

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

SAN JOSE, CALIFORNIA

WEDNESDAY, APRIL 21, 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 - Peralez, Davis, Arenas, Cohen.

Absent: Councilmembers - Jones. (Excused)

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 27, 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 expressed support to increasing funding for the charter review process and language interpretation. He suggested HVAC and aerosol vaccine systems for work environments. (2) Paul Soto spoke on exploitation of the workforce and moral responsibility, urging the City to support its citizens. (3) Sara McDermott advocated for passing stronger recall rights and a stronger right of action on top of what is offered on top of SB9 in getting hospitality workers back to work. (4) Vince Rocha agreed to the deferral of Item 3.7 to allow for greater civic engagement.

City Attorney, Nora Frimann referred to the Return to Work Ordinance, Item 3.3, indicating the State has covered broader provisions and noting it could potentially be dropped from the agenda.

Review April 27, 2021 Final Agenda (Cont'd.)

Councilmember Raul Peralez recommended Item 3.3 be deferred for one week until the difference between the two ordinances could be clearly determined.

Additionally, Councilmember Raul Peralez recommended Item 3.7 be deferred one week to allow for greater stakeholder input.

Action: Upon motion by Councilmember Sylvia Arenas seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the April 27, 2021 Final Agenda with Adds as required and including the deferral of Items 3.3 and 3.7 to May 4, 2021.

(4-0-1. Absent: Jones)

2. Review May 4, 2021 Draft Agenda

Public Comment: (1) Blair Beekman spoke to Moderna and Pfizer vaccines and potential microchip capabilities and addressed the future of COVID and importance of funding. (2) Paul Soto asked that bids on contracts for Pellier Park address any actions to be taken with the Fallon statue, and opined that language designating a building as 'public art' is used to con citizens.

Councilmember Raul Peralez clarified for Mr. Soto that the Fallon statue is adjacent to Pellier Park, and the contract will have no impact.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee accepted the April 20, 2021 Draft Agenda.

(4-0-1. Absent: Jones)

B. Review of Upcoming Meeting Agenda(s)

1. Review April 29, 2021 City of San José Public Safety, Finance and Strategic Support (PSFSS) Committee/Committee of the Whole and the County of Santa Clara County Children, Seniors, and Families Committee Joint Committee Special Meeting Agenda on Sexual Assault and Child Sexual Abuse.

Councilmember Sylvia Arenas invited everyone to attend and urged other councilmembers to participate in the conversation.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee approved the Joint Special Meeting as amended. (4-0-1. Absent: Jones.)

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

1. Set General Plan Hearing for May 2021. (Planning, Building and Code Enforcement)

Public Comments: Paul Soto spoke to continual redlining and socio-economic deprivation and asked that the City take a formal stance.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen, and carried unanimously, General Plan Hearing for May 2021 was set, amending commencement of the first General Plan City Council hearing for calendar year 2021 from April 27, 2021 to May 25, 2021 to consider City- and privately-initiated General Plan Amendments. (4-0-1. Absent: Jones.)

E. The Public Record for April 8 – April 15, 2021. (City Clerk)

Public Comments: (1) Blair Beekman spoke on density issues and the future of San José, asking that new ways be created to apply mixed-income ideas. (2) Paul Soto expressed his belief that manifestation of redlining creates a false sense of entitlement to the affluent Anglo.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the Public Record for April 8 – April 15, 2021 was noted and filed. (4-0-1. Absent: Jones.)

F. Boards, Commissions and Committees

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

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the appointment of Patrick Chung, nominated by the IAFF Local 230 as the IAFF Local 230 active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a term beginning June 1, 2021 and ending May 31, 2025 was cross-referenced for placement on the April 27, 2021 City Council Agenda for action. (4-0-1. Absent: Jones.)

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- (a) Approval of Black April Commemoration City Hall Tower and Rotunda Lighting and Flag Display Sponsored by the Mayor's Office as a City Council Sponsored Event. (Liccardo)**
- (b) Approval of Dia del Nino Proclamation 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)**

G. 1. (Cont'd.)

- (c) Retroactive Approval of National Donate Life Month Proclamation 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 Recognizing Willow Glen High School as the 2021 Santa Clara County High School Mock Trial Tournament Champions Sponsored by Council Districts 6 and 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis and Foley)**

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

H. Review of Additions to Council Committee Agendas/Workplans

None provided.

I. Open Government

None provided.

J. OPEN FORUM

1. Paul Soto quoted from a written piece, exposing the ugliness of injustice, and spoke on the research and participation he engages in to meet these ends.
2. Blair Beekman spoke on the need for sustainable energy.

G. Adjournment

Councilmember Raul Peralez adjourned the Committee meeting at 2:46 p.m.

Councilmember Raul Peralez
for Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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