



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

Wednesday, June 1, 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, 80445, 80481 and 80507, 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
22-247](#)

Review June 7, 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
22-248](#)

Review June 14, 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
22-249](#) The Public Record for May 19 - May 26, 2022. (City Clerk)

Recommendation: Receive and file the Public Record for May 19 - May 26, 2022.

Attachments [The Public Record](#)

2. [ROGC
22-250](#) Approval of Seventh Annual Fourth of July Fireworks Festival 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; and Approval of District 10 Abierto Funds Grant for Almaden Valley Women's Club as Non-Profit Partner in this Event. (Mahan)

Recommendation:

1. Approve the Seventh Annual Fourth of July Fireworks Festival scheduled on July 4, 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. Approve the grant of D10 Abierto funds in the amount of \$44,000 to the Almaden Valley Women's Club to support this event.
4. Place the item on the June 7, 2022 Council Agenda for action.

Attachments [Memorandum from Mahan](#)

3. [ROGC
22-254](#) Retroactive Approval of Mother's Day Celebration 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. Retroactively approve the Mother's Day Celebration scheduled on May 11, 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 June 7, 2022 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

4. [ROGC
22-255](#) Retroactive Approval of Leadership 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. Retroactively approve the Leadership Event scheduled on May 6, 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 June 7, 2022 Council Agenda for action.

Attachments [Memorandum from Carrasco](#)

5. [ROGC
22-256](#) 2022-2023 Council Meeting Schedule and August - December 2022 Study Session Schedule. (City Manager)

- Recommendation:**
1. Approve the City Council Meeting Schedule for the period August 2022 - June 2023.
 2. Approve the Study Session Schedule for the period August 2022 - December 2022.

Attachments [Memorandum](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#)
[22-244](#)

Protecting the Public from Predatory Criminal Behavior Pending
Investigations of Employee Misconduct (Mayor)

Recommendation:

1. Direct the Independent Police Auditor (IPA), within this calendar
year, to:

a. Initiate a review and report findings in public session to the City
Council concerning San Jose Police Department investigation of
misconduct amounting to predatory criminal behavior by City
employees.

b. Make recommendations regarding SJPD policies and procedures
to ensure protection of the public from such behavior. The scope of that
review shall include:

i. SJPD's investigatory and disciplinary treatment of sexual
battery allegations regarding Officer Matthew Dominguez in May of
2021, and the decisionmaking regarding whether he would be placed on
administrative leave or reassigned pending that investigation; and

ii. The SJPD's determination that it could not or would not
investigate two anonymous complaints- received in December of 2018
and February of 2019- against former City of San Jose Code
Enforcement Inspector William Gerry, recently sentenced to a term of
35 years of prison on sexual assault, bribery, and extortion charges; and

iii. Any other examples in which place at issue the timeliness or
responsiveness of a SJPD investigation of allegations of criminally
predatory behavior by any other City employees that could pose a risk
on the community.

c. The City Auditor and City Manager shall work in coordination
with the IPA to ensure she has access to a complete factual record that
includes any work previously performed by those offices.

d. To the extent that the City Attorney determines that the scope of
this direction exceeds the authority of the Independent Police Auditor,
the Council shall consider an independent investigation pursuant to
Section 416 of the San Jose City Charter.

2. Direct the City Manager to return to Council to describe what
citywide policies have been implemented-or will be implemented-to
address the risk of exposing the public to harmful behavior pending
investigations of City employees' criminal conduct, such as by
establishing that credible allegations of predatory criminal conduct
constitute a clear "trigger" for mandatory leave until an investigation has
concluded.

Attachments [Memorandum from Mayor](#)
[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.