

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

SAN JOSE, CALIFORNIA

WEDNESDAY, MAY 12, 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, Arenas, Cohen, Davis.

Absent: Councilmembers - All Present.

Staff: City Manager, David Sykes; Office of the City Manager, Chief of Staff, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Gloria Schmanek; Mayor's Office, Henry Smith; and City Clerk's Office, Yasmin Johnson.

A. City Council (City Clerk)

1. Review May 18, 2021 Final Agenda

Public Comment: Caller '6910' requested a time certain of 4 p.m. for Item 8.1.

Action: Upon motion by Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the May 18, 2021 Final Agenda, as amended, including adds, and with Sunshine Waivers as required, with a time certain of 4 p.m. for Item 8.1, and Item 6.1 to be heard immediately after 8.1. (5-0.)

2. Review May 25, 2021 Draft Agenda

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the May 25, 2021 Draft Agenda, as amended, including adds, and with Sunshine Waivers as required. (5-0.)

B. Review of Upcoming Special 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

Public Comment: Martha O’Connell expressed her concerns of mobile home evictions needing to be voluntary and not mandatory.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for April 29, 2021 – May 6, 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. Approval of Two Proclamations for Asian Pacific American Heritage Month and Affordable Housing Month 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)**
- b. Approval of Townsend Park Dumpster Day 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)**
- c. Approval of Safe Neighbor Community Service Training 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)**

d. Approval of May as Food Allergy Awareness Month Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mahan)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the City Council Sponsored Special Events were all approved and placed on the May 18, 2021 Council Agenda for action. (5-0.)

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

City Auditor, Joe Rois, recommended approval of the monthly report.

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

3. Bill of Rights for Children and Youth Audit. (Arenas)

Public Comment: Paula Escobar, a youth commissioner urged staff to approve this item to allow childrens' rights to be protected and give youth a voice to make change in their city.

City Auditor, Joe Rois, requested clarification on #2 of the recommendation from Sylvia Arenas' memorandum dated, May 6, 2021, regarding the annual report, and stated it's not the City Auditors role to report out on an annual basis, that would be the role of the Administration. He requested for that to be clear on the motion.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the workplan audit recommendation directed to the City Auditor, the audit report would be reported to the Neighborhood Services and Education Committee, and added to the annual report brought forward by the administration on its implementation to the NSE workplan. (5-0.)

4. Hybrid Public Meetings (Mahan, Liccardo, Jones, Jimenez, Foley)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Committee directed the City Manager to return to the City Council with a plan for hosting hybrid public, pros and cons of allowing members of Council, City Committees and Commissions to participate remotely under certain circumstances, cost breakdowns for both required and potential support services, and seek Council direction during the June 2021 presentation on the final adoption of the transition plan prior to the July 2021 legislative recess. (5-0.)

5. Imperfect Foods Resolution. (Jimenez and Peralez)

Public Comment: Claire Courtney, Ryan McGilley, and John Gomez organizers with the United Food and Commercial Workers Local 5 (UFCW5) Organization urged staff to support this item, to stand in solidarity with the essential workers (Imperfect Food Drivers), to negotiate a fair contract, addressed the reduction of hours, discussions of possible raises, and unfair tactics they feel are being used during this negotiation process.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the Committee cross-referenced adoption of the resolution to the May 25, 2021 City Council meeting, with the verbal amendment "...supporting the rights of workers at Imperfect Foods to ~~unionize and~~ negotiate a fair contract", as outlined in the joint memorandum from Councilmember Sergio Jimenez and Councilmember Raul Peralez, dated May 6, 2021. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

2. Update to the January - June 2021 Neighborhood Services and Education Committee Workplan. (Housing)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the amendment to the Neighborhood Services and Education Committee Work Plan to drop the following item from the May 20, 2021 meeting: Rent Stabilization Program Strategic Plan Report for 2021-2024. (5-0.)

3. Transportation and Environment Committee Work Plan. (Mayor and Davis)

4. Update to the Public Safety, Finance and Strategic Support Committee Work Plan. (Fire)

5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole

6. Smart Cities and Service Improvement Committee

I. Open Government

None provided.

J. Open Forum

1. Martha O'Connell urged staff to allow commissioners with medical needs to attend meetings remotely to allow them to continue to serve their communities safely.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 2:45 p.m.

Approved at the 5/25/21 Council Meeting

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj:rulesmin_5-12-21