

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

SAN JOSE, CALIFORNIA

WEDNESDAY, August 3, 2022

COVID-19 NOTICE

Consistent with AB 361, Committee Members may be teleconferencing from remote locations.

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and teleconferenced from remote locations. The meeting convened at 2:02 p.m.

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

Absent: Councilmembers - None

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Gloria Schmanek; and Deputy City Clerk, Megan Roche.

A. City Council (City Clerk)

1. Implementation of AB 361 to Permit Members of the Rules and Open Government Committee to Attend Rules and Open Government Committee Meetings via Teleconference during the Governor's Proclaimed COVID State of Emergency. (City Clerk)

Public Comments: The following member of the public provided comments: Blair Beekman.

Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee adopted findings to incorporate the Governor's proclaimed COVID state of emergency to permit members of the Rules and Open Government Committee to attend public meetings by teleconference or otherwise electronically pursuant to Government Code Section 54953(e), because state or local officials have recommended measures to promote social distancing and/or meeting in person would present imminent risks to the health and safety, as further described in the staff memorandum. (5-0-0)

2. Review August 9, 2022 Final Agenda

a) Add new items to Final Agenda

b) Assign "Time Certain" to Agenda Items (if needed)

c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: The following members of the public provided comments: Gabriel Hernandez, Paul Soto, Martha O’Connell, and Blair Beekman.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen, and carried unanimously, the Committee approved the final agenda for the City Council meeting on August 9, 2022 with the Add Sheet and with item 8.3 time certain at 6:00 p.m. (5-0-0)

It was proposed that item 8.3 be moved to the City Council agenda for August 16, 2022, pending approval from the Housing department. Housing confirmed that item 8.3 must be heard on August 9, 2022 so the item was kept on the City Council agenda for August 9, 2022.

3. Review August 16, 2022 Draft Agenda

a) Add new items to Draft Agenda

b) Assign “Time Certain” to Agenda Items (if needed)

c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: The following members of the public provided comments: Blair Beekman, Paul Soto, and Issa.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on August 16, 2022. (5-0-0)

4. Review August 15, 2022 Study Session Agenda: Gun Violence Prevention. (City Manager)

Public Comments: The following members of the public provided comments: Blair Beekman and Paul Soto.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the City Council Study Session Agenda entitled Gun Violence Prevention scheduled on August 15, 2022 from 1:30 p.m. - 4:30 p.m. in the Council Chambers. (5-0-0)

B. Consent Calendar

Public Comments: The following members of the public provided comments: Blair Beekman and Paul Soto.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Consent Calendar was approved. (5-0-0)

1. The Public Record for June 16 - July 28, 2022. (City Clerk)

The Public Record for June 16 - July 28, 2022 was noted and filed.

2. Retroactive Approval of Norwood Dumpster Day Community Event 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)

The Norwood Dumpster Day scheduled on June 25, 2022, sponsored by Council District 8, was approved for placement on the August 9, 2022 City Council agenda.

3. Approval of India Independence Day Flag Raising Community Event 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)

The Indian Independence Day Flag Raising scheduled on August 18, 2022, sponsored by Council District 8, was approved for placement on the August 9, 2022 City Council agenda.

4. Approval of City Hall Lighting Display Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jones)

The City Hall Lighting Display Event for Eddie Gale scheduled on August 15 - August 19, 2022, sponsored by Council District 1, was approved for placement on the August 9, 2022 City Council agenda.

5. Approval of Canoas Garden Dumpster Day Event Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Foley)

The Canoas Garden Dumpster Day Event scheduled on August 20, 2022, sponsored by Council District 9, was approved for placement on the August 16, 2022 Council agenda.

6. Approval of Flag Raisings, Lighting, and Proclamation Recognizing Silicon Valley Pride Sponsored by Council Districts 9 and 6 as a City Council Sponsored Special Event to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Event. (Foley and Davis)

The Progressive Pride and Transgender Flag Raisings scheduled on August 25 - August 31, 2022, the 2022 Silicon Valley Pride Lighting Ceremony scheduled on August 22 - August 28, 2022, and the Proclamation Event scheduled on August 23, 2022, all sponsored by Council Districts 9 and 6, were approved for placement on the August 23, 2022 Council agenda.

7. Monthly Report of Activities for June and July 2022. (City Auditor)

The Auditor's Office Monthly Report of Activities for the months of June and July 2022 was approved.

8. City Auditor's Fiscal Year 2022-2023 Work Plan. (City Auditor)

The City Auditor's Fiscal Year (FY) 2022-2023 Work Plan was approved.

9. Smart Cities and Service Improvements Committee Work Plan. (Mayor and Mahan)

The Smart Cities and Service Improvements Committee Work Plan for the period of August through December 2022 was approved and its meeting schedule was set for the first Thursday of each month at 1:30 p.m. in the City Council Chambers. The draft Smart Cities and Service Improvements Committee Work Plan for the period of January through June 2023 was approved as well.

10. Public Safety, Finance, and Strategic Support Committee Work Plan. (Mayor and Peralez)

The Public Safety, Finance, and Strategic Support Committee Work Plan for the period of August through December 2022 was approved and its meeting schedule was set for the third Thursday of each month at 1:30 p.m. in the City Council Chambers. The draft Public Safety, Finance, and Strategic Support Committee Work Plan for the period of January through June 2023 was approved as well.

11. Becoming Trauma Informed in Our Workplace: Creating Safe and Brave Space Study Session. (Human Resources)

A City Council Study Session entitled Becoming Trauma Informed in Our Workplace: Creating Safe and Brave Space was scheduled for Friday, August 19, 2022 from 9:00 a.m. - 12:00 p.m. in the City Hall Wing Rooms W118-120 and the Study Session agenda was approved.

