



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

SAN JOSE, CALIFORNIA WEDNESDAY, OCTOBER 13, 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, Davis.

Absent: Councilmembers - All present.

Staff: Office of the City Manager, Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager’s Office, Gloria Schmanek; Mayor’s Office, Henry Smith; and City Clerk’s Office, Yasmin Johnson.

A. City Council (City Clerk)

1. Review October 19, 2021 Final Agenda

Public Comment: (1) Tessa Woodmansee spoke to reducing fossil fuels and the COVID-19 crisis. (2) Blair Beekman spoke to Southwest Airline issues regarding the COVID-19 Vaccine Mandate. (3) Sandra spoke to her concerns with the information on the Add Sheet regarding the additional seat added in District 3.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the October 19, 2021 Final Agenda, as amended, including the Add Sheet. (5-0.)

2. Review October 26, 2021 Draft Agenda

Public Comment: (1) Blair Beekman spoke to COVID-19 issues and the homeless encampment process and strategy. (2) Tessa Woodmansee spoke to technology being used to increase community engagement and democratic principles.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the October 26, 2021 Draft Agenda. (5-0.)

B. Review of Upcoming Special Meeting Agenda(s)

None provided.

C. Legislative Update

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

There were none presented.

D. Meeting Schedules

1. Overview of Senate Bill 9 and Senate Bill 10 and Implications to Planning Policy and Zoning Regulations Study Session. (City Manager)

Public Comment: (1) Tessa Woodmansee spoke to her concerns with the current Government. (2) Sandra thanked the committee for their critical questions and the staff's impartiality when discussing and working on these matters.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee scheduled a City Council Study Session entitled Overview of Senate Bill 9 and Senate Bill 10 and Implications to Planning Policy and Zoning Regulations for Thursday, October 28, 2021 from 1:30 p.m.-4:30 p.m. in the Council Chambers and approved the Study Session agenda. (5-0.)

E. The Public Record

Public Comment: (1) Blair Beekman spoke to portable housing ideas, the homeless community, and arsenic concerns. (2) Tessa Woodmansee stated the 71 Vista Montana location issues regarding planning and community engagement are similar to the problems in her neighborhood. (3) Gail Anne Osmer spoke to the public letters addressing the 71 Vista Montana neighborhood and RV issues.

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E. (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Public Record for September 30, 2021– October 7, 2021 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 The Day on the Bay 2021 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)**
- b. **Approval of District 2 Events as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the October 19, 2021 Council Agenda for action. (5-0.)

2. Assembly Bill 1400: Guaranteed Healthcare For All. (Carrasco)

Public Comment: (1) Peter Ortiz spoke to the lack of access Californians have to healthcare, how the pandemic is affecting people of color, and inequality. (2) Greg Miller, a hospital nurse spoke in support of Councilmember Carrasco's memorandum and Californians lack of access to healthcare. (3) Connie Chew spoke in support of healthcare for all, costly copays, and urged the committee to adopt Councilmember Carrasco's memorandum. (4) Bill Wallace spoke in support of AB1400, not withholding healthcare to anyone, healthcare being a human right, and urged the committee to support Councilmember Carrasco's memorandum. (5) Tessa Woodmansee urged the staff to support AB1400, the overall health of the residents in San José, and air pollution. (6) Mimi Spreadbury urged the committee to support the memorandum, the affects the pandemic has had on families, and that CalCare should be provided to all Californians. (7) Blair Beekman thanked the staff and councilmembers for their efforts on this item. (8) Yusra Hussain, a practicing Physician spoke to the importance of universal healthcare coverage and the pros and cons of being a physician with a private practice.

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G.2 (Cont'd.)

(9) Joan Simon, a member of the Santa Clara Single Payer Healthcare Coalition spoke in support of AB1400 and urged the committee to move the memorandum forward. (10) Brenda Zendejas thanked Councilmember Carrasco and the staff for all their efforts, the unfair healthcare system affecting low income families, and urged the staff to support AB1400. (11) Lucy stated that healthcare is a human need and all Californians should be covered.

Intergovernmental Relations Officer, Alexandria Felton spoke to AB1400.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee adopted a position of support for AB 1400 (Kalra, Alex Lee, & Santiago) on guaranteed Health Care for All and cross-referenced this item to the November 30, 2021 City Council Meeting as part of the 2022 Legislative Program and the Intergovernmental Relations Workplan so that the City's Legislative Representative can advocate the City's support for AB 1400.

Including the memorandum from Councilmember Magdalena Carrasco dated April 8, 2021 recommending: (1) To adopt a position of support for AB 1400 (Kalra, Alex Lee, & Santiago) on guaranteed Health Care for All. (2) Recommend this item be agendized for the April 27th City Council Meeting so that the City's Legislative Representative can advocate the City's support for AB 1400. (5-0.)

