



# 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**

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Wednesday, August 3, 2022

2:00 PM

Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/83768347029>

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#### **\* COVID-19 NOTICE \***

Consistent with AB 361, Committee Members may 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](mailto: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. Webinar ID: 83768347029. 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/83768347029>

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. [ROGC 22-308](#) Implementation of AB 361 to Permit Members of the Rules and Open Government Committee to Attend Rules and Open Government Committee Meetings via Teleconference during the Governor’s Proclaimed COVID State of Emergency. (City Clerk)

**Recommendation:** Adopt findings to incorporate the Governor’s proclaimed COVID state of emergency to permit members of the Rules and Open Government Committee to attend public meetings by teleconference or otherwise electronically pursuant to Government Code Section 54953(e), because state or local officials have recommended measures to promote social distancing and/or meeting in person would present imminent risks to the health and safety, as further described in the staff memorandum. [REQUIRES A MAJORITY VOTE TO PASS. Cal. Govt. Code Section 54953(e)(1)]

**Attachments** [Memorandum](#)

2. Review Final Agenda

- [ROGC  
22-309](#) Review August 9, 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](#)

3. Review Draft Agenda

- [ROGC  
22-310](#) Review August 16, 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](#)

Agenda to be posted on the day of the meeting

4. [ROGC  
22-325](#) Review August 15, 2022 Study Session Agenda: Gun Violence Prevention. (City Manager)

**Recommendation:** Review and approve the City Council Study Session Agenda entitled Gun Violence Prevention scheduled on August 15, 2022 from 1:30 p.m. - 4:30 p.m. in the Council Chambers.

**Attachments** [Study Session 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  
22-311](#) The Public Record for June 16 - July 28, 2022. (City Clerk)

**Recommendation:** Receive and file the Public Record for June 16 - July 28, 2022.

**Attachments** [The Public Record](#)

2. [ROGC](#)  
[22-312](#) Retroactive Approval of Norwood Dumpster Day Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

- Recommendation:**
1. Retroactively approve the Norwood Dumpster Day scheduled on June 25, 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 August 9, 2022 Council Agenda for action.

**Attachments** [Memorandum from Arenas](#)

3. [ROGC](#)  
[22-313](#) Approval of India Independence Day Flag Raising Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

- Recommendation:**
1. Approve the Indian Independence Day Flag Raising scheduled on August 18, 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 August 9, 2022 Council Agenda for action.

**Attachments** [Memorandum from Arenas](#)

4. [ROGC](#)  
[22-314](#) Approval of City Hall Lighting Display 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 City Hall Lighting Display Event for Eddie Gale scheduled on August 15 - August 19, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
  2. Place the item on the August 9, 2022 Council Agenda for action.

**Attachments** [Memorandum from Jones](#)

5. [ROGC  
22-315](#) Approval of Canoas Garden Dumpster Day Event Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Foley)

**Recommendation:**

1. Approve the Canoas Garden Dumpster Day Event scheduled on August 20, 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 August 16, 2022 Council Agenda for action.

**Attachments** [Memorandum from Foley](#)

6. [ROGC  
22-316](#) Approval of Flag Raisings, Lighting, and Proclamation Recognizing Silicon Valley Pride Sponsored by Council Districts 9 and 6 as a City Council Sponsored Special Event to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Event. (Foley and Davis)

**Recommendation:**

1. Approve the Progressive Pride and Transgender Flag Raisings scheduled on August 25 - August 31, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the 2022 Silicon Valley Pride Lighting Ceremony scheduled on August 22 - August 28, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Approve the Proclamation Event scheduled on August 23, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Approve and accept donations from various individuals, businesses or community groups to support the event.
5. Place the item on the August 23, 2022 Council Agenda for action.

**Attachments** [Memorandum from Foley and Davis](#)

7. [ROGC  
22-317](#) Monthly Report of Activities for June and July 2022. (City Auditor)

**Recommendation:** Approve the Auditor's Office Monthly Report of Activities for the months of June and July 2022.

**Attachments** [Memorandum](#)

8. [ROGC  
22-318](#) City Auditor's Fiscal Year 2022-2023 Work Plan. (City Auditor)

**Recommendation:** Review and approve the City Auditor's Fiscal Year (FY) 2022-2023 Work Plan.

**Attachments** [Memorandum](#)

9. [ROGC  
22-319](#) Smart Cities and Service Improvements Committee Work Plan. (Mayor and Mahan)

**Recommendation:**

1. Approve the Smart Cities and Service Improvements Committee Work Plan for the period of August through December 2022 and setting its meeting schedule on the first Thursday of each month at 1:30 p.m. in the City Council Chambers.
2. Accept the draft Smart Cities and Service Improvements Committee Work Plan for the period of January through June 2023.

