

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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 22, 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 (2:10), Peralez, Davis, Arenas.

Absent: Councilmembers - Cohen.

Staff: Assistant City Manager, Lee Wilcox; Kevin Fisher; 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 September 28, 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 number of rezoning issues going to the Consent Calendar, the length of time developers are keeping cranes up, and advocacy around the eviction moratorium. (2) Blair Beekman spoke to Item 3.5 and future of a COVID-19 task force. He added eviction moratoriums should have been agendized sooner to allow for public discussion. (3) Tessa Woodmansee complained about late posting of today's agenda and neighbors not notified of homeless housing issues on the General Plan. (4) Kirk Vartan asked if this meeting was being recorded since he did not see the "Zoom" recording light. (5) Caller "6910" noted that the eviction moratorium should have been considered long ago. (6) Gail Osmer spoke to fencing around Asbury and allowance of RV parking during the abatement.

1. Review September 28, 2021 Final Agenda (Cont'd.)

Motion: Councilmember Sylvia Arenas requested a 5 p.m. time certain for Items 7.1 & 7.2 regarding the tobacco ban to allow full public participation and acceptance of the 'Add'. The motion was seconded by Councilmember Dev Davis.

Public Comments: (1) Tessa Woodmansee offered suggestions to address the housing crisis. (2) Blair Beekman spoke on shared housing and eviction rental assistance. (3) Paul Soto offered comments on housing, lack of bids and influence of Devcon.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the September 28, 2021 Final Agenda with a 5 p.m. time certain for Items 7.1 & 7.2, including adding Item 2.x implementation of AB 361 to allow teleconferencing of public meetings to continue beyond September 2021. (4-0-1. Absent: Cohen.)

2. Review October 5, 2021 Draft 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) Tessa Woodmansee spoke to use of financial resources from Google. (2) Paul Soto addressed education and civic engagement of Chicanos. (3) Blair Beekman offered comments on high speed rail, emergency broadcasting for the community and auditing practices.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the October 5, 2021 Draft Agenda. (4-0-1. Absent: Cohen.)

B. Review of Upcoming Meeting Agenda(s)

a. Review the September 30, 2021 Pension Obligation Respective Roles and Responsibilities for Policy Development Study Session Agenda. (City Manager)

Public Comments: (1) Paul Soto asked about the City's obligations, questioning what will happen when the money runs out. (2) Blair Beekman spoke to police overtime issues.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez, and carried unanimously, the Committee accepted the September 30, 2021 Pension Obligation Respective Roles and Responsibilities for Policy Development Study Session Agenda. (4-0-1. Absent: Cohen.)

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

There were none presented.

E. The Public Record for September 9 – September 16, 2021. (City Clerk)

Public Comments: (1) Blair Beekman spoke about the Curtner Highway barriers, thanked Councilmember David Cohen for his ideas at yesterday's meeting and urged action on poisoned soil in low-income areas. (2) Paul Soto offered appreciation for community activism and commitment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez, and carried unanimously, the Public Record for September 9 - 16, 2021 was noted and filed. (4-0-1. Absent: Cohen.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

(a) Approval of Two Neighborhood Day Events Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mahan)

(b) Approval of Laneview 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. (Cohen)

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 September 28, 2021 Council Agenda for action. (4-0-1. Absent: Cohen.)

G. 2. Community Violence Prevention and Response. (Peralez)

Public Comments: (1) Paul Soto addressed Dave Truslow's letters regarding cultural and social stigmas. (2) Brian Darby noted violence on a national, state, local and family level. (3) Blair Beekman spoke to creating a community effort, gun mandates and peaceful resolutions. (4) Tessa Woodmansee spoke to strength of community advocacy. (5) Jonathan Fleming offered support and questioned whether Brown Act posting requirements were met. (6) Kirt Vartan spoke on need for County consideration and collaboration and pushing back on some of Mayor's prioritization items.

