



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
Chappie Jones, Chair
Raul Peralez, Vice Chair
Sylvia Arenas, Member
David Cohen, Member
Dev Davis, Member

Committee Staff
Lee Wilcox, Deputy City Manager
Toni Taber, City Clerk
Nora Frimann, City Attorney
Gloria Schmanek, City Manager's Office
Henry Smith, Mayor's Office

Wednesday, July 28, 2021

2:00 PM

Virtual Meeting -
<https://sanjoseca.zoom.us/j/91241177464>

*** 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:

- 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 City Council Meeting:

1) By phone 888 475 4499. 91241177464 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/91241177464>

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](#)
[21-635](#)

Review August 3, 2021 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](#)

2. Review Draft Agenda

[ROGC](#)
[21-636](#)

Review August 10, 2021 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
21-637](#)

The Public Record for June 17, 2021 - July 22, 2021. (City Clerk)
Receive and file the Public Record for June 17, 2021 - July 22, 2021.

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
21-638](#) Approval of Breastfeeding Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

Recommendation:

1. Approve Breastfeeding Awareness Month scheduled on August 3, 2021 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 3, 2021 Council Agenda for action.

Attachments [Memorandum from Arenas](#)

- b. [ROGC](#) Retroactive Approval of Brigadoon Public Safety Community Meeting
[21-639](#) Community Event Sponsored by Council District 8 as a City Council
Sponsored Special Event to Expend City Funds and Accept Donations
of Materials and Services for the Event. (Arenas)

Recommendation:

1. Retroactively approve the Brigadoon Public Safety Community Meeting scheduled on July 21, 2021 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 3, 2021 Council Agenda for action.

Attachments [Memorandum from Arenas](#)

- c. [ROGC](#) Retroactive Approval of Arcadia Ballpark Open House Community
[21-640](#) Event Sponsored by Council District 8 as a City Council Sponsored
Special Event to Expend City Funds and Accept Donations of Materials
and Services for the Event. (Arenas)

Recommendation:

1. Retroactively approve the Arcadia Ballpark Open House scheduled on July 17, 2021 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 3, 2021 Council Agenda for action.

Attachments [Memorandum from Arenas](#)

- d. [ROGC](#)
[21-641](#) Retroactive Approval of Two Dumpster Days 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 Dumpster Day Event scheduled on May 8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Retroactively approve the Dumpster Day Event scheduled on May 22, 2021 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 3, 2021 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

- e. [ROGC](#)
[21-642](#) Retroactive Approval of Three Special Events Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Cohen)

- Recommendation:**
1. Retroactively approve the Alviso Community Ice Cream Social scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Retroactively approve the e-Waste Collection Event scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 3. Approve the 2021 Berryessa Arts Festival scheduled on September 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 4. Approve and accept donations from various individuals, businesses or community groups to support the event.
 5. Place the item on the August 3, 2021 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

- f. [ROGC 21-643](#) Approval of the Blue Zones Project Presentation and Reception 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 Blue Zones Project Presentation and Reception scheduled on August 18, 2021 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 3, 2021 Council Agenda for action.

Attachments [Memorandum from Davis](#)

- g. [ROGC 21-644](#) Approval of Flag Raisings, Lighting, and Proclamation Recognizing Silicon Valley Pride Sponsored by Council District 9 and Council District 6 as a City Council Sponsored Special Event to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Event. (Foley and Davis)

Recommendation:

1. Approve the Rainbow and Transgender Flag Raisings scheduled on August 24-31, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the 2021 Silicon Valley Pride lighting ceremony scheduled on August 24-31, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Approve the proclamation event scheduled on August 24, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Approve and accept donations from various individuals, businesses or community groups to support the event.
5. Place the item on the August 24, 2021 Council Agenda for action.

Attachments [Memorandum from Foley and Davis](#)

END OF CONSENT

2. [ROGC](#) Terminate San Jose's Service Retirement Benefits for Convicted
[21-634](#) Felons. (Mayor)

Recommendation: Revise San Jose Municipal Code Section 3.36.830 to automatically terminate service retirement benefits upon conviction of a felony, barring extremely unusual circumstances meriting an extraordinary exception, such as the vacation or overturning of the conviction on appeal.

(a) Any such extraordinary circumstances requiring an exceptional consideration of the Retirement Board must be raised in a noticed public hearing, and they require presentation of competent, credible evidence in a manner consistent with the California Rules of Evidence.

(b) The Board retains discretion to provide benefits for spouse or minor children of the terminated retiree so long as they no longer share living expenses nor a residence with the retiree.

Attachments [Memorandum](#)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

- a. [ROGC](#) Retroactive Update to the January - June 2021 Community and
[21-646](#) Economic Development Committee Work Plan. (City Manager)

Recommendation: Retroactively approve dropping the following two items from the Community and Economic Development Committee work plan that were scheduled for June 28, 2021:

(a) Economic Recovery Status Report. (Economic Development)

(b) Citywide Residential Anti-Displacement Strategy Verbal Status Report. (Housing)

Attachments [Memorandum](#)

2. Neighborhood Services and Education Committee

3. Transportation and Environment Committee

- a. [ROGC
21-647](#) Transportation and Environment Committee Work Plan (Mayor and Davis)

Recommendation: a) Approval of the Transportation and Environment Committee Work Plan for the period August through December 2021 and setting its meeting schedule on the first Monday of each month at 1:30 p.m., with the exception of the month of September that is set on the last Monday in August, by virtual meeting during the month of August and in the City Council Chambers for the months of September through December.
b) Accept the draft Transportation and Environment Committee Work Plan for the period January through June 2022.

Attachments [Memorandum from Mayor and Davis](#)

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.