

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

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 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 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 March 16, 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 discussed historical inequities and procedural issues, with agenda items not being available in a timely matter, that the government is playing with citizenry, denying them the right to participate. He added that Items 4.1 and 4.2 should be taken as separate issues and should have a time certain. (2) Blair Beekman urged open public policy practices, and addressed the Police Chief vacancy and opportunities for reimagining.

Vice Mayor Chappie Jones questioned the City Clerk on how the process can be more transparent. City Clerk Toni J. Taber, indicated that the Brown Act provides 72 hours for agenda
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1. Review March 16, 2021 Final Agenda (Cont'd.)

posting and the Sunshine process is posted for the public's review. She added that she will be offering 'Coffee with the Clerk' to educate the public on how the process works.

Councilmember Raul Peralez offered comments on participatory process and confirmed that Items 4.1 & 4.2 will be heard separately, should be heard in succession and not before 4 p.m.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the March 16, 2021 Final Agenda, including a 'time certain' for 4.1 & 4.2 not to be heard before 4 p.m. and to be heard in succession. (5-0.)

2. Review March 23, 2021 Draft Agenda

Public Comment: (1) Martha O'Connell, representing the Mobile Home Association, addressed Item 8.3, requesting a time certain since public waiting too long, which impacts many vulnerable residents. (2) Blair Beekman spoke to the topic of reimagining, urging minimal practices used in the future of policing. He added the concept of rent forgiveness needs to be encouraged during this time of COVID. (3) Paul Soto asked for more clarity to the agendaization process and spoke to grant money being used for affordable housing at the expense of those experiencing poverty.

Councilmember David Cohen offered that setting a time certain should wait until next week's ROG meeting.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the March 23, 2021 Draft Agenda. (5-0.)

B. Review of Upcoming Meeting Agenda(s)

1. Review March 15, 2021 Special Meeting Agenda on the City Roadmap - From COVID to Recovery.

Public Comments: (1) Blair Beekman offered that the public should not have to pay back this debt, that COVID is no one's fault. (2) Paul Soto asked that the 'gong' be taken out during public comment and spoke to social upheaval as a result of neglect and apathy, red-lining and social injustice.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the March 15, 2021 Special Meeting Agenda on the City Roadmap - From COVID to Recovery was accepted. (5-0.)

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

1. Joint City of San José Santa Clara Valley Water District Special Meeting. (CMO)

Public Comments: (1) Blair Beekman spoke to financial difficulties, suggesting a subsidy funding program or a tiered system so lower income individuals are not overcharged. (2) Paul Soto feels bearers of this weight will be the Chicano community, and he advocated for relief and spoke against gentrification.

Councilmember David Cohen noted that there may be confusion about the nature of this meeting, clarifying that it is not about water rates.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, scheduling of the Joint City of San José Santa Clara Valley Water District Special Meeting on March 19, 2021 at 9:00 a.m. – Noon was approved. (5-0.)

E. The Public Record for February 25 – March 4, 2021. (City Clerk)

Public Comments: (1) Blair Beekman noted the letter he provided regarding an express commute lane. (2) Paul Soto asked that there be a study session on redlining, noting particularly the effects of redlining in the Willow Glen area.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for February 25 –March 4, 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) Retroactive Approval of Commodore 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.

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

(b) Retroactive Approval of Multiple Dumpster Days Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

1. Retroactively approve the Dumpster Day in the Santee Neighborhood scheduled on June 8, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively approve the Dumpster Day in the West Evergreen Neighborhood scheduled on June 29, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Retroactively approve the Dumpster Day on Umbarger Road scheduled on November 16, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Retroactively approve the Dumpster Day in the Tropicana Lanai Neighborhood held of January 25, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
5. Retroactively approve the Dumpster Day at O.B. Whaley Elementary School scheduled on February 22, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
6. Retroactively approve the Dumpster Day in the Alma Neighborhood scheduled on June 13, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
7. Retroactively approve the Dumpster Day at Senter and Singleton Roads scheduled on June 27, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
8. Retroactively approve the Dumpster Day at Ramblewood Park scheduled on July 11, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
9. Retroactively approve the Dumpster Day at Kennedy Elementary School scheduled on July 25, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
10. Retroactively approve the Dumpster Day at Santee Elementary School scheduled on August 15, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
11. Retroactively approve the Dumpster Day at Meadows Elementary School scheduled on September 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
12. Retroactively approve the Dumpster Day in the Rock Springs Neighborhood scheduled on September 12, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
13. Retroactively approve the Dumpster Day in the Seven Trees Neighborhood scheduled on September 19, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
14. Retroactively approve the Dumpster Day in the Tropicana Lanai Neighborhood scheduled on September 26, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
15. Retroactively approve the Dumpster Day on Southside Drive scheduled on October 3, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
16. Retroactively approve the Dumpster Day on Gassman Drive scheduled on October 24, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
17. Retroactively approve the Dumpster Day on Lone Bluff Way scheduled on November 7, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
18. Retroactively approve the Dumpster Day on Umbarger Road scheduled on January 16, 2021 as a City Council sponsored Special Event and approve expenditure of funds.

