

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

SAN JOSE, CALIFORNIA

WEDNESDAY, FEBRUARY 17, 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 23, 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) Paul Soto spoke to historical inequities. (2) Blair Beekman urged open public policy practices.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the February 23, 2021 Final Agenda, including Adds, and with Sunshine Waivers as required. (5-0.)

2. Review March 2, 2021 Draft Agenda

Public Comment: (1) Blair Beekman spoke on an open democratic process and the work that the City of Berkeley is doing regarding COVID, noting their school reopening plans model. (2) Paul Soto addressed the allocation of funding and high pay scale for those related to the construction industry at a time when COVID is rampant.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Perez, and carried unanimously, the Committee accepted the March 2, 2021 Draft Agenda. (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 – None.

E. The Public Record for February 4 – February 11, 2021. (City Clerk)

Public Comments: Blair Beekman addressed COVID-related issues.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Perez and carried unanimously, the Public Record for February 4 – February 11, 2021 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 COVID-19 Victims and Survivors Memorial Day Tower and Rotunda Lighting Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Foley)**

G. 1. Consent Calendar (Cont'd.)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis, 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.)

G. 2. Protecting Our Asian Pacific Islander (API) Community. (Perez)

Public Comments: (1) A Community Organizer spoke to Asian-American violence and work their organization has done with a Go Fund Me to alert and protect seniors. (2) Gabriel Young with LEAD Filipino spoke to ending increased xenophobia and racism. (3) A representative with Islamic Relations addressed xenophobia. (4) Paul Soto spoke to violence and policing and tailoring policy to directly address these issues. (5) Don asked that the City take action against ethnic attacks. (6) Representatives from Chopstix Alley thanked Councilmember Raul Perez for his support. (8) Blair Beekman spoke to a review of policing. (9) Kim representing the API student association at SJSU spoke on organizing the community to protect against these violent assaults.

Councilmember Raul Perez addressed his memorandum dated February 11. Staff indicated that listening sessions are being arranged throughout the upcoming weeks and will help coalesce a cross-departmental team in deploying safety workshops and next steps. Councilmember Raul Perez asked for assurance that the DA's Office will engage in the process.

Acting Assistant Chief of Police Dave Tindall spoke to the investigation of these incidents as hate crimes, noting they are looking at ways to combat xenophobia and racist messaging.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Sylvia Arenas and carried unanimously, the February 11, 2021 memorandum from Councilmember Raul Perez was accepted as noted:

Per my April 8, 2020 memorandum and the subsequent April 21 City Council approval, direct the City Manager to provide a time-certain City Council report no later than the beginning of March on what strategies the City is working on to combat xenophobia and prevent violence against the API community. Some ideas to consider are:

1. Partner with the Santa Clara County District Attorney's office to explore what public safety measures can be taken in light of recent Bay Area incidents;
2. Conduct as soon as possible a public listening session with API community leaders to hear their feedback on the recent events; and
3. Hold a public safety workshop for the elderly and their families as well as a small pilot intended to increase visibility and safety such as a neighborhood walking event in areas like Little Saigon and Japantown. (5-0.)

G. 3. Police Department Redistricting. (Perez and Davis)

Public Comments: (1) Blair Beekman offered suggestions for worthy candidates for the Police Chief position. (2) Paul Soto spoke to red-lining and discriminatory practices, noting we 'cannot police our way out of this' and wanting to work collaboratively with police. (3) Mollie McLeod spoke to racism and ableism and the need for the City to do better.

Staff indicated that the Early Consideration Form is to be considered. Acting Assistant Chief of Police Dave Tindall and staff spoke on the requirements and need for redistricting and timing of the various phases.

Motion: Councilmember Dev Davis moved approval and a 'green light' under the current workplan, with the inclusion of a quarterly progress update on Redistricting be provided to the Public Safety, Finance, & Strategic Support Committee. Councilmember Raul Perez seconded the motion and asked that the RFP somehow incorporate an engagement in the reimagining process and offloading traditional policing calls where other professionals can take on a responsibility. The maker of the motion agreed to the additional recommendation.

Action: On a call for the question, the motion carried unanimously, establishing a 'green light' for this item, with direction to the City Manager to identify the funding for redistricting the patrol beats within the San José Police Department (SYPD) and include establishing permanent foot patrol beats in this work. With inclusion of a quarterly progress update on Redistricting to be provided to the Public Safety, Finance, & Strategic Support Committee, and the RFP to incorporate an engagement in the reimagining process and offloading traditional policing calls where other professionals can take on a responsibility. (5-0.)

G. 4. Effective Council Discussion and Debate. (Cohen and Davis)

Public Comment: (1) Blair Beekman spoke to thinking outside the box and offered ideas. (2) Paul Soto urged extracting truth from rhetoric.

Councilmembers Davis and Cohen offered their reasoning as outlined in their joint memorandum of February 11, 2021.

Motion: Councilmember David Cohen moved the joint memorandum of February 11, 2021. Councilmember Dev Davis seconded the motion.

Councilmember Raul Perez indicated his lack of support for Item #1 from the memo, but was supportive of a 'time certain' factor. He indicated that there is an opportunity for further dialog without prescriptive recommendations in #1. He spoke to considering ways to have more orderly speaker rotation among councilmembers. Councilmember Sylvia Arenas expressed support to Item #2 but voiced concerns with Item #1. Vice Mayor Chappie Jones noted the difficulty in achieving a consensus. He suggested time limits be taken out, and this type of discussion be revisited in the future.

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G. 4. (Cont'd.)

Councilmember David Cohen offered that Item #1 could be moved to a future Council discussion, and that he would be open to coming up with language that is more agreeable prior to Council discussion. He offered flexibility for when this may return to Council due to upcoming heavy Council agendas.

Offering opposition to Item #1 on the memorandum, Councilmember Sylvia Arenas indicated she could not support the motion on the floor.

Action: On a call for the question, the motion carried to bring forth the February 11, 2021 joint memorandum from Councilmember Dev Davis and Councilmember David Cohen for discussion before Council.

“Improve the efficiency and effectiveness of Council discussions that will build consensus, inform decision-making and improve public engagement by implementing the following:

1. Agenda items should have an orderly speaker rotation among Councilmembers that starts with an initial limit of 10 minutes from each Councilmember who wishes to speak followed by successive rounds of discussions in 5-minute increments.

2. The Rules and Open Government Committee should review the order of items on the agenda and place items that may generate considerable public comment to minimize the uncertainty of timing and excessive waiting. The “Time Certain” designation shall be used when appropriate to aid the public in scheduling their participation in providing input to the council on key policy discussions.”

(4-1. Noes: Arenas.)

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 urged equity and reimagining.

2. Paul Soto expressed appreciation for representational government and thanked everyone for the meeting, particularly the sensitivity displayed by Councilmembers Peralez and Arenas.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 4:33 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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