



City Council Meeting MINUTES

Tuesday, July 28, 2020

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



SPECIAL MINUTES OF THE CITY COUNCIL-AMENDED

JULY 28, 2020

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 and webinar.

The meeting was teleconferenced from remote locations.

The Council of the City of San José convened on Tuesday, July 28, 2020 at 9:02 a.m.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis (11 a.m.), Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

3. STRATEGIC SUPPORT

3.1 20-822

Consideration of a Ballot Measure to Amend the City Charter and Implementing Ordinance.

(a) As directed by the City Council on July 1, 2020, consider the proposed amendments to the City Charter and implementing ordinance to, among other things:

- (1) Transition the mayoral election to the presidential election beginning in 2024;
- (2) Grant the Office of Mayor new powers;
- (3) Enact campaign finance measures similar to Government Code section 84308;
- (4) Add restrictions for registered Lobbyists and contractors; and
- (5) Establish a Blue Ribbon Commission to evaluate these amendments.

(b) Provide further direction for the preparation of a potential ballot measure, including changing the size and composition of the Planning Commission and extending the timeline for redistricting, for Council consideration at the regularly scheduled meeting on August 4, 2020. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Mayor)

3.1 (Cont’d.)

Mayor Sam Liccardo provided opening comments. Assistant City Attorney Ed Moran noted the replacement memorandum provided contained no substantive changes, only a footnote change due to a typographical error, and indicated revisions made to the proposed ballot measure. As Councilmember Maya Esparza indicated she would like to hear the presentation in full, Deputy City Attorney, Mark Vanni, offered the complete presentation on the proposed Charter Measure.

The availability of interpreters for both Spanish and Vietnamese were announced. City Clerk Toni Taber provided a breakdown of costs, indicating \$2.7M has been allotted in the budget for ballot measures.

Public Comments: Thirteen members of the public, including representatives of the League of Women Voters and Mothers Out Front, addressed the need for inclusivity, civic engagement, and a strong democratic process, support of Councilmember Sylvia Arenas' memorandum and for delaying the strong mayor proposal, and urging continuance of the translation of meetings.

Motion: Councilmember Magdalena Carrasco moved approval of Mayor Sam Liccardo's memorandum; Vice Mayor Chappie Jones memorandum; items #1, #3 and #4 from Councilmember Sylvia Arenas memorandum, and items #2 and #3 from the memo she coauthored with Councilmember Maya Esparza. The motion was seconded by Councilmember Maya Esparza.

Following discussion and clarification from Assistant City Attorney Ed Moran, Councilmember Sylvia Arenas requested a friendly amendment to make changes to item 2(a) from Vice Mayor Chappie Jones, which was not accepted by the maker and seconder of the motion.

Substitute Motion: Councilmember Sylvia Arenas moved Items 1-5 from her memorandum; Items 1 a, b and c from Mayor Sam Liccardo's memo; Vice Mayor Chappie Jones memorandum with the exception of 2(a), and Items #2 and #3 from the memorandum submitted by Councilmembers Carrasco and Esparza. Councilmember Raul Peralez seconded the motion.

Councilmember Maya Esparza offered a friendly amendment, requesting that Item 2(a) from Vice Mayor Chappie Jones' memorandum be revised, to "Scope of Work of the Blue Ribbon Commission shall include: (a) Consideration of GOVERNANCE STRUCTURE provisions INCLUDING THOSE consistent with the "Mayor-Council" government structure found in other cities in the United States in which the Mayor has executive authority and the Council has legislative authority." The amendment was accepted by Councilmembers Arenas and Peralez.

Council discussion resumed with ideas of which ballot items should be combined and the role of the Charter Review Commission/Blue Ribbon Task Force.

Council recessed at 11:58 a.m. and reconvened at 1 p.m. with all Council members present.

Councilmember Raul Peralez offered a friendly amendment, to eliminate recommendation #5 from the memorandum from Councilmember Arenas' memorandum; to not require the Redistricting or Planning Commission initiatives to be bundled with the IPA reforms; and submitting 2b, c and d from the Mayor's memorandum for vetting by the Board of Fair Campaign and Political Practices and the Charter Review Commission. After further discussion, additional verbiage was added, including whether the next term is 2 years or 6 years to be decided upon by the Charter Review Commission and to be included in an election in Spring of 2022. The friendly amendment was accepted by Councilmember Sylvia Arenas.

Councilmember Raul Peralez asked that these items, in totality, be turned over to the Charter Review Commission/Blue Ribbon Panel and Board of Fair Campaign and Political Practices for vetting; and it was

determined that items regarding the Planning Commission Initiative and Redistricting Initiative be bifurcated. The amendment to the motion was accepted, including bifurcation.

