

**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  
CANDACE LE, MAYOR'S OFFICE  
SUSAN DAVIS, DEPUTY CITY CLERK**

**AGENDA**

2:00 P.M.

October 19, 2016

Wing 118-120

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- A. City Council (City Clerk)**
1. Review [October 25, 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 [November 1, 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**
- 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 Community Meeting for File No. CP15-085 sponsored by Council District 1 as a City Council sponsored Special Event to expend City funds for services for the event.](#) (Jones)
    - 1) Retroactively approve the Community Meeting for File No. CP15-085 as a City Council sponsored Special Event and approve the expenditure of funds.
    - 2) Place the item on the October 25, 2016 Council Agenda for action.
  - b. [Approval to Expend City Funds and Accept Donations for Sister Cities International Northern California 40<sup>th</sup> Annual Conference Sponsored by Council District 5.](#) (Carrasco)
    - 1) Approve the expenditure of funds for the Sister Cities International Northern California 40<sup>th</sup> Annual Conference sponsored by Council District 5.
    - 2) Approve and accept donations from various individuals, businesses or community groups to support the event.
    - 3) Place the item on the October 25, 2016 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 various Halloween events in District 5.](#) (T. Nguyen)
    - 1) Approve the Filipino History Month Celebration on Saturday, October 22, 2016 at SevenTrees Community Center; Halloween Festival on Friday, October 28, 2016 at Tully Library Community Room; Varoween Haunted House on Sunday, October 30, 2016 at George Shirikawa Community Center; and District 7 Neighborhood Leaders Reception on Monday, December 12, 2016 at Tully Library Community Room 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 October 25, 2016 Council Agenda for action.

### **END OF CONSENT CALENDAR**

2. [Discussion of Council Policy 0-11, Council Resolution Policy, and Consider Whether to Direct the City Manager and City Attorney to Draft Modifications to the Policy for Council Approval.](#) (City Attorney)  
[Memorandum from Mayor Liccardo](#)

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

3. [Clean City](#). (Oliverio)  
Direct the City Attorney to examine whether or not the City of San José can fine State Agencies for not maintaining or cleaning property within City Boundaries, and determine if the City of San José can bill State Agencies for these services.
4. [Proposed Gun Violence Ordinance](#). (Police)  
[Memorandum from Councilmembers Kalra and Peralez](#) (Rules 9/7/16 – Item G.2)  
[Letter\(s\) from the Public](#)  
[Letter\(s\) from the Public Continued](#)  
[Safe Cities Coalition Documents](#)  
Accept the staff report on the proposed Gun Violence Prevention Ordinance.

**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](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, 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 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.