

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

SAN JOSE, CALIFORNIA

WEDNESDAY, JUNE 24, 2020

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 - Arenas, Davis, Jones, Khamis; Liccardo.

Absent: Councilmembers - All Present.

1. Review June 30, 2020 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: Blair Beekman spoke to the importance of digital inclusion.

City Manager, David Sykes indicated that because ACA 5 (Weber) had just passed the Assembly and Senate and will be on the November ballot, there was no urgency, and it could be deferred to a future meeting.

Motion: Councilmember Johnny Khamis moved approval of all proposed additions to the agenda, with the exception of Item 3.x, support for ACA 5, which could be deferred until September 2020. The motion was seconded by Councilmember Dev Davis.

Mayor Sam Liccardo suggested an 8:30 a.m. start time for Closed Session, with a 9 a.m. start time for Open Session.

Action: On a call for the question, the motion carried unanimously, the Committee accepted the June 30, 2020 Final Agenda, with a Sunshine Waiver and all Adds accepted, including an 8:30 start time for Closed Session, 9 a.m. start time for Open Session, and a deferral of Item 3.x, ACA 5 to September 2020. (5-0.)

B. Review of Upcoming Meeting Agenda(s)

There were none presented.

C. Legislative Update

- 1. State**
- 2. Federal**

There were none presented.

D. Review June 26 & 29, 2020 Special Council Meeting and June 29, 2020 Special Joint City-County Meeting Agendas

City Clerk Toni J. Taber, CMC noted that the June 26 & 29, 2020 Special City Council Agenda, and the June 29, 2020 Special City-County Joint Meeting were not included on the Rules and Open Government Committee Agenda. She indicated that inclusion and review of these agendas would need to be voted upon.

It was determined that a start time for the June 29, 2020 City-County Joint meeting could be arranged at staff discretion, between 8 a.m. and 9:30 a.m.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted inclusion of the Special Council and Joint City-Council Meetings, reviewed and accepted the agendas as presented. (5-0.)

E. The Public Record for June 11, 2020 – June 18, 2020. (City Clerk)

Public Comments: Blair Beekman acknowledged changes to the equity plan and referenced letters he provided for the public record.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Public Record for June 11, 2020 – June 18, 2020 was noted and filed. (5-0.)

F. Boards, Commissions and Committees – none provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- a) Approval of Parks and Recreation Month 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)**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones, and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the June 30, 2020 City Council Agenda for action. (5-0.)

2. Coronavirus Relief Fund Accountability (Esparza, Jimenez, Khamis)

Direct the City Manager to enlist an outside, independent auditor to conduct an audit of our dispersal and use of CARES Act funds to reduce further impacts to staff while ensuring transparency and fiscal accountability in the use of these funds.

Chief of Staff, Office of the City Manager, Lee Wilcox and Assistant Director of Finance, Luz Confresi-Howe provided a presentation.

Public Comments: An advocate for the homeless urged an essential bridge between the decision-making process and unhoused people, with funds distributed fairly. Blair Beekman advocated for good practices, long-term peace and equity.

Members of the Committee offered support to the June 4, 2020 memorandum from staff with direction that this item be returned to Council as an information memo.

Michael Pearce, representing Councilmember Maya Esparza's office, noted the need for processes to be in place to ensure accountability as outlined in the joint memorandum from Councilmembers Esparza, Jimenez and Khamis.

Action: No action required. Information memo accepted.

3. Rent Relief Through Cares Act Emergency Solutions Grant Funding (Esparza)

Public Comments: Three members of the public spoke to equitable release of relief funds, the seriousness of this emergency, and making the most of the funds received.

Director of Housing Jacky Morales-Ferrand spoke on funding allocation, and Michael Pearce, representing Councilmember Maya Esparza, spoke to the restrictions we're working under and the need to bring attention to dire need in communities.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, Staff was directed to return in August with spending expenditure plan. (5-0.)

4. Resolution Proclaiming Black Lives Matter. (Jones)

Public Comments: Two members of the public spoke to ideas of equity and respect for the Constitution, human, civil and workers' rights, with one advocate suggesting "Black Lives Matter" and "Unhoused Lives Matter" be painted on downtown streets.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, direction was given to place this item on the June 30, 2020 Council Agenda for action. (5-0.)

5. Citizen's Oversight Committee – *Item Withdrawn.*

6. Greater Downtown San José Economic Recovery Initiative (Peralez)

Public Comment: Blair Beekman addressed streetlight timers, IOT as a part of our lives, and the need for open public policies. Members of the Greater Downtown San José Economic Task Force, Chris, Brent (San José Jazz), Lisa (San José Taiko), Laura (Team San José), and Nate (San José Downtown Association) spoke to the importance of downtown culture and the arts community and addressed the importance of this recovery initiative.

Councilmember Raul Peralez spoke to the importance of the Initiative, and he and the Mayor thanked all who were involved on the committee and the many good recommendations provided.

City Manager, David Sykes indicated this would need to be identified as a separate item, rather than placing under 3.1(a) on the June 30 Council agenda.

Vice Mayor Chappie Jones offered support to the initiative, indicating his thoughts that these recommendations are applicable not just for downtown, but for peripheral businesses throughout San José. It was further advised that this item be discussed with the County at the special joint meeting to be held on Monday.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Greater Downtown San José Economic Recovery Initiative was agendized for the June 30, 2020 City Council meeting, as a separate item, and to include discussion and consideration of the recommendations from the Greater Downtown San José Economic Recovery Task Force. (5-0.)

