



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

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 9, 2023

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 2:02 p.m.

Present: Councilmembers - Davis, Jimenez, Kamei, Foley, Cohen.

Absent: Councilmembers - All present.

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

A. City Council (City Clerk)

1. Review August 15, 2023 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)

Director of Community Energy Lori Mitchell responded to Committee questions.

Public Comments: Christina Ramos (PG&E) and Blair Beekman offered public comments.

Motion: Councilmember Pam Foley moved approval of the final agenda for the City Council meeting on August 15, 2023, including the Add Sheet. Councilmember Dev Davis seconded this motion.

Friendly Amendment: Councilmember Sergio Jimenez requested a one-week deferment of item 6.1 to the August 22, 2023 City Council Agenda to allow for additional engagement from the stakeholders.

Director of Community Energy Lori Mitchell responded to the Friendly Amendment and stated that a week is not sufficient.

Councilmember Jimenez retracted his friendly amendment.

Councilmember Dev Davis requested that the staff presentation to Council contain decision points that the City will be taking and provide a rough timeline for a Municipal Utility for Electric Service.

Final Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the final agenda for the City Council meeting on August 15, 2023, including the Add Sheet. (5-0)

2. Review August 22, 2023 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: Blair Beekman offered public comment.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on August 22, 2023 and cancelled the evening session. (5-0)

B. Consent Calendar

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was *approved as whole*, the below listed actions were taken as indicated. (5-0)

Public Comment: Blair Beekman offered public comment.

1. The Public Record for July 27 – August 3, 2023. (City Clerk)

The Public Record for July 27 – August 3, 2023, was noted and filed.

2. City Auditor's Fiscal Year 2023-24 Work Plan. (City Auditor)

The City Auditor’s Fiscal Year 2023-24 Work Plan was approved.

3. Monthly Report of Activities for June and July 2023. (City Auditor)

The Auditor’s Office Monthly Report of Activities for the months of June and July 2023, was approved.

4. Request for Travel for Councilmember David Cohen. (Cohen)

Travel for Councilmember Cohen to Sacramento, CA, from September 20 - 22, 2023, to attend the League of California Cities – Annual Conference and Expo was authorized.

5. Retroactive Approval of Various District 8 Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Candelas)

The CERT Community Meeting at Evergreen Branch Library on May 11th, 2023, Community Cleanup at Lake Cunningham on May 13, 2023, District 8 Community Budget Meeting at East

Valley Family YMCA on June 8, 2023, Meadowfair Neighborhood Association Meeting at Meadowfair Park on June 15, 2023, Health Fair and Wellness Walk at Eastridge Mall on June 30, 2023, Music in the Park at Evergreen Village Square on July 29, 2023, and Movie Night at Evergreen Village Square on August 11, 2023, sponsored by Council District 8 were approved for placement on the August 15, 2023 Council Agenda.

6. Approval of Multiple Special Events Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Cohen)

The District 4 Litter Pick-Up on Saturday, August 5, 2023, was retroactively approved and the District 4 Vietnamese Mid-Autumn Festival on Saturday, September 30, 2023, sponsored by Council District 4 was approved for placement on the August 15, 2023 Council Agenda.

7. Neighborhood Services and Education Committee Work Plan. (Mayor and Davis)

The Neighborhood Services and Education Committee Work Plan, for the period of August through December 2023, was approved and the draft Neighborhood Services and Education Committee Work Plan for the period of January through June 2024 was accepted.

C. Rules Committee Reviews, Recommendations and Approvals

1. Addressing Encampments and RV's Around Schools. (Mayor, Cohen, Ortiz, and Doan)

Direct the City Manager to: 1.) Expedite drafting an ordinance prohibiting encampments and vehicle dwelling within 150 feet of the property line of licensed preschools, daycares, and K-12 schools; and 2.) Return to Council within 90 days with a draft ordinance, a cost estimate for associated resources needed to fully enforce the ordinance, and recommendations to expedite or phase in enforcement with existing resources.

Assistant City Manager Lee Wilcox addressed the Early Consideration Response Form and the Mayor's Executive Officer Mackenzie Mossing provided a brief summary of the Mayor's memorandum.

Public Comments: Alfredo Hernandez (KIPP San José Collegiate), Gursharan Bola (KIPP San José Collegiate), Britney Duong (KIPP San José Collegiate), Vianna Alvarez (KIPP San José Collegiate), Alaine Santiago (KIPP San José Collegiate), Mary Idso (SURJ), Susan Price (SURJ), Reese Enghardt, Fernanda Morales (KSJC Democrats), Liz Gonzalez (SV De-Bug), Chris Copolillo (KIPP Northern California Public Schools), Frankie Martinez, Shideh Fazaeli (KIPP San José Collegiate), Gio, Blair Beekman, Arde Cat Mona, Christian, Breshna (KIPP San José Collegiate), Darvy Le, Aaron Dang, Angeles Perez (KIPP San José Collegiate), Mathew Huynh, Dang Khai Nguyen, Deborah St. Julien, Kathryn Hedges (SURJ), Debbie Ow (SURJ), Matt King (Real Coalition), Andrew Siegler (SURJ), Sigrid Jacobsen, and Gail Anne Osmer offered public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved direction to the City Manager to 1. expedite drafting an ordinance prohibiting encampments and vehicle dwelling within 150 feet of the property line of licensed preschools, daycares, and K-12 school and 2. direct the return to Council within 90 days with a draft ordinance, a cost estimate for associated resources needed to fully enforce the ordinance, and recommendations to expedite or phase in enforcement with existing resources. (5-0)

2. Audit of the Office of Retirement Services. (Mayor, Davis, and Foley)

Direct the City Auditor to prioritize an audit of the Office of Retirement Services in his workplan. This audit should cover, at minimum, the following areas: 1. Identifying internal process controls for financial activities such as accounting, purchasing and contracting; 2. Identifying policies and procedures around information systems and security; 3. Compliance with City policies for financial activities, information systems and security, and other relevant administrative functions; 4. A comparison of the governance structures of other pension plans, including board oversight of management's administrative functions and responsibilities.

Councilmember Dev Davis introduced the joint memorandum co-authored by the Mayor.

Councilmembers Davis, Councilmember Foley, and City Auditor Joe Rois provided feedback.

Public Comments: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Committee heard and forwarded the request and recommendation to the City Council for its consideration on the August 8, 2023 City Council Agenda. (5-0)

Open Forum

1. Blair Beekman spoke to potential solutions to encampment issues and democracy.
2. Aaron Resendez spoke on his experience attempting to clean their street and an interaction with an unnamed San José Police sergeant.

Adjournment

Chair David Cohen adjourned the Committee meeting at 3:38 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT- Grace Turner

Grace Turner
Deputy City Clerk, City of San José

Approved at Council on:
Attest By:

Toni J. Taber, CMC
City Clerk, City of San José