

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

SAN JOSE, CALIFORNIA

WEDNESDAY, APRIL 7, 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, Davis, 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 April 13, 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) Blair Beekman spoke to the importance of water, COVID and employment issues, and the government and community working together. (2) Paul Soto spoke to unnecessary death of citizens through police force.

Action: Upon motion by Councilmember Dev Davis seconded by Councilmember David Cohen, and carried unanimously, the Committee accepted the March 30, 2021 Final Agenda with Adds as required. (5-0.)

2. Review April 20, 2021 Draft Agenda

Public Comment: (1) Paul Soto spoke to ‘putting bandaids’ on issues and injustices that have heretofore been historically ignored, and indicated culpability of the City and County. (2) Blair Beekman addressed COVID issues and warned of new strains of the COVID virus.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the April 20, 2021 Draft Agenda. (5-0.)

B. Review of Upcoming Meeting Agenda(s)

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

1. City of San José and County of Santa Clara Joint Committee Meeting. (City Manager)

Councilmember Sylvia Arenas noted that everyone is welcome to attend this meeting and indicated its importance.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, a Joint Meeting between the City of San José Public Safety, Finance and Strategic Support Committee (PSFSS)/Committee of the Whole and the Santa Clara County Children Seniors, and Families Committee was set for Thursday, April 29, 2021 at 1:00 p.m. (5-0.)

E. The Public Record for March 18 – April 1, 2021. (City Clerk)

Public Comments: (1) Blair Beekman spoke to building community trust. (2) Frederick Ferrer, Chair of Charter Review Commission, expressed a need for public engagement processes and requested additional financial resources for the Commission. (3) Ellie Matsumura, Working Partnerships, supported the letter from the Charter Review Commission and the need for robust public engagement. (4) Paul Soto indicated that adoption and ratification of the City Charter was in 1950 at a time when policies promoted the decimation of the Mexican population. (5) Roma Dawson indicated the Charter Review Commission is sadly under resourced.

Councilmember Sylvia Arenas pulled the letter from Commissioner Ferrer and recommended that the San José Youth Commission – Bill of Right’s for Children and Youth item (Public Record #4) and the Charter Review Commission item (Public Record #5) be pulled and agendized for discussion at Rules and Open Government Meeting on April 14, 2021.

E. The Public Record for March 18 – April 1, 2021. (City Clerk)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Public Record for March 18 – April 1, 2021 was noted and filed, with the San José Youth Commission – Bill of Right 's for Children and Youth item (Public Record #4) and the Charter Review Commission item (Public Record #5) be agendized for discussion at Rules and Open Government Meeting on April 14, 2021. (5-0.)

F. Boards, Commissions and Committees

1. Appointments

(a) ROGC VEBA Advisory Committee Appointment. (Human Resources)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously (1) the appointment of Aidan Guy, nominated by the Police Officers' Association as the Police Officers' Association active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term beginning May 1, 2021 and ending May 31, 2024; with (2) Placement of this item on the April 13, 2021 City Council Agenda for action was accepted. (5-0.)

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- (a) Approval of Walnut Mobile Home Park Dumpster Day Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)**
- (b) Retroactive Approval of Dumpster Day Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)**
- (c) Retroactive Approval of Annual Leadership Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)**
- (d) Approval of April 2021 as Stress Awareness Month 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 Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the April 13, 2021 Council Agenda for action. (5-0.)

- (e) Approval of Sexual Assault Awareness Month 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)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Perez and carried unanimously, the City Council Sponsored Special Event was approved and cross-referenced to the April 27, 2021 Council Agenda for action. (5-0.)

- (f) Retroactive Approval of Dumpster Day in the Tropicana Lanai Neighborhood Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**
- (g) Retroactive Approval of Dumpster Day on Singleton Drive Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**
- (h) Retroactive Approval of Owsley Community Baseball Clinic Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**
- (i) Retroactive Approval of Los Lagos Easter Egg Drive Through Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**
- (j) Retroactive Approval of Ramblewood Elementary Easter Egg Giveaway Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**
- (k) Retroactive Approval of Seven Trees Easter Egg Giveaway Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**
- (l) Approval of 15th Annual Santos Family Car Show 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)**

Public Comment: (1) Blair Beekman spoke to dumpster days bringing a sense of community and channels of communication, and promoted humanistic ideas brought forth by the City of Palo Alto. (2) Paul Soto spoke to perception of self-appointed leaders, indicating they should rather see themselves as advocates and servants of the public.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the April 13, 2021 Council Agenda for action. (5-0.)

G. 2. Monthly Report of Activities for March 2021. (City Auditor)

City Auditor Joe Rois provided the Monthly report.

