

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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 8, 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, Arenas, Cohen, Davis.

Absent: Councilmembers - All present.

Staff: City Manager, David Sykes; Office of the City Manager, Deputy City Manager, 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 Johnson.

A. City Council (City Clerk)

1. Review September 14, 2021 Final Agenda

Public Comment: (1) Martha O'Connell spoke to the Commissioners being present at the Housing and Community Development Commission.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the September 14, 2021 Final Agenda, as amended, including the add sheet. (5-0.)

2. Review September 21, 2021 Draft Agenda

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the September 21, 2021 Draft Agenda. (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

None provided.

E. The Public Record

Public Comment: (1) Paul Soto spoke to the two public letters that addressed opportunity housing and parking issues. (2) Blair Beekman spoke to the vaccine passport process and the possibility of requiring a COVID-19 test before an event.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Perez and carried unanimously, the Public Record for August 26, 2021–September 2, 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 the Ethiopian Flag Raising as a City Sponsored Special Event to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event. (Mayor)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the City Council Sponsored Special Event was retroactively approved and cross-referenced to the September 21, 2021 Council Agenda for action. (5-0.)

2. Pedestrian Safety Pilot at Monterey Rd. and Curtner Ave. (Esparza)

Public Comment: (1) Paul Soto spoke to his views on the “exploitation of the poor”, poverty, and vulnerable citizens in San José. (2) Blair Beekman spoke to open democracy and developing new public policies to promote an open dialogue. (3) Felipe Pineda, the victims’ mother addressed on this item spoke to the urgency and importance of supporting this item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee approved the following recommendations. Recommendation (1) directing the City Manager to allocate resources for a dedicated homeless outreach effort to the encampments near the intersection of Monterey and Curtner, including coordinating with Destination: Home’s Lived Experience Advisory Board and County’s Community Mobile Response Program; and recommendation (2) directing staff to explore physical barriers on the medians and along the sidewalks at Curtner and Monterey, and other high fatality intersections, to deter pedestrians from crossing outside the designated crosswalks. Recommendations 1 and 2 were green-lit and do not need Council approval to move forward as stated by City Manager’s Budget Director, Jim Shannon. Recommendation (3) directing staff to pilot recording video cameras at Monterey and Curtner, which will record the intersection in a manner consistent with our current Privacy Policy, including time limited recording retention as appropriate, and report back to the Transportation and Environment Committee with a report on the pilot program to assess effectiveness. Recommendation 3 was yellow-lit and approved for consideration and evaluation of budget funding sources. Recommendation (4) directing staff to explore the use of American Rescue Plan or federal infrastructure funding for these efforts was green-lit and is set to come back for further discussion and council approval. Recommendations 3 and 4 are both cross-referenced to the September 21, 2021 Council Agenda for action. (5-0.)

3. City of San José and Santa Clara Valley Water Efforts Toward Purified Water Project. (Jones, Cohen, and Jimenez)

Public Comment: Blair Bleekman addressed subsidy program funding issues.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen and carried unanimously, the Committee green-lit the item and placed it on the September 14, 2021 Council Agenda for action.

4. Monthly Report of Activities for August 2021. (City Auditor)

Public Comment: (1) Blair Beekman spoke to community energy in San José. (2) Paul Soto stated the importance of having an objective definition of equity.

(Item Continued on the Next Page)

G.4 (Cont'd.)

City Auditor, Joe Rois presented the verbal report and responded to questions.

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

5. Seamless Transit Principles. (Perez)

Public Comment: (1) Brian Preskitt urged the staff to approve the item and addressed issues with the Diridon and Berryessa bus lines. (2) Paul Soto spoke to his concerns with the policy and report. (3) Blair Beekman spoke to mass transit worker rights and the Gilroy transit area. (4) Tony Romero stated his support and the importance of this item. (5) Adina Levin, from the Seamless Bay Area Organization urged staff to agendaize the item, spoke to equity, and environmental sustainability. (6) Allen, a San José State University student spoke to the importance of the system providing affordable access to transit, job opportunities, education, and family health.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the September 21, 2021 City Council meeting consideration of adopting a resolution supporting the Seamless Transit Principles.

Including the amended memorandum from Councilmember Raul Perez, dated September 2, 2021, recommending: (1) To agendaize for the September 21st City Council meeting consideration of adopting a resolution supporting the Seamless Transit Principles. (5-0.)

6. City Manager Appointment and Compensation. (Mayor)

Public Comment: (1) Paul Soto stated the importance of having a legal definition of equity.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Committee adopted a resolution appointing Ms. Jennifer Maguire as City Manager, effective August 24, 2021, as outlined in the September 3, 2021 letter from Mayor Liccardo and placed the item on the September 14, 2021 Council meeting for action. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

1. Update to the August 2021 - June 2022 Community and Economic Development Committee Work Plan. (City Manager)

(Item Continued on the Next Page)

H.1 (Cont'd.)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the following addition to the Community and Economic Development Committee Work Plan for September 27, 2021 meeting: Team San José Annual Report on Activities and Semi-Annual Performance Measures Update. (Economic Development and Cultural Affairs)

- 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 spoke to the housing crisis in San José and lower income housing.
2. Blair Beekman spoke to recreational vehicle parking issues regarding the R.V. State Park.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:18 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj:rulesmin_9-8-21