



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, Assistant City Manager
Toni Taber, City Clerk
Nora Frimann, City Attorney
Gloria Schmanek, City Manager's Office
Henry Smith, Mayor's Office

Wednesday, November 17, 2021

2:00 PM

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237 and 80266, the 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. Webinar ID: 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](#)
[21-829](#)

Review November 23, 2021 Final Agenda - Cancelled

2. Review Draft Agenda

[ROGC](#)
[21-830](#)

Review November 30, 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
21-831](#)

The Public Record for November 4, 2021 - November 10, 2021. (City Clerk)
Receive and file the Public Record for November 4, 2021 - November 10, 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
21-835](#)

Retroactive Approval of Shred-A-Thon and E-Waste Collection Day Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jones)

Recommendation:

1. Retroactively approve the Shred-A-Thon and E-Waste Collection Day scheduled on November 6, 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 November 30, 2021 Council Agenda for action.

Attachments [Memorandum from Jones](#)

- b. [ROGC
21-837](#) Approval of Santa Visits Alviso and District 4 Pajama Giveaway Sponsored by Council District 4 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Cohen)

- Recommendation:**
1. Approve the Santa Visits Alviso scheduled on December 11, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
 2. Approve the District 4 Pajama Giveaway scheduled on December 15, 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 November 30, 2021 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

END OF CONSENT

2. [ROGC
21-838](#) Project Labor Agreement Amendments. (Cohen and Esparza)

- Recommendation:** Direct Staff to negotiate with the Santa Clara Building & Construction Trades Council with the goal of expanding the scope of the City's Project Labor Agreement (PLA) to:
1. Decrease the project threshold covered under the PLA from \$3 million to \$1 million.
 2. Remove the annual CPI adjustment to the threshold.
 3. Remove exemptions to the PLA currently included in Addendum C for street maintenance, sewer maintenance, municipal water, airport pavement maintenance, on-call contracts, and building maintenance and rehabilitation.
 4. Specify that contractors on covered projects will employ apprentices from a joint labor-management apprenticeship program approved by the California Division of Apprenticeship Standards.

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

1. [ROGC](#) Public Records Appeal - Katherine Weiland. (Police)
[21-840](#)

Recommendation: Deny the appeal from Katherine Weiland (aka Katherine Reichenbach) regarding the City's response to her request for public records seeking records, specifically body worn camera footage, related to a complaint submitted to the San Jose Police Department's Internal Affairs Unit (number I2020-2023), related to event number 20-211-0547.

Attachments [Memorandum](#)
[Appeal Letter from Katherine Weiland](#)

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.