
RULES AND OPEN GOVERNMENT COMMITTEE

CHUCK REED, CHAIR
MADISON P. NGUYEN, VICE CHAIR
PETE CONSTANT, MEMBER
PIERLUIGI OLIVERIO, MEMBER
ROSE HERRERA, ALTERNATE

STAFF: RICHARD DOYLE, CITY ATTORNEY
DENNIS HAWKINS, CITY CLERK
DEBRA FIGONE, CITY MANAGER
RICHARD KEIT, SUCCESSOR AGENCY
MANAGING DIRECTOR

AGENDA

2:00 P.M.

August 8, 2012

Wing 118-120

A. City Council (City Clerk)

1. Review August 14, 2012 Final Agenda
 - a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)
2. Review August 21, 2012 Draft Agenda
 - a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (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. Workplans
3. Annual Reports
 - a. [Approve the Elections Commission Annual Report for FY 2011-2012.](#) (City Clerk)

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)
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. \(Mayor\)](#)
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. \(Councilmember Chu\)](#)
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. \(City Manager\)](#)
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. \(City Manager\)](#)
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. \(Councilmember Rocha\)](#)
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. \(Councilmember Kalra\)](#)

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. Rules and Open Government Committee

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 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 City Hall, 200 E. Santa Clara Street, Office of the City Clerk 2nd Floor Wing, 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 408-535-1252 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://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules/Rules.asp>

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, Redevelopment Agency Board, 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, Redevelopment Agency Board, 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.