Addressing the Council, Successor Agency to the Redevelopment Agency Board (SARA), 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 agenda 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.
- 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.