

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

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 11, 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.

Absent: Councilmembers - Cohen.

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 August 17, 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)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the August 17, 2021 Final Agenda with one Add as required. (4-0-1. Absent: Cohen.)

- 2. Review August 24, 2021 Draft Agenda**
 - a) Add new items to Draft Agenda**
 - b) Assign "Time Certain" to Agenda Items (if needed)**
 - c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

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2. Review August 24, 2021 Draft Agenda (Cont'd.)

Public Comments: (1) Paul Soto spoke on accessibility to draft agendas and asked if a 'time-sensitive' would be given for an item from the August 17, 2021 agenda. (2) Blair Beekman spoke to modifications to agendas and suggested color coding.

City Clerk Toni J. Taber, CMC addressed the process used for posting agendas.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the August 24, 2021 Final Agenda. (4-0-1. Absent: Cohen.)

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

There were none presented.

E. The Public Record for July 29 – August 5, 2021. (City Clerk)

Public Comments: (1) Paul Soto questioned time sensitivity for item on August 17. Additionally, he referenced letters submitted by Blair Beekman regarding surveillance and asked the City to take a position on surveillance to protect citizens. (2) Blair Beekman spoke to surveillance and future of the democratic process in our community.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for July 29 –August 5, 2021 was noted and filed. (4-0-1. Absent: Cohen.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

(a) Retroactive approval of Dumpster Day Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Carrasco)

G. Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

(1) (b) Retroactive approval of Movie Night at Rubino Park Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

(b) Approval of the Movie Night at Municipal Rose Garden scheduled on August 28, 2021 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

Public Comments: Blair Beekman encouraged dumpster days indicating them as a vehicle for community involvement and stressed importance of addressing the gun control issue.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the August 17, 2021 Council Agenda for action.
(4-0-1. Absent: Cohen.)

G. (2) Oppose SB9 and SB10 Preserving Local Control. (Davis)

- 1. Declare an opposition position on California Senate Bills 9 and 10.**
- 2. Place the item on the August 17, 2021 Council Agenda for action.**

Public Comments: (1) Vince Rocha, Silicon Valley Leadership Group, offered support to SB9 and SB10, noting that they complement San José's housing policies. (2) Cheryl offered support to Councilmember Davis' memo. (3) Brian Preskitt recommended declining a position on these Bills. (4) Kelly Snider expressed support for SB9 and SB10 and against the referenced memo. (5) Suzanne Morrone supported the memo, urging local control. (6) Lynnea Hagen spoke against the legislation and support to memo. (7) Issa opined that the State of California shouldn't dictate our housing policies. (8) Paul Soto spoke against redlining. (9) Brenda Dohmen spoke in support of the memo, advising local control. Additional speakers in support of Councilmember Dev Davis' memo, were: Marni Kamzan, Bud Noren, Georgie Huff, Sandra Toblin Gilman, Roberta Moore, Bart Narter, Ruthie Callahan, T. Henry and two additional callers. Blair Beekman spoke on enhancement of mixed income housing ideas. Kelsey Banes offered opposition to the memo, suggesting it is 'alarmist' in nature. Additionally offering opposition to the memo and support to SB9 & SB10 were Adam Buchbinder, Cory Wolback of Silicon Valley@Home, and Mathew Reed.

Chief of Staff, Office of the City Manager, Lee Wilcox, addressed questions regarding state legislation and the City's role.

Councilmember Dev Davis moved approval of her memorandum, asking it be heard at next week's Council Meeting with a time certain. The motion failed for lack of a second.

Councilmember Raul Peralez and Councilmember Sylvia Arenas offered their reasons for not supporting the motion. Councilmember Dev Davis spoke to the purpose of her memo and importance of having this discussion at Council.

G. (2) Oppose SB9 and SB10 Preserving Local Control. (Cont'd.)

Assistant to the City Manager, Alexandria Felton responded to questions.

Action: Councilmember Dev Davis August 5, 2021 memorandum declaring an opposition position on California Senate Bills 9 and 10 was not included for action for the August 17, 2021 Council Agenda.

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

None provided.

2. Neighborhood Services and Education Committee Work Plan. (Mayor and Arenas)

Public Comments: (1) Paul Soto spoke to community service organizations started by Mexicans and Chicanos, educating themselves to accomplish higher goals. (2) Blair Beekman spoke on bridging the digital divide and future funding.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, Approval of the Neighborhood Services and Education Committee Work Plan for the period August through December 2021 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m., with the exception of the month of August where there is a Special Meeting with the County's Children, Seniors, and Families Committee that is set on the last Thursday of that month at 1:30 p.m., and November that is set on the first Thursday of that month at 9:00 a.m., by virtual meeting during the month of August and in the City Council Chambers for the months of September through December was accepted and the draft Neighborhood Services and Education Committee Work Plan for the period January through June 2022 was accepted. (4-0-1. Absent: Cohen.)

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee

None provided.

OPEN FORUM

Blair Beekman spoke on the future of affordable housing and the need for mixed-income ideas.

Paul Soto addressed redlining and abuse of power.

Roland followed up on the affordable housing discussion, and suggested ADU units that are portable and affordable.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:23 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/rk:rulesmin20210811