



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
Nasrine Lakabi, District 1 Council Office

Wednesday, February 9, 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, 80323 and 80343, 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](#)
[22-046](#)

Review February 15, 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](#)
[22-047](#)

Review February 22, 2022 Draft Agenda- Cancelled

B. Review of Upcoming Special Meeting Agenda(s)

C. Legislative Update

1. State

2. Federal

D. Meeting Schedules

- a. [ROGC
22-048](#) Release Date for Study Session. (City Manager)

Recommendation: Recommend release of date held for Study Session on Monday, February 14, 2022.

E. The Public Record

- [ROGC
22-049](#) The Public Record for January 27 - February 3, 2022. (City Clerk)

Recommendation: Receive and file the Public Record for January 27 - February 3, 2022.

Attachments [The Public Record](#)

F. Boards, Commissions and Committees

1. Appointments

- a. [ROGC
22-050](#) VEBA Advisory Committee Appointment. (Human Resources)

Recommendation: (a) Approve the following appointment to the VEBA Advisory Committee for a four-year term, beginning June 1, 2022 and ending on May 31, 2026:

(1) Laura Almaguer, as the representative nominated by the Federated unions.

(b) Place the item on the February 15, 2022 City Council Agenda for action.

Attachments [Memorandum](#)

- b. [ROGC 22-051](#) Deferred Compensation Advisory Committee Appointments. (Human Resources)

Recommendation: (a) Approve the following appointments to the Deferred Compensation Advisory Committee (DCAC) for an additional four-year term, beginning March 2, 2022 and ending on March 1, 2026:

(1) Roberto Peña, as the representative nominated by the group of employees designated as “Management Employees;” and

(2) Jaime Fonseca as the representative nominated by the group of employees designated as American Federation of State, County, and Municipal Employees, AFSCME Local 101.

(b) Place the item on the February 15, 2022 City Council Agenda for action.

Attachments [Memorandum](#)

2. Work Plans & Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.

1. Consent Calendar

- a. [ROGC](#) Approval of Two Special Events Sponsored by Council District 4 as
[22-052](#) City Council Sponsored Special Events to Expend City Funds and
Accept Donations of Materials and Services for the Event. (Cohen)

Recommendation:

1. Approve the Santos Car Show scheduled on September 3, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the Berryessa Arts Festival at the Berryessa Community Center scheduled on May 7, 2022 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 events.
4. Place the item on the February 15, 2022 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

- b. [ROGC](#) Approval of City Hall Lighting Display Sponsored by Council District 1
[22-053](#) 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 City Hall Lighting Display Event for African American History Month scheduled on February 21, 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 February 15, 2022 Council Agenda for action.

Attachments [Memorandum from Jones](#)

END OF CONSENT

2. [ROGC](#) Rainbow Chamber Membership. (Foley)
[22-054](#)

Recommendation: Request approval for Council office funds to be used to purchase membership into the Rainbow Chamber of Commerce Silicon Valley.

Attachments [Memorandum from Foley](#)

3. [ROGC 22-055](#) Monthly Report of Activities for January 31, 2022. (City Auditor)

Recommendation: Approve the Auditor's Office Monthly Report of Activities for the month of January 2022.

Attachments [Memorandum](#)

4. [ROGC 22-056](#) Nitrous Oxide Ordinance. (Davis)

Recommendation:

1. Direct the City Attorney to draft an ordinance banning the sale of nitrous oxide products in vape and smoke shops.
 - a. Direct Staff to define "vape and smoke shops" and identify nitrous oxide products that will be banned at these retailers.
 - b. Direct Staff to create a timeline for vape and smoke shops to cease nitrous oxide product sales.
 - c. Work with SJPD and code enforcement to create a work plan to audit nitrous oxide product sales at vape and smoke shops.
 - d. Direct Staff to explore fines and/or retail license suspension for vape and smoke shops that continue the sale of nitrous oxide after the ordinance goes into effect.
2. Require retailers who sell nitrous oxide products to display substance abuse resources.
3. Add this issue to our city's legislative priorities list to advocate for state legislation that prioritizes banning nitrous oxide product sales at vape and smoke shops.

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

5. [ROGC 22-057](#) Amend Rules and Open Government Committee Workplan. (Jones)

Recommendation: Approve the amended Rules and Open Government Committee workplan for the period from July 2021 through June 2022 and setting its meeting schedule as every Wednesday at 2:00 p.m. in the City Hall Wing Committee Meeting Rooms 118-120 or held virtually via Zoom in declared emergencies. The agendas will be posted as the Joint Rules and Open Government Committee and Committee of the Whole. The purpose of this amendment is to streamline the agenda for easier understanding.

Attachments [Memorandum from Jones](#)

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.