

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

SAN JOSE, CALIFORNIA

WEDNESDAY, SEPTEMBER 29, 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 2:02 p.m.

Present: Councilmembers - Jones, Peralez, Davis, Arenas, Cohen.

Absent: Councilmembers - All Present.

Staff: Assistant City Manager, Lee Wilcox; Kevin Fisher; 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 October 5, 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) Tessa Woodmansee spoke about going back to our agricultural roots and putting our resources into Climate Smart. (2) Blair Beekman addressed SJC Community Energy and making renewable ideas.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the October 5, 2021 Final Agenda, including an Add "2.4 Mayor and Council Excused Absence Requests". (5-0.)

- 2. Review October 12, 2021 Draft Agenda – Meeting Canceled.**

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

1. Release Date for Study Session. (City Manager)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas, and carried unanimously, the release of the date held for a Study Session on Friday, October 8, 2021 was accepted. (5-0.)

2. Climate Smart San José Special Meeting. (Environmental Services)

Public Comments: (1) Tessa Woodmansee spoke to preparing for crises and getting off the grid. (2) Blair Beekman questioned why the work plan was being taken from this meeting. (3) Brian Darby proposed alternate means for construction and establishing climate smart housing. (4) Louise Bedsworth spoke to San José's work for a fully integrated approach for action and encouraged future success.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, a City Council Special Meeting entitled "Climate Smart San José" for Monday, November 8, 2021 from 1:30 p.m. – 4:30 p.m. with approval of a draft Special Meeting agenda was accepted. (5-0.)

E. The Public Record for September 16 – September 23, 2021. (City Clerk)

Public Comments: (1) Blair Beekman spoke to the City Charter process and need for re-tooling. (2) Tessa Woodmansee spoke to community engagement, the hotel being put in her neighborhood and need for 'de-growth'.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen, and carried unanimously, the Public Record for September 16 - 23, 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 Domestic Violence Awareness Event, Tower, and Rotunda Lighting and Community Event 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)**

Public Comments: (1) Blair Beekman spoke to gun safety as it relates to domestic violence and mental health in the workplace and peer review in the PD. (2) Tessa Woodmansee noted the core problem of isolation. (3) Brian Darby spoke on raising awareness.

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

G. 2. Compassionate San Jose - Bold Housing Solutions. (Mayor, Perez, Jimenez, Foley, Mahan)

Assistant City Manager, Lee Wilcox, indicated that an Early Consideration Form was done for this item and was given a green light and will be heard as a part of the November 2, 2021 Council meeting.

Public Comments: (1) Tessa Woodmansee spoke to property at 615 Stockton Avenue for use as an agricultural and community resource. (2) Blair Beekman suggested a compassionate approach when including drug facility treatment centers in this discussion. (3) Brian Darby suggested more compassionate terminology. (4) Bob Sippel, Guadalupe Community Gardens offered support, and need for more support for mental health. (5) Gail Osmer spoke to the current clean-up at Columbus Park and need for housing for people being displaced.

Mayor Sam Liccardo offered consideration for this proposal and taking advantage of the confluence of the opportunities presented and offered a comprehensive outline. Discussion followed, and Director of Housing Jacky Morales-Ferrand responded to policy questions.

Councilmember Sylvia Arenas suggested leaving out certain names and not limiting ourselves to just the agencies presented, and she urged prioritizing housing for the most vulnerable of our residents.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Perez and carried unanimously, **Compassionate San Jose - Bold Housing Solution** recommendations as outlined in the joint memorandum from Mayor Sam Liccardo and Councilmembers Perez, Jimenez, Foley and Mahan, dated September 22, 2021:

(Item Continued on the Next Page)

