
**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.

March 16, 2016

Wing 118-120

- A. City Council (City Clerk)**
1. [Review March 22, 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 March 29, 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)**
1. [Review of March 28, 2016 Special Meeting Agenda](#)
- C. Legislative Update**
1. State
 2. Federal – Verbal Update. (City Manager)
- 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 Second Annual Paws on the Avenue 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.](#) (Oliverio)
 - 1) Approve the Second Annual Paws on the Avenue scheduled on Sunday, March 20, 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 March 22, 2016 Council Agenda for action.
- b. [Approval of the Irish Flag Raising sponsored by the Mayor's Office as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event.](#) (Mayor)
 - 1) Approve the Irish Flag Raising scheduled on Tuesday, March 22, 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 March 22, 2016 Council Agenda for action.
- c. [Approval of the 8th Annual Senior Health Fair and Walk sponsored by Council District 8 as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event.](#) (Herrera)
 - 1) Approve the 8th Annual Senior Health Fair and Walk scheduled on Friday, May 20, 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 March 29, 2016 Council Agenda for action.
- d. [Approval of the Day in the Park Festival sponsored by Council District 8 as a City Council Sponsored Special Event to expend city funds and accept donations of materials and services for the event.](#) (Herrera)
 - 1) Approve the Day in the Park Festival scheduled on Saturday, October 1, 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 March 29, 2016 Council Agenda for action.

END OF CONSENT CALENDAR

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

2. [AB 2502 \(Mullin & Chau\) – Land Use: Zoning Regulations.](#) (Housing)
 - a) Pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, support AB 2502 (Mullin & Chau) - Land Use: Zoning Regulations; and
 - b) Recommend a one-week turnaround, to the March 22, 2016 City Council Meeting, so that the City’s Legislative Advocate in Sacramento can indicate a support position for AB 2502 (Mullin & Chau).

3. [AB 2817 \(Chiu\) – Low Income Housing Tax Credit.](#) (Housing)
 - a) Pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, support AB 2817 (Chiu) - Low Income Housing Tax Credit; and
 - b) Recommend a one-week turnaround, to the March 22, 2016 City Council Meeting, so that the City’s Legislative Advocate in Sacramento can indicate a support position for AB 2817 (Chiu).

4. [SB 873 \(Beall\) – Sale of State Low Income Housing Tax Credits.](#) (Housing)
 - a) Pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, support SB 873 (Beall) Sale of State Low Income Housing Tax Credits; and
 - b) Recommend a one-week turnaround, to the March 22, 2016 City Council Meeting, so that the City’s Legislative Advocate in Sacramento can indicate a support position for SB 873 (Beall)(Mullin & Chau).

5. [Medical Marijuana Regulatory Ordinance.](#) (Kalra)
[Memorandum from Vice Mayor Herrera](#)

In advance of the matter coming before City Council, clarify and direct City Manager on the following items:

- a) Clarify the December 8, 2015, direction from Mayor and City Council to have staff analysis for the city allowing for Transactions/Transfers with Registered and Licensed/Permitted Cultivators and Manufacturers of Cannabis Products throughout the State of California.
- b) In addition to the analysis of Transactions/Transfers, add Distributors as well as Delivery to patients by legally certified San Jose collectives to the analysis.
- c) Delay the current audit deadline for medical marijuana dispensaries until September 30.
- d) Delay final determination on details of packaging requirements until there is an opportunity for feedback from the State on how it is proceeding on these complex issues.
- e) Lobbying the State in order to allow cities to preserve vertical integration as part of local control.
- f) Work with the San Jose Police Department and the Santa Clara County District Attorney's Office to continue the work of closing illegal dispensaries and delivery operators throughout the City and report back regarding status of the closures to City Council on a semi-annual basis starting in June 2016.

6. [Smart City Vision](#). (Mayor)
[Smart City Vision: Making San José America's most innovative city by 2020](#)
 - a) Accept the Smart City Vision for the City of San José.
 - b) Agendize for discussion the Smart City Vision for the City Council Meeting on March 29, 2016.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
[Cancellation of the May Neighborhood Services and Education Committee Meeting](#).
(City Manager)
Approved cancellation of the May 12, 2016 Neighborhood Services and Education Committee meeting.
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.