Action: On a call for the question the motion carried unanimously, with Councilmember Sylvia Arenas July 27, 2020 memorandum accepted as revised, including both items from Vice Mayor Jones’s memo as amended to Direct staff to create a Blue Ribbon Commission within 60 days according to the following: 1. Parameters for the Blue Ribbon Commission shall include: a) 23 Members to be appointed by Council and Mayor subject to the following criteria: i. Each Council Member is to nominate two members residing in their Council District; ii. Mayor to nominate three at-large members, including the Chair of the Commission, who is to vote only when there is a tie vote; iii. Vice Chair of the Commission is to be elected by the Commission once comprised. b) Composition of Commission Members is to represent a cross-section of backgrounds and professions including, but not limited to: labor/union, business and development, academia, legal, and government. c) Commission is to determine number of meetings, number of public hearings, and schedule of meetings. d) Commission is to provide recommendations to Council for consideration by January 25, 2022. e) Based on Commission’s recommendations, Council is to determine further revisions of the Charter, if necessary, to be included as a ballot measure in the November 2022 statewide general election. f) Commission to be facilitated by an Independent Consultant and supported by Staff members of City Attorney and Clerk’s Offices. 2. Scope of Work of the Blue Ribbon Commission shall include: a) Consideration of **governance structure** provisions **including those** consistent with the “Mayor-Council” government structure found in other cities in the United States in which the Mayor has executive authority and the Council has legislative authority. b) Evaluation of transition of the election cycle for odd-numbered districts to align with the presidential election cycle and the even-numbered districts with the gubernatorial election cycle. c) Consideration of additional measures and potential charter amendments as needed, that will improve accountability, representation, and inclusion at San Jose City Hall. Additional direction was to direct staff to refer the proposed campaign finance reforms, commission reforms, and lobbyist restrictions to the Charter Review Commission/Blue Ribbon Panel and San Jose’s Board of Fair Campaign and Political Practices for consideration and recommendation to review for the 2022 election cycle, holding either a) an election for a six-year term or b) a special two-year Mayoral term that would not count against term limits. Bring back their recommendations for appropriate council action. Additionally, approve Item #2 from the joint memorandum from Councilmembers Esparza and Carrasco, dated July 24, 2020, to (2) Create a Blue Ribbon Task Force to research and solicit community input on strong mayor and other potential charter reforms to improve and update our governance structure, and including 2a from Mayor’s Memo “Align mayoral executive authority with residents’ and local business’ reasonable expectations for responsive and accountable democratic governance in a major U.S. city”.

Bifurcation of the two charter revisions, Planning Commission Initiative and Redistricting Initiative followed. (11-0).

Redistricting:

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, Item #5 from Councilmember Sylvia Arenas memorandum was accepted, directing staff to revise the Redistricting Charter Amendment to allow it to address potential future situations involving census delays.

Referencing the Planning Commission Initiative, Councilmember Dev Davis requested a friendly amendment, requesting council-wide participation in commissioner selection, rather than each councilmember selecting their own delegate. Councilmember Sylvia Arenas initially declined the friendly amendment, but following Assistant City Attorney Ed Moran’s clarification to the selection process, Councilmember Arenas reconsidered and accepted the amendment from Councilmember Davis.

Planning Commission:

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, Staff was directed to bring forward a proposed ballot measure for consideration at the August 4, 2020 meeting that would amend the Charter to change the size and composition of the Planning Commission. Council-wide participation in Planning Commissioner selection was included by friendly amendment. (11-0.)

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, Staff was directed to return to the August 4, 2020 Council Meeting with options to consolidate the proposed measure related to the Planning Commission and redistricting along with the proposed measure to expand the Independent Police Auditor's authority. Council will further determine whether the proposed ballot measures should be submitted to the voters separately or consolidated into one measure. (11-0.)

OPEN FORUM

1. Paul Soto spoke to red-lining, generational wealth and inherited power.
2. A member of the public spoke to accountability and the need for elected officials to engage with constituents. She addressed systemic racism.
3. Blair Beekman asked that the City work with the community to allow safety and protection. He applauded efforts made towards Vietnamese translation and noted importance of equity.
4. Veronica spoke to equity and representation of Latinos in the City.
5. Scott Largent criticized restrictions during public comment and the way the City is run.
6. Robert Geary spoke to needs of the unhoused community.
7. Susy called out hypocrisy and need to pay attention to elections.
8. Brenda spoke to systemic racism, the scarcity of food and the need for assistance due to COVID and asked that the City do a better job of reaching out to seniors.
9. Jeremy Taylor made recommendations for D4 and D6 candidates.

ADJOURNMENT

The Special Council Meeting of the City of San José adjourned at 4:26 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

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