



# 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

Richard Doyle, City Attorney

Gloria Schmanek, City Manager's Office

Henry Smith, Mayor's Office

Louis Osemwegie/Ruth Krantz, City Clerk's Office

---

Wednesday, August 5, 2020

2:00 PM

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

---

### \* 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  
20-290](#)

Review August 11, 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** [8/11/2020 Agenda  
Add Sheet](#)

2. Review Draft Agenda

[ROGC  
20-291](#)

Review August 18, 2020 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** [8/18/2020 Agenda](#)

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

## **C. Legislative Update**

1. State
2. Federal

## **D. Meeting Schedules**

[ROGC  
20-294](#)

Diridon Station Area Plan/Google Downtown West Mixed-Use Development Study Session. (Economic Development)

**Recommendation:** Set a City Council Study Session entitled Diridon Station Area Plan/Google Downtown West Mixed-Use Development for Thursday, September 24 from 9:00 a.m. - 1:00 p.m. and approve a draft Study Session agenda.

**Attachments** [Study Session Agenda](#)

## **E. The Public Record**

[ROGC  
20-292](#)

The Public Record for July 23, 2020 - July 30, 2020. (City Clerk)

**Recommendation:** Receive and file the Public Record for July 23, 2020 - July 30, 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

END OF CONSENT

2. [ROGC  
20-284](#) Monthly Report of Activities for June and July 2020. (City Auditor)

**Recommendation:** Approve the Auditor's Office Monthly Report of Activities for the months of June and July 2020.

**Attachments** [Memorandum from City Auditor](#)

3. [ROGC  
20-285](#) City Auditor's Fiscal Year 2020-21 Work Plan. (City Auditor)

**Recommendation:** Review and approve the City Auditor's Fiscal Year 2020-21 Work Plan.

**Attachments** [Memorandum from City Auditor](#)

4. [ROGC  
20-289](#) Street Naming Policy (Council Policy 6-5) Update. (Mayor and Jones)

**Recommendation:**

1. Agendize for City Council discussion an amendment to the City Council Policy on Street Renaming related to the following provision under "Renaming of Other Named Major Rights of Way"- Changing the following definition from: 3. "Affected property owners" means property owners and/or occupants and businesses located along the street whose name is proposed for change. to 3. "Affected property owners" means property owners and/or occupants and businesses with an address on the street whose name is proposed for change.
2. Place the item on the Tuesday, August 11, 2020 Council Agenda for action.

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

5. [ROGC](#)  
[20-293](#)      Actions Related to Police Reform, Reimagining Police, and  
Strengthening the Investigative Authority of the Office of the  
Independent Police Auditor. (Mayor, Jones, Diep and Carrasco)

**Recommendation:**

1. Direct the Independent Police Auditor (IPA) and City Manager to provide Council with specific recommendations for how the IPA would take over investigations of police misconduct from SJPD's internal affairs that would incorporate the following elements:
  - a. Reallocating resources to introduce investigatory capacity within the IPA by the conclusion of negotiations;
  - b. Enabling the IPA to make factual findings based on its investigations of misconduct allegations; and
  - c. Enabling the IPA to continue to report concerns between her factual findings and the Department's disciplinary decisions to the Council and public.
2. Direct the City Attorney, IPA, and City Manager to provide Council with specific recommendations to reform the officer disciplinary appeal process-particularly after a termination decision-to either:
  - a. Identify and implement an alternative to binding arbitration for disciplinary appeals, and/or
  - b. Reform the arbitration process to enable greater accountability and transparency, in:
    - i. Arbitrator selection;
    - ii. Limitation of the arbitrator's scope of review, such as by requiring deference to the factual findings of the IPA;
    - iii. Public disclosure of arbitration decisions;
    - iv. Appeal of arbitration decisions to a court of competent jurisdiction; and/or
    - v. Other worthwhile reforms made apparent through discussions with the community and in negotiation with the POA.
3. Direct the IPA to evaluate and provide recommendations for expansion of the duties and responsibilities of the current IPA advisory committee, to include review of some of the IPA work, providing additional insight to the Office of the Independent Police Auditor and allowing for greater transparency. Explore models such as the City of Anaheim Police Review Board, City of Davis' Police Accountability Commission, and others.
4. Return to Council in Closed Session to direct City negotiators to commence labor negotiations, to the extent required by the Meyers-Milias Brown Act and related provisions of state law, with the POA and any other relevant bargaining units.
5. Return to Council to discuss how to commence community processes-informed by experts, consultants, and research-to:

- a. publicly review use of force policy in the Duty Manual, and explore potential reforms, and
  - b. reimagine public safety response, such as by supplanting SJPd response to many non-criminal matters with civilian response.
6. Return to the Rules Committee to add to the City Auditor's workplan an audit of San Jose Police Department expenditures and workload, expanding the scope of the existing staffing audit to incorporate an analysis of the 1.2 million calls for police service, police budgetary allocations, and progress toward civilianization.
7. To enable Council to evaluate how and whether to mandate expedited public disclosure of body-worn camera footage of incidents of substantial public concern, such as major protests or controversial uses of force:
- a. Return to Council in closed session to receive assessment from the City Attorney of the requirements of POBAR and other state legal restrictions on release of evidence, and of any legal risks to the City and City taxpayers;
  - b. Return to Council in open session to discuss resources required to rapidly reproduce video that complies with legal requirements, i.e., privacy mandates to obscure faces and identities of people other than the police officers involved in the incident.
- Identify any obstacles created by state law that inhibit our ability to implement straightforward changes to enable greater accountability, and return to Council to determine where the City should take a clear position for legislative advocacy.

**Attachments** [Memorandum from Mayor, Jones, Diep and Carrasco](#)

6. [ROGC](#)  
[20-295](#) Temporary Modification to Arts Commission & Extension of Terms of Termed-Out Commissioners. (Khamis and Davis)

**Recommendation:**

Direct Staff to return to City Council on August 11, 2020, with a Sunshine Waiver\*, for Council Action:

1. A temporary modification to Council Policy 0-4: Consolidated Policy Governing Boards and Commissions to expand the voting membership of the Arts Commission by four temporary seats to be effective July 1 - Dec 31, 2020. On 11:59 PM December 31, 2020 these four temporary seats will terminate and those appointed to these temporary seats will conclude their service to the Arts Commission. The commission will revert back to its previous 11-member configuration as of midnight on January 1, 2021.
2. Re-Appointment of the four commissioners whose terms expired on June 30th to the four temporary seats, in continuation of their previous service, as follows: Albert Le, Ron Muriera, Ramona Snyder, and Roma Dawson.

\*NOTE: Because further discussion was not placed on the Agenda for August 4th, as requested by the Council on June 30, the request for the shortened agenda timeline and Sunshine Waiver is driven by the urgency of the fact that the Arts Commission is scheduled to convene on the third Monday of the month, which, in August, will be August 17. If the item were to wait, the commissioners in question would be denied participation in yet another commission meeting.

**Attachments** [Memorandum from Khamis and Davis](#)  
[Letters from the Public](#)

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

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

**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.