(Item Continued on the Next Page)

G. 2. Community Violence Prevention and Response. (Cont'd.)

City Clerk Toni J. Taber, CMC noted that the Agenda was posted on Friday, within the Sunshine/Brown Act requirements. Vice Mayor Chappie Jones noted the Early Consideration Form – confirming that this item is already ‘Green Lit’.

Councilmember Raul Perez presented a slideshow “Community Violence Prevention and Response”.

City Auditor Joe Rois, Lt. Stephen Donohue and Assistant to the City Manager, Sarah Zárate responded to questions. Discussion followed, including potential of coordinating and partnering with the County.

Lt. Stephen Donohue responded to additional questions regarding firearm deaths and injuries. He offered to return to the PSFSS Committee with additional results and a deeper dive for suspect data during last year and a correlation with intimate partner violence and agreed to incorporate this formally into the workplan.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Dev Davis and carried unanimously, Proactive Workplace Safety & Culture Evaluation recommendations as outlined in Councilmember Raul Perez’ September 16, 2021 memorandum: 1. Directing the City Manager to a. Conduct an RFP or RFQ for a consultant to do an organization-wide workplace cultural and climate evaluation at the City of San José and the varying impacts from any traumatic experiences on employees. i. Bargaining units should be solicited for input on the scope of the RFP or RFQ, participate in submissions review and provide recommendations for final award to the City Council. ii. Return to the City Council a report of the evaluation as well as policy recommendations for consideration. b. Implement a proactive campaign to promote, encourage and incentivize all existing wellness programs among city employees. c. Consult or partner with public agencies like the County’s Behavioral Health Services Department and the private sector to explore ways towards improving the City’s wellness and mental health assistance programs. Trauma Response & Resiliency. 2. Directing the City Manager to explore with the County how to better participate in the development of a countywide Trauma Recovery Center as accepted by the Board of Supervisors on August 31, 2021 and integrate into San José’s emergency response infrastructure. Firearm Violence Prevention. 3. Direct the City Auditor to conduct an audit of the City’s firearm regulatory processes and policies, including a review of trends in firearm violence in the city, and make recommendations to the City Council for consideration. 4. Agendize at a future Public Safety, Finance & Strategic Support Committee (PSFSS) a report from the Police Department on causes of firearm related deaths and injuries including suicides in San José within the last five years and cross reference to the City Council, preferably with the audit mentioned in recommendation #3.

(Item Continued on the Next Page)

G. 2. Community Violence Prevention and Response. (Cont'd.)

5. Agendize for a future joint meeting with the County Board of Supervisors (BOS) a study session on firearm safety with a focus on mental health, Intimate Partner Violence (IPV) / Intimate Partner Homicide (IPH) and substance abuse with a diverse panel that includes but is not limited to mental health professionals, social service professionals and firearm experts. The study session should consider the feasibility of a future program that trains mental health professionals to conduct evaluations for firearm permitting as well as explore updates to existing city and City of San José Page 6 Printed on 9/17/2021 Joint Meeting for the Rules and September 22, 2021 Open Government Committee and Committee of the Whole Agenda county gun policies relating to IPV/IPH and substance abuse. In the event that the County BOS declines or is unable to participate in such a discussion, schedule the same discussion for a City Council Study Session.
6. Direct City Manager to include Senator Cortese and District Attorney Rosen's efforts on expanding and improving California's Red Flag laws as part of Intergovernmental Affairs' legislative programming." (4-0-1. Absent: Cohen.)

