



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
Rachelle Blattman, City Manager's Office

Wednesday, November 30, 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 José Resolution Nos. 80628, 80659, 80685, 80724 and 80758, 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](#)
[22-493](#)

Review December 6, 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](#)
[Add Sheet](#)

2. Review Draft Agenda

[ROGC](#)
[22-494](#)

Review December 13, 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
22-495](#) The Public Record for November 9 - November 22, 2022. (City Clerk)

Recommendation: Receive and file the Public Record for November 9 - November 22, 2022.

Attachments [The Public Record](#)

2. [ROGC
22-496](#) Approval of the End of Term Celebration Event Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez)

Recommendation:

1. Approve the End of Term Celebration Event scheduled on December 15, 2022 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.
3. Place the item on the December 6, 2022 Council Agenda for action.

Attachments [Memorandum from Peralez](#)

3. [ROGC
22-497](#) Retroactive Approval of the District 3 Community Chat Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez)

Recommendation:

1. Retroactively approve the District 3 Community Chat scheduled on December 5, 2022 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 December 6, 2022 Council Agenda for action.

Attachments [Memorandum from Peralez](#)
[Supplemental Memorandum from Peralez - 11/30/2022](#)

4. [ROGC
22-498](#) Retroactive Approval of the World AIDS Day Flag Raising and Tower and Rotunda Lighting Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez and Foley)

Recommendation:

1. Retroactively approve the World AIDS Day Flag Raising and Tower and Rotunda Lighting scheduled on December 1, 2022 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 December 6, 2022 Council Agenda for action.

Attachments [Memorandum from Peralez and Foley](#)

5. [ROGC
22-499](#) Request for Travel Authorization for Councilmember Cohen. (Cohen)

Recommendation: Authorize travel for Councilmember Cohen to Israel from March 17 - 27, 2023 for the Israel Seminar for Bay Area elected leaders, sponsored by Jewish Community Relations Council (JCRC) and Bay Area Network of Jewish Officials (BANJO).

Attachments [Memorandum from Cohen](#)

6. [ROGC
22-500](#) Approval of the Santa Visits Alviso and Breakfast with Santa Holiday Events Sponsored by Council District 4 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Cohen)

Recommendation:

1. Approve the Santa Visits Alviso Holiday Event scheduled on December 10, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the Breakfast with Santa Holiday Event scheduled on December 10, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Approve and accept donations from various individuals, businesses or community groups to support the events.
4. Place the item on the December 6, 2022 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

7. [ROGC](#)
[22-501](#) Retroactive Approval of Multiple Special Events Sponsored by Council District 7 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Esparza)

Recommendation:

1. Retroactively approve the Shirakawa Elementary Family Movie Night scheduled on June 3, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively approve the Shirakawa Elementary Promotion scheduled on June 9, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Retroactively approve the Dahl Kinder Promotion scheduled on June 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Retroactively approve the Dahl 6th Grade Promotion scheduled on June 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
5. Retroactively approve the Shirakawa 8th Grade Promotion scheduled on June 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
6. Retroactively approve the Santee 6th Grade Promotion scheduled on June 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
7. Retroactively approve the Santee Kinder Promotion scheduled on June 17, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
8. Retroactively approve the 2nd Annual Lone Bluff NA Ice Cream Social scheduled on June 18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
9. Retroactively approve the Tully Night Market scheduled on July 13, July 20, July 27, August 3, August 10, August 17, August 24, and August 31, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
10. Retroactively approve the Communications Hill Movie Night scheduled on July 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
11. Retroactively approve the Lone Bluff Senter Neighborhood BBQ scheduled on July 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
12. Retroactively approve the Rocksprings Park Family Movie Night scheduled on July 21, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
13. Retroactively approve the Lone Bluff Way Dumpster Day scheduled on August 6, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

14. Retroactively approve the Flory Drive Dumpster Day scheduled on August 20, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
15. Retroactively approve the Kennedy Family Movie Night scheduled on August 26, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
16. Retroactively approve the Community Day at the VACC scheduled on August 27, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
17. Retroactively approve the Meadows Family Movie Night scheduled on September 9, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
18. Retroactively approve the Communications Hill Mid-Autumn Festival scheduled on September 10, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
19. Retroactively approve the Yerba Buena Moon Festival scheduled on September 10, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
20. Retroactively approve the VACC Moon Festival scheduled on September 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
21. Retroactively approve the Franklin Family Movie Night scheduled on September 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
22. Retroactively approve the Dahl Dumpster Day scheduled on September 24, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
23. Retroactively approve the Lairon Family Resource Center Resource Fair scheduled on September 24, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
24. Retroactively approve the Dahl Family Movie Night scheduled on September 30, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
25. Retroactively approve the Sylvandale Middle School Clean Up scheduled on October 1, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
26. Retroactively approve the Ramblewood Dumpster Day scheduled on October 8, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
27. Retroactively approve the O.B. Whaley Family Movie Night

scheduled on October 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

28. Retroactively approve the Seven Trees Trunk or Treat scheduled on October 28, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

