



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

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 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 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; Mayor's Office, Henry Smith; and City Clerk's Office, Yasmin Garcia.

A. City Council (City Clerk)

1. Review March 23, 2021 Final Agenda

Public Comment: Blair Beekman suggested combining housing department items with water department items.

Action: Upon motion by Councilmember Dev Davis seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the March 23, 2021 Final Agenda, as amended, including Adds, with Sunshine Waivers as required, with a time certain of 7 p.m. for Item 3.3, and all of Section 8 items not to be heard before 4 p.m. (5-0.)

2. Review March 30, 2021 Draft Agenda

Public Comment: Blair Beekman addressed the court issues with the Pacifica Tow Company and the tow service standards.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the March 30, 2021 Draft Agenda, as amended, including Adds, with Sunshine Waivers as required, the language update to Item 3.3 to add “Clerk and CAO to work on.”, and a time certain of 6 p.m. for Items 8.3 and 8.4. (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. Updates on Senate Bill 1383, Residential Recycling Contamination, and Residential Garbage and Recycling Rates Study Session. (Environmental Services)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee set a City Council Study Session entitled “Updates on Senate Bill 1383, Residential Recycling Contamination, and Residential Garbage and Recycling Rates” for Monday, April 12, 2021 from 1:30 p.m.- 4:30 p.m. and approved the draft Study Session agenda. (5-0.)

2. Pension Obligation Financing Options Study Session. (Finance)

Public Comment: Blair Beekman addressed the need for open discussions on subsidies, subsidy programs, and natural disasters in the next 5 years.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Committee set a City Council Study Session entitled Pension Obligation Financing Options for Friday, April 23, 2021 from 9:00 a.m.- 12:00 p.m. (5-0.)

E. The Public Record

Public Comment: Blair Beekman spoke to East Side community issues and the importance of Anthony Mata being selected as the new SJPd Police Chief.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for March 4, 2021– March 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 Virtual Volunteer Appreciation Luncheon 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)

Public Comment: Blair Beekman spoke on the SJPd Police Chief selection and the importance of Caesar Chavez day.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen 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. Approval of Cesar Chavez Day Lighting and Proclamation Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Perez)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the City Council Sponsored Special Event was approved and cross-referenced to the March 30, 2021 Council Agenda for action. (5-0.)

2. AB 1091 (Berman): Santa Clara Valley Transportation Authority: Board of Directors. (Transportation)

Public Comment: (1) Eugene Bradley, the Founder and CEO of the Silicon Valley Transit Users Group requested to remove Item 2 from the Consent Calendar due to the need of more discussion on the item by the Committee. (2) Blair Beekman spoke on state interstate funding.

(Item Continued on the Next Page)

G.2 (Cont'd.)

Director of Intergovernmental Relations, Bena Chang spoke on the functions, concerns, and purpose of AB1091 (Berman), and recommended to adopt a position of opposition for the bill.

Councilmember David Cohen stated the importance of having more representation for the bill to push for an Amendment without fully opposing the bill.

Councilmember Raul Peralez stated he strongly opposes the bill and that it was not done collaboratively with the city locally.

Office of the City Manager, Chief of Staff, Lee Wilcox stated the item would need to be brought forward to the full council for a position and action.

Vice Mayor Chappie Jones stated he strongly opposes the bill.

Action: Upon motion by Councilmember Dev Davis, seconded by Sylvia Arenas and carried unanimously, the Committee approved and cross-referenced this item to the March 23, 2021 City Council Meeting so the City's Legislative Representative can advocate the City's opposed position for AB 1091. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

- 1. Community and Economic Development Committee**
- 2. Update to the January 2021- June 2021 Neighborhood Services and Education Committee Work Plan. (City Manager)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the update to the January 2021- June 2021 work plan to add the following item to the April 8, 2021 Committee meeting: City Council Policy Priority #18: Smoke Free Housing Status Report to provide progress and obtain feedback. (5-0.)

- 3. Update to the January 2021 - June 2021 Transportation and Environment Committee Work Plan. (City Manager)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee approved the update to the January 2021 - June 2021 Transportation and Environment Committee work plan to add the item to the May 3, 2021 Committee meeting: City-Generated Tow Services Delivery Model Status Report to provide a status report on the progress and impact of City's emergency response to the COVID-19 pandemic.

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. Blair Beekman spoke on the importance and the need for the new Police Chief of SJPD to address and fix internal agency issues.
2. A speaker addressed issues he's faced with 311 such as calling in to address various potholes in the city, like the one on Winchester and Williams St.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 2:49 p.m.

approved via email

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yg:rulesmin_3-17-21