

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

SAN JOSE, CALIFORNIA

WEDNESDAY, JUNE 9, 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 June 15, 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: Speaking to item 7.1 "Amendment to Chapter 6.87 - Tobacco Retail License of Title 6, Business Licenses and Regulations of the San José Municipal Code in Alignment with City Council Policy Priority #12: Flavored Tobacco and E-Cigarettes, Items 1, 2 and 3 - Protecting Our Youth from the E-Cigarette Epidemic" were Vanessa Marvin, Amaya Woodlin and Brian Davis (Tobacco Free Coalition Of Santa Clara County); Lori Bremner, Parents Against Vaping e-cigarettes (PAVe); Jen Grand-Lejano (American Cancer Society Cancer Action Network); Tim Gibbs and Claudia, who stressed the urgency of protecting children from deadly products, the need for a stronger resolution with removal of certain exemptions, and the need for quick action. Sean Kali-Rai complained that there was not enough outreach to small businesses, and Blair Beekman spoke on subsidies for low-income residents.

1. Review June 15, 2021 Final Agenda (Cont'd.)

Councilmember Dev Davis expressed a need for more outreach to allow impacted stakeholders inclusion in the process. Councilmember Sylvia Arenas offered that this should be returned to the NSE Committee to be vetted more thoroughly.

In response to questioning from Councilmember Raul Peralez, Office of the City Manager, Chief of Staff, Lee Wilcox suggested it could return to the NSE in an August-September timeframe and be cross-referenced to Council a week or two following. Given the difficulty of reaching out to the community during the summer months, Rosalynn Hughey, Director, Planning, Building and Code Enforcement suggested this item could be heard at the September NSE Committee meeting then quickly cross-referenced to Council at the end of September.

Councilmember David Cohen indicated a hesitancy to postpone, the possibility of an August timeframe, and questioned the necessity of bringing this back to the NSE Committee. Division Manager, Planning Building and Code Enforcement, Rachel Roberts expressed concerns regarding an August timeframe if the City is to allow for greater outreach.

Council Councilmember Dev Davis recommended that staff do additional outreach, investigate best practices and return directly to Council in September with a supplemental memo outlining what surrounding cities are doing and if they have already passed an ordinance that is similar.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the June 15, 2021 Final Agenda, including deferral of Item 7.1 “Amendment to Chapter 6.87 - Tobacco Retail License of Title 6, Business Licenses and Regulations of the San José Municipal Code in Alignment with City Council Policy Priority #12: Flavored Tobacco and E-Cigarettes, Items 1, 2 and 3 - Protecting Our Youth from the E-Cigarette Epidemic” to the City Council in September 2021, with direction to staff to provide a supplemental report when the item comes back which has information on what others cities have in process or completed for a similar ordinance. (5-0.)

2. Review June 22, 2021 Draft Agenda

Public Comment: Blair Beekman questioned deferring the item on digital literacy or digital inclusion ideas for high schools on the East Side, and the need to be fully transparent and accountable in regard to technology practices.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the June 22, 2021 Draft Agenda. (5-0.)

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

There were none presented.

D. Meeting Schedules

None provided.

E. The Public Record for May 27 – June 3, 2021. (City Clerk)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for May 27 – June 3, 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 Make Music Day 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 Peralez and carried unanimously, the City Council Sponsored Special Event was approved and cross-referenced to the June 22, 2021 Council Agenda for action. (5-0.)

- (b) Approval of National Night Out as a City Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (City Clerk)**

- (c) Approval of Koch Lane Dumpster Day Event 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)**

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 June 22, 2021 Council Agenda for action. (5-0.)

- (d) Approval of Alzheimer's and Brain Awareness Month Proclamation and Tower and Rotunda Lighting Sponsored by Council District 3 and District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Peralez and Carrasco)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Event was approved and cross-referenced to the June 22, 2021 Council Agenda for action. (5-0.)

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

City Auditor Joe Rois provided a brief update.

Public Comments: Blair Beekman offered insights on National Night Out, with his hopes that this years' events will offer more hopeful resolution regarding policing that last years' events.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Auditor's Office Monthly Report of Activities for the month of May 2021 was accepted. (5-0.)

H. Review of Additions to Council Committee Agendas/Workplans

None provided.

I. Open Government

None provided.

J. OPEN FORUM

1. Sandra spoke to her involvement in a grass root organization that has been working to provide information to the community via podcasts regarding housing and her hopes that the Housing Department will return their communications to participate in future webcasts.
2. Blair Beekman urged the City to address ending the affordable housing impact fee.

G. Adjournment

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

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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