

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
August 8, 2012

**PRESENT:** Mayor Reed, Vice-Mayor Nguyen and Councilmember Oliverio

**ABSENT:** Councilmember Constant (Excused)

**STAFF:** Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, Successor Agency Managing Director Richard Keit, CMO Agenda Services Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis.

Mayor Reed called the meeting to order and noted that the Committee considered Items G4 (Move forward with the State requirement of adopting a formal resolution in support of freeway directional signage on US 101 and Interstate 280 directing commuters to Little Saigon Business District on Story Road), at its August 1 meeting and would not take up that item. City Clerk Dennis Hawkins noted that Staff has requested that Item G.6 be dropped due to recent changes in the legislation and the need to complete additional review. (Approve staffs' recommendation for SB 1118 (Hancock); Solid Waste: Used Mattresses: Recycling and Recovery, and place on the City Council Agenda for August 14, 2012 for formal action). Those items were dropped from the August 8, 2012 Rules Agenda.

**A. City Council**

**1. Review Final Agenda for August 14, 2012**

Action: The Committee approved the agenda as amended with additions, and dropped Item 3.5 (Service Level Restoration Priorities) and moved Item 2.12 (Actions Related to the Neighborhoods Commission Pilot Program and Boards and Commission Structural Improvement Program) from the Consent Calendar.

**2. Review of Draft Agenda for August 21, 2012**

Action: The Committee approved the agenda as amended, with Sunshine Waivers for Items 9.1 (Approval of the January – June 2013 Administrative Budget) and 9.2 (Recognized Obligation Payment Schedules)

**B. Review of Upcoming Study Session Agenda(s) - None**

**C. Legislative Update - None**

1. State
2. Federal

**D. Meeting Schedules - None**

Mayor Reed noted the need to set the Council Priority Setting Session in August. Assistant City Manager Shikada indicated that staff was planning to incorporate the priority session as part of the August 28 Council meeting.

**E. The Public Record**

Document Filed: Memorandum from the City Clerk Dennis Hawkins dated August 3, 2012 transmitting the Public Record for the period of July 27 – August 3, 2012.

Action: The Public Record was noted and filed

**F. Boards, Commissions and Committees**

1. Appointments
2. Workplans
3. Annual Reports

- a. Approve the Elections Commission Annual Report FY 2011-2012.

Document Filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated August 3, 2012 regarding Elections Commission Annual Report.

Action: The Committee accepted the workplan as submitted.

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals
2. Approve Amendment of Chapter 20 of the San Jose Municipal Code, Commonly known as the Zoning Code
  - a. Direct Staff to Draft an amendment to Chapter 20 of the San Jose Municipal Code, commonly known as the Zoning Code to directly address the following:
    1. Businesses, retailer, or shops selling paraphernalia that can be used to consume and/or smoke tobacco or any substance which can reasonably be converted for smoking purposes, adult book stores and other adult uses and tattoo parlors would be prohibited from operating within 1,000 feet of a public or private elementary school, secondary school, community center, library, city park, licensed child care facility, or other areas which tend to be populated by youth.
    2. In the event that one of the business types mentioned above were legally established before the proposed ordinance goes into effect, the ordinance should also include provisions that would not allow a replacement business (one of the types mentioned above) to benefit from a prior business's legal non-conforming status. In other words, immediately upon termination of a legal non-conforming business, the legal non-conforming status is eliminated for these particular uses. (Vice-Mayor Nguyen and Councilmember Liccardo)

Document Filed: (1) Memorandum from Vice-Mayor Nguyen and Councilmember Liccardo to the Rules and Open Government Committee dated August 2, 2012 regarding Amendment of Chapter 20 of the San Jose Municipal Code, Commonly Known as the Zoning Ordinance, (2) Letter from Jolene Smith, Chief Executive Officer, First 5 of Santa Clara County to Vice-Mayor Nguyen and Councilmember Liccardo regarding Rules Committee Agenda August 8, 2012, Item G-2 – Amendment of Chapter 20 of the San Jose Municipal Code.

Public Comments: Avo Makdessian expressed his support for the memorandum and entered a letter into the record detailing First 5 of Santa Clara's work with the Franklin McKinley Children's Initiative.

Ms. Mary Beth Nacy, Director of the Franklin McKinley Children's Initiative, thanked the City Council for taking up the issue.

Action: The Committee moved Item G.2 to the City Council Priority Setting Session for further discussion.