Public Comment: (1) Blair Beekman spoke to the surveillance and technology aspect of BeautifySJ programming. (2) Paul Soto spoke on informing and educating and the role he and Blair Beekman play in their work with the City and Council. He spoke on the future of Google being in San José.

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

G. 3 Santa Clara Valley Water Districts Efforts to Develop Purified Water Projects in Santa Clara County. (Mayor, Jones and Jimenez)

Public Comment: (1) Blair Beekman spoke to the progressive lens whereby he and Paul Soto share their vision, and encouraged subsidies giving full protection to the underserved. (2) Paul Soto spoke to the paradigm shift occurring in San José and Santa Clara County and need for them to accept responsibilities for historical injustices.

Vice Mayor Chappie Jones noted the memorandum he coauthored with Councilmembers Cohen and Peralez and modification to memo on item #2 as indicated below:

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the staff's recommendation to accept the report regarding the status of the Santa Clara Valley Water District's (Valley Water) Purified Water Project in Santa Clara County was accepted, directing the Administration to:

1. Negotiate an amended or new Master Agreement between Valley Water and the City of San José and Valley Water relating to Valley Water's Payment for City's support services to the expedited purified water program for an amount adequate to fund all costs incurred by the City to support negotiation of new agreements including legal services and a facilitator.
2. Coordinate with Valley Water to negotiate and enter into a three-party agreement with a **mutually agreed-upon** consultant to facilitate negotiation meetings between the City and Valley Water for six months; and establish the executive steering committee comprised of representatives from the San Jose City Council and Valley Water Board, staff from each agency only if the negotiation with the facilitator requires additional guidance.
3. Negotiate with Valley Water an agreement to fund the reservation of wastewater effluent for potential water reuse projects with terms and conditions substantially similar to the Partnership Agreement to Advance Resilient Water Reuse Programs in Santa Clara County between Valley Water and the cities of Palo Alto and Mountain View dated December 10, 2019.
4. Return to the San José City Council in December 2021 for action/consideration on a reservation of wastewater effluent agreement with Valley Water.
5. Following the reservation of wastewater effluent, engage Valley Water to negotiate an amended or new Ground Lease and Property Use Agreement for the existing Advanced Water
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G. 3 (Cont'd.)

Treatment Facility, concurrently with an amended or new Recycled Water Facilities and Programs Integration Agreement.

6. Direct the administration to continue prior Council direction on negotiating the expanded use of recycled water with Valley Water to increase a local, drought-resilient water supply and reduce reliance on imported water.

7. Return to the San José City Council on June 15, 2021 with an update regarding the status of the negotiations.

(5-0.)

H. Review of Additions to Council Committee Agendas/Workplans

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

Approve the following changes to the January 2021 - June 2021 Community and Economic Development (CED) Committee work plan:

1. Drop the following item from the April 26, 2021 CED Committee meeting: City Council Policy Priority # 8 (re-prioritized as City Roadmap Backlog #22): Cannabis Equity Application Program Status Report. (Economic Development)

2. Drop the following item from the June 28, 2021 CED Committee meeting: City Council Policy Priority #4 (now on the un-numbered City Roadmap Priorities): Soft Story Retrofit Program Status Report. (Planning, Building and Code Enforcement)

Public Comment: Blair Beekman spoke to importance of earthquake retrofit issues.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the update to the January 2021 - June 2021 Community and Economic Development (CED) Committee work plan was accepted. (5-0.)

2. Update to the January 2021 - June 2021 Neighborhood Services and Education Committee Work Plan. (Library)

Approve the update to the January 2021 - June 2021 Neighborhood Services and Education Committee Work Plan to drop the following from the April 8, 2021 meeting: Education & Digital Literacy Strategy Annual Report. (Library)

Public Comment: (1) Paul Soto spoke to juvenile hall experiences, acts of violence against the County's wards and monetizing of the process. (2) Blair Beekman noted importance of civil rights/protections and importance of digital literacy.

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2. Update to the NSE Work Plan (Cont'd.)

Councilmember Sylvia Arenas asked staff how this information would be disseminated in lieu of it returning to the April 8 NSE meeting. Deputy City Manager, Angel Rios, Jr. indicated an information memo would be provided, with a more comprehensive report being provided in the Fall.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the update to the January 2021 - June 2021 Neighborhood Services and Education Committee Work Plan was accepted. (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. Paul Soto thanked Councilmember Sylvia Arenas for authentic extension of her understanding of his experiences with eviction, and expressed his vulnerability living on the streets.
2. Blair Beekman spoke on the importance of open public policy and the needs of the Charter Review Commission.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:04 p.m.

approved via email

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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