



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

SAN JOSE, CALIFORNIA WEDNESDAY, JUNE 16, 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 2:00 p.m.

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

Absent: Councilmembers - Arenas.

Staff: City Manager, David Sykes; Office of the City Manager, Chief of Staff, 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.

After roll call was taken, Office of the City Manager, Chief of Staff, Lee Wilcox read a statement stating Item G.2 (Reducing Gun Harm, and the Public Burdens of Gun Violence) on today’s Agenda is being deferred to June, 29, 2021 before the full council, due to an inadvertent Brown Act violation.

A. City Council (City Clerk)

1. Review June 22, 2021 Final Agenda

Public Comment: (1) Tessa Woodmansee advocated working from home and stated the benefits such as reducing greenhouse gases. (2) Paul Soto requested clarification on the statement Chief of Staff, Lee Wilcox read regarding Item G2 on the agenda for today. (3) Blair Beekman spoke to Item 2.19 and 3.9, the Diridon Station, green sustainability, digital divide issues, and the Peer Review Program. (4) David Cheperdak spoke to his concerns of Item G2, which was deferred.

(Item Continued on the Next Page)

A.1 (Cont'd.)

Vice Major Chappie Jones honored Councilmember Raul Peralez' request to allow additional members of the public to speak after public comment was closed.

Public Comment: (5) Dennis King spoke on behalf of the Small Business Task Force, he expressed their appreciation to the Bumb family and Councilmember David Cohen for all their efforts on Item 10.4, stated the vendors need to properly understand the proposal, urged further community input of those being displaced, and support of the 90-day deferral. (6) Erik Schoennauer, representing the Berryessa Flea Market property owner and developers spoke on the importance of the July 12, 2021 Grant Application deadline and urged that the City Council take action at the June 22, 2021 meeting. (7) Roberto Gonzalez representing the Berry Flea Market Vendor Association (BFVA), spoke to the necessity of the 90-day deferral, displacement, and families being affected. (8) A vendor from the Berryessa Flea Market spoke in Spanish and stated the importance of keeping her job, stated being a vendor allows her to support herself, and urged for more time; Councilmember Raul Peralez translated her public comment. (9) Francisco Cervantes stated that the vote regarding the Berryessa Flea Market is being rushed. (10) Maria, a Berryessa Flea Market vendor spoke in Spanish and stated that it's hard for her to get a job elsewhere, stated she depends on this job, wants the opportunity to negotiate, and urged for more time; Councilmember Raul Peralez translated her public comment. (11) Mariana Mejia, Vice President of the BFVA spoke to the displacement of vendors and