3. Refer the issue of appropriate expenditure limits and contribution limits, including a possible suspension of the voluntary expenditure limit (section 12.06.530 Expenditure Limits) and the campaign contribution limits for Council candidates (section 12.06.210 Campaign Contribution Limitations), to the Elections Commission for review and recommendation for actions to be taken on a permanent basis. (Mayor)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated August 2, 2012 regarding Expenditure Limits and Campaign Contribution Limits. Replacement Memorandum from Mayor Reed to the Rules and Open Government Committee dated August 8, 2012 regarding Expenditure Limits and Campaign Contribution Limits.

Action: The Committee referred Item G.3 to the Elections Commission to be added to their workplan.

4. Move forward with the State requirement of adopting a formal resolution in support of freeway directional signage on US 101 and Interstate 280 directing commuters to Little Saigon Business District on Story Road. (Councilmember Chu)

Document Filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated August 2, 2012 regarding Resolution to Support Freeway Directional Signage.

Action: The Committee dropped Item G.4 from the agenda.

5. Approve staffs' recommendations for SB 1219 (Wolk); Recycling: Plastic Bags and AB 1834 (Brownley); Recycling: Reusable Bags, and place on the City Council Agenda for August 14, 2012 for formal action. (City Manager)

Document Filed: Memorandum from Assistant City Manager Ed Shikada to the Rules and Open Government Committee dated August 1, 2012 regarding SB 1219 (Wolk) Recycling: Plastic Bags and AB 1834 (Brownley) Recycling: Reusable Bags.

Action: The Committee approved Item G.5 and placed it on the August 14, 2012 City Council Agenda for formal action.

6. Approve staffs' recommendation for SB 1118 (Hancock); Solid Waste: Used Mattresses; Recycling and Recovery, and place on the City Council Agenda for August 14, 2012 for formal action.

Document Filed: Memorandum from Assistant City Manager Ed Shikada to the Rules and Open Government Committee dated August 1, 2012 regarding SB 1118 (Hancock): Solid waste: Used Mattresses: Recycling Recovery.

Action: The Committee dropped Item G.6 from the agenda.

7. Approve the Park Wilshire Neighborhood Block Party as a City-Sponsored Special Event, approve and accept donations from various individuals, businesses or community groups to support the event, and place the item on the August 14, 2012 City Council Agenda for action. (Councilmember Rocha)

Document Filed: Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated August 3, 2012 regarding the Park Wilshire Neighborhood Block Party.

Action: The Committee approved the park Wilshire Neighborhood Block Party as a City-sponsored Special Event, and place the item on the August 14, 2012 City Council Agenda for formal action.

8. Approve the District 2 Indian Independence Day Flag Raising Ceremony and Reception as a City Council sponsored Special Event, approve expending funds and accepting donations from various individuals, businesses and community groups to support this event, and place the item on the August 14, 2012 City Council Agenda for action. (Councilmember Kalra)

Document Filed: Memorandum from Councilmember Kalra to the Rules and Open Government Committee dated August 2, 2012 regarding Council District 2 Indian Independence Day Flag Raising.

Action: The Committee approved Council District 2 Indian Independence Day Flag Raising as a City-Sponsored Special Event and placed the item on the August 14, 2012 City Council Agenda for formal action.

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

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. Rules and Open Government Committee

**I. Open Government - NA**

1. Appeals of Public Records Act Request

**J. Open Forum**

Document Filed: Letter from Dave Le Hoang Trung to Mayor Reed and City Council dated August 8, 2012 regarding Little Saigon.

Public Comments: Mr. Ton Ngo stated that Item G.4 will divide Council District Seven.

Mr. Robert Sandoval stated his opposition to Councilmember Chu's memorandum, Item G.4.

Councilmember Chu stated that his memo is not an issue of naming of a district, but that of improving the business environment in the City of San Jose. Councilmember Chu stated that he issued the memo because the State code indicated that the local government body must adopt a resolution supporting the freeway signage, that is different from staff indicating that the City does not oppose the signs.

Mr. Dave Trung stated that the Little Saigon issue caused a lot of pain in the Vietnamese community. Mr. Trung believes this is a second chance for the City to erase a bitter issue, and rather than taking no action the City can make a resolution.

Ms. Van Le thanked Councilmember Chu and believes the freeway sign is beneficial for community businesses and the economy. Ms. Le urged a review and approval of the resolution.

Mr. Troung Trinh expressed his support for the resolution submitted for freeway signage.

Ms. Vananh Trinh expressed support for the resolution for the freeway directional signage.

**K. Adjournment – 2:37 pm**



Mayor Chuck Reed  
Rules and Open Government Committee