



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

SAN JOSE, CALIFORNIA

WEDNESDAY, MAY 13, 2020

*** COVID-19 NOTICE ***

Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79485 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 will not be physically open to the public and the City Council will be teleconferencing from remote locations.

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

ABSENT: All present

STAFF: David Sykes, City Manager; Toni Taber, City Clerk; Richard Doyle, City Attorney; Gloria Schmanek, Senior Executive Analyst; Mackenzie Mossing, Mayor’s Office Agenda Service, and Louis Ósémwegie, City Clerk’s Office.

A. City Council (City Clerk)

1. Review May 19, 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 comments: Blair Beekman stated that it would be nice to talk about digital inclusion now that we’re entering our second phase of corvid-19.

Action: Upon motion by Councilmember Sylvia Arenas to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee accepted the May 19, 2020 Final Agenda, including Addsheet, with 11 AM Regular session start. (5-0)

2. Review May 26, 2020 Draft Agenda
Cancelled

B. Review of Upcoming Special Meeting Agenda(s)

None presented.

C. Legislative Update.

None presented.

D. Meeting Schedules

1. Set a Regular City Council Meeting for Tuesday, August 4, 2020.

(City Attorney/City Manager/City Clerk)

City Attorney Rick Doyle explained the urgency of this item. It needs four votes to determine whether the item should be heard or not.

Action: Upon motion by Vice Mayor Chappie Jones to hear the item, seconded by Councilmember Dev Davis, the vote to hear the item was unanimously carried. (5-0)

City Attorney Rick Doyle noted that a special meeting can be set on 24 hours' notice if necessary.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee approved the Meeting Schedules. (5-0)

E. The Public Record for May 1, 2020 - May 7, 2020. (City Clerk)

Public comments: Blair Beekman expressed hopes that City government can speak more openly about covid 19 as we enter the second stage of the pandemic.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee noted and filed the Public Record. (5-0)

F. Boards, Commissions, and Committees

1. Appointments

VEBA Advisory Committee Appointment. (City Manager)

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Johnny Khamis, and carried unanimously, the Committee approved the VEBA Advisory Committee Appointment and added to the May 19, 2020 Council Agenda. (5-0)

2. Work Plans and Annual Reports

None presented.

G. Rules Committee Reviews, Recommendations, and Approvals

1. Consent Calendar

a. Approval of Affordable Housing Month Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Perez)

Public comments: Blair Beekman commented on Affordable Housing and invited everyone to study the work being done at the California state level.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Committee approved the Consent Calendar and added to the May 19, 2020 City Council Agenda for action. (5-0)

END OF CONSENT

2. Zoning Code Amendments to Title 20 (Jimenez)

Lucas Ramirez addressed the Committee on behalf of Councilmember Sergio Jimenez and noted that the memo's content was intended to discuss the Land Use Consent Calendar for the Council Meeting of Tuesday, May 19, 2020.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Councilmember Johnny Khamis, and carried unanimously, the Zoning Code Amendments to Title 20 was approved, with Items 2(a)(b)(c); 3(a) and 4 "green-lighted"; and added to May 19, 2020 agenda. Item 3(b) is "yellow-lighted" and referred for priority setting. (5-0)

3. Fee Cap on Food Delivery Services. (Diep.)

Councilmember Lan Diep described stories from small businesses and restaurants which are having a harder time because delivery fees are taking a huge portion of their profit.

Public comments: Offering comments were Maria Rey, (representing Doordash, Nate Leblanc, Jason Aubrey and Blair Beekman.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Fee Cap on Food Delivery Services was deferred for 2 weeks, (with instruction to return to the May 27, 2020 Rules Committee meeting.) (5-0)

4. San José Al Fresco - Allowing Local Businesses to Operate Outdoors. (Mayor)

Public comments: Offering comments were Nate Leblanc, Jason, Eddie Truong, Cathy Hanson and Michelle Huttenhoff, (representing Placemaking).

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, the San José Al Fresco - Allowing Local Businesses to Operate Outdoors was approved and added to the May 19, 2020 City Council Agenda for action. (5-0)

5. Monthly Report of Activities for April 2020. (City Auditor)

City Auditor Joe Rois gave a presentation and responded to question.

Public comments: Blair Beekman commented on technology deployment report from 2016.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the Monthly Report of Activities for April 2020. (5-0)

6. Emergency Mandate of Fabric Face Coverings (Jones)

Vice Mayor Chappie Jones addressed the need to mandate face coverings and urge the Council and the rules Committee to support it the measure.

Public comments: Offering comments were Last four digits of phone # ending in 4963, and Blair Beekman.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee approved the Emergency Mandate of Fabric Face Coverings and added to the May 19, 2020 City Council Agenda for action. (5-0)

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

1. Community and Economic Development Committee Workplan.

None presented.

2. Neighborhood Services and Education Committee

None presented.

3. Transportation and Environment Committee.

None presented.

4. Public Safety, Finance, and Strategic Support Committee.

None presented.

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole.

None presented.

6. Smart Cities and Service Improvements Committee.

None presented.

I. Open Government

None presented.

J. Open Forum

1. Blair Beekman commented on the emergence of covid 19 and asked for accountability.
2. Last four digits of phone # ending in 4963 provided a complaint about customer service.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting at 3:54PM.

DRAFT

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

SL/lo