



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 16, 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](#)
[23-279](#)

Review August 22, 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](#)

2. Review Draft Agenda

[ROGC](#)
[23-280](#)

Review August 29, 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
23-281](#) The Public Record for August 3 - August 10, 2023. (City Clerk)

Recommendation: Receive and file the Public Record for August 3 - August 10, 2023.

Attachments [The Public Record](#)

2. [ROGC
23-282](#) Retroactive Approval of Multiple Special Events Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Davis)

Recommendation:

1. Retroactively approve Movie Nights and Jazz Concerts at Arena Green Park, The Municipal Rose Garden, and Rosemary Gardens Park, that were scheduled on July 8, July 15, August 5, and August 12 as City Council sponsored Special Events and approve the expenditure of funds.
2. Retroactively approve and accept donations from various individuals, businesses or community groups that supported the events.
3. Place the item on the August 22, 2023, Council Agenda for action.

Attachments [Memorandum from Davis](#)

3. [ROGC
23-283](#) Approval to Expend City Funds for the Silicon Valley Pride Parade & Festival. (City Clerk)

Recommendation:

1. Approve the expenditure of funds for the Silicon Valley Pride Parade & Festival, scheduled for August 26-27, 2023.
2. Place the item on the August 22, 2023 Council Agenda for action.

Attachments [Memorandum](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC
23-284](#) Expedited Work on Alum Rock Polluted Sites. (Ortiz)

Recommendation:

1. Direct the City Manager to conduct stakeholder outreach surrounding the site located on 2075 Alum Rock Ave, a bulk fuel storage business that has significant petroleum and solvent contamination in the soil vapor and groundwater. Community outreach should include, but should not be limited to:
 - a. An overview of potential solutions;
 - b. A collaborative timeline among involved City departments to resolve the contamination issue at this site; and
 - c. Establish an intergovernmental ad hoc committee in partnership with city and county staff that will be co-chaired by Councilmember Peter Ortiz and Supervisor Cindy Chavez that will meet bi-weekly, provide updates from involved government agencies, action items and a timeline for completion.
2. Direct the City Attorney to issue a Confidential Memo on potential legal remedies to ensure that The Regional Water Quality Control Board, which is the regulatory authority that oversees the cleanup of the contamination, works quickly and effectively to protect the community of East San Jose public health and environmental injustices.

Attachments [Memorandum from Ortiz](#)
[Early Consideration Response Form - 8/16/2023](#)

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.