29. Retroactively approve the Kennedy Elementary Costume Parade scheduled on October 31, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

30. Retroactively approve the Communications Hill Dumpster Day scheduled on November 5, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

31. Approve and accept donations from various individuals, businesses or community groups to support the events.

32. Place the item on the December 6, 2022 Council Agenda for action.

Attachments [Memorandum from Esparza](#)

8. [ROGC 22-502](#) Update to the August - December 2022 Smart Cities and Service Improvements Committee Work Plan. (City Manager)

Recommendation: Approve an amendment to the August - December 2022 Smart Cities and Service Improvements Committee Work Plan to drop the following item from the December 1, 2022, Committee meeting:

Digital Inclusion and Broadband Strategy Status Report.

Purpose: Provide a status report on the Digital Inclusion and Broadband strategy refresh, covering the state of area connectivity, partnership approaches, technologies, permitting, and overall program direction. (Information Technology/Public Works/Planning, Building and Code Enforcement)

Attachments [Memorandum](#)

9. [ROGC](#)
[22-503](#) Update to the August - December 2022 Neighborhood Services and Education Committee Work Plan. (City Manager)

Recommendation: Approve an amendment to the August - December 2022 Neighborhood Services and Education Committee Work Plan to drop the following item from the December 8, 2022, Committee meeting:

City Initiatives Roadmap: Children and Youth Services Master Plan Status Report.

Purpose: Provide a status report on the Children and Youth Services Master Plan, including policy, programming, and funding recommendations for the remaining balance from the \$10.5 million of ARP funds as part of the approved City Initiatives Roadmap for 2022-2023. (City Manager/Library/Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

10. [ROGC](#)
[22-509](#) Special Meeting on Filling Vacancies in Council Districts 8 and 10. (City Clerk)

Recommendation: Set the date for a Special Meeting on Filling Vacancies in Council Districts 8 and 10 for December 5, 2022 at 5:00 p.m. and review and approve the agenda for the meeting.

Attachments [Special Meeting Agenda](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#)
[22-504](#) Accelerating Digital Equity by Deploying High-Speed Fiber to All Households at No Cost to Taxpayers. (Mayor, Carrasco, Cohen, and Foley)

Recommendation:

Direct the City Manager to:

1. Explore developing a Request for Information (RFI) or other appropriate open solicitation for respondents to provide approaches to a citywide open access fiber network that:
 - a. Encompasses all or nearly all premises (households and businesses) in the City for 1 Gbps baseline symmetrical internet speeds - undoing decades of “digital redlining” by providing ubiquitous high-quality coverage that will be essential for educational and economic opportunity.
 - b. Relies wholly on private-sector financing for construction, operations, and maintenance, at no cost to the City and our taxpayers.
 - c. Maximizes public benefit to the community, including but not limited to such elements as:
 - provision of free or low-cost broadband service to low-income residents;
 - support for critical City functions, such as traffic signal management;
 - co-location of public fiber in the same trench (“dig once”);and
 - provision of free access for schools, community centers, libraries, medical facilities, and other public locations.
 - d. Ensures compatibility of the fiber technology (deployment, maintenance, etc.) with existing City infrastructure and processes, considering power availability, disaster resilience, and minimizing surface-level disruption.
 - e. Prioritizes speed of deployment in neighborhoods most historically impacted by digital inequity, while addressing last-mile barriers to access.
2. Identify and bring forward for Council consideration changes the City can make to expedite permitting process for rapid deployment of fiber at scale, including options for effective micro-trenching/fiber trenching that minimize impact on City streets, and including opportunities to offset staffing costs associated with permitting.
3. Explore opportunities to leverage historical levels of state and federal funding for next-generation connectivity infrastructure to deliver the wide-ranging benefits outlined in Recommendation #1.

Attachments [Memorandum from Mayor, Carrasco, Cohen, and Foley](#)
[Supplemental Memorandum from Mayor - 11/30/2022](#)
[Early Consideration Response Form - 11/29/2022](#)

2. [ROGC](#)
[22-505](#) Roles in the Criminal Justice System. (Jones)

Recommendation: Direct City Manager to coordinate with county agencies on the following actions:

1. Engage with the Sheriff's Office, Pre-Trial Services, the District Attorney's Office as well as a representative from the Judicial branch to investigate how high bail should be, and to communicate the need for keeping a subject in custody.
2. Engage with the Sheriff's Office, Pre-Trial Services, the District Attorney's Office and the Public Defender's Office to understand under what circumstances, and what factors are taken into consideration when an arrestee is released on their own recognizance.
3. Engage with the District Attorney, the Public Defender, and a representative from the Judicial Branch to understand the impact of the Humphrey Decision.
4. Engage with Behavioral Health Services, Probation and Reentry Services to understand how law enforcement may better assist persons who do not meet the criteria for 5150 W&I, suffer from mental illness, are chronic substance abusers, whose conduct is repeated and problematic and refuse services.
 - a. Investigate the need to also involve additional County partners, as well as Social Services and Veterans Services as appropriate.
5. Return to the Public Safety, Finance & Strategic Support Committee with a report on their findings based on recommendations 1 - 4 by April 2023.

