



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

SAN JOSE, CALIFORNIA

WEDNESDAY, JANUARY 24, 2024

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and remote locations. The meeting convened at 2:01 p.m.

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

Absent: Councilmembers - All present.

Staff: Assistant City Manager, Lee Wilcox; Assistant City Attorney, Kevin Fisher; Assistant City Clerk, Joy Rodriguez; City Manager's Office, Rachele Blattman; and Deputy City Clerk, Daniel Aguilar.

A. City Council (City Clerk)

1. Review Final Agenda

Review January 30, 2024 Final Agenda

- a. Add New Items to Final Agenda
- b. Assign "Time Certain" to Agenda Items (if needed)
- c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the January 30, 2024 Final Agenda was approved, including the add sheet. Also approved was the deferral of item 7.1 to Neighborhood Services and Education Committee in March 2024; and direction that items 8.1 and 8.2 are *not to be heard before* 3:30 p.m. (5-0-0)

2. Review Draft Agenda

Review February 6, 2024 Draft Agenda

- a. Add New Items to Draft Agenda
- b. Assign "Time Certain" to Agenda Items (if needed)
- c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Public Comments: Blair Beekman and Paul Soto provided public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the February 6, 2024 Draft Agenda was approved, *excluding* the study session for the Arts. (5-0-0)

B. Consent Calendar

Public Comment: Paul Soto provided public testimony regarding this item.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved, *excluding item B.1*, with the below actions taken as indicated. (4-0-1; Absent: Jimenez)

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

Recommend release of date held for a Study Sessions on Friday, February 16, 2024.

Action: The release of date held for a Study Session was *not approved*.

2. Amendment to the 2023-2024/2024-2025 City Budget Calendar. (City Manager)

Amend the 2023-2024/2024-2025 City Budget Calendar as follows:

1. March 11, 2024 - Release of the 2024-2025 Mayor's March Budget Message
2. March 19, 2024 - Public Hearing of the 2024-2025 Mayor's March Budget Message
3. March 19, 2024 - City Council Review and Approval of the 2024-2025 Mayor's March Budget Message.

Action: The amendment to the 2023-2024/2024-2025 City Budget Calendar was approved.

3. Approval of the Tet Festival, Tower Lighting and Flag Raising, and Black April Flag Raising and Gala Sponsored by Council District 7 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Doan)

1. Approve the Tet Festival, Tower Lighting and Flag Raising scheduled on February 12, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the Black April Flag Raising and Gala scheduled on April 30, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Approve and accept donations from various individuals, businesses or community groups to support the events.
4. Place the item on the February 6, 2024 Council Agenda for action

Action: The Tet Festival, Tower Lighting and Flag Raising, Black April Flag Raising, and Gala Sponsored by Council District 7 was approved for placement on the February 6, 2024 City Council Agenda.

4. Approval of Tower and Rotunda Lighting for American Heart Month Sponsored by Council District 8 as a City Council Sponsored Special Event. (Candelas)

Approve the Auditor's Office Monthly Report of Activities for the month of December 2023.

Action: The Tower and Rotunda Lighting for American Heart Month Sponsored by Council District 8 was approved.

5. Approval of the Music in the Valley Festival Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Foley)

1. Approve the Music in the Valley Festival scheduled on April 28, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the February 6, 2024 Council Agenda for action.

Action: The Music in the Valley Festival Sponsored by Council District 9 was approved for placement on the February 6, 2024 City Council Agenda.

6. Retroactive Approval and Contingent Approval of a Lighting Ceremony Recognizing the 49ers Sponsored by the Mayor's Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mayor)

1. Retroactively approve the 49ers Divisional Championship game acknowledgement Tower Lighting scheduled on January 20-21, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
 - a. Approve the 49ers National Football Championship game acknowledgement Tower Lighting scheduled on January 28, 2024, as a City Council sponsored Special Event and approve the expenditure of funds contingent upon the 49ers advancing to the National Football Championship.
 - b. Approve the 49ers Super Bowl Championship game acknowledgement Tower Lighting scheduled on February 11, 2024, as a City Council sponsored Special Event and approve the expenditure of funds contingent upon the 49ers advancing to the Super Bowl.
2. Retroactively approve and accept donations from various individuals, businesses or community groups to support the event, and approve and accept donations from various individuals, businesses, or community groups to support the upcoming events contingent upon the 49ers advancing to the National Football Championship and the Super Bowl Championship Game.
3. Place the item on the January 30, 2024 Council Agenda for action.

