

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

SAN JOSE, CALIFORNIA

WEDNESDAY, JANUARY 13, 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 1:30 p.m.

Present: Councilmembers - Liccardo, Davis, Jones, 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 January 19, 2021 – Cancelled.**
- 2. Review January 26, 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: Blair Beekman recommended Deputy Chief Anthony Mata as the new Police Chief and spoke to a pervasive prison/military/industrial complex.

City Clerk Toni J. Taber addressed questions regarding appointing members to the Redistricting Commission, noting the Councilmembers may choose an alternative if that individual is already in the pool of applicants.

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2. Review January 26, 2021 Draft Agenda (Cont'd.)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the January 26, 2021 Draft Agenda. (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

1. Release Date for Study Session. (City Manager)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Study Session date for Friday, January 15, 2021 was released. (5-0.)

2. Set a Special Joint Meeting between City Council and Board of Fair Campaign and Political Practices for Thursday, January 28, 2021. (City Clerk)

Mayor Sam Liccardo questioned the scheduling of a joint study session. City Clerk Toni Taber noted that this was set at the request of City Council in order to provide progress on the Charter Review. City Attorney, Nora Frimann indicated that staff was also looking to outside help for this purpose. Discussion followed regarding a postponement until hard proposals have been set, Board of Fair Campaign and Political Practices (BFCPP) vacancies have been filled and members acclimated.

Public Comments: (1) Blair Beekman expressed hopefulness for 2021. (2) Paul Soto recommended a measured approach and the need to address moral and ethical implications, rather than just legal ones.

Motion: Councilmember Dev Davis moved that this meeting date be released, with the discussion to return to Council at a later date to determine the need for a presentation by the BFCPP. The motion was seconded by Councilmember Maya Esparza.

Action: On a call for the question, the motion was carried unanimously, and the joint meeting between City Council and Board of Fair Campaign and Political Practices for Thursday, January 28, 2021 was released, with this item to return to Council for further review. (5-0.)

E. The Public Record for December 22, 2020 – January 7, 2021. (City Clerk)

Public Comments: Blair Beekman addressed COVID-related issues and consistency in presenting the mortality rate.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Public Record for December 22, 2020 – January 7, 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 Holiday Grab and Go Community Event 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)

(b) Approval of Nationwide Memorial for COVID-19 Victims Tower and Rotunda Lighting Sponsored by Mayor's Office and Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mayor and Arenas)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, the City Council sponsored Special Events were approved and cross-referenced to the January 26, 2021 Council Agenda for action. (5-0.)

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

City Auditor Joe Rois provided the monthly report.

Public Comment: Blair Beekman spoke to local democratic community practices.

Mayor Sam Liccardo posed questions regarding the work plan, asking if the San José water billing is within the scope of the Auditor's Office. City Auditor Joe Rois indicated the scope has been more narrowly focused on City services. Additionally, the Mayor asked about the burden on Police Department staffing; the Auditor agreed to look into consideration of technological improvements which may improve the staffing challenges.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember David Cohen and carried unanimously, the Monthly Report of Activities for December 2020 were accepted. (5-0.)

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

None provided.

2. Neighborhood Services and Education Committee

Public Comments: Paul Soto suggested a reprioritization of some items due to COVID-related challenges, and criticized the water shut-down at Columbus Park, which is seen as a punishment to needles/syringes being found at the park.

Chief of Staff, Office of the City Manager, Lee Wilcox, responded to questions posed by Councilmember Maya Esparza regarding staggering meetings of the standing committees since staff is currently inundated due to the COVID crisis. Lee Wilcox indicated that the time and frequency of meetings is up to Council, and the Roadmap meeting to be held on Friday, January 5, 2021 will be an opportunity to determine an action plan.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Neighborhood Services and Education Committee work plan for the period January through June 2021 by virtual meeting due to the COVID-19 pandemic restrictions, until further notice, was approved. (5-0.)

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. Blair Beekman asked that the public be able to weigh in on digital inclusion issues and spoke on accountability. He asked that public comment be allowed on deferred items.
2. Paul Soto spoke to 'truth-telling' on how San José was established and removal of controversial statues.

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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