(b) Retroactive Approval of Multiple Dumpster Days Sponsored by Council District 7 (Cont'd.)

19. Retroactively approve the Dumpster Day on Barberry Lane scheduled on January 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
20. Retroactively approve Dumpster Day at O.B Whaley scheduled on February 20, 2021 as a City Council sponsored Special Event and approve expenditure of funds.
21. Retroactively approve Dumpster Day at Alma/Bellvue Park scheduled on February 27, 2021 as a City Council sponsored Special Event and approve expenditure of funds.
22. Approve and accept donations from various individuals, businesses or community groups to support the event.
23. Place the item on the March 16, 2021 Council Agenda for action.

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 March 16, 2021 Council Agenda for action. (5-0.)

(c) Retroactive Approval of Multiple Community Events Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)

1. Retroactively approve the Fair Swim Center Reopening scheduled on August 10, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively approve the Sylvandale Backpack Distribution scheduled on August 16, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Retroactively approve the Dove Hill Clean Up scheduled on August 17, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Retroactively approve the Rock Springs Backpack Distribution scheduled on August 28, 2019 as a City council sponsored Special Event and approve the expenditure of funds.
5. Retroactively approve the Sound the Alarm! event at Silver Creek Mobile Home Park scheduled on October 19, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
6. Retroactively approve the Seven Trees Trunk Or Treat scheduled on October 31, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
7. Retroactively approve the District 7 Christmas in the Park District Night scheduled on December 10, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
8. Retroactively approve the Shoes That Fit Giveaway scheduled on December 12, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
9. Retroactively approve the Toys for Tots Drive at Los Lagos Golf Course scheduled on December 14, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
10. Retroactively approve the Valley Palms Toy Distribution scheduled on December 16, 2019 as a City council sponsored Special Event and approve the expenditure of funds.
11. Retroactively approve the West Evergreen End of Year Celebration scheduled on December 19, 2019 as a City Council sponsored Special Event and approve expenditure of funds.

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(c) Retroactive Approval of Multiple Community Events Sponsored by Council District 7 (Cont'd.)

12. Retroactively approve the Coyote Creek Clean Up at Tully Ballfields scheduled on February 1, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
13. Retroactively approve the Sylvandale Crime Prevention Meeting at Sylvandale Middle School scheduled on February 19, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
14. Retroactively approve the Shop with a Cop Backpack Distribution scheduled on August 8, 2020 as a City Council Sponsored Special Event and approve expenditure of funds.
15. Retroactively approve the Owsley Community Meet and Greet scheduled on September 9, 2020 as a City Council sponsored Special Event and approve expenditure of funds.
16. Retroactively approve the Valley Palms Backpack Giveaway scheduled on September 10, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
17. Retroactively approve the Rock Springs Helmet and Ice Cream Giveaway scheduled on September 18, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
18. Retroactively approve the Tropicana Lanai Helmet and Ice Cream Giveaway scheduled on September 21, 2020 as a City Council sponsored Special Event and approve expenditure of funds.
19. Retroactively approve the Santee Helmet and Ice Cream Giveaway scheduled on September 22, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
20. Retroactively approve the Valley Palms Helmet and Ice Cream Giveaway scheduled on September 22, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
21. Retroactively approve the Rocketship Spark Helmet and Ice Cream Giveaway scheduled on September 23, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
22. Retroactively approve the Rocketship Alma Helmet and Ice Cream Giveaway scheduled on September 24, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
23. Retroactively approve the Dahl Helmet and Ice Cream Giveaway scheduled on September 24, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
24. Retroactively approve the Lairon Helmet and Ice Cream Giveaway scheduled on September 25, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
25. Retroactively approve the Rocketship Mosaic Helmet and Ice Cream Giveaway scheduled on September 25, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
26. Retroactively approve the Owsley Community Crime Prevention Meeting scheduled on October 8, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
27. Retroactively approve the Ace Esperanza Candy Giveaway scheduled on October 29, 2020, as a City Council sponsored Special City of San José Page 10 Printed on 3/10/2021 Event and approve the expenditure of funds.
28. Retroactively approve the Santee Candy Giveaway scheduled on October 30, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Retroactive Approval of Multiple Community Events Sponsored by Council District 7 (Cont'd.)