G. 3. Utilizing Public Lands to End Street Homelessness in Our Community. (Mahan)

Public Comments: (1) Robert Brownstein opined that this would be a 'ghetto' scenario which will isolate, degrade and dehumanize the homeless. (2) Tessa Woodmansee opined that development land is 'financialized' and does not address the crises we're facing. (3) Bill Dowling, representing UPS, spoke on impacts from homeless, violence and trespassing and vehicle theft/break-ins on his business and the negative impacts this proposal would create. (4) Huascar Castro, Working Partnerships, expressed concerns. (5) Liza H. noted this will not resolve issue of homelessness, which is already out of control in this area. (6) caller "7327" stated their area is already impacted, citing unsafe conditions, and area is already underserved by the PD. (7) Smith Family Property Management representative this area is already overwhelmed and cannot sustain an increased population, noting a strain on the business owners. He asked that D10 share responsibility. (8) Blair Beekman spoke to toxic microbes in the ground at the fairgrounds. (9) Todd Langton advocated for the unhoused, opining issues will be minimized by creation of tiny homes and providing services. (10) Tasha reasoned that the City needs to first address different categories being dealt with rather than expecting a 'blanket' solution that will not benefit all homeless. (11) Corey Condren, a firefighter, expressed concerns for Station 26, noting that concentration in one area is not the best option. (12) Andrew applauded the proposal, but noted location is too far from City services – expressing a need to invest in public transit. (13) Scott Largent spoke to people being vetted out, not thrown together. (14) Caller identified as "Our Neighborhood is Important" offered criticism of the proposed plan, that children deserve to play safely and D7 is already lacking. The proposal does not integrate, it isolates. (15) Jonathan Fleming urged increased police presence in D7. (16) Caller '6910' stated that the homeless are not being asked for their input, and you can't lump everyone together. (17) Alex Shoor thanked staff and advocates, indicating he feels this is a worthy consideration, and noted the need to set aside more land for development. (18) Mason Fong, Sunnyvale City Council, provided perspective and encouraged everyone to read the memo, noting it does include D10, and he is encouraged that San José is taking the lead. (19) Gail Osmer offered support and need to house folks. *(Item Continued on the Next Page)*

G. 3. (Cont'd.)

(20) Sandra spoke to the need to house homeless on County land and bring to full discussion at Council. (21) Caller '8354' D7 resident expressed concerns, citing an already high population of the homeless in D7. (22) Brian Prescott noted that six sites are suggested and spoke to the resistance of residents. He thanked Councilmember David Cohen for his courage and leadership.

Councilmember Matt Mahan indicated that some misinformation has been spread and asked that those interested in an accurate account read his memo. He followed up to clarify his proposal.

Assistant City Manager, Lee Wilcox and Deputy Director of Housing, Ragan Henninger responded to questions regarding feasibility and staff resources.

Councilmember Matt Mahan indicated he is looking for a way for the City to operate at a different level of speed, scale and cost effectiveness to have a shot at any street homelessness and is open to collaboration. He offered appreciation for the feedback he's gotten and expressed his interest in continued dialog.

Action: No motion was made.

Councilmember Sylvia Arenas and Councilmember Raul Perez left the meeting at 5:30 p.m.

H. Review of Additions to Council Committee Agendas/Workplans

- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee Work Plan. (Mayor and Arenas)**
 - 3. Transportation and Environment Committee**
 - 4. Public Safety, Finance and Strategic Support Committee**
 - 5. Joint Meeting of the Rules and Open Government Committee**
- None provided.

OPEN FORUM

1. Tessa Woodmansee spoke on rezoning.
2. Sandra spoke on potential for modular construction, mobilization of community to leverage the County resources.
3. Blair Beekman spoke on open democratic practices, safe and understandable vaccine processes and preparation for natural disasters and transitional housing.
4. Scott Largent offered appreciation for the meeting and for Councilmember Matt Mahan's direction and recommendations.
5. Todd Langton offered support to Councilmember Matt Mahan, opined that the City is not doing enough for homeless and must do something different.
6. Liza H. offered support to Councilmember Matt Mahan's proposal.
7. Caller "6910" urged support for the homeless, saying 'when we wait, people die'.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 5:43 p.m.

CJ/rk:rulesmin20210922

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee