

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, FEBRUARY 3, 2021**

*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 - Jones, Peralez, Davis, Arenas, Cohen.

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 February 9, 2021 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: (1) Martha O'Connell expressed criticism of the order of placement of items on council agendas, indicating it is critical to underrepresented groups and to hearing their voices. (2) Blair spoke to eviction moratorium issues and rent forgiveness; he added the need for a VTA advertising ethics review board to keep out offensive advertising. (3) Glenna Howcroft, mobile home resident, spoke on rental freezes, need for timing of items to accommodate and offer consideration to seniors, disabled and others not able to keep late hours. (4) Paul Soto urged prioritization of COVID-related issues, noting that the previous evening's meeting showed disrespect in depriving speakers ability to communicate.

## **1. Review February 9, 2021 Final Agenda (Cont'd.)**

Councilmember David Cohen asked to allow for more discussion-style conversation during meetings and how time is allocated, indicating that a frequent rotation between speakers with shorter blocks of time to speak would enhance communication. Councilmember Raul Peralez recommended the meeting process be allowed a broader discussion and should be agendized. Councilmember Dev Davis and Councilmember David Cohen recommending this item be agendized for the following weeks meeting of the Rules and Open Government Committee.

Councilmember Sylvia Arenas asked that discussion be included that would allow more cognizance of time-certain topics for speakers, as members of the public noted earlier. City Attorney, Nora Frimann responded to questions regarding procedure, indicating that the Rules Committee can put together a proposal that can be added to Rules of Conduct, without superseding Roberts Rules of Order.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the February 9, 2021 Final Agenda, including a time-certain for Item 4.1, not to be heard before 5 p.m. or 'as soon as reasonably possible'. Including agendization, with a memorandum to be provided by Councilmembers Cohen and Davis, on development of strategies to facilitate an efficient and effective debate among all Council Members in order to build consensus, making sure everyone has an opportunity to participate within a certain period of time and to improve public engagement. (5-0.)

## **2. Review February 16, 2021 Draft Agenda – Cancelled.**

### **B. Review of Upcoming Meeting Agenda(s)**

None provided.

### **C. Legislative Update**

#### **1. State**

#### **2. Federal**

There were none presented.

### **D. Meeting Schedules – None.**

### **E. The Public Record for January 21 – January 28, 2021. (City Clerk)**

Public Comments: Blair Beekman indicated COVID-related issues should be heard in a block together. He spoke to equity, reimagining and ideas of unity.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for January 21 – January 28, 2021 was noted and filed. (5-0.)

## **F. Boards, Commissions and Committees**

### **1. Appointments**

#### **(a) Compensation Advisory Committee Appointments. (Human Resources)**

*Deferred to February 10, 2021 per Administration.*

## **G. Rules Committee Reviews, Recommendations and Approvals**

### **1. Consent Calendar – None.**

#### **G. 2. 457 Plan Resolution (Davis)**

Councilmember Dev Davis addressed her memorandum dated January 28, 2021 and discussed the minor technical change it recommends. Director of Employee Relations/Human Resources, Jennifer Schembri indicated it was a manageable item for staff to address, and City Attorney, Nora Frimann indicated no anomalies had been flagged.

Public Comment: (1) Paul Soto addressed prioritization of resources within the city, spoke of his advocacy and the need checks and balances with respect to COVID-related issues and how it impacts targeted communities. (2) Blair Beekman addressed retirement planning issues and various needs and shortcomings within the COVID framework.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, staff was directed to bring to City Council a resolution to allow current members of City Council who participate in the 457 plan in lieu of CalPERS participation to move prospectively into the City's 401(a) plan and mandate that new Councilmembers and Mayors have the option between the defined benefit CalPERS plan and the defined contribution 401(a) plan. (5-0.)

#### **G. 3. Public Hearing on Proposed San José Water Company Rate Increases (Mayor)**

Public Comments: (1) Blair spoke of a flat-curve of inflation into 2021. (2) PJ addressed General Rate Case (GRC) applications and their impacts on low-income citizens. He recommended representatives from the CPUC's advocacy office speak at Rules. (3) Paul Soto spoke on water being a necessity for life, the implications for the disadvantaged and seeing this as a moral and ethical issue. (4) Ann urged that the public hearing should go forward.

Motion: Councilmember Sylvia Arenas moved approval of the public hearing, indicating her district is among those hardest hit. Councilmember Dev Davis seconded the motion.

Vice Mayor Chappie Jones suggested a time certain for 7 p.m. when the meeting date is set.

### **G. 3. (Cont'd.)**

Director, Environmental Services, Kerrie Romanow and City Attorney, Nora Frimann spoke on ensuring residents' participation, and it was noted that the City Attorney's Office is working with the CPUC on continued efforts for public participation.

Action: On a call for the question, the motion carried unanimously, to (1) Place on an upcoming Council Agenda a public hearing on San José Water Company's proposed rate increases currently being considered by the California Public Utilities Commission, and invite company representatives to respond to questions about the rate increases sought by the company. (2) Direct the City Attorney to determine to what extent such a hearing might supplement the factual record of the rate case currently before the CPUC, so as to inform the Commission of the concerns of our local residents and businesses. (5-0.)

### **H. Review of Additions to Council Committee Agendas/Workplans**

- 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 ROGC and Committee of the Whole**
- 6. Smart Cities and Service Improvement Committee**

None provided.

### **I. Open Government**

None provided.

### **J. OPEN FORUM**

1. Blair Beekman recommended good preparation for natural disasters in the 2040 Plan, and good sustainable practices and policies. He addressed the high water rate increase and need for a tiered system.
2. Paul Soto urged a legal perspective regarding a topic from last night's Council Meeting, indicating that the process was being tainted.

### **G. Adjournment**

Mayor Sam Liccardo adjourned the Committee meeting at 3:09 p.m.

---

Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

SL/rk:rulesmin\_2/3/21