

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

SAN JOSE, CALIFORNIA

WEDNESDAY, NOVEMBER 17, 2021

COVID-19 NOTICE

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266 and 80290 this meeting will not be physically open to the public and the (Joint Meeting of the Rules and Open Government Committee) Members will be teleconferencing from remote locations.*

The Council meeting was teleconferenced from remote locations and convened at 2:00 p.m.

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

Absent: Councilmembers - Jones.

Staff: Assistant City Manager, 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 November 23 , 2021 Final Agenda

Cancelled.

2. Review November 30, 2021 Draft Agenda

Public Comment: Blair Beekman and Paul Soto stated the November 30, 2021 Draft Agenda was not available for the public to view.

City Clerk, Toni Taber recommended adding a public hearing for the Redistricting Commission to offer a presentation and allow public comments.

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G.2 (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the November 30, 2021 Draft Agenda, as amended, with an Open Session start time of 11:00 a.m., a Closed Session Report start time of 9:00 a.m., and adding an evening session public hearing for the Redistricting Commission to offer a presentation and allow for public comment. (4-0-1. Absent: Jones)

B. Review of Upcoming Special Meeting Agenda(s)

None presented.

C. Legislative Update

- 1. State**
- 2. Federal**

There were none presented.

D. Meeting Schedules

None provided.

E. The Public Record

Public Comment: (1) Paul Soto spoke to the allocation of funds regarding COVID-19 issues. (2) Brian requested to know what “noted and filed” means. (3) Blair Beekman spoke to criminal issues in Downtown San José, rezoning issues, and mixed-income housing in urban village areas.

Councilmember Raul Peralez responded to Brian’s public comment question.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for November 4, 2021– November 10, 2021 was noted and filed. (4-0-1. Absent: Jones)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

(Item Continued on the Next Page)

G.1A (Cont'd.)

- a. Retroactive Approval of Shred-A-Thon and E-Waste Collection Day Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jones)**
- b. Approval of Santa Visits Alviso and District 4 Pajama Giveaway Sponsored by Council District 4 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Cohen)**

Public Comment: Blair Beekman expressed his gratitude for the trash and waste efforts being done in the City.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the City Council Sponsored Special Events were both retroactively approved, and placed on the November 30, 2021 Council Agenda for action. (4-0-1. Absent: Jones)

2. Project Labor Agreement Amendments. (Cohen and Esparza)

Public Comment: (1) David Bini spoke to the City projects being proposed, the improvements mentioned in the memorandum, and urged the staff to accept the recommendations. (2) Blair Beekman spoke to the NPC process, mixed-income ideas, and the future of construction projects. (3) Andres Quintero, with the Alum Rock School Board spoke in support of the memorandum, the budget of the projects, and expanding opportunities for those in need. (4) Erica Valentine spoke to the agreement being considered. (5) Joseph Lopez, from the Carpenters Union 405 spoke in support of the memorandum, the PLA, decreasing the threshold, and providing more job opportunities for those in poverty. (6) Louise Auerhahn, from Working Partnerships USA spoke to the partnerships, the members being hired through the apprenticeship, the expansion of opportunities, and it being included in the City Roadmap. (7) Karl A. Baumheckel spoke to the PLA workload and the hiring process of the PLA staff. (8) Jay Bosley, a council representative from San Benito County spoke to the trade unions and members supporting the changes. (9) Forest stated he believes the county was denying people into the PLA. (10) Paul Soto spoke to the efforts made regarding the agreement. (11) Ernesto Bejarano, an Alum Rock School District Board Member spoke in support of the expansion of the PLA and the wages of the students. (12) Dominic Torreano, a Local Union 104 member spoke to lowering the PLA threshold, the bidding practices in San Francisco, and urged staff to support the joint memorandum. (13) Krista De La Torre spoke to the PLA threshold, the hiring of fulltime staff for the PLA, and stated she's in support of the memorandum. (14) Edmundo Escarcega spoke in support of the memorandum, stated the threshold is not enough, and the amendments would ensure local hiring and training. (15) Jose Espinosa spoke in favor of the memorandum.

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G.2 (Cont'd.)

Director of Public Works, Matt Cano responded to questions.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Project Labor Agreement Amendments were approved, yellow-lit, including the early consideration response form in December, and referred to the budget process.

Including the joint memorandum from Councilmember David Cohen and Councilmember Maya Esparza, dated November 10, 2021 recommending: Direct Staff to negotiate with the Santa Clara Building & Construction Trades Council with the goal of expanding the scope of the City's Project Labor Agreement (PLA) to: (1) Decrease the project threshold covered under the PLA from \$3 million to \$1 million. (2) Remove the annual CPI adjustment to the threshold. (3) Remove exemptions to the PLA currently included in Addendum C for street maintenance, sewer maintenance, municipal water, airport pavement maintenance, on-call contracts, and building maintenance and rehabilitation. (4) Specify that contractors on covered projects will employ apprentices from a joint labor-management apprenticeship program approved by the California Division of Apprenticeship Standards. (3-1-1. Noes: Davis Absent: Jones)

H. Review of additions to Council Committee Agendas/Workplans

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, Finance and Strategic Support Committee**
- 5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole**
- 6. Smart Cities and Service Improvement Committee**
- I. Public Records Appeal - Katherine Weiland. (Police)**

Public Comment: (1) Paul Soto spoke to the legalities of the deferral. (2) Blair Beekman thanked the staff for giving the appellant the benefit of the doubt.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the appeal from Katherine Weiland (aka Katherine Reichenbach) regarding the City's response to her request for public records seeking records, specifically body worn camera footage, related to a complaint submitted to the

San Jose Police Department's Internal Affairs Unit (number I2020-2023), related to event number 20-211-0547 was deferred due to the appellants absence. (4-0-1. Absent: Jones)

J. Open Forum

1. Paul Soto spoke to reimagining ideas and the actions taken for the Public Records Appeal.
2. Blair Beekman spoke to the appellant and the Public Records Appeal.
3. Gail Anne Osmer stated that porta potties should be provided for the unhoused communities near Hedding Street and other sites in the City.

K. Adjournment

Vice Chair, Raul Peralez adjourned the Committee meeting at 3:55 p.m.

Approved at the 1/25/22 Council Meeting

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj/:rulesmin_11-17-21