



# 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

Sam Liccardo, Chair

Chappie Jones, Vice Chair

Sylvia Arenas, Member

Dev Davis, Member

Johnny Khamis, Member

#### Committee Staff

Dave Sykes, City Manager

Toni Taber, City Clerk

Nora Frimann, Acting City Attorney

Gloria Schmanek, City Manager's Office

Henry Smith, Mayor's Office

Louis Osemwegie/Ruth Krantz, City Clerk's Office

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Wednesday, August 26, 2020

2:00 PM

Virtual Meeting <https://zoom.us/j/93828586066>

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### \* COVID-19 NOTICE \*

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council Committee meeting will not be physically open to the public and the Committee Members will 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 before the City Council Committee Meeting:**

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the iLegislate application used by City Council Committee and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 12:00 p.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

**How to submit written Public Comment during the City Council Committee Meeting:**

- 1) Email during the meeting to [councilmeeting@sanjoseca.gov](mailto:councilmeeting@sanjoseca.gov), identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

**How to provide spoken Public Comment during the Committee Meeting:**

- 1) By phone (888) 475-4499. Webinar ID: 938 2858 6066. Click \*9 to raise a hand to speak.
- 2) By online <https://zoom.us/j/93828586066>.
  - 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 Mayor 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  
20-327](#)

Review September 1, 2020 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** [Amended Agenda](#)  
[Add Sheet](#)

2. Review Draft Agenda

[ROGC  
20-328](#)

Review September 8, 2020 Draft Agenda - Cancelled

**B. Review of Upcoming Special Meeting Agenda(s)**

**C. Legislative Update**

1. State
2. Federal

**D. Meeting Schedules**

**E. The Public Record**

[ROGC  
20-329](#)

The Public Record for August 13, 2020 - August 20, 2020. (City Clerk)

**Recommendation:** Receive and file the Public Record for August 13, 2020 - August 20, 2020.

**Attachments** [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) [ROGC  
20-330](#) Retroactive Approval of District 6 Litter Pickup 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. (Davis)

- Recommendation:**
1. Retroactively approve the District 6 Litter Pickup scheduled on Saturday, August 15, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
  2. Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.
  3. Place the item on the September 1, 2020 Council Agenda for action.

**Attachments** [Memorandum from Davis](#)

- (b) [ROGC  
20-335](#) Approval of Breastfeeding Awareness Month Community Event 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. (Arenas)

- Recommendation:**
1. Retroactively approve recognition of Breastfeeding Awareness Month in the month of August as a City Council sponsored Special Event and approve the expenditure of funds.
  2. Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.
  3. Place the item on the Tuesday, September 1, 2020 Council Agenda for action.

**Attachments** [Memorandum from Arenas](#)

END OF CONSENT

2. [ROGC  
20-334](#) Advance the Strategic Expansion of Water Reuse in San José.  
(Jones)

**Recommendation:**

1. Direct the City Manager prioritize the pursuit of expanded recycled water use with Santa Clara Valley Water District (Valley Water) to increase local, drought-resilient supply and reduce reliance on imported water. Through collaborative efforts, Valley Water and the City of San José (City) should establish a negotiation team and negotiate to meet future water needs by developing and expanding programs and partnerships for water reuse, including both recycled water and potable reuse.
2. Place the item on the September 1, 2020 Council Agenda for action.

**Attachments** [Memorandum from Jones](#)

3. [ROGC  
20-336](#) Health and Equity Task Force Recommendations. (Carrasco)

**Recommendation:**

Direct the City Manager to agendaize for the September 1, 2020 City Council meeting for a discussion and consideration of the recommendations from the Health and Equity Task Force and for the City Manager to provide a written response to the recommendations relevant to the City.

**Attachments** [Memorandum from Carrasco](#)  
[Attachment](#)  
[Letters from the Public](#)

4. [ROGC](#)  
[20-337](#) Release of Police Department Video Footage. (Mayor)

**Recommendation:**

Agendize for the Council September 15, 2020 meeting the following set of recommendations:

1. The Council deem as “incidents of extraordinary public interest” the three publicized encounters between SJPd officers and protesters during the May 2020 period of unrest, as identified on ([http://www.sjpd.org/records/protest\\_videos.html](http://www.sjpd.org/records/protest_videos.html)) and in the Council memorandum dated June 5, 2020 from Vice Mayor Jones and Council Members Peralez, Diep, and Carrasco, and myself as:

- a. The incident involving the collision between the police motorcycle and the running pedestrian;
- b. The incident involving a physical altercation between police and a male who is pulled back behind the police line by multiple officers, and subjected to repeated blows by police; and
- c. The incident involving an officer responding to a protester with expletives, including “shut up, b\*\*\*h.”

2. Within 2 weeks of Council vote on this item, the City Manager shall release body-worn camera or other City-generated video and audio clips regarding each of the incidents of extraordinary public interest identified in paragraph 1, under the following conditions:

- a. All video sources shall be provided, but where multiple such sources exist and production of all sources would unduly consume time and labor, the City shall identify the three videos that most clearly and fully capture the event;
- b. At least ten minutes of footage prior to the actual interaction or event shall be provided in each case, to ensure the viewer has the benefit of the full context of the incident; and
- c. Provision of this video shall be limited only by the exceptions outlined in state law under SB 748 for responses to Public Record Act requests for video of “critical incidents,” mandating disclosure except where would doing so would “substantially interfere” with an ongoing criminal or administrative investigation, such as “endangering a witness’ or confidential source’s safety,” as demonstrated by clear and convincing evidence.

3. Return to Council with an ordinance or Council Policy requiring release of body-worn camera footage under similar conditions similar to those described in Paragraph 2 for all incidents that the Council deems to be “police incidents of extraordinary public interest,” unless Staff recommends different conditions based on public input and Staff’s experience.

**Attachments** [Memorandum from Mayor](#)

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

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee

[ROGC  
20-338](#)

Update to the August-December 2020 Neighborhood Services and Education Committee Work Plan. (Parks, Recreation and Neighborhood Services)

**Recommendation:** Approve the following update to the August-December 2020 Neighborhood Services and Education Committee Work Plan to drop the following from the September 10, 2020 meeting: Neighborhoods Commission 2019-2020 Annual Report and 2020-2021 Workplan. (Parks, Recreation and Neighborhood Services)

**Attachments** [Memorandum](#)

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
6. Smart Cities and Service Improvement Committee

**I. Open Government**

1. [ROGC  
20-339](#) Public Records Appeal - Robin Roemer. (City Manager)

**Recommendation:** Deny the appeal from Robin Roemer regarding the City's response to his Public Records Act request.

**Attachments** [Memorandum](#)  
[Appeal Letter from Robin Roemer](#)

**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 City Council.*



## **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 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.