CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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

SAN JOSE, CALIFORNIA **WEDNESDAY, NOVEMBER 20, 2019**

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 2:04 p.m. in Council Chambers.

PRESENT: Mayor Sam Liccardo, Chair; Councilmember Dev Davis; Councilmember Sylvia Arenas and Councilmember Johnny Khamis, Members.

ABSENT: Jones. (Excused)

STAFF: Assistant City Attorney Ed Moran; City Manager, David Sykes; City Clerk Toni J. Taber; Gloria Schmanek, Office of the City Manager; Agenda Services Manager, and Deputy City Clerk, Ruth Krantz.

A. City Council (City Clerk)

1. Review November 26, 2019 Final Agenda - Cancelled

2. Review December 3, 2019 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 referenced two consent items, offering comments on the need for good policies for surveillance and technology in data collection.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the December 3, 2019 Draft Agenda, including language change for Item 3.3 to indicate the term is ending in November 2020 due to an unexpired term. Land Use items are to be heard during the afternoon session, with the evening session to be cancelled. Councilmember Johnny Khamis indicated that he will be recusing himself from Item 3.8. (4-0-1. Absent: Jones.)

B. Review of Upcoming Meeting Agenda(s) - None

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

None provided.

E. The Public Record

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated November 20, 2019, transmitting the Public Record for the Week of November 7 – November 14, 2019.

Public Comment: Blair Beekman offered comments on Vison Zero and the need for good civil practices.

Mayor Sam Liccardo gave direction to the City Attorney to review the notification requirements for placement of 5G Towers and potential requirements for environmental review prior to installation.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee noted and filed the public record. (4-0-1. Absent: Jones.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

a. Regional Countywide Planning Collaborative Resolution (Mayor/Jones)

Recommendation: Schedule Council's adoption of a Resolution to:

1. Approve the City's participation in a County-wide Planning Collaborative among the cities within the County of Santa Clara and the County of Santa Clara, to be facilitated by the Cities Association of Santa Clara County; and
2. Authorize the City Manager to negotiate and execute an agreement with the agencies specified above to:
    a. Outlining how the collaborative planning effort will work, and
    b. Authorizing the City of San José share of the cost of the collaborative, including the cost of hiring a consultant to provide planning-related services for the Planning Collaborative, in an amount not to exceed $3,150 if all agencies join the collaborative, or not to exceed $5,000 if 10 or more agencies join the collaborative.

3. Place the item on the December 3, 2019 Council Agenda for action.

Staff provided a presentation, and discussion followed.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Johnny Khamis, and carried unanimously, direction regarding the Regional Countywide Planning Collaborative Resolution was accepted and placed on the December 3, 2019 City Council Agenda for action. (4-0-1. Absent: Jones.)

2. Waiver of Revolving Door Restrictions (City Attorney)

Assistant City Attorney Ed Moran provided an introduction. City Clerk Toni J. Taber, indicated that the revolving door recommendations will be coming before Council from the Board of Fair Campaign and Political Practices in January. It was noted that the Rules Committee will make findings before sending to full Council.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Consideration of request by Kyra Kazantzis, former Senior Policy Advisor for Mayor Sam Liccardo, for a Waiver of the Revolving Door Restrictions for the work described and to make findings as to whether such waiver is in the best interest of the City and consistent with the purpose of the San José Municipal Code Chapter 12.10; was approved with the request and findings forwarded to the City Council for approval at the December 10, 2019 meeting of the City Council. (4-0-1. Absent: Jones.)

3. **County Implementation of Laura's Law and Enhanced Conservatorships (Khamis and Peralez)**

Public Comments: (1) Blair Beekman expressed concerns. (2) Marilyn Rogers spoke on the need to strengthen conservatorships in Santa Clara County. (3) Martin Fox stressed the need for putting mental health professionals in charge of dealing with mental health issues, and the need for police protection; (4) Scott Largent opined failures of the behavioral health system.

Councilmember Johnny Khamis disclosed a Brown Act violation, noting that he has spoken to an elected official in another City on this issue.

Councilmember Johnny Khamis noted that the County is planning a December 17 meeting on this topic and the need for our City to take a position.

Mayor Sam Liccardo offered direction regarding the draft letter to be reviewed by Council before transmitting to the Santa Clara County Board of Supervisors and the County Administrator. He recommended language including expanded conservatorship including both in-patient and out-patient in addition to implementing Laura's Law and to take on the conversation more broadly with the County.

2. **County Implementation of Laura's Law and Enhanced Conservatorships (Cont'd.)**

City Manager, David Sykes indicated the plan to pursue dates for the next Joint City-Council Meeting to discuss issues of homelessness, drug addiction, mental health, and illegal activities with the homeless population, targeting a January-February 2020 date.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, approving placing this item on the December 10, 2019 Council Meeting Agenda for Council discussion and action: Directing the Administration to transmit a letter from the Mayor and City Council to the Santa Clara County Board of Supervisors and the County Administrator to request County implementation of Laura's Law (Assisted Outpatient Treatment) and strengthened conservatorship policies, and add these objectives to the City's legislative policies, with the inclusion of language proposed by Mayor Sam Liccardo.
(4-0-1.)

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

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

There were none presented.

6. Smart Cities and Service Improvement Committee

Update to the August-December 2019 Smart Cities and Service Improvement Work Plan (Information Technology)
Approve changes to the Work Plan to drop the following item from December 5, 2019: Business Process Automation Update.

Public Comments: Blair Beekman offered comments on the business procurement process.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Update to the August-December 2019 Smart Cities and Service Improvement Work Plan was accepted. (4-0-1. Absent Jones.)

OPEN FORUM

1. Blair Beekman expressed concerns regarding good guidelines with PG&E.
2. Scott Largent offered his perspectives on the rampant use of methamphetamines and the ill-advised placement of sobering stations and drug treatment facilities.

H. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 2:52 p.m.

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Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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