29. Retroactively approve the Lairon Candy Giveaway scheduled on October 30, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
30. Retroactively approve the Seven Trees Trunk or Treat scheduled on October 30, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
31. Retroactively approve the Renascent Place Thanksgiving Meals Giveaway scheduled on November 19, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
32. Retroactively approve the O. B. Whaley Turkey Giveaway scheduled on November 20, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
33. Retroactively approve the McLaughlin Park Fitness Scavenger Hunt scheduled on December 12, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
34. Retroactively approve the GreenTeam Annual Bike Giveaway scheduled on December 14, 2020, as a City Council sponsored Special Event and approve expenditure of funds.
35. Retroactively approve the O.B. Whaley/West Evergreen Gift Giveaway scheduled on December 14, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
36. Retroactively approve the Dahl Elementary Book Drive scheduled on December 14, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
37. Retroactively approve the Meadows Elementary Virtual Gingerbread House Family Night scheduled on December 16, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
38. Retroactively approve the Franklin Elementary Family Giving Tree scheduled on December 18, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
39. Retroactively approve the Santee Parade and Pajama Giveaway scheduled on December 18, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
40. Retroactively approve the Santee Elementary Lunar New Year Drive Through Celebration scheduled on February 12, 2021, as a City City of San José Page 11 Printed on 3/10/2021 Council sponsored Special Event and approve the expenditure of funds.
41. Retroactively approve the Los Arboles Lunar New Year Celebration scheduled on February 12, 2021, as a City Council sponsored Special Event and approve the expenditure of funds.
42. Retroactively approve the ICAN Tet Celebration scheduled on February 19, 2021, as a City Council sponsored Special Event and approve the expenditure of funds.
43. Retroactively approve the Family Zumba in the Park scheduled on February 19, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.
44. Approve and accept donations from various individuals, businesses or community groups to support the event.
45. Place the item on the March 16, 2021 Council Agenda for action.

Public Comments: Blair Beekman offered that dumpster day events can bring communities together.

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 March 16, 2021 Council Agenda for action. (5-0.)

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

- (d) Approval of National Women's History Month 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)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Event was approved and cross-referenced to the March 16, 2021 Council Agenda for action. (5-0.)

G. 2. Approve the Auditor's Office Monthly Report of Activities for the month of February 2021

City Auditor Joe Rois provided the report.

Public Comments: (1) Blair Beekman reminded members of the public that they can use this report as a good source to know what's happening in the City. He spoke to energy compliance and energy risk practices, subsidy programs and clean energy. (2) Paul Soto spoke out against suppression and oppression of the human voice. He noted that SOMOS does good work, but said the City should expand its outreach and spoke favorably of Conxiòn.

Henry Smith, representing the Mayor's Office, addressed Paul Soto's comments and explained why there is sometimes a delay when allowing a speaker onto the platform.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Auditor's Office Monthly Report of Activities for the month of February 2021 was accepted. (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 Blair thanked Henry Smith and Paul Soto for addressing lag time for speakers, and spoke to versatility with the clock, not allowing just 60 or 120 seconds. He addressed Airport issues from yesterday's meeting and concerns regarding jet fuel and spoke on voting rights.
2. Paul Soto talked about his research into the state's research bureau documentation, specifically addressing the indentured servitude of Native Americans. He challenged the government to acknowledge this publicly, noting crimes against humanity and the entitlement of Willow Glen residents.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:02 p.m.

approved via email

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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