7. Improvements to the Public Engagement Process in City Council, Council Committees and Other City Public Meetings. (Peralez)

Public Comments: Members of the public noted the importance of civic engagement, the need for allowing members of the public fairness, a less restrictive process, and having resources for unhoused persons to charge their phones.

It was noted that many items suggested were administrative/procedural and could be handled by staff with no further need to return for Council direction. City Clerk Toni J. Taber addressed Item #5, indicated that captioning resources could be started in August, and interpreting services were being explored with consideration of the cost component.

Committee discussion followed regarding the Zoom meeting process and technological challenges, and an amendment to Item #7 was suggested for staff to return with suggestions on getting greater participation from the unhoused community.

Mayor Sam Liccardo indicated that he would make an effort to ensure speakers are aware of the processes/protocol. It was noted by the City Attorney that speakers are within their right to make criticisms of staff and officials but not in a way that is abusive or disparaging, noting Rules of Conduct are provided on every agenda, and the chair is entitled to set time limits.

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7. Improvements to the Public Engagement Process (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Improvements to the Public Engagement Process was accepted, with Item #5 “Use best practices for translation services and analyze existing effective solutions” to return in August; and Item #7, “Issues regarding housing and COVID policies should be agendized for evening council sessions to ensure more essential workers and families can participate” also be returned in August with an amendment to include unhoused communities. (5-0.)

8. CA 6 (Dodd): Gambling: Sports Wagering. (City Manager)

Chief of Staff, Office of the City Manager, Lee Wilcox, provided an overview.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sylvia Arenas and carried unanimously, a position of support for SCA 6 (Dodd) was adopted, with this item to be agendized for the June 30, 2020 City Council Meeting so that the City’s Legislative Representative can advocate the City’s support. (5-0.)

9. Potential Ballot Measure to Amend the City Charter. (Mayor)

Public Comments: Offering support to proposal for an accountability and federal government reform measure included a member of the Silicon Valley Organization, Nathan, San José Downtown Association; SCORE, and Blair Beekman. Labor advocates and other members of the public expressed support for Councilmember Raul Peralez’ memorandum, and some indicated a need for greater checks and balances.

Vice Mayor Chappie Jones spoke to his memo, reasoning it would create more transparency and minimize distrust.

Motion: Vice Mayor Chappie Jones moved approval of his memorandum, the memorandum from Mayor Liccardo and from Councilmember Sergio Jimenez. The motion was seconded by Councilmember Dev Davis.

Councilmember Raul Peralez countered that this should not be rushed since a blue ribbon panel needs to be assembled, and the City should use the charter revision process used in the past.

Councilmember Sylvia Arenas offered agreement with Councilmember Raul Peralez, and provided a substitute motion to move his memorandum dated June 24, 2020. The motion failed for lack of a second.

Councilmember Johnny Khamis indicated that he is not supportive of all aspects but will support the motion for it to be discussed at the Council meeting of June 30, 2020. City Manager, David Sykes offered clarification as to which aspects would take effect on January 1, 2021.

Councilmember Sergio Jimenez expressed criticism for a strong mayor proposal, citing it will compromise representation of people of color.
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9. Potential Ballot Measure to Amend the City Charter. (Cont'd.)

Action: On a call for the question, the motion carried, the memorandum from Mayor Sam Liccardo, dated June 19, 2020, the memorandum from Vice Mayor Chappie Jones, dated June 23, 2020 and the memorandum from Councilmember Sergio Jimenez, dated June 23, 2020 were accepted, with direction given to the City Clerk to place an item on the June 30th City Council meeting agenda for consideration of a potential November 2020 ballot measure, to amend the Charter to enhance accountability of City Hall through campaign finance reform, and clearer alignment of mayoral authority and responsibilities; additionally, directing the City Clerk to establish an additional meeting date(s) in the final week of July and/or first week of August, if necessary, for public discussion and input of this measure. (5-0.)

H. Review of additions to Council Committee Agendas/Work Plans

- 1. Community and Economic Development Committee - none provided.**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee – none provided.**

There were none presented.

Mayor Sam Liccardo left the meeting at approximately 5:30 p.m. and Vice Mayor Chappie Jones chaired the remainder of the meeting.

4. Public Safety, Finance and Strategic Support Committee

Public Comments: Blair Beekman expressed enthusiasm for beginning committee meetings again and his expectation that the Mayor can work directly with the SJPD if given greater authority.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Public Safety, Finance, and Strategic Support Committee Work Plan for the period August through December 2020 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in the City Council Chambers, with the exception of the month of December that is set on the second Thursday of that month at 9:30 a.m.; accepting the draft Public Safety, Finance, and Strategic Support Committee Work Plan for the period January through June 2021 was accepted. (4-0-1. Absent: Liccardo.)

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole

There were none presented.

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6. Smart Cities and Service Improvement Committee

Public Comments: Blair Beekman expressed his hope that meetings could resume in council chambers.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Smart Cities and Service Improvements Committee work plan for the period August through December 2020 and setting its meeting schedule on the first Thursday of each month at 1:30 p.m. in the Council Chambers; accepting the draft Smart Cities and Service Improvements Committee work plan for the period January through June 2021, was accepted. (4-0-1. Absent: Liccardo.)

I. Open Government

None provided.

OPEN FORUM

1. Blair Beekman offered more downtown improvement ideas, including the type of trees that should be planted, and spoke on the question of digital equity.
2. Martha O'Connell commented on the pitfalls for the public when utilizing remote meeting software.
3. A member of the public expressed support to putting the charter amendment on the ballot.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 5:45 p.m.

Approved via email (7/21/20)

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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