

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

SAN JOSE, CALIFORNIA

WEDNESDAY, DECEMBER 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 1:30 p.m.

Present: Councilmembers - Liccardo, Davis, Jones, Arenas, Khamis.

Absent: Councilmembers - All Present.

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

A. City Council (City Clerk)

- 1. Review December 8, 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 spoke to technology and open public policy ideas.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the December 8, 2020 Final Agenda, approving an 11 a.m. start time, and including Add Sheet Item "Police Retiree Member Term Extension to the Board of Administration for the Police & Fire Employees Retirement System". (5-0.)

2. **Review December 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)**

Public Comments: Blair Beekman addressed COVID-related issues.

In order to manage the flow of this agenda, Chief of Staff, Office of the City Manager, Lee Wilcox, recommended deferral of Items 3.3, 3.7, 7.1 and 8.2 to January 5, 2021.

A 1:30 start time for the December 15, 2020 meeting was determined; Councilmember Dev Davis urged a preference for 11 a.m., and requested a ‘soft’ 15-minute time limit per speaker/item for time management.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Committee accepted the December 15, 2020 Draft Agenda, with Items 3.3, 3.7, 7.1 and 8.2 deferred to January 5, 2021. (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. Set a General Plan Hearing for December 2020. (Planning, Building and Code Enforcement)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the General Plan Annual Review City Council hearing beginning December 15, 2020, to consider privately- and City-initiated General Plan amendments was approved. (5-0.)

E. The Public Record for November 12, 2020 - November 24, 2020. (City Clerk)

Public Comments: Blair Beekman addressed COVID-related issues and factual reporting.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for November 12, 2020 - November 24, 2020 was noted and filed. (5-0.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

(a) Approval of Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Diep)

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, the City Council sponsored Special Event was approved and cross-referenced to the December 8, 2020 Council Agenda for action. (5-0.)

G. 2. Approval of SAP Grant for Starting Arts. (Foley)

Public Comment: Blair Beekman expressed concerns about art funding spent for the ‘big belly’ or other surveillance purposes.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, the \$1,000 grant to Starting Arts for their general fund for general operating expenses to support arts education in our community to be paid by Council District 9’s Arena Community Fund City-Wide appropriation was approved and placed on the December 8, 2020 Council Agenda for action. (5-0.)

G. 3. Update to the Greater Downtown San José Economic Recovery Initiative. (Perez)

Public Comment: (1) Speaker ‘5140’ offered criticism of economic recovery efforts. (2) Lisa Imamura, Executive Director of San José Taiko and Co-Chair of Greater Downtown Economic Recovery Task Force; Task Force members Nate LeBlanc, Jay Ross (Hopkins & Carley) and Brendan (San José Jazz) urged recognition and integration of Task Force recommendations. Blair Beekman offered support.

Councilmember Raul Perez thanked members of the Task Force, noted struggles during the pandemic and urged integration of Task Force recommendations.

Chief of Staff, Office of the City Manager, Lee Wilcox, offered comments regarding the roadmap exercise and allowing this item a ‘green light’.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, recommendations outlined in the November 24, 2020 from Councilmember Raul Perez were accepted with direction to the City Manager to integrate those recommendations into staff’s work plan, given a “green light” status and with this item placed on the December 8, 2020 Council Agenda for action. (5-0.)

G. 4. JPA-issued Bonds for Moderate-Income Housing. (Housing, Finance and Economic Development)

Public Comment: Anil Babar (California Apartment Association), Matt Regan (Bay Area Council), Mr. Rocha, Tim Beaubien (Santa Clara County Association of Realtors), Bryon Wolfe (Bay West Development), Mahmood Khan (San José Conservation Corps) and Mathew Reed (SV@Home), spoke in favor of joining the JPA, economic relief for moderate-income renters, and urged moving this recommendation forward to Council.

Councilmember Johnny Khamis spoke to the need to create housing and urged support. Director of Housing Jacky Morales-Ferrand and Chief of Staff, Office of the City Manager, Lee Wilcox responded to questions. Extensive discussion followed with the determination that an RFI and information memo be provided in the March/April timeframe. No additional Housing memo was requested for the December 15, 2020 Council meeting.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the staff report providing a summary of staff analysis and work to-date on two unsolicited proposals for the City to join a joint powers authority for moderate-income rental housing sponsored by the California Community Housing Agency, and alternatively comparable program by the California Statewide Communities Development Authority was accepted, and referred to the December 15, 2020 Council meeting for further action. (3-2. Noes: Arenas, Jones.)

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

None provided.

2. Neighborhood Services and Education Committee

Public Comments: Blair Beekman offered comments on the needs of small businesses and ideas presented by Assemblymember Ash Kalra.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the following update to the August 2020 - June 2021 Neighborhood Services and Education Committee Work Plan to drop the following items from the December 10, 2020 meeting: (1) Homelessness Annual Report (Housing) (2) Blighted Properties and Responsible Landlord Engagement Initiative Report (Housing) were approved. (5-0.)

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the ROG and Committee of the Whole

6. Smart Cities and Service Improvement Committee

None provided.

I. Open Government

None provided.

J. OPEN FORUM

1. Speaker '5140' expressed economic concerns.
2. Blair Beekman asked for consideration of open community practices for clean energy.

G. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 4:23 p.m.

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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