

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

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 24, 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 2:00 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 30, 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) Blair Beekman spoke to last night's Council meeting and addressed street racing and sideshow issues and consideration in inviting ACLU, CARE and Council of American Islamic Relations to the process regarding civil protection practices.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez, and carried unanimously, the Committee accepted the March 30, 2021 Final Agenda, including street racing, Item 4.1, not to be heard before 4 p.m. and including Adds and Sunshine Waivers as required. (5-0.)

2. Review April 6, 2021 Draft Agenda

Public Comment: (1) Blair Beekman spoke to the future of bike pathways, work being done on the East Side and its role in helping to resolve equity issues.

Speakers addressing Item G.3. are included under that item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the April 6, 2021 Draft Agenda, including one Add as noted. *City Clerk Toni Taber indicated that since there was no ROGC meeting on 3/31/21, Items to be added would be included under Orders of the Day on April 6. (5-0.)*

B. Review of Upcoming Meeting Agenda(s)

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

1. Set General Plan Hearing for April 2021. (Planning, Building and Code Enforcement)

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 opined that bearers of this weight will be the Chicano community, and advocated for relief and spoke against gentrification.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas, and carried unanimously, the first General Plan City Council hearing for calendar year 2021 on April 27, 2021 to consider City-initiated General Plan Amendments associated with adoption of the Berryessa BART Urban Village Plan was approved. (5-0.)

E. The Public Record for March 11 – March 18, 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 Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for March 11 – March 18, 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 Transgender Day of Visibility Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)**
- (b) Approval of Recognizing March 25, 2021 as the 200th Anniversary of Greek Independence Day 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)**
- (c) Approval of the 19th Annual March for Meals Month 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)**

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

G. 2. Nomination of The Alameda Park/Schiele Avenue Historic District. (Davis)

Councilmember Dev Davis thanked staff for giving this the green light and moved approval of her March 17, 2021 memorandum recommending approval of a resolution to nominate and initiate the Alameda Park/Schiele Avenue Historic District. Councilmember Raul Perez seconded the motion.

Councilmember Sylvia Arenas spoke to redlining, asking that we be mindful of the City's history which kept people of color out of predominantly white neighborhoods. She offered a substitute motion, requesting that the work that staff needs to do be put on hold until after further analysis from Fair Housing which is coming before the Neighborhood Services and Education Committee. Councilmember Raul Perez indicated he would second this motion for the purpose of discussion.

Rosalynn Hughey, Director, Planning, Building and Code Enforcement spoke to what historic designation means and outlined the procedure. She responded to the fair housing concept and looking for equal opportunity housing across the city.

Councilmember Raul Perez expressed concerns, indicating that he would like this to move forward with no cloud over it.

Considerable debate followed, with Councilmember Dev Davis speaking to the long process involved, with cognizance that we move forward to right historical wrongs, but not using this community as the 'guinea pig'. Councilmember Sylvia Arenas spoke to historical context and racially inequitable policies, questioning Google's intentions for this area, and urged an overlay with the Fair Housing Plan.

G. 2. (Cont'd.)

Vice Mayor Chappie Jones posed questions to Rosalynn Hughey, Director, Planning, Building and Code Enforcement, asking for opportunities to address Arenas' concerns. She indicated that work plan items can be developed, including working with the community, Housing and other staff to compile aspects of history of the area for recommendations that can be presented to Council. She suggested that it is a City-wide discussion.

Public Comments: *speakers addressing Item G.3. are included under that item.*

Substitute Motion: The substitute motion failed on a vote of 1-4. Noes: Peralez, Cohen, Davis, Jones.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez the motion carried, and the nomination of The Alameda Park/Schiele Avenue Historic District was forwarded to City Council on 3/30/2021, with a recommendation to approve a resolution to nominate and initiate the nomination. (4-1. Noes: Arenas.)

Note: this Item was deferred to April 20, 2021 during March 30 Orders of the Day.

G. 3 Return Together. (Peralez, Jimenez and Cohen)

Public Comments: Eighteen speakers, including many from the hospitality industry, Huong Thai, Joaquin Benitez, Ana Trinh, Esther Alonso, Nathan Ulsh, Luz De Maria, Joslin Morrison, Maji Bharghi, Maria de Rueda, Misrayn Mendoz, Iris Mejia; and Sarah Julian, Laura Reyes, Sarah McDermott (Local 19); Patricia Barragan, Dolores, Mayra Rodriguez, Letty Torres, José Barba and Miguel de la Mora all spoke to financial hardships and their need to return to work as soon as possible. Louise Auerhanh (Working Partnerships), Paul Soto and Blair Beekman additionally offered support to the proposed ordinance as outlined in the memorandum from Councilmembers, Jimenez, Peralez and Cohen. Nathan Ulsh (San José Downtown Association) expressed concerns, including businesses that may default to rehiring former employees without this policy in place; and Eddie Truong, Silicon Valley Organization, claimed that there has not been sufficient time to conduct stakeholder outreach and reservations in supporting this ordinance at this time.

City Attorney, Nora Frimann asked for an opportunity for further discussion in Closed Session. She recommended that this item be brought to closed session on the April 13, as well as Open Session.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, Staff to develop a "Return Together" *draft* Ordinance as identified in the March 18, 2021 joint memorandum from Councilmembers Peralez, Jimenez and Cohen, to be agendized at the April 13, 2021 Closed session and Council Meeting for consideration was accepted, with research to be conducted by the City Attorney's Office prior to Council review. (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. Paul Soto spoke to a perceived racial bias of the Silicon Valley Organization.
2. Blair Beekman addressed aerosol vaccines, new ideas for public meeting process and having color-coordinated council agendas when changes are made.
3. Martha O'Connell indicated she could not see translation on computer for Spanish speakers for this meeting and would like to hear everyone's input.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:58 p.m.

approved via email

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

SL/rk:rulesmin20210324