G. 2. Compassionate San Jose - Bold Housing Solutions.

1. To meet the goal of the Community Plan to End Homelessness to double shelter capacity to by 2025, have 1,000 pandemic-era emergency interim housing community (EIHC) units and 300 Homekey motel units under construction or completed by December 2022-including those recently completed-to accelerate our response to our homelessness crisis. This work should include the following tasks necessary to achieve rapid acceleration of our efforts: a. Identify the requisite amount of Homekey, ARPA, HHAP, or other eligible public funding for an additional six EIHCs in every Council District not currently hosting an EIHC or Bridge Housing Community (BHC), and work with the Mayor's Office to identify additional philanthropic support; 1) A single slate of six sites shall be approved at a single Council meeting, no later than June 2022, in a single "up or down" vote on the entire slate. Sites that are ready before June 2022 can be voted on and approved by Council at an earlier date. 2) Site selection will occur collaboratively with the participation of every councilmember and the community, but ultimate decision-making will remain the domain of the entire Council. 3) Any alternative sites suggested by any councilmember must be deemed feasible for near-term housing development by the City Manager prior to qualifying for Council consideration. 4) At least one location shall provide homes for unhoused individuals in employment or training programs, such as SJ Bridge and the Conservation Corps, and at least one location shall provide a home for women and children who have endured domestic violence, with appropriate discretion. Resolve all legal and regulatory issues to enable this. b. Discuss with the County of Santa Clara their willingness to begin to provide basic mental health and addiction treatment services for EIHCs for a specified duration, so that one-time City resources can be better focused on expanding our inventory of units; c. Densify existing sites with the space and non-profit capacity to accommodate additional tenants, such as the existing EIHC at Rue Ferrari, prioritizing unhoused residents in the immediate vicinity; d. Make any modifications to City building code necessary to safely enable multi-story EIHC development; e. Resolve all legal and regulatory issues to enable the City to prioritize EIHCs for unhoused residents in the immediate neighborhoods to ensure that local neighborhoods directly benefit City of San José Page 6 Printed on 9/24/2021 Joint Meeting for the Rules and September 29, 2021 Open Government Committee and Committee of the Whole Agenda from the presence of EIHCs; f. Direct Public Works and Housing staff to work with Caltrans staff, Mayor's Office staff, and philanthropic partners such as Sand Hill Properties, in our joint exploration of creative use of Caltrans-owned land around and under freeway intersections and exits for construction of safe, dignified housing on low-cost land prioritizing districts who have not identified a site; g. Improve the financial sustainability of EIHC and BHC operational budgets by identifying opportunities for (a) cost efficiencies, (b) partnering with the Santa Clara County Housing Authority to explore program alignment for funding to offset the annual operational cost of these communities, (c) employing work-ready EIHC residents to perform tasks otherwise paid for through contracted companies, such as security, maintenance, shuttle driving, and management; h. Explore funding opportunities, including any savings identified in the above work on cost efficiencies in the operations

(Item Continued on the Next Page)

G. 2. Compassionate San Jose - Bold Housing Solutions.

budget, for an “enhanced services” program for the surrounding neighborhoods who host EIHCs and BHCs, as outlined in Councilmember Jimenez’s 2020 memo that was previously approved by Council; i. Work with Comcast and other telecommunication partners to include access to internet connectivity on the sites, leveraging the efforts and resources of the Mayor’s Office of Technology and Information (MOTI); j. Explore incentives for private land owners with underutilized surface parking lots willing to host an EIHC, which may include negotiated ground lease revenue, waived fees on the development of the EIHC, or waived parking requirements on their future redevelopment project.

2. In response to the Biden Administration’s plea for leading cities to identify clear goals for addressing homelessness by December 2022 of (a) “the number of people experiencing homelessness to be placed into stable housing,” and (b) “the number of new units of ...housing serving people experiencing homelessness to be added to the development pipeline,” by 2022, report the following specific goals for the next 16 months: a. Rehousing: Housing 1,500 San Jose residents by December 31, 2022 This goal reflects the funding capacity we have estimated for housing individuals with the assistance of San Jose Emergency Housing Vouchers (369), anticipated County Emergency Housing City of San José Page 7 Printed on 9/24/2021 Joint Meeting for the Rules and September 29, 2021 Open Government Committee and Committee of the Whole Agenda Vouchers allocated for San Jose residents (455), Rapid-Rehousing slots (300), and units of completed PSH housing (200), and if HUD allows consideration of new completed EIHC housing (300+). b. Homeless-Serving New Units: Providing a total of 2,300 new permanent and transitional units serving homeless individuals that will be under development or construction by December 31, 2022. This goal reflects the approximately 1,384 units we believe can emerge from new permanent supportive projects funded by the City and County, 239 units from two hotels for which we are submitting Project Homekey applications, and 683 units from EIHCs that will be in the pipeline.

3. Continue to partner with Councilmember Jimenez to temporarily locate a “safe parking” RV site at or near the future police training facility in his district. Determine how a registry or other mechanism could help ensure that the facility will provide primary priority to serve Council District 2 residents, rather than merely attracting RVs from other communities unwilling to serve RV residents in their area. 4. To facilitate the identification and implementation of drug treatment options, explore with the County of Santa Clara the creation of a detention facility for individuals arrested for minor criminal offenses-such as disturbing the police, simple assault, public indecency, or vandalism-where the person: a. is under the influence of methamphetamine or another stimulant or psychoactive substance at the time of their arrest; b. poses a safety or crime risk that makes the person inappropriate for voluntary detention in the County’s Mission Street Recovery Center/ Sobering Center; c. is kept a sufficient duration to enable the individual to become free of the influence of the substance prior to release, within the duration proscribed by the courts and the Due Process Clause; and d. is provided information about treatment options. Potential sites for such a facility might include either of the existing jails or Mission Street Recovery Center/ Sobering Center, among others. 5. Direct City Staff to outreach to County staff

(Item Continued on the Next Page)

G. 2. Compassionate San Jose - Bold Housing Solutions.

to coordinate on joint efforts to: a. provide drug treatment, mental health, and related services at EIHCs, described *supra*; b. identify and lease sites under County control for future development of EIHCs; City of San José Page 8 Printed on 9/24/2021 Joint Meeting for the Rules and September 29, 2021 Open Government Committee and Committee of the Whole Agenda c. create a drug detention facility, as described *supra*” was accepted. (5-0.)

