



**MINUTES OF THE
JOINT MEETING OF THE RULES AND OPEN GOVERNMENT COMMITTEE AND
COMMITTEE OF THE WHOLE**

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 25, 2021

Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer’s March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone/Webinar or online.

The Council meeting was teleconferenced from remote locations and convened at 2:00 p.m.

Present: Councilmembers - Jones, Peralez, Arenas, Cohen.

Absent: Councilmembers - Davis.

Staff: Office of the City Manager, Chief of Staff, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager’s Office, Gloria Schmanek; Henry Smith, Mayor’s Office; and Deputy City Clerk Ruth Krantz.

A. City Council (City Clerk)

- 1. Review August 31, 2021 Final Agenda**
 - a) Add new items to Final Agenda**
 - b) Assign “Time Certain” to Agenda Items (if needed)**
 - c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

Public Comments: (1) Tessa Woodmansee spoke to use of financial resources from Google. (2) Paul Soto addressed education and civic engagement of Chicanos. (3) Blair Beekman offered comments on high speed rail, emergency broadcasting for the community and auditing practices.

Chief of Staff, Office of the City Manager, Lee Wilcox, and Library Division Manager – Digital Equity, Ann Grabowski, responded to questions regarding hot spots and lines of service for students. Councilmember Sylvia Arenas questioned why it was not coming before the NSE Committee first to address allocations based on needs analysis and suggested a bifurcation of the item depending on what portion is funded federally.

1. Review August 31, 2021 Final Agenda (Cont'd.)

Vice Mayor Chappie Jones suggested moving the entire item forward to Council, allowing staff to present a complete analysis at that time, and Library Division Manager, Ann Grabowski offered to present a deeper dive into usage and allocation of devices at an upcoming NSE Meeting, and Chief of Staff, Office of the City Manager, Lee Wilcox, clarified timing issues.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the Committee accepted the August 31, 2021 Final Agenda with one Add, Item 3.x: “Amendment to the Hotspot Agreement with AT&T for Connected Devices During COVID-19” to allow for timely action on multiple sources of new information provided by staff on local school need for hotspot connectivity, a new funding stream from the Federal government for connectivity, and the offer of a new and lower rate for connectivity services, with staff to return to the NSE Meeting in September or October with 2021-2022 SJ Access Device Distribution Plan on receiving hotspot devices into the SJ Access program and distributing them to families in need. (3-0-2. Absent: Davis, Arenas.)

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

There were none presented.

E. The Public Record for August 12 – August 19, 2021. (City Clerk)

Public Comments: (1) Tessa Woodmansee spoke to the future of the Flea Market, noting the need for retribution due to land used for economic gain and land needs to be used for production of food. (2) Blair Beekman spoke to Flea Market issues and soliciting vendors for useful ideas on development. (3) Paul Soto thanked Blair for his comments and addressed nondisclosure agreements with developers and nonprofits serving the political process.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the Public Record for July 19 –August 5, 2021 was noted and filed. (4-0-1. Absent: Davis.)

F. Boards, Commissions and Committees

1. (a) VEBA Advisory Committee Appointment. (City Manager)

Public Comments: (1) Blair Beekman spoke to future role of the police. (2) Paul Soto spoke to lack of impartiality within leadership roles. (3) Tessa Woodmansee spoke to looking at choices in view of climate crisis. (4) Caller “5140” complained of power and control and San José PD.

Countering a public comment, Councilmember Peralez indicated he is not a member of the POA.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the appointment of Carlos Garibay, nominated by the Police Officers’ Association as the Police Officers’ Association active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning September 21, 2021 and ending May 31, 2024 was accepted, with this item placed on the September 14, 2021 City Council Agenda for action. (4-0-1. Absent: Davis.)

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

(a) Retroactive approval of Dumpster Day Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Carrasco)

(b) Retroactive approval of Movie Night at Rubino Park Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

(b) Approval of the Movie Night at Municipal Rose Garden scheduled on August 28, 2021 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

Public Comments: (1) Blair Beekman thanked Councilmember Raul Peralez for his clarification of vaccine passport issues and role of VEBA, and spoke on need for collaboration between Oakland and San José, gun violence and extremism. (2) Paul Soto said the United Farmworkers flag should be raised as well, and expressed his perceived over-emphasis on the LGBTQ+ community. (3) Tessa Woodmansee complained of fossil fuels and plastic use and suggested an environmental symbol of cooperation such as a flag.

Councilmember Raul Peralez indicated the United Farm Worker’s flag has been raised for years and sponsored by his district to commemorate Cesar Chavez’s birthday. San José was the first city in the nation to raise the United Farm Workers (UFW) flag.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the August 17, 2021 Council Agenda for action. (4-0-1. Absent: Davis.)

G. Retroactive Request for Travel. (Mayor)

Public Comments: (1) Tessa Woodmansee spoke to the climate crisis and need to attend meetings virtually. (2) Caller “5140” offered criticism of the Mayor and taking people’s guns away. (3) Paul Soto said the people of San José should have received more than a brief press conference following the meeting with President Biden.

Councilmember Raul Peralez suggested that Mayor Sam Liccardo provide a memo to inform the public of matters discussed during his meeting with President Biden in July.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, retroactive authorization for travel for Mayor Liccardo to attend a meeting with President Joe Biden in Washington, D.C. from July 11 - 13, 2021. (Source of Funds: Mayor's Office Budget) was accepted. (4-0-1. Absent: Davis.)

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

None provided.

2. Neighborhood Services and Education Committee Work Plan. (Mayor and Arenas)

(a) Update to the August - December 2021 Neighborhood Services and Education Committee Work Plan. (Arenas)

Public Comments: (1) Tessa Woodmansee asked that all City events be ‘green’ and vegan and set good examples. (2) Blair Beekman addressed extremism at the local level and working for positive sustainability and good ideas for the reimagining task force. (3) Caller “5140” complained that San José is boring with the exception of Willow Street.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the update to the August - December 2021 Neighborhood Services and Education Committee Work Plan to reschedule the Special Joint Meeting of the Neighborhood Services and Education Committee and Santa Clara County Children, Seniors, and Families Committee from August 26, 2021 at 1:30 p.m. to September 9, 2021 at 2:30 p.m. - 4:30 p.m. was accepted. (4-0-1. Absent: Davis.)

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee

None provided.

OPEN FORUM

Paul Soto indicated a misunderstanding of when he was cut off from previous comments, indicating no disrespect to the Jewish community and talked about institutionalized racism. Vice Mayor Chappie Jones apologized for cutting him off without allowing him the opportunity to explain his reasoning.

Tessa Woodmansee spoke to the climate crisis and equity and need to grow food.

Blair Beekman spoke on open democratic practices and equity and warned of natural disasters and mitigation of 'disaster capitalism'.

Caller "5140" complained about the way the Council meeting was handled following its disruption by protestors.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:23 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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