



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

David Cohen, Chair

Pam Foley, Vice Chair

Sergio Jimenez, Member

Dev Davis, Member

Vacant, Member

Committee Staff

Lee Wilcox, Assistant City Manager

Toni Taber, City Clerk

Nora Frimann, City Attorney

Rachelle Blattman, City Manager's Office

Wednesday, January 11, 2023

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, 80758 and 80809, 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
23-004](#)

Review January 17, 2023 Final Agenda - Cancelled

2. Review Draft Agenda

[ROGC
23-005](#)

Review January 24, 2023 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
23-006](#) The Public Record for December 1, 2022 - January 5, 2023. (City Clerk)

Recommendation: Receive and file the Public Record for December 1, 2022 - January 5, 2023.

Attachments [The Public Record](#)

2. [ROGC
23-007](#) Monthly Report of Activities for December 2022. (City Auditor)

Recommendation: Approve the Auditor's Office Monthly Report of Activities for the month of December 2022.

Attachments [Memorandum](#)

3. [ROGC
23-008](#) Retroactive Approval of the District 4 Pajama Giveaway and Approval of the River Oaks Neighborhood Association Meet and Greet Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Cohen)

Recommendation:

1. Retroactively approve the District 4 Pajama Giveaway Event scheduled on December 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the River Oaks Neighborhood Association Meet and Greet event scheduled on January 18, 2023 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 January 24, 2023 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

4. [ROGC
23-009](#) Retroactive Approval of Small Business Advisory Task Force (SBATF) Membership Recognition Event Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jones)

- Recommendation:**
1. Retroactively approve the SBATF Membership Recognition 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 January 24, 2023 Council Agenda for action.

Attachments [Memorandum from Jones](#)

5. [ROGC
23-010](#) Retroactive Approval of Olympic Flag Raising for the 2023 United States Figure Skating Championship 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 Olympic Flag Raising for the 2023 United States Figure Skating Championship scheduled on January 10, 2023 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 January 24, 2023 Council Agenda for action.

Attachments [Memorandum from Davis](#)

6. [ROGC
23-011](#) Approval of Lighting for American Heart Month 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. Approve the Tower and Rotunda Lighting for American Heart Month scheduled on February 7, 2023 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 February 7, 2023 Council Agenda for action.

Attachments [Memorandum from Davis](#)

7. [ROGC
23-012](#) Retroactive Approval of District 5 Vision Board Party and Street Banner Unveiling Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)

Recommendation:

1. Retroactively approve the District 5 Vision Board Party scheduled on December 20, 2022, and the Street Banner Unveiling Event scheduled on December 22, 2022, as City Council sponsored Special Events and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the events.
3. Place the item on the January 24, 2023 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

8. [ROGC
23-013](#) Retroactive Approval of the District 2 Walnut Mobile Home Park Stocking Giveaway Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)

Recommendation:

1. Retroactively approve the Walnut Mobile Home Park Stocking Giveaway scheduled on December 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the expenditure of District 2 office budget funds to purchase toys and other materials for the event.
3. Approve and accept donations from various individuals, businesses or community groups to support the event.
4. Place the item on the January 24, 2023 Council Agenda for action.

Attachments [Memorandum from Jimenez](#)

9. [ROGC
23-018](#) Special Meeting on Filling Vacancies in Council Districts. (City Clerk)

Recommendation: Set the date for a Special Meeting on Filling Vacancies in Council Districts 8 for January 24, 2023 at 3:00 p.m. and review and approve the agenda for the meeting.

Attachments [Special Meeting Agenda - revised 1/11/2023](#)

10. [ROGC
23-019](#) Special Meeting on Filling Vacancies in Council Districts. (City Clerk)

Recommendation: Set the date for a Special Meeting on Filling Vacancies in Council Districts 10 for January 26, 2023 at 3:00 p.m. and review and approve the agenda for the meeting.

Attachments [Special Meeting Agenda - revised 1/11/2023](#)

11. [ROGC
23-022](#) Request to Travel. (Mayor)

Recommendation: Authorize travel for Mayor Mahan to Washington, DC from January 17 - 20, 2023, to attend the United States Conference of Mayors (USCM) Annual Winter Meeting.

Attachments [Memorandum from Mayor](#)
[Supplemental Memorandum - 1/10/2023](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#) Biennial Ethics Review. (Liccardo)
[23-015](#)

Recommendation:

Pursuant to San Jose Charter Section 608, I make the following biennial recommendation for “amendments or changes to the Code of Ethics and its implementing ordinances to the City Council”; specifically that the Council direct the City Attorney and City Manager to:

1. Bring to Council any proposed changes in City ordinances, rules, protocols and processes - including the integration of proposed technology solutions - to better facilitate the production of documents, audio, and video under the Public Records Act and similar transparency laws, to:

- a. Address the rapidly growing volume of Public Records Act requests to the City, in a manner that will:
 - i. Reduce fiscal burden on taxpayers (and concomitant workload on City staff);
 - ii. Reduce delay of record production and improve responsiveness;
 - iii. Reduce errors in failing to turn over relevant records.

- b. Identify voluntary protocols that can lawfully encourage media and other entities to better focus their PRA requests to satisfy their (& the public’s) need for information without overburdening understaffed City records offices seeking to comply with voluminous, “fishing expedition” re-productions of audio, video, and paper records. Consider also legislative advocacy-in concert with the League of California Cities and the Big City Mayors’ coalition - to enable mechanisms that will curtail abuse of well-intentioned PRA requirements.

- c. Given the rapidly growing inventory and cost of digital records and data, review record destruction policies under City Policy 6.1.5, and return to Council for a public discussion about the appropriate policy, and the best approaches to ensure compliance.

2. On the Brown Act, without creating any additional standing committees under Cal. Govt Code Section 54952(b),

- a. Clearly define the appropriate duration of five-councilmember “groups” formed to avoid Brown Act violations, presumably based on the recency of the Council vote on the matter. Clarify the City’s interpretation of the letter and spirit of the law, and to avoid rigid interpretations that make future discussions of policy matters unreasonably difficult.

- b. Clearly define the scope of issues, such that a Council vote on a large, umbrella issue (e.g. Climate Smart, the City’s affordable housing strategy, or Measure T) will not forevermore preclude communication outside a Brown Act group on a very specific implementation of that

strategy.

Attachments [Memorandum from Liccardo](#)

2. [ROGC
23-016](#) Audit of BeautifySJ. (Jimenez)

Recommendation:

1. Direct the City Auditor to conduct an audit of BeautifySJ program safety, training, and employee support protocols, including:
 - a. Reviewing training provided to employees conducting encampment abatements and clean-ups, particularly those who work directly with unhoused individuals or are exposed to hazardous waste and other potentially hazardous conditions;
 - b. Reviewing the safety protocols in place for employees conducting encampment abatements and cleanups, including evaluation of protective gear and security;
 - c. Assessing potential impacts on staff who regularly conduct encampment abatements and work with and encounter people living in abject poverty or suffering from mental health conditions and addiction in encampments. This could include reviewing worker's compensation claims, staff turnover, absence, or vacancy rates, or other relevant data.

Attachments [Memorandum from Jimenez](#)

3. [ROGC
23-017](#) Schiele and Alameda Park Nomination for Landmark Historical District. (Davis)

Recommendation:

Agendize for discussion and consideration at an upcoming City Council meeting:

1. Adopt a resolution nominating Alameda Park and the Schiele Subdivision for designation as a City Landmark Historic District.
2. Direct the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish this City Landmark Historic District.

Attachments [Memorandum from Davis](#)

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.