



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 16, 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, 80343 and 80363, 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](#)
[22-065](#)

Review February 22, 2022 Final Agenda- Cancelled.

2. Review Draft Agenda

[ROGC](#)
[22-066](#)

Review March 1, 2022 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](#)

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.

B. Consent Calendar

1. [ROGC](#) The Public Record for February 3 - February 10, 2022. (City Clerk)
[22-067](#)

Recommendation: Receive and file the Public Record for February 3 - February 10, 2022.

Attachments [The Public Record](#)

2. [ROGC](#) Approval of District 10 SAP Grant for Almaden Valley Women's Club.
[22-064](#) (Mahan)

Recommendation: Approve a request to agendize for City Council deliberation on March 1, 2022, a \$5,000 SAP grant from Council District 10 to support the efforts of the Almaden Valley Women's Club to provide recreational and cultural opportunities to the community.

Attachments [Memorandum from Mahan](#)

3. [ROGC](#) Retroactive Approval of Ruskin Dumpster Day Sponsored by Council
[22-068](#) 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 Ruskin Dumpster Day scheduled on
February 26, 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 March 1, 2022 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC
22-063](#) 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.
- [Continued from 2/9/2022 - Item G.4 (ROGC 22-056)]

Attachments [Memorandum from Davis](#)
[Early Consideration Response Form](#)
[Letters from the Public](#)
[Letters from the Public 2](#)

2. [ROGC
22-069](#) COVID Testing. (Perez)

Recommendation:

Transition from our City’s vaccine and booster mandate policy to a mandatory testing policy; requiring all City employees to be tested regularly while exempting those who have provided or will be providing certification of vaccination status including booster shots.

Attachments [Memorandum from Perez](#)
[Letter from the Public](#)

D. 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.

E. 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.