

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

SAN JOSE, CALIFORNIA

WEDNESDAY, OCTOBER 21, 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/Webinar or online.

The Council meeting was teleconferenced from remote locations and convened at 1:30 p.m.

Present: Councilmembers - Liccardo, Davis, Jones, Arenas, Khamis.

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 October 27, 2020 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)**

A request was made that approval of the Payne Avenue Master Plan not be heard before 5 p.m., and the City Clerk was asked to assure translation services for this item. Councilmember Sylvia Arenas also noted importance of Item 3.5, Redistricting Commission, and asked it not be heard before 6 p.m. to allow community feedback.

Public Comments: Blair Beekman advocated for dialog with the community about homeless issues and offered appreciation to Councilmember Lan Diep for the framework he used in bringing this to the forefront.

1. Review October 27, 2020 Final Agenda (Cont'd.)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the October 27, 2020 Final Agenda, with inclusion of Add Sheet items and direction that the Payne Avenue Master Plan not be heard before 5 p.m., and Item 3.5 not be heard before 6 p.m. (5-0.)

2. Review November 3, 2020 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: Blair Beekman spoke to cooperation between the City of San José and Santa Clara County and interpretation of Measure B and North San José property issues.

Chief of Staff, Office of the City Manager, Lee Wilcox noted inclusion of the update on the Al Fresco Program as indicated below, and offered to check in with the Office of Economic Development on outreach regarding the amendment of the urgency order for shutdown of alfresco dining at midnight versus 10 P.M.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the November 3, 2020 Draft Agenda, including items related to the Update on San José Al Fresco Program amending the Declarations of the Director of Emergency Services. (5-0.)

B. Review of Upcoming 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 – none provided.

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

Public Comments: Blair Beekman advocated for the proposed disability measures.

- (a) Approval of October as the 75th Anniversary of National Disability Employment Awareness Month and 2020 as the 30th Anniversary of the Americans with Disabilities Act 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)**
- (b) Approval of Drive and Treat Resource Fair 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)**
- (c) Approval of Drive and Treat Resource Fair 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)**
- (d) Approval of Drive and Treat Resource Fair 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)**

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the City Council sponsored Special Events were approved and cross-referenced to the October 27, 2020 Council Agenda for action. (5-0.)

G. 2. Monthly Report of Activities for September 2020. (City Auditor)

City Auditor Joe Rois provided a report.

Public Comment: Blair Beekman spoke to police budgeting, overtime and recruitment.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Johnny Khamis and carried unanimously, the Monthly Report of Activities for September 2020 was accepted. (5-0.)

G. 3. City Clerk Update on Public Engagement Process. (City Clerk)

City Clerk Toni J. Taber, CMC spoke on the budgeting of funds for translation services, and indicated the practicality of providing the services only upon request.

Public Comment: Blair spoke on the need for interpretation services.

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G. 3. (Cont'd.)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Process Update approving a verbal interpretation services plan for City Council meetings to provide Spanish and Vietnamese interpreters upon request or only for specific agenda items of interest with a “not before” time on the agenda in alignment with actions included in the 2019-2020 Annual Report that recommends \$50,000 for interpretation services was accepted. (5-0.)

G. 4. Approval of City Hall Free Use on November 17, 2020

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the proposal for City Hall Free Use on November 17, 2020 was accepted. (5-0.)

G. 5. Pension Obligation Bonds. (Mayor)

Chief of Staff, Office of the City Manager, Lee Wilcox, noted the ‘green light’ identified on the Early Consideration Form, and Budget Director Jim Shannon and Director of Finance Julia H. Cooper responded to questions.

Staff spoke to absorbing this item into the existing work plan and returning with a study session in Spring 2021. Discussion followed regarding this item returning to full Council on December 1, 2020, with Councilmember Dev Davis speaking to the benefit from a full discussion at that time.

Motion: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, Mayor Sam Liccardo’s memorandum dated October 15, 2020 was accepted, noting a public study session to be held, with the Council to fully vet questions and issues, and invite relevant consultants and experts to testify. If Council offers a favorable response after that study session, required documentation is to be developed for City Council to consider proceeding with the validation and subsequent authorization for the issuance of pension obligation bonds.

This item is to return to full Council on December 1, 2020 for a full presentation by staff. (4-0-1. Absent: Liccardo.)

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 Rules & Open Government Committee and Committee of the Whole

6. Smart Cities and Service Improvement Committee

None provided.

I. Open Government

None provided.

J. OPEN FORUM

1. Blair spoke on mass transit ideas, good practices during COVID and what our energy choices may be.
2. JT spoke on timing during council meetings and what staff may do for Council.
3. Timothy addressed feral pig damage of private property.

G. Adjournment

Mayor Sam Liccardo adjourned the Committee meeting at 2:50 p.m.

Approved via email

Mayor Sam Liccardo, Chair
Rules and Open Government Committee

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