12. Approval of District 10 SAP Grant for Almaden Valley Women's Club. (Mahan)

A \$2,500 SAP grant from Council District 10 to support the efforts of the Almaden Valley Women's Club to provide recreational and cultural opportunities to the community was approved for placement on the August 9, 2022 City Council agenda.

13. Retroactive Purchase of Raffle Prizes. (Carrasco)

The purchase of AirPods for the National Night Out's raffle giveaway was approved for placement on the August 16, 2022 City Council agenda.

14. Request for Travel Authorization for Councilmember Cohen. (Cohen)

Travel for Councilmember Cohen to Long Beach, CA from September 7 - 9, 2022 to attend the League of California Cities Annual Conference and Expo was approved for placement on the August 9, 2022 City Council agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Community Outreach for Quick-Build Interim Housing. (Mayor, Jimenez, Foley)

Public Comments: The following members of the public provided comments: Kansen Chu, Karl Ball, Tom Wilson, Jasmine Puzar, Zhulin Peng, Yumi Hunt, Haibin Liu, Xiao Zhang, Thanh Tieu, Mark Comfort, Lee Wheeler, Caroline Ding, Sarah, Elva Wilson, Issa, Paul Soto, Blair Beekman, Arianna, Keerti, Margee Wheeler, Margie Matthews, Yi, Jean Dresden, Cathy, Carol, Juan Estrada, and Gail Anne Osmer.

Recommendations 1, 3, and 4 from the memorandum from the Mayor and Councilmembers Jimenez

and Foley were approved. Recommendation 2 from the memorandum from the Mayor and Councilmembers Jimenez and Foley was approved as amended in the memorandum from Councilmember Cohen. Items 2, 3, and 4 from the memorandum from Councilmember Cohen were approved with the following intent that the purpose of recommendations 2b and 2c was to ensure that the community can readily understand the reason(s) why a site might be deemed not viable and/or practical, and for recommendation 3 that the District 4 Office would support and work with the Administration on exploring sites to manage the workload associated with that task. The item was directed to be brought back to the full City Council as soon as information relevant to the Noble site and/or alternative sites is available. The following items were approved: (1, Mayor, Jimenez, Foley) Provide community notification for any residents living within 1,000 feet of a site approved by Council on June 21, 2022 for quick-build apartment communities (a.k.a., Emergency Interim Housing Communities, or EIHC's). (2, as amended by Councilmember Cohen) Accept recommendation 2 from the memorandum of Mayor Liccardo and Councilmembers Jimenez and Foley with the following revision: Return to the City Council within 120 days of the posting of this memo, to enable the public to share feedback and concerns about specific sites approved by Council, and about any other options explored by staff within each council district. (3, Mayor, Jimenez, Foley) Provide the Council and Public with a report of: (a) Feasibility and viability of other sites explored within Council districts 4 and 10, and the steps taken to explore those sites, in collaboration with the respective Council offices and Mayor's Office, with the requirement that any alternative site must: (i) Be of sufficient size to yield the goal of at least 60 resident beds, preferably more; (ii) Be within the capability of the City to secure control (through option, lease, or purchase) within the established timeline for project delivery, and within the Council-approved budget with nominal or very low acquisition or lease cost. (b) Whether Staff recommendation for any site has changed since the June 21, 2022 Council hearing, most particularly to enable Council to consider alternative sites within districts 4 and 10; (c) Staff's initial recommendations for targeting any specific unhoused populations for service on any of the sites; (d) A description of the City Manager's proposed approach to preserving the quality of life in surrounding neighborhoods, and to ensuring the safe functioning of any existing or future quick-build apartment community, based on the City's positive experience with the three existing EIHC's. The approach should evaluate existing conditions and necessary service enhancements, including implementation of "no-encampment zones" within a specified radius of the site; (e) Success of the existing quick-build apartment communities, including discussion of safety and related quality-of-life issues. (4, Mayor, Jimenez, Foley) Work with the Council Offices and Mayor's Office provide substantive information and communication support for outreach to inform surrounding communities, and to receive community feedback. (2, Cohen) Pause all planning, design and construction activity for the Noble EIHC site until the following issues are resolved: (a) The legitimacy of utilizing a city park for an EIHC site (b) A thorough community conversation has been completed and the feedback has been gathered, recorded, and responded to (c) The list of alternative sites for D4 that are being evaluated are completely vetted and the explanation of feasibility, viability, and practicality are reviewed with the Council Office and community for corroboration of staff's recommendations (3, Cohen) Direct the City Manager to explore privately owned properties and consider public-private partnerships for potential repurposing of underutilized spaces for Emergency Interim Housing Communities (EIHCs). (4, Cohen) Remove arbitrary, internal deadlines that limit staff's ability to perform the necessary scopes of work to identify a practical EIHC site in District 4. (4-0-1; Absent: Arenas)

D. Open Forum

1. Gail Anne Osmer discussed HomeFirst housing programs and failures to house those in need.

2. Blair Beekman described a need to balance efficiency in meetings with appreciation for the public process by opening public comment periods, and also hoped for future discussions on limiting the Military Industrial Complex.
3. Martha O'Connell described difficulties in receiving responses to a Public Records Act request.
4. Paul Soto detailed legal proceedings with which he is involved and events that occurred on September 30th.

E. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 4:13 p.m.



Email: chappie.jones@sanjoseca.gov
Date: 08/09/2022 GMT

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/mr:rulesmin20220803