

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, September 14, 2022**

**COVID-19 NOTICE**

*Consistent with AB 361 and City of San Jose Resolution Nos. 80628 and 80659, Committee Members may have teleconferenced from remote locations.*

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and teleconferenced from remote locations. The meeting convened at 2:00 p.m.

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

Absent: Councilmembers- None

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Rachelle Blattman; and Deputy City Clerk, Megan Roche.

**A. City Council (City Clerk)**

1. Review September 20, 2022 Final Agenda
  - a) Add new items to Final Agenda
  - b) Assign "Time Certain" to Agenda Items (if needed)
  - c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez, and carried unanimously, the Committee approved the final agenda for the City Council meeting on September 20, 2022. (5-0-0)

2. Review September 27, 2022 Draft Agenda
  - a) Add new items to Draft Agenda
  - b) Assign "Time Certain" to Agenda Items (if needed)
  - c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: The following members of the public provided comments: Blair Beekman and Martha O'Connell.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on September 27, 2022 and noted that the 6:00 p.m. evening session was cancelled. (5-0-0)

## **B. Consent Calendar**

Public Comments: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen, and carried unanimously, the Consent Calendar was approved. (5-0-0)

### **1. The Public Record for September 1 – September 8, 2022. (City Clerk)**

The Public Record for September 1 – September 8, 2022 was noted and filed.

### **2. Update to the August – December 2022 Community and Economic Development Committee Work Plan. (City Manager)**

The following amendments to the Community and Economic Development Committee Work Plan for the period of August - December 2022 were approved:

(a) The following item was added to the September 26, 2022 meeting: 2022 California Building Standards Code Adoption Status Report. (Planning, Building, and Code Enforcement/Fire)

(b) The following item was added to the October 24, 2022 meeting: Team San José Semi-Annual Activities and Performance Measures Report. (Economic Development and Cultural Affairs).

### **3. Request to Travel. (Jimenez)**

Travel, related travel expenses, and excused absences due to Authorized City Business were approved for Councilmember Jimenez to attend Sister Cities International U.S.-Mexico Mayors' Community Summit in San Diego, CA and Tijuana B.C. from October 11 - 13, 2022. An excused absence due to Authorized City Business for the October 13, 2022 regular meeting of the Neighborhood Services and Education Committee was approved as well.

Travel, related travel expenses, excused absences due to Authorized City Business, and acceptance of travel payments to the City of San José were approved for Councilmember Jimenez to attend the California Association of Local Agency Formation Commission's (CALAFCO) annual conference in Newport Beach, CA on October 19-21, 2022. An excused absence due to Authorized City Business for the October 20, 2022 regular meeting of the Public Safety, Finance, and Strategic Support Committee was approved as well.

## **C. Rules Committee Reviews, Recommendations and Approvals**

### **1. PG&E Power Outages and Infrastructure Repair & Resilience. (Mayor)**

Public Comments: The following member of the public provided comments: Blair Beekman

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez, and carried unanimously, the Committee approved the memorandum from Mayor Sam Liccardo, with an addition request from Councilmember Cohen, to: (1) Direct the City Manager to identify a senior team to meet with technical staff of Pacific Gas & Electric in the weeks ahead, to identify and discuss critical local power distribution infrastructure needs in San Jose. Ensure that PG&E prioritizes those needs in its pending capital replacement and repair plan for the coming year, by no later than October 31st. *Councilmember Cohen requested additional information from PG&E as a part of the requested infrastructure analysis, including timelines on remaining PG&E equipment within the city that still needs to be undergrounded.* (2) If, by October 31st, staff determines that PG&E's capital repair plan does not adequately protect the health and safety of the San Jose community, direct the City Attorney and City Manager to inform the Council about options that include: (a) Whether and how the City might seek a court injunction or PUC order to mandate that PG&E replace or upgrade any transformers or other elements of PG&E's distribution infrastructure at substantial risk of heat-related failure by summer of 2023. Such a mandate might focus on devices or other elements of the infrastructure deemed vulnerable based upon their age, signs of wear, or type of manufacture. (b) Whether and how the City might—individually, or in combination with other residents and businesses as plaintiffs—seek damages for harms related to infrastructure-related power outages, including but not limited to costs of business interruption, emergency response, personal injury, and death. (3) Direct the City Manager to report to the Council (as part of its infrastructure resilience workplan, or through other means) the sufficiency of backup or redundant power for telecommunications service providers to keep cell towers operational during extended blackouts. The report should include information regarding what, if anything, the City can do to require telecom providers to bolster their resilience to outages, particularly in light of possible federal or state regulatory preemption in this area. (5-0-0)

## **2. Accelerating SJPD Staffing Levels. (Davis, Jimenez, and Cohen)**

Public Comments: The following member of the public provided comments: Blair Beekman

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the memorandum from Councilmembers Davis, Jimenez, and Cohen, with an amendment to remove the implication of short-term hiring, to avoid reopening the budget for the current year and to focus on providing an analysis on costs. The direction from the joint memorandum was to: (1) Direct the City Manager's Office to conduct an analysis of police overtime spending that includes existing authorized sworn staffing levels, vacancies, recruit academies, and performance targets to determine a goal for the appropriate level of officer staffing and overtime expenditures that will guide future budget development. The analysis should include review of current and the past three years spending to provide a comprehensive picture and provide recommendations for staffing additions that can be made ~~starting in FY 22-23~~. Our goal should be to reduce mandatory overtime so that officer stress and fatigue is reduced and to provide enough officers for our city's public safety needs. (2) Direct the City Manager's Office to develop a workplan with goals and timeline to drive the acceleration of police staffing levels while reducing mandatory overtime. (a) Bring to Council no later than the end of November 2022 a status report of the City Manager's Office efforts on this initiative. (b) Bring regular reports to the Public

Safety, Finance and Strategic Support Committee, the timing and content of which should be determined by committee members, on progress towards goals. (5-0-0)

#### **D. Open Forum**

1. Gail Anne Osmer complimented Beautify San José for their efforts in cleaning up Columbus Park, noted that RVs have been relocated to baseball fields, and requested that those located at the baseball fields not be abated and for an RV park to be identified so they can remain together.
2. Blair Beekman advocated for peace in the Ukraine area through acceptance of a two-state East-West solution and also hoped for increased community involvement in discussions regarding the future of policing in San José.

#### **E. Adjournment**

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:08 p.m.



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Date: 10/12/2022 GMT

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Vice Mayor Chappie Jones, Chair  
Rules and Open Government Committee

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