3. **Water Shortage Declaration. (Mayor, Jimenez, Peralez, Carrasco, Davis)**

Public Comment: (1) Brian stated the Water District Commission should have collaborative discussions with the City. (2) Tessa Woodmansee spoke hydroelectricity, the drought due to the lack of rain this year, watering practices, and water capturing. (3) Blair Beekman spoke to local subsidy programs, community energy, and garbage issues in the City.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the early consideration response form, green-lit recommendations 1a, 1b, 1e, 1f, 2, 3, and yellow-lit items 1c, 1d, and 4 (to be revised to a 15% reduction target on a Citywide basis) to be sent to priority setting.

Including the joint memorandum Mayor Sam Liccardo, Councilmember Sergio Jimenez, Councilmember Raul Peralez, Councilmember Magdalena Carrasco, and Councilmember Dev Davis dated October 8, 2021 directing the City Manager to: (1) Pursuant to San Jose Municipal Code Section 15.10.300, et seq, declare by resolution a state of water shortage at the 15% level, requiring the imposition of restrictions, including the use of water for outdoor landscape irrigation to no more than two days a week, and any other restrictions deemed appropriate by the

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G.3 (Cont'd.)

City Manager to simplify and make uniform any conflicting restrictions imposed by Valley Water District and the three water retailers that operate in San Jose. (a) Return to Council with a specific watering schedule that will facilitate ease of compliance, and where necessary, enforcement—for example, prohibiting landscape watering on Tuesdays, Wednesdays, and Thursdays. (b) Decline to cite or fine anyone for a first violation, reserving sanctions for repeat offenders who have received multiple notifications of violations, as deemed appropriate by Staff. (c) Return to Council with an outreach strategy, such as a proposed deployment of Resilience Corps members, including multilingual outreach--using the additional funding allocated through the state budget to California's largest 13 cities—who can notify residents about: (1) the City's restrictions, (2) turf replacement and greywater rebates and other incentives, (3) free water-saving devices and services available through water retailers and Valley Water District, (4) free water-wise surveys, (5) how to reset devices for landscape irrigation; (6) and inform residents with door-drop hangers or flyers about their noncompliance and provide information to City Staff. (d) Return to Council to discuss alternatives for imposing more restrictive rules during the winter when watering is less necessary for landscape--i.e., restrictions of 1 or even 0 days per week--to better buttress our water supply for an uncertain 2022. (e) Among other rules the City Manager should consider for a recommendation, where any nonuniformity exists among various water retailers and wholesalers, to include restrictions on: (1) the use of potable water for filling or refilling decorative fountains and ponds more than one foot deep; (2) washing vehicles, except at commercial businesses using recycled water; (3) hosing down buildings, sidewalks, driveways, patios, tennis courts, or other hard surfaces, except to protect health and safety. (4) Restaurants serving water only upon request, and hotels notifying guests they can choose not to have towels and sheets washed every day. (f) Allow the mandate to expire in October 2022, if not revoked or extended by Council. (2) Send a Council resolution urging the Federal Energy Regulatory Commission's Division of Dam Safety and Inspections with a temporary variance from the Anderson Reservoir drawdown level allowing a maximum reservoir elevation of 544 feet, allowing for additional storage of up to 20,000 acre-feet, through November 2022, to enable Valley Water to better manage water supplies. (3) Direct staff to revise the City's existing Water Efficient Landscape Ordinance (WELO) to require only planting drought-tolerant landscapes in new developments, effectively ending the planting of new lawns in the city of San Jose. This should not impede ongoing efforts to "green" areas of San Jose that have suffered from a historic lack of natural investment - prioritizing planting drought tolerant plants and increasing overall tree canopy to blunt urban heat island impacts. (4) Conduct and report on an internal review of City departments to ensure that every department has exceeded our goals of 15% reduction in potable water consumption. (4-0-1. Absent: Arenas)

H. Review of additions to Council Committee Agendas/Workplans

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**

4. **Public Safety, Finance and Strategic Support Committee**
5. **Joint Meeting of the Rules and Open Government Committee and Committee of the Whole**
6. **Smart Cities and Service Improvement Committee**

I. Open Government

None provided.

J. Open Forum

1. Blair Beekman spoke to the public speaking process during meetings, cyber security practices, and data collection issues.
2. Brian spoke to the lack of communication he's had with City departments and staff and the safety concerns with several crosswalks in the City.
3. Tessa Woodmansee spoke to her experience communicating with the different departments in the City, resiliency, and fossil fuels.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:37 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj:rulesmin_10-13-21