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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, JANUARY 22, 2020**

The Joint Meeting of the Rules and Open Government Committee and Committee of the Whole of the City of San José convened in Regular Session at 2:03 p.m. in Council Chambers.

**PRESENT:** Vice Mayor Chappie Jones, Vice Chair; Councilmember Dev Davis; Councilmember Sylvia Arenas and Councilmember Johnny Khamis, Members.

**ABSENT:** Mayor Sam Liccardo (Excused)

**STAFF:** City Attorney Richard Doyle; City Manager, David Sykes; City Clerk Toni J. Taber; Senior Executive Analyst, Gloria Schmanek; Agenda Services Manager, and Deputy City Clerk, Ruth Krantz.

- 1. Review January 28, 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 Comment: Blair Beekman advocated the use of accurate statistical reporting.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the January 28, 2020 Final Agenda, including a Sunshine waiver for three Consent items. (4-0-1. Absent: Liccardo.)

- 2. Review February 4, 2020 Draft Agenda**
  - a. Add new items to Draft Agenda**
  - b. Assign “Time Certain” to Agenda Items (if needed)**
  - c. Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

Public Comment: Blair Beekman addressed the Diridon Integrated Station Concept plan, advocating for the two-rail plan and a thorough EIR.

*(Item Continued on the Next Page)*

## **2. Review February 4, 2020 Draft Agenda (Cont'd.)**

Chief of Staff, Office of the City Manager, Lee Wilcox responded to questions on proposed modifications to Council Policy 1-18, indicating that an exemption is being drafted. Deputy City Manager Angel Rios, Jr. addressed concerns regarding the graffiti abatement ordinance.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the February 4, 2020 Draft Agenda. (4-0-1. Absent: Liccardo.)

### **B. Review of Upcoming Meeting Agenda(s)**

There were none presented.

### **C. Legislative Update**

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

There were none presented.

### **D. Meeting Schedules**

#### **1. Equity Study Session, Part 2. (City Manager)**

Public Comment: Blair Beekman spoke on the definition and concept of Equity. Paul Soto urged concrete policies that acknowledge our history's inequities.

Chief of Staff, Office of the City Manager, Lee Wilcox, responded to questions from the Committee on defining equity as these practices are being implemented across the organization and outlined an idea of the framework to be utilized during this next study session.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved a City Council Study Session entitled Equity Framework: An approach to Achieving Better Outcomes for All on Monday, February 10, 2020 from 1:30 - 4:30 p.m. in Council Chamber and to approve a draft Study Session agenda. (4-0-1. Absent: Liccardo.)

### **E. The Public Record**

Public Comment: Ryan Jasinsky and Martha O'Connell strongly advocated for permission to use their Commission titles to better serve San José mobile home residents, and they expressed concerns regarding the lack of notice for the potential closing of the Westwinds property. Blair Beekman spoke to the importance of listing Verizon improvements and upgrades into the public record each week.

**E. The Public Record (Cont'd.)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for January 9, 2020 – January 16, 2020 was noted and filed. (3-0-2. Absent: Khamis, Liccardo.)

**F. Boards, Commissions and Committees**

None provided.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Consent Calendar**

- a. **Retroactive approval of Team 222 Creak Cleanup Hosted by South Bay Clean Creeks Coalition as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Mayor)**
- b. **Approval of the District 4 Youth Advisory Council Litter Pickup Co-Sponsored by the Mayor's Office and the Parks, Recreation, and Neighborhood Services Anti-Litter Program as a City Council sponsored Special Event to expend City funds and accept donations of materials and services for the event. (Mayor)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, approval of the City Council sponsored Special Events were accepted and placed on the January 28, 2020 City Council Agenda for action. (3-0-2. Absent: Khamis, Liccardo.)

- c. **Approval of the Greek Flag Raising Event 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. (Khamis)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, approval of the City Council sponsored Special Event was accepted and placed on the February 4, 2020 City Council Agenda for action. (3-0-2. Absent: Khamis, Liccardo.)

**END OF CONSENT CALENDAR**

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

There were none presented.

## **I. Open Government**

### **Open Government**

#### **1. Public Records Appeal - Ken Gregoire (City Manager)**

Ken Gregoire spoke on his own behalf, presenting consideration of his Public Records Request dated November 21, 2019, in which he'd requested version history and digital footprints of any comments made by specific managers documenting his annual performance appraisal.

Assistant Director of Employee Relations, Allison Suggs and City Manager, David Sykes spoke to the process used by the City in determining Staff's recommendation to deny the appeal from Mr. Gregoire. Ms. Suggs encouraged Mr. Gregoire's dialog with his supervisors with facilitation.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the appeal from Ken Gregoire regarding the City's response to his request for draft versions of his annual performance appraisal was denied, with Mr. Gregoire encouraged to work with Human Resources to facilitate dialog. (4-0-1. Absent: Liccardo.)

#### **2. Public Records Appeal - Andrew Hicks (Police)**

Andrew Hicks provided a written statement requesting an appeal to the decision made by the San Jose Police Department's Body-Worn Camera Administrative Unit, denying his request for release of body-worn camera footage.

Representatives from the City of San José Police Department spoke to the nature of Mr. Hicks complaint and reasons for the denial of his request.

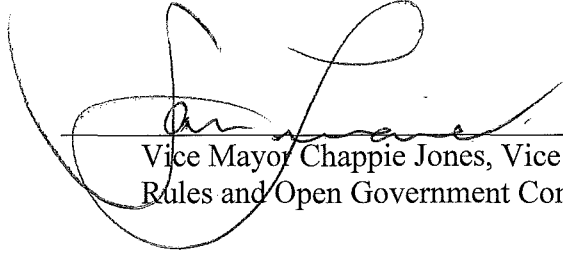
Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, Andrew Hicks request for public records seeking records related to an investigation, specifically body worn camera footage, by the San Jose Police Department, was denied. (3-0-2. Absent: Arenas, Liccardo.)

### **OPEN FORUM**

1. Blair Beekman spoke to the need for accountability and green, sustainable practices.
2. Paul Soto thanked Councilmember Sylvia Arenas for her support and spoke to the marginalization of those of Mexican heritage and exploitation of children.

**H. Adjournment**

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:01 p.m.



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Vice Mayor Chappie Jones, Vice Chair  
Rules and Open Government Committee

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