

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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 2, 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.

Staff: Acting City Attorney, Nora Frimann; representing the Office of the City Manager, Lee Wilcox; City Clerk Toni Taber; Senior Executive Analyst, Gloria Schmanek; Henry Smith, Mayor's Office; and Deputy City Clerk, Ruth Krantz.

- 1. Review September 8, 2020 Final Agenda – Meeting Canceled.**
- 2. Review September 15, 2020 Draft 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)**

The Committee discussed Items 4.2, 4.3 and 4.4 being heard together, including members of the public being given two minutes to speak on these items.

Public Comments: (1) Blair Beekman spoke on police use of body cameras and review of police issues. (2) Scott Largent advocated for allowing more time for speakers, and for the police taking responsibility for their actions. (3) Julia Banks asserted police tactics are unacceptable. (4) Nicky Weber spoke to protests and that police also need protection.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the September 15, 2020 Draft Agenda, with Items 4.2, 4.3 and 4.4 to be heard together, and with members of the public being given two minutes to speak during this topic. (5-0.)

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

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

There were none presented.

D. Meeting Schedules

- 1. Date Change for the Study Session on Diridon Station Area Plan/Google Downtown West Mixed-Use Development. (City Manager)**

City Clerk, Toni Taber requested determination of the date change from September 24, 2020 to Monday, November 16, 2020 be deferred to the next meeting of the Rules and Open Government Committee, September 9, 2020.

Action: Item D(1) was deferred to September 9, 2020.

E. The Public Record for August 6, 2020 –August 13, 2020. (City Clerk)

Public Comments: Blair Beekman expressed criticism of AB3088.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, the Public Record for August 6, 2020 – August 13, 2020 was noted and filed. (5-0.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

- 1. Consent Calendar**

None provided.

- 2. Establishing Encampment Blight and Brush Removal Agreements. (Khamis, Peralez, Davis, Esparza, and Foley)**

Public Comments: (1) Blair Beekman urged keeping cool heads. (2) Scott Largent asked that people dump properly instead of placing items as ‘free’ on Craigslist, and offered suggestions for recyclers. (3) Gail Osmer stressed need to give the unhoused bags for trash. (4) A speaker talked to accumulated trash at the Rose Garden.

Mayor Liccardo asked that Ms. Osmer contact City staff to determine where bags can be dropped off for greatest usefulness.

G. 2. (Cont'd.)

Deputy City Manager Jim Ortbal offered sources for bag distribution. He spoke to exploring allocation of funding from CALtrans and the likely frustration to be encountered, and indicated he would supply the City Attorney's Office with information on agreements and the indemnity issue. He further noted that this information can be pulled together within two weeks and be returned to Rules by September 16, 2020. City Attorney Nora Frimann offered to include an assessment of this information at that time.

Action: After review of agreements and assessment of more background information, Staff to return to the September 16 meeting of the Rules and Open Government Committee meeting for continued action.

3. Proposition 17 (The Free the Vote California Act). (Carrasco)

Councilmember Magdalena Carrasco spoke to the need for the City's adoption of support for Proposition 17.

Public Comments: Nine members of the public, including Assembly Member Ash Kalra spoke in support of Proposition 17, noting a history of disenfranchisement and the need to change the current system. Democracy is stronger when all have a voice.

Mayor Sam Liccardo noted this should be heard last on agenda to allow more time.

Motion: Councilmember Sylvia Arenas moved approval for this to be heard by Council on September 15, 2020, and to be heard last. Vice Mayor Chappie Jones seconded the motion.

Action: On a call for the question, the motion carried unanimously, with Proposition 17 (The Free the Vote California Act) to be agendized last on the agenda for Council discussion and action to advocate the City's support on September 15, 2020. (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.**
- 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**

There were none presented.

I. Open Government

None provided.

OPEN FORUM

1. Blair Beekman urged fixing the Zoom issue of failing to recognize the Vietnamese language.
2. Scott Largent spoke to protests held last Thursday in San José, warning they're taking a bad turn and scaring residents.

G. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 3:20 p.m.

approved via email

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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