G. 3. Cleaner San Jose. (Mayor, Davis, Foley, Cohen, Mahan)

Assistant City Manager, Lee Wilcox, indicated that an Early Consideration Form was done for this item and was given a green light and will be heard as a part of the November 2, 2021 Council meeting.

Mayor Sam Liccardo thanked the Committee for consideration of his memorandum.

Deputy Director, Parks, Recreation and Neighborhood Services, Neil Ruffino responded to questions from the Committee regarding prioritization of services.

Public Comments: (1) Tessa Woodmansee spoke on participation in capitalism and flaws of an industrialized civilization. (2) Brian Darby offered support to the concept. (3) Blair Beekman spoke on unhealthy aspects of collecting garbage and subsidy plans. (4) Bob Sippel spoke to pride in work and opportunities for the unhoused.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the recommendation as outlined in the joint memorandum from Mayor Sam Liccardo and Councilmembers Davis, Foley, Cohen and Mahan, dated September 29, 2021 outlining objectives for a Cleaner San José was accepted, directing the City Manager to:

1. Further expand employment opportunities for our unhoused residents in cleaning and beautifying our City by returning to Council with a cost estimate and proposed program sufficiently timely to enable Council’s allocation of up to \$4 million American Recovery Plan Act dollars in November. a. The program should enable employment of another 100 unhoused individuals in the San Jose Bridge Transitional Jobs Program by adding funding to the program served by the pending Request for Proposal (RFP), if responses to the RFP demonstrate sufficient nonprofit capacity for expansion of the program, and with Council approval of sufficient ARPA funding allocations. b. Establish outcomes to dramatically improve the appearance of public spaces for our community over the next 18 months, such as: i. Targeting an additional 50 litter hotspots for frequent (2x /month) cleanups ii. Targeting an additional 200 lower-priority hotspots for less frequent (1x/month) cleanups c. Prioritize high-need neighborhoods, with a focus on blighted streets, parks, and other public spaces most frequently and visibly encountered by our residents.
2. Report to the Council by November 2021 in person or with an information memo(s), with: a. Introduction of a monetary reward for information and/ or evidence resulting in the successful

(Item Continued on the Next Page)

G. 3. Cleaner San Jose. (Cont'd.)

citation of any individuals, companies, or subcontractors engaging in illegal dumping, such that reporting witnesses can receive a percentage of penalties collected in successful enforcement actions based on witness reports. b. Update on the deployment of cameras at illegal dumping “hot spots” to enable citation of people engaged in illegal dumping, and that the update include the number of reports made using the cameras, citations that have been issued using evidence from the cameras, number of cameras in operation across all City Departments, and funding options for purchase, deployment, operations, maintenance, and administration of additional cameras. c. Update on the current hybrid vehicle abatement approach (proactive & reactive), focusing on these metrics: i. a comparison of the number of vehicles reported by the public, vehicles proactively noticed, and vehicles abated between March 2018 and October 2021, ii. the status of the use of Funds, including the American Rescue Plan Fund to support the program, iii. an explanation of how SJ311 resident requests are being processed, prioritized and decisions communicated back to the community, and iv. an update on when the Administration intends to return to a full vehicle abatement program that responds to SJ311 resident requests.

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

2. Neighborhood Services and Education Committee Work Plan.

None provided.

3. Transportation and Environment Committee

(a) Update to the August 2021 - June 2022 Transportation and Environment Committee Work Plan. (Environmental Services)

Councilmember Dev Davis indicated that this item is being dropped since a Study Session is being held devoted to this topic.

Public Comments: (1) Tessa Woodmansee spoke on effectiveness of the ‘311’ app and complained about turn signals on Taylor Street and complaints about infrastructure. (2) Blair Beekman addressed potential need for the six-month work plan. (3) Caller “5140” complained about downtown bike lanes, pot holes and danger of scooters, the ‘311’ app and lack of phone responsiveness. (4) Roland asked to exercise caution citing issues that could be problematic due to the massive site and need to engage the community.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, an amendment to the Transportation and Environment Committee Work Plan to drop “City Roadmap: Climate Smart San José Plan Semi-Annual Report” from the November 1, 2021 meeting agenda was accepted. (5-0.)

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee

None provided.

OPEN FORUM

Tessa Woodmansee spoke to importance of community engagement and need for community's input in the General Plan.

Blair Beekman spoke to eviction moratorium and good will between tenants and renters, aerosol vaccines and data efficiency.

Caller "5140" opined hypocrisy to banning flavored tobacco given the taxation benefit to the City when cannabis is freely available.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:59 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/rk:rulesmin20210929