



# 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**

**Nora Frimann, Acting City Attorney**

**Gloria Schmanek, City Manager's Office**

**Henry Smith, Mayor's Office**

**Louis Osemwegie/Ruth Krantz, City Clerk's Office**

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Wednesday, August 19, 2020

2:00 PM

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

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### **\* 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  
20-307](#)

Review August 25, 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**   [Amended Agenda](#)  
[Add Sheet](#)

2. Review Draft Agenda

[ROGC](#)  
[20-308](#)

Review September 1, 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** [Agenda](#)

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

## **C. Legislative Update**

1. State
2. Federal

## **D. Meeting Schedules**

## **E. The Public Record**

[ROGC](#)  
[20-309](#)

The Public Record for August 6, 2020 - August 13, 2020. (City Clerk)

**Recommendation:** Receive and file the Public Record for August 6, 2020 - August 13, 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**

- (a) [ROGC](#) Retroactive Approval of the San José State University Welcome Week  
[20-316](#) City Hall Lighting Display 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. (Perez)

**Recommendation:**

1. Retroactively approve the San José State University Welcome Week scheduled on August 21-23, 2020, 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 August 25, 2020 Council Agenda for action.

**Attachments** [Memorandum from Perez](#)

- (b) [ROGC](#) Retroactive Approval of Muslim American Appreciation and Awareness  
[20-320](#) Month Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Expend City Funds and Accept Donations of Materials and Services For The Event (Jimenez)

**Recommendation:**

1. Retroactively approve Muslim American Appreciation and Awareness Month scheduled on August 19, 2020 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; and
3. Place the item on the August 25, 2020 Council Agenda for action.

**Attachments** [Memorandum from Jimenez](#)

END OF CONSENT

2. [ROGC 20-312](#) Actions Related to Illegal Fireworks. (Jimenez)

**Recommendation:**

1. Direct the City Manager to agendize an item regarding illegal fireworks on a City Council agenda within a month after the approval of this memorandum;
2. Direct staff to provide Council with updates related to:
  - a. Illegal Fireworks activity prior to and during July 4, 2020;
  - b. Recap of enforcement efforts prior to and during the recent July 4, 2020 holiday; and
  - c. Next steps.
3. Place the item on the August 25, 2020 City Council for action.

**Attachments** [Memorandum from Jimenez](#)

3. [ROGC](#)  
[20-324](#) Government Accountability Measures (Diep)

**Recommendation:**

To assist City Hall save money and eliminate wasteful spending as we brace for difficult financial challenges ahead, as well as to create a more accountable and transparent City Hall to better serve our residents, adopt an ordinance committing the City to the following:

1. In any year where the City Manager and the Budget Director report a budget surplus in their October budget update, at least 50% of that surplus will be set aside to our Budget Stabilization Fund, until an amount equal to 15% of the General Fund balance has been achieved or be used to pay municipal debt;

2. A standing commission shall be created consisting of appointed residents of San José.

to provide oversight of any ballot measures or policy proposals proposed or endorsed by the City that result in tax increases or additional revenue. The commission shall produce a public report annually to certify whether the Council has allocated dollars as promised when the measure or ordinance was proposed.

3. Prior to the start of the annual budget season and priority setting session, the intergovernmental team shall report to Council about the latest trends and chatter coming from Sacramento and Washington about potential policy changes and funding opportunities relevant to municipalities so that we may strategically align our priorities and resources to maximize benefits for San José residents.

4. Direct the City Auditor to commence regular performance audits of three key departments that are constituent-facing - such as Police, Fire, Planning, Housing, Transportation, Public Works, Environmental Services, and Parks - every year henceforth, to identify cost savings and process efficiencies, with results put on the Council agenda for public hearing and review:

a. Audits should reoccur every four years;

b. Amend the City Auditor's 2020-2021 workplan to include an audit of our Police Department, focusing specifically on identifying cost savings and process efficiencies

**Attachments** [Memorandum from Diep](#)  
[Early Consideration Response Form](#)

## **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.