



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

Rosemary Kamei, Member

Committee Staff

Lee Wilcox, Assistant City Manager

Toni Taber, City Clerk

Nora Frimann, City Attorney

Rachelle Blattman, City Manager's Office

Wednesday, August 9, 2023

2:00 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/85991848944>**

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 for items on the agenda:

- 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: 85991848944. 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/85991848944>.

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](#)
[23-265](#)

Review August 15, 2023 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](#)

[Letters from the Public](#)

2. Review Draft Agenda

[ROGC](#)
[23-266](#)

Review August 22, 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](#) The Public Record for July 27 - August 3, 2023. (City Clerk)
[23-267](#)

Recommendation: Receive and file the Public Record for July 27 - August 3, 2023.

Attachments [The Public Record](#)

2. [ROGC](#) City Auditor's Fiscal Year 2023-24 Work Plan. (City Auditor)
[23-270](#)

Recommendation: Review and approve the City Auditor's Fiscal Year 2023-24 Work Plan.

Attachments [Memorandum](#)

3. [ROGC](#) Monthly Report of Activities for June and July 2023. (City Auditor)
[23-271](#)

Recommendation: Approve the Auditor's Office Monthly Report of Activities for the months of June and July 2023.

Attachments [Memorandum](#)

4. [ROGC](#) Request for Travel for Councilmember David Cohen. (Cohen)
[23-269](#)

Recommendation: Authorize travel for Councilmember Cohen to Sacramento, CA from September 20 - 22, 2023 to attend the League of California Cities – Annual Conference and Expo.

Attachments [Memorandum from Cohen](#)
[Memorandum](#)

5. [ROGC](#) [23-273](#) Retroactive Approval of Various District 8 Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Candelas)

Recommendation:

1. Retroactively approve the following Various District 8 Events as City Council sponsored Special Events and approve the expenditure of funds:
 - a) CERT Community Meeting at Evergreen Branch Library on May 11th, 2023;
 - b) Community Cleanup at Lake Cunningham on May 13th, 2023;
 - c) District 8 Community Budget Meeting at East Valley Family YMCA on June 8th, 2023;
 - d) Meadowfair Neighborhood Association Meeting at Meadowfair Park on June 15th, 2023;
 - e) Health Fair and Wellness Walk at Eastridge Mall on June 30th, 2023;
 - f) Music in the Park at Evergreen Village Square on July 29th, 2023;and
 - g) Movie Night at Evergreen Village Square on August 11, 2023.
2. Approve and accept donations from various individuals, businesses, or community groups to support the events.
3. Place the item on the August 15, 2023, City Council Agenda for action.

Attachments [Memorandum from Candelas](#)

6. [ROGC](#) [23-274](#) Approval of Multiple Special Events 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 Litter Pick-Up that was held on Saturday, August 5, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the District 4 Vietnamese Mid-Autumn Festival that will be held on Saturday, September 30, 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 event.
4. Place the item on the August 15, 2023 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

7. [ROGC](#) Neighborhood Services and Education Committee Work Plan. (Mayor
[23-275](#) and Davis)

Recommendation: a) Approve the Neighborhood Services and Education Committee Work Plan for the period of August through December 2023 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in the City Council Chambers.
b) Accept the draft Neighborhood Services and Education Committee Work Plan for the period of January through June 2024.

Attachments [Memorandum from Mayor and Davis](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#) Addressing Encampments and RV's Around Schools. (Mayor, Cohen,
[23-268](#) Ortiz, and Doan)

Recommendation: Direct the City Manager to:

1. Expedite drafting an ordinance prohibiting encampments and vehicle dwelling within 150 feet of the property line of licensed preschools, daycares, and K-12 schools; and
2. Return to Council within 90 days with a draft ordinance, a cost estimate for associated resources needed to fully enforce the ordinance, and recommendations to expedite or phase in enforcement with existing resources.

Attachments [Memorandum from Mayor, Cohen, Ortiz, and Doan](#)
[Early Consideration Response Form - 8/9/2023](#)
[Letters from the Public](#)

2. [ROGC
23-272](#) Audit of the Office of Retirement Services. (Mayor, Davis, and Foley)

Recommendation: Direct the City Auditor to prioritize an audit of the Office of Retirement Services in his workplan. This audit should cover, at minimum, the following areas:

1. Identifying internal process controls for financial activities such as accounting, purchasing and contracting;
2. Identifying policies and procedures around information systems and security;
3. Compliance with City policies for financial activities, information systems and security, and other relevant administrative functions;
4. A comparison of the governance structures of other pension plans, including board oversight of management's administrative functions and responsibilities.

Attachments [Memorandum from Mayor, Davis, and Foley](#)

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

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.