



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, January 5, 2022

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, 80266, 80290 and 80323, 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 Committee 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](#)
[21-883](#)

Review January 11, 2022 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](#)
[21-884](#)

Review January 18, 2022 Draft Agenda- Cancelled

B. Review of Upcoming Special Meeting Agenda(s)

- a. [ROGC](#)
[21-885](#) Review the January 14, 2022 Study Session Agenda, entitled 2022-2023 Preliminary General Fund Forecast and Budget. (City Manager)

Attachments [Study Session Agenda - 1/14/2022](#)

C. Legislative Update

1. State
2. Federal

D. Meeting Schedules

E. The Public Record

[ROGC
21-886](#)

The Public Record for December 2 - December 21, 2021. (City Clerk)

Recommendation: Receive and file the Public Record for December 2 - December 21, 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
21-887](#) Approval of Dumpster Day 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. Approve the Dumpster Day Event scheduled on January 22, 2022 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 January 11, 2022 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

- b. [ROGC
21-888](#) Retroactive Approval of Small Business Advisory Task Force (SBATF) Membership Recognition Event 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. Approve the SBATF Membership Recognition Event scheduled on December 9, 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 January 11, 2022 Council Agenda for action.

Attachments [Memorandum from Jones](#)

- c. [ROGC](#)
[21-889](#) Retroactive Approval of Community Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

- Recommendation:**
1. Retroactively approve the following District 8 Events as a City Council sponsored Special Events and approve the expenditure of funds:
 - a) Cookies and Coats Drive from November 29, 2021 to December 7, 2021.
 - b) Cookies and Coats Drive on December 18, 2021.
 - c) Cookies and Coats Drive on December 19, 2021.
 2. Approve and accept donations from various individuals, businesses or community groups to support the event.
 3. Place the item on the January 11, 2022 Council Agenda for action.

Attachments [Memorandum from Arenas](#)

END OF CONSENT

2. [ROGC](#)
[21-890](#) Charcot Avenue Extension. (Mayor, Cohen, Peralez, Foley)

- Recommendation:**
1. Direct the City Manager to no longer move forward with the construction of the Charcot Avenue Extension project and take any steps necessary to cease progress on the project.
 2. Direct the City Manager to divert the remaining \$3.9 million in budgeted CIP funds initially reserved for the Charcot Avenue Extension project to either the Mabury/Berryessa/101 project or the Zanker Road/101 project.

Attachments [Memorandum from Mayor, Cohen, Peralez, and Foley](#)
[Letter from the Public](#)

3. [ROGC](#)
[21-891](#) Request for Travel Authorization for Mayor Sam Liccardo. (Mayor)

- Recommendation:** Authorize travel for Mayor Liccardo to Washington, DC from January 18 – 21, 2022 to attend the United States Conference of Mayors (USCM) Winter Meeting.

Attachments [Memorandum from Mayor](#)
[Memorandum](#)

4. [ROGC
21-893](#) Booster Mandate. (Mayor)

Recommendation:

Direct the City Manager to:

1. Commence discussions with city bargaining groups in anticipation of establishing a January date for a mandate that every city worker must complete a third round of vaccination as a condition of employment.

a. In light of pending consideration of such a mandate, provide any information to employees helpful to enable and encourage them to receive their third vaccination during the holiday break, to maximize convenience and minimize disruption to their work schedules that might result from any temporary vaccine side effects.

2. Establish a date-preferably by late January-when all members of the public must present evidence of a third shot of vaccine to enter into a City-owned indoor public venue, such as the SAP Arena, Convention Center, or Center of Performing Arts, with the following exceptions:

a. Individuals who received their second vaccination shot within the prior 6 months must show proof of vaccination prior to entry.

b. Children unable to receive a third shot due to the recency of FDA approval for administration of shots to children must similarly show evidence of vaccination within prior six months, or, in conformance with state standards, proof of a negative test.

c. Consider the purchase of any software or equipment that will facilitate more rapid and less labor-intensive verification of vaccination at the entrance of City facilities, utilizing QR codes provided by the state database, and report to Council regarding the status of such purchases.

d. Accommodate unique circumstances relating to terms relating to vaccination of employees in collective bargaining agreements for Team San José, the Sharks, and other relevant stakeholders to minimize disruptions on operations.

e. Assist with support of on-site vaccination clinics for workers who may live in high-risk or low-income neighborhoods, leveraging partnerships with the County and other local health providers.

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

- a. [ROGC](#) Public Records Appeal - Katherine Weiland. (Police)
[21-892](#)

Recommendation: a. As directed by Rules Committee on 12/1/2021, accept a progress update from staff.
b. 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.
[Continued from 12/8/2021 - Item I.a (ROGC 21-878)]

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.