



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, April 13, 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, 80363, 80400 and 80445, 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](#)
[22-150](#)

Review April 19, 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](#)
[22-151](#)

Review April 26, 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](#)
[22-152](#) The Public Record for March 30 - April 7, 2022. (City Clerk)

Recommendation: Receive and file the Public Record for March 30 - April 7, 2022.

Attachments [The Public Record](#)

2. [ROGC](#)
[22-153](#) Monthly Report of Activities for March 2022. (City Auditor)

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

Attachments [Memorandum](#)

3. [ROGC](#)
[22-154](#) Approval of Earth Day Tree Planting Event 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. Approve the Earth Day Tree Planting Event scheduled on April 22, 2022 as a City Council sponsored Special Event, approve the expenditure of funds, and approve the purchase of gift cards to be intended as prizes.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the April 19, 2022 Council Agenda for action.

Attachments [Memorandum from Cohen](#)

4. [ROGC](#)
[22-155](#) Approval of City Hall Free Use on Saturday, April 30, 2022, and the Vietnamese Heritage and Freedom Flag Raising From April 29 - May 5, 2022 for the Black April Commemoration Event Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Perales)

Recommendation:

1. Adopt a resolution authorizing "Free Use" for events and activities held at City Hall on April 30, 2022 for the Black April Commemoration Event co-hosted by the Council District 3 Office and the Vietnamese American Roundtable.
2. Approve the Vietnamese Heritage and Freedom Flag to be raised at City Hall scheduled on April 29 - May 5, 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 event.
4. Place the item on the April 19, 2022 Council Agenda for action.

Attachments [Memorandum from Perales](#)

5. [ROGC](#)
[22-156](#) Retroactive Approval of Comanche Blossom Valley Neighborhood Association Neighbor Day Event Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mahan)

Recommendation:

1. Retroactively approve the Comanche Blossom Valley Neighborhood Association Neighbor Day dumpster event scheduled on March 10, 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 April 19, 2022 Council Agenda for action.

Attachments [Memorandum from Mahan](#)

6. [ROGC](#)
[22-157](#) Approval of District 5 Earth Day Litter Pickup Event 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 District 5 Earth Day Litter Pickup Event scheduled on April 23, 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 April 19, 2022 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

7. [ROGC](#)
[22-158](#) Update the January - June 2022 Community and Economic Development Committee Work Plan. (Planning, Building and Code Enforcement)

Recommendation: Approve an amendment to the January – June 2022 Community and Economic Development Committee Work Plan to drop the following item from the April 25, 2022 meeting:
Signature Project Requirements. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)

8. [ROGC](#)
[22-159](#) Update the January - June 2022 Transportation and Environment Committee Work Plan. (Environmental Services)

Recommendation: Approve an amendment to the January - June 2022 Transportation and Environment Committee Work Plan to drop the following item from the May 2, 2022 meeting:
Residential Garbage and Recycling Rates Report (Environmental Services)

Attachments [Memorandum](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#) Addressing Rising Crime and Expanding Treatment for Arrestees in San
[22-160](#) José. (Mayor, Carrasco, and Mahan)

Recommendation:

Direct the City Manager to participate in meetings with the Mayor's Office, SJPD, and key decision makers with other agencies to establish an approach for addressing the public safety challenges posed by high rates of recidivism and methamphetamine addiction among pretrial releases of arrestees in Santa Clara County. Specifically, the City Manager is directed to focus on actions that will support the following outcomes:

1) Re-arrest Repeat Felony and Violent Offenders: Reduce rate of arrestee reoffending in San Jose neighborhoods after post-arrest release by:

a) Provision of data and advocacy with the Mayor's Office to encourage the revision pandemic-era bail and release policies to implement a stronger presumption of detention upon re-arrest of a defendant who has previously failed to appear on a felony charge after release, and/or where he possesses a violent or serious offense history;

b) Work with the County, District Attorney, and the countywide chiefs of police to discuss formation of a countywide team focused on warrant arrests for defendants who have failed to appear in court, prioritizing felons with violent criminal history.

2) Detain High-Risk Arrestees: Determine what combination of improved training, better coordination, or supplemental non-sworn staffing could most effectively ensure that SJPD prepares accurate bail affidavits with supportive criminal histories, court appearance histories, and other relevant details of prior offenses for SJPD officers to present to County Pretrial Services upon booking, and otherwise support efforts to secure appropriate bail or detention on high-risk arrestees engaged in violent or serious felonies, or in illegal sales of dangerous drugs.

3) Expand Access to Detoxification and Treatment for Released Arrestees:

a) Determine how the City and other partners-including the County and local health plans, such as Anthem or SCFHP-can work together to identify, construct, and operate quick-build housing or rehabilitated motels that incorporate outpatient, on-site detoxification and treatment of drug-involved arrestees released by the courts.

i. Submit an application by the May 31, 2022 deadline for state funding under California's Behavioral Health Continuum Infrastructure Program (BHCIP) and Community Care Expansion (CCE) with ongoing treatment and staffing funding through the recently-federally approved Cal-AIM state program;

ii. Ensure sufficient detoxification and treatment focus on

criminogenic stimulants, such as methamphetamine and cocaine;

b) Explore partnerships to secure state funding to pilot a contingency management behavioral treatment program for addicted arrestees in San José;

4) Relief for Victimized Small Businesses: Provide relief for small retailers, grocery stores, and homeowners suffering from underreported theft and larceny by:

a) Uploading Video Evidence: Improve the functionality of SJPD's recently revamped digital evidence collection system by providing an easily identifiable, user-friendly, public-facing portal through the existing SJPD.org website where a reporting party can upload of store-security or home-camera video associated with an online report or an SJPD-issued case number.

b) Crime Cameras for Small Businesses in High-Crime Neighborhoods: Return through the budget process to discuss how to allocate Council-approved funding and state grants for businesses seeking to install surveillance cameras in high-crime areas.

c) Halt online fencing: Supporting federal legislation, the INFORM for Consumers Act, and a similar state bill, SB301, to halt the online fencing that fuels many burglaries by mandating that digital marketplaces require vendors to fully disclose and verify their identities, as eBay does already.

d) Theft Enforcement: Securing funding for local anti-theft efforts announced by Governor Newsom and Attorney General Bonta in November 2021 to support:

- Deploying Community Service Officers or other non-sworn staff to draft warrant applications for the arrest of high-frequency repeat thieves (e.g., those readily identified through store cameras)

- Partnerships with retailers to use decoy technology (e.g., embedded "AirTags" in displayed merchandise) for theft detection;

or

- Other strategies crafted by SJPD in partnership with community stakeholders to address retail theft afflicting small business owners

5) Improve Accountability and Inform Policy: Work with other local agencies to collect and present data for the public, our local Assembly and State legislative delegation, the judiciary, and other local policymakers relating to the effect of elevated rates of pretrial releases on public safety, including but not limited to:

a) Release outcomes: including the rates of recidivism of

defendants on pretrial release, distinguishing between those ordered to wear electronic monitoring (EM) devices from non-EM defendants;

b) Public costs of re-arrest, including:

- The cost to the City taxpayers for SJPd officers' travel to other counties and states to arrest defendants for extradition where those individuals have fled upon release from bail;
- Cases in which SJPd has declined to engage in extradition due to resource constraints;
- The cost to City and County taxpayers of re-arrest within Santa Clara County of individuals released prior to trial who have reoffended or failed to appear.

Attachments [Memorandum from Mayor, Carrasco, and Mahan](#)
[Early Consideration Response Form](#)

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 Code of Conduct (<https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000>) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

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.