**Attachments** [Memorandum from Mayor and Mahan](#)

10. [ROGC  
22-320](#) Public Safety, Finance, and Strategic Support Committee Work Plan. (Mayor and Peralez)

**Recommendation:**

1. Approve the Public Safety, Finance, and Strategic Support Committee Work Plan for the period of August through December 2022 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers.
2. Accept the draft Public Safety, Finance, and Strategic Support Committee Work Plan for the period of January through June 2023.

**Attachments** [Memorandum from Mayor and Peralez](#)

11. [ROGC  
22-321](#) Becoming Trauma Informed in Our Workplace: Creating Safe and Brave Space Study Session. (Human Resources)

**Recommendation:** Schedule a City Council Study Session entitled Becoming Trauma Informed in Our Workplace: Creating Safe and Brave Space for Friday, August 19, 2022 from 9:00 a.m. - 12:00 p.m. in the City Hall Wing Rooms W118-120 and approve the Study Session agenda.

**Attachments** [Memorandum](#)

12. [ROGC](#)  
[22-322](#) Approval of District 10 SAP Grant for Almaden Valley Women's Club.  
(Mahan)

**Recommendation:** Approve a request to agendaize for City Council deliberation on August 9, 2022, a \$2,500 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](#)

13. [ROGC](#)  
[22-323](#) Retroactive Purchase of Raffle Prizes. (Carrasco)

**Recommendation:**

1. Retroactively approve the purchase of AirPods for the National Night Out's raffle giveaway.
2. Place the item on the August 16, 2022 City Council Agenda for action.

**Attachments** [Memorandum from Carrasco](#)

14. [ROGC](#)  
[22-326](#) Request for Travel Authorization for Councilmember Cohen. (Cohen)

**Recommendation:** Authorize travel for Councilmember Cohen to Long Beach, CA from September 7 - 9, 2022 to attend the League of California Cities Annual Conference and Expo.

**Attachments** [Memorandum from Cohen](#)  
[Memorandum](#)

END OF CONSENT

### C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#)            Community Outreach for Quick-Build Interim Housing. (Mayor,  
[22-306](#)            Jimenez, Foley)



**Recommendation:**

1. Provide community notification for any residents living within 1,000 feet of a site approved by Council on June 21, 2022 for quick-build apartment communities (a.k.a., Emergency Interim Housing Communities, or EIHC's).
2. Return to the City Council within 120 days of the posting of this memo, to enable the public to share feedback and concerns about specific sites approved by Council, and about any other options explored by staff within each council district. Community feedback should not compromise progress towards our goal of 1,000 units planned or under construction by December 31st, and staff should continue to design and progress sites that were approved on June 21st while alternatives are evaluated.
3. Provide the Council and Public with a report of:
  - a. Feasibility and viability of other sites explored within Council districts 4 and 10, and the steps taken to explore those sites, in collaboration with the respective Council offices and Mayor's Office, with the requirement that any alternative site must:
    - i. Be of sufficient size to yield the goal of at least 60 resident beds, preferably more;
    - ii. Be within the capability of the City to secure control (through option, lease, or purchase) within the established timeline for project delivery, and within the Council-approved budget with nominal or very low acquisition or lease cost.
  - b. Whether Staff recommendation for any site has changed since the June 21, 2022 Council hearing, most particularly to enable Council to consider alternative sites within districts 4 and 10;
  - c. Staff's initial recommendations for targeting any specific unhoused populations for service on any of the sites;
  - d. A description of the City Manager's proposed approach to preserving the quality of life in surrounding neighborhoods, and to ensuring the safe functioning of any existing or future quick-build apartment community, based on the City's positive experience with the three existing EIHC's. The approach should evaluate existing conditions and necessary service enhancements, including implementation of "no-encampment zones" within a specified radius of the site;
  - e. Success of the existing quick-build apartment communities, including discussion of safety and related quality-of-life issues.
4. Work with the Council Offices and Mayor's Office provide substantive information and communication support for outreach to inform surrounding communities, and to receive community feedback.

- Attachments** [Memorandum from Mayor, Jimenez, and Foley](#)  
[Memorandum from Cohen](#)  
[Early Consideration Response Form, 7/29/2022](#)  
[Early Consideration Response Form, 8/2/2022](#)  
[Letters from the Public](#)  
[Item Received During Meeting](#)

## 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.