



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

SAN JOSE, CALIFORNIA

WEDNESDAY, FEBRUARY 10, 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 2:02 p.m.

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

Absent: Councilmembers - All Present.

Staff: City Manager, David Sykes; 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 Yasmin Garcia, City Clerk's Office.

A. City Council (City Clerk)

1. Review February 16, 2021 Final Agenda

Cancelled.

2. Review February 23, 2021 Draft Agenda

Public Comment: (1) Paul Soto requested information regarding the call-in instructions.
(2) Blair Beekman addressed the new strain of COVID and Cyber Security.

Vice Mayor Chappie Jones requested ideas to better instruct the callers how to properly call in and offering information to the public on the functions of the Rules Committee.

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A.2 (Cont'd)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the February 23, 2021 Draft Agenda, as amended, including Adds, and with Sunshine Waivers as required. With the start time changed to 11:00 a.m., Item 4.1 not be heard before 5 p.m., and Item 10.2 time certain at 8 p.m. (5-0.)

B. Review of Upcoming Special Meeting Agenda(s)

None provided.

C. Legislative Update

- 1. State**
- 2. Federal**

There were none presented.

D. Meeting Schedules

1. Google Downtown West Mixed-Use Development District Utilities Study Session. (Economic Development)

Public Comment: (1) Paul Soto addressed concerns with Google, PG&E, and infrastructures in the red-lined areas. (2) Blair Beekman addressed a city street in San José being renamed after the former President Barack Obama, different ethnic groups being incorporated, and the concern for Google coming to San José.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Committee set a City Council Study Session entitled Google Downtown West Mixed-Use Development District Utilities for Thursday, March 25, 2021 from 1:30 p.m. - 5:00 p.m. and approved the draft Study Session agenda. (5-0.)

E. The Public Record

Public Comment: Blair Beekman addressed commission meetings being public, charter reviews, redistricting, and equity issues.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Public Record for January 28, 2021– February 4, 2021 was noted and filed. (5-0.)

F. Boards, Commissions and Committees

1. Appointments

a. Deferred Compensation Advisory Committee Appointments. (Human Resources)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the four-year term and placed the item on the February 23, 2021 City Council Agenda for action. (5-0.)

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

a. Retroactive Approval of the Hillview Area Dumpster Day and the Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)

b. Retroactive Approval of Saka Nakodar International Global Awareness 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)

c. Approval of The Winter Walk and Senior Resource Virtual and Drive-Thru Fair Sponsored by Council Districts 10, 9, And 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event Recommendation. (Mahan)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the February 23, 2021 Council Agenda for action. (5-0.)

2. Monthly Report of Activities for January 2021. (City Auditor)

Public Comment: Blair Beekman thanked the City Auditor for the memorandum and spoke on clean energy and rent forgiveness .

City Auditor, Joe Rois urged approval of the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Auditor's Office Monthly Report of Activities for the month of January 2021 was approved. (5-0.)

3. Laura's Law Update. (Perez)

Public Comment: (1) Paul Soto addressed his appreciation for the item and his desires to help staff with this item. (2) Scott Knies, the Director for San José Downtown Association, spoke to the outpatient treatments and urged to approve Councilmember Perez's memorandum. (3) Blair Beekman addressed the developments of this item. (4) Caller "6910" addressed the need for further mental health support, the providers used, her concerns with Laura's Law, and urged staff to rethink this item.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Dev Davis and carried unanimously, the update on the advocacy to the County Board of Supervisors and Behavioral Health Department to implement Assisted Outpatient Treatment (Laura's Law) was approved and greenlighted. (5-0.)

4. Addressing Homelessness through the duration of the COVID-19 pandemic. (Perez)

Public Comments: (1) Paul Soto spoke in favor of the item addressing sanctioned encampments. (2) Blair Beekman spoke on Robert Aguirre and the need for the homeless committee to having a council or commission to have their voices heard. (3) Bryan urged having a committee for the homeless community and concerns of the item due to COVID-19. (4) A speaker addressed the growing populations in the encampments. (5) Scott Knies, the Director for the San José Downtown Association, spoke to concerns of the public areas, the balancing act, and long-term solutions. (6) Gayle spoke to the current crisis, the lack of outreach services, vaccinating the unhoused population, and abatements.

Office of the City Manager, Chief of Staff, Lee Wilcox referenced the informational memo released by the City Manager's Office and offered suggestions regarding when the recommendations may be addressed.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved Councilmember Raul Perez's memorandum, dated February 10, 2021, directing the City Manager to: (1) Advocate to the County's Public Health Department to make available COVID-19 vaccinations along with outreach services to unhoused individuals at campsites. (2) Following implementation of 1, immediately resume pre-pandemic encampment management and abatement procedures, prioritizing high impacted locations utilizing reporting data and in coordination with the Council Offices. (3) Establish a temporary sanctioned encampment on a publicly-owned site for the duration of the Local State of Emergency. Recommendation #1 is to come forward on the February 23, 2021 City Council Agenda and recommendations #2 and #3 are to come forward in March 2021, to be included in the City Managers Encampment Report. (5-0.)

5. Removal of the Thomas Fallon Statue. (Mayor)

Public Comments: Paul Soto spoke to being in favor of the removal of the statue and gave his opinion on Mayor Liccardo's memorandum.

Chief Operating Officer, Office of Mayor Sam Liccardo, Rhonda Hadnot stated the Mayor is looking for the item to go directly to the Arts Commission. Director of Cultural Affairs/ Deputy Director Economic Development, Kerry Adams Hapner confirmed the ability to place this on the Arts Commission Workplan.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the City process for the removal of the Thomas Fallon Statue was approved, green-lighted, and added to the Arts Commission Workplan for approval. (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 Rules and Open Government Committee and Committee of the Whole**
- 6. Smart Cities and Service Improvement Committee**

I. Open Government

None provided.

J. Open Forum

1. Paul Soto stated his utmost appreciation for the meeting topics, stated the suffering the unhoused community has been through, and spoke on his life's personal struggles connected to today's meeting topics.
2. Blair Beekman addressed the current presidential impeachment process, accountability, equity, open public policies, and renewable energy.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:59 p.m.

Approved via email

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yg:rulesmin_2-10-21