Action: The Lighting Ceremony recognizing the 49ers sponsored by the Mayor's Office was approved for placement on the January 30, 2024 City Council Agenda.

7. Request to Travel and Excused Absence. (Davis)

1. Authorize travel for Councilmember Davis to attend a study trip to the Regional Transportation District (RTD) from February 7-10, 2024 in Denver, Colorado.
2. Excuse Councilmember Davis' absence from the Rules and Open Government Committee on February 7, 2024.

Action: The request to travel and excused absence for Councilmember Davis was approved.

C. Rules Committee Reviews, Recommendations and Approvals

1. Fiscal Year 2024-2025 Budget Priority Study Session for March Budget Message. (Mayor and Davis)

Direct the City Manager and the City Clerk to agendize a Fiscal Year 2024-2025 Budget Priority Study Session on February 13, 2024, immediately after the Q2 Focus Area Report, for the purpose of City Council and public informing the Mayor's March Budget Message. The Agenda should include data related to our resident's priorities, the Administration's perspectives/priorities, and a discussion amongst the Mayor and City Council members.

Public Comment: Paul Soto provided public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved the Fiscal Year 2024-2025 Budget Priority Study Session for the March Budget Message. (5-0-0)

2. Support for Proposition 1. (Mayor and Cohen)

Adopt a resolution taking a position in support for Proposition 1 on California's March 5, 2024 primary election, and authorizing the City Manager's Office to issue letters of support in accordance with Council direction.

Ryan Coonerty, Senior Advisor to the Mayor, Intergovernmental Relations spoke on the item and responded to questions.

Public Comment: Jordan Moldow, Paul Soto, and Blair Beekman provided public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved the referral of the item to a City Council Meeting (*date not specified on the record*) as a discussion item, agendizing the item after Santa Clara County considers the measure, also including direction for staff to provide a report outlining both the County's perspective on the measure and the trade-offs to mental health services in Santa Clara County. (5-0-0)

3. Preserving Our Progress - Guadalupe River Trail. (Mayor, Torres, and Davis)

Direct the City Manager to promptly implement a “no return zone” that prevents re-encampment along the Guadalupe River Trail between 280/87/Woz Way and 87/Julian St using existing resources available through the Encampment Resolution Fund (ERF) grant and the FY 23-24 Adopted Budget, including:

1. Deploying a rapid-response abatement team comprising the two therapeutic specialists funded in the FY 2023-2024 Adopted Budget, or other appropriate classification, to work in close concert with the BeautifySJ team and the San José Police Department (SJPD) to engage with unsheltered residents and advance abatement operations in a safe and humane way; and
2. Enforcing park rules set forth by the City’s Municipal Code and installing signage with posted park rules as required by law; and
3. Utilizing SJPD’s Guadalupe River Trail Bike Patrol Program; and
4. Coordinating with the Guadalupe River Park Conservancy (GRPC) to ensure frequent and robust activation along the river trail, leveraging the \$200,000 in City grant funding to GRPC from the ERF to sustain the revitalization project.

Public Comment: Eric S., Rich Turner, Paul Soto, Blair Beekman, Jordan Moldow, Mark Lewis, and one speaker (*name not provided at the podium*) provided public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Committee directed the City Manager to promptly implement a “no return zone” that prevents re-encampment along the Guadalupe River Trail between 280/87/Woz Way and 87/Julian St., using existing resources available through the Encampment Resolution Fund (ERF) grant and the FY 23-24 Adopted Budget, including the specification that the item is to return to the full Council as soon as possible. (5-0-0)

D. Open Forum

1. A speaker (*name unintelligible*) (*Assisted by Spanish Interpreter*) discussed her experiences being a fast-food worker with frequently cut hours, which requires her to have an additional job to afford her basic needs.
2. Daisy Gomez (*Assisted by Spanish Interpreter*) expressed the needs of fast-food workers, the importance of knowing their rights despite citizenship status, the mistreatment of workers, and the retaliation being faced for asserting those rights.
3. Jordan Moldow discussed the importance of document transparency and the hurdles for obtaining documents.
4. Paul Soto emphasized the necessity of work strikes to drive change in the service industry.
5. Blair Beekman commented on the gentrification in San José, the need for retrofitting, and necessary dialogue surrounding these issues.

E. Adjournment

This meeting was adjourned by Councilmember David Cohen at 3:29 pm.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Daniel Aguilar,
Deputy City Clerk, City of San José

of actions: 6

Approved at Council on:

Attest By:

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

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