



City of San José

City of San José
200 East Santa Clara Street
San Jose, CA 95113

Agenda

Joint Meeting for the Rules and Open Government Committee and Committee of the Whole

Committee Members
Chappie Jones, Chair
Raul Peralez, Vice Chair
Sylvia Arenas, Member
David Cohen, Member
Dev Davis, Member

Committee Staff
Lee Wilcox, Assistant City Manager
Toni Taber, City Clerk
Nora Frimann, City Attorney
Gloria Schmanek, City Manager's Office

Wednesday, September 14, 2022

2:00 PM

Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/83768347029>

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 80628 and 80659, Committee Members may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment:

- 1) By email to city.clerk@sanjoseca.gov by 9:00 a.m. the day of the meeting.

How to provide spoken Public Comment during the Committee Meeting:

1) By phone 888 475 4499. Webinar ID: 83768347029. Click *9 to raise a hand to speak. Press *6 to unmute. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)

2) By online <https://sanjoseca.zoom.us/j/83768347029>

a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.

b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.

c. When the Committee Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.

d. When called, please limit your remarks to the time limit allotted.

A. City Council (City Clerk)

1. Review Final Agenda

[ROGC](#)
[22-383](#)

Review September 20, 2022 Final Agenda

a. Add New Items to Final Agenda

b. Assign "Time Certain" to Agenda Items (if needed)

c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Attachments [Agenda](#)

2. Review Draft Agenda

[ROGC](#)
[22-384](#)

Review September 27, 2022 Draft Agenda

a. Add New Items to Draft Agenda

b. Assign "Time Certain" to Agenda Items (if needed)

c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Attachments [Agenda](#)

Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.

B. Consent Calendar

1. [ROGC
22-385](#) The Public Record for September 1 - September 8, 2022. (City Clerk)

Recommendation: Receive and file the Public Record for September 1 - September 8, 2022.

Attachments [The Public Record](#)

2. [ROGC
22-386](#) Update to the August - December 2022 Community and Economic Development Committee Work Plan. (City Manager)

Recommendation: (a) Approve an amendment to the August – December 2022 Community and Economic Development Committee Work Plan to add the following item to the September 26, 2022, meeting:

2022 California Building Standards Code Adoption Status Report.

Purpose: Provide a status report on the proposed ordinance changes related to the adoption of the 2022 California Building Standards Code and amendment to Title 24 of the San José Municipal Code. (Planning, Building, and Code Enforcement/Fire)

(b) Approve an amendment to the August – December 2022 Community and Economic Development Committee Work Plan to add the following item to the October 24, 2022 meeting:

Team San José Semi-Annual Activities and Performance Measures Report.

Purpose: Provide a report on Team San José's a) Performance Measures for Fiscal Year 2021-2022, b) Performance Measures for Fiscal Year 2023-2024, and c) Annual Sales and Marketing Plan for Fiscal Year 2022-2023. (Economic Development and Cultural Affairs)

Attachments [\(a\) Memorandum](#)
[\(b\) Memorandum](#)

3. [ROGC](#)
[22-387](#) Request to Travel. (Jimenez)

Recommendation:

1. Approve travel and related travel expenses and request excused absences due to Authorized City Business for Councilmember Sergio Jimenez to attend the Sister Cities International U.S.-Mexico Mayors' Community Summit in San Diego, CA and Tijuana B.C. on October 11-13, 2022.
 - a. Request an excused absence due to Authorized City Business for the October 13, 2022 regular meeting of the Neighborhood Services and Education Committee.
2. Approve travel and related travel expenses, request excused absences due to Authorized City Business and accept travel payments to the City of San Jose, for Councilmember Sergio Jimenez to attend the California Association of Local Agency Formation Commission's (CALAFCO) annual conference in Newport Beach, CA on October 19-21, 2022.
 - a. Request an excused absence due to Authorized City Business for the October 20, 2022 regular meeting of the Public Safety, Finance, and Strategic Support Committee.

Attachments [Memorandum from Jimenez](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC
22-381](#) PG&E Power Outages and Infrastructure Repair & Resilience. (Mayor)

Recommendation:

1. Direct the City Manager to identify a senior team to meet with technical staff of Pacific Gas & Electric in the weeks ahead, to identify and discuss critical local power distribution infrastructure needs in San Jose. Ensure that PG&E prioritizes those needs in its pending capital replacement and repair plan for the coming year, by no later than October 31st.
2. If, by October 31st, staff determines that PG&E's capital repair plan does not adequately protect the health and safety of the San Jose community, direct the City Attorney and City Manager to inform the Council about options that include:
 - a. Whether and how the City might seek a court injunction or PUC order to mandate that PG&E replace or upgrade any transformers or other elements of PG&E's distribution infrastructure at substantial risk of heat-related failure by summer of 2023. Such a mandate might focus on devices or other elements of the infrastructure deemed vulnerable based upon their age, signs of wear, or type of manufacture.
 - b. Whether and how the City might-individually, or in combination with other residents and businesses as plaintiffs --seek damages for harms related to infrastructure-related power outages, including but not limited to costs of business interruption, emergency response, personal injury, and death.
3. Direct the City Manager to report to the Council (as part of its infrastructure resilience workplan, or through other means) the sufficiency of backup or redundant power for telecommunications service providers to keep cell towers operational during extended blackouts. The report should include information regarding what, if anything, the City can do to require telecom providers to bolster their resilience to outages, particularly in light of possible federal or state regulatory preemption in this area.

Attachments [Memorandum from Mayor](#)
[Early Consideration Response Form, 9/12/2022](#)

2. [ROGC
22-382](#) Accelerating SJPD Staffing Levels. (Davis, Jimenez, and Cohen)

Recommendation:

1. Direct the City Manager's Office to conduct an analysis of police overtime spending that includes existing authorized sworn staffing levels, vacancies, recruit academies, and performance targets to determine a goal for the appropriate level of officer staffing and overtime expenditures that will guide future budget development. The analysis should include review of current and the past three years spending to provide a comprehensive picture and provide recommendations for staffing additions that can be made starting in FY 22-23. Our goal should be to reduce mandatory overtime so that officer stress and fatigue is reduced and to provide enough officers for our city's public safety needs.
2. Direct the City Manager's Office to develop a workplan with goals and timeline to drive the acceleration of police staffing levels while reducing mandatory overtime.
 - a. Bring to Council no later than the end of November 2022 a status report of the City Manager's Office efforts on this initiative.
 - b. Bring regular reports to the Public Safety, Finance and Strategic Support Committee, the timing and content of which should be determined by committee members, on progress towards goals. [Deferred from 9/7/2022 - Item C.1 (ROGC 22-374)]

Attachments [Memorandum from Davis, Jimenez, and Cohen](#)
[Early Consideration Response Form, 9/7/2022](#)

D. 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 City Council.

E. Adjournment

The Code of Conduct (<https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000>) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

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, 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 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.