Attachments [Memorandum from Jones](#)
[Early Consideration Response Form - 11/30/2022](#)

3. [ROGC](#)
[22-506](#) San José Elected Official Political Fundraising and Independent
Expenditure Involvement Ordinance. (Esparza)

Recommendation:

Direct the City Attorney to return to Council with an ordinance
addressing the following issues:

- Aligning the Municipal Code’s definition of a “candidate” and
“candidate controlled committee” with the California Political Reform
Act Sections 82007 and 84214 as well as California Code of
Regulations § 18404.1 and 18404;
- Clarify that the Municipal Code’s established campaign
contribution limits and the campaign fundraising period also apply to all
“candidate controlled committees”, including those that elect to make
independent expenditures, in accordance with recent California Fair
Political Campaigns Commission findings;
- Clarify “candidate controlled committee” to include both direct
and indirect control by a “candidate”, such as an independent
expenditure committee run by a staff member who reports to a current
City Official now defined as a “candidate”; and
- Amend the Municipal Code’s Revolving Door policy to prohibit
former City officers and staff from serving as officers within an
independent expenditure committee for one year following termination
of office or employment.

Attachments [Memorandum from Esparza](#)
[Letter from the Public](#)

4. [ROGC](#)
[22-507](#) Readyng Downtown for the Next Wave of Growth-and Greater
Vibrancy. (Mayor and Peralez)

Recommendation:

1. In anticipation of several massive construction projects planned for Downtown in the coming years:
 - a. Direct the City Manager to bring to Council through the 2023-24 budget process a Manager's Budget Addendum outlining the costs and benefits of adding a position specifically focused on managing and coordinating the many major construction projects in Downtown-e.g., BART, Diridon Station, large office and housing towers, Google- that pose tremendous risks for many stakeholders, including small business owners, the Sharks, and downtown residents.
 - b. Return to Council in the first quarter of 2023 outlining a proposed work plan for revising the Downtown guidelines to require the siting of utility boxes in all new construction in any location--within, under, behind, or over buildings--other than on a public sidewalk.
2. Return to Council with revisions to the Code that enable the City to much more nimbly assess fines--in an increasing, "tourniquet" response to persistent non-compliance-- on owners of long-neglected, vacant, and blighted buildings-such as Dr. Eu and the Church Christ Scientist buildings- which haven't paid a dime in fines or raised a finger in compliance, despite decades of neglect.
 - a. Utilize fines paid from such property owners exclusively for code enforcement and blight eradication in the surrounding area, and/or to support programs facilitating the filling of vacant storefronts.
 - b. Return to the Council with explicit OKR's for requiring Code Enforcement to proactively assess fines and elicit compliance.
3. Return to Council during the budget process to report on the cost for various options for filling vacant ground-floor retail sites, and provide options to the Council to consider. The following should be explored and considered:
 - a. Waiving fees for tenant improvements;
 - b. Providing VTA annual transit passes to new employees;
 - c. Waiving fees and/or streamlining permitting for pop-up shops or temporary uses;
 - d. Reinstating a program to facilitate temporary art installations in vacant storefronts;
 - e. Any other ideas for facilitating street-level activation of vacant storefronts.

Attachments [Memorandum from Mayor and Peralez](#)
[Early Consideration Response Form - 11/30/2022](#)

5. [ROGC](#)
[22-508](#) Office to Residential Conversion Pilot Program. (Mayor and Peralez)

Recommendation: To facilitate actions by the incoming Mayor and Council that can accelerate efforts to expand housing for a growing residential population Downtown, direct the City Manager and City Attorney to better enable conversions of older, Class “B” and “C” office buildings to housing in those locations that do not require any General Plan Amendment (i.e., with a “DC” land use designation), by:

1. Identifying the best path to enable local builders to access the recently-approved \$450 million in state funding to convert existing older office buildings to affordable housing over the next two years;
2. Consulting with the authors of the pending ULI study regarding office building conversions to glean any lessons for cities wishing to catalyze the reuse of older office buildings;
3. Reviewing existing studies regarding office conversions, such as Gensler’s recent study that spurred three conversions in downtown Calgary;
4. Convening builders and architects with experience or interest in such adaptive reuse-in collaboration with the current and incoming Mayor’s Office-to ask them to help the City identify any unnecessary cost or regulatory local barriers to conversions; and
5. After collecting this information,
 - a. Return to Council with recommendations, and include evaluation of potential fee waivers (taken separately through the budget process) that could facilitate adaptive reuse to housing Downtown, such as a waiver of the Commercial, Residential, Mobile Home Park Construction (CRMP) tax for the first 1,000 units; and
 - b. Consider whether the City should identify specific Class B and C office buildings for incentives or prioritization for housing conversion.

Attachments [Memorandum from Mayor and Peralez](#)
[Early Consideration Response Form - 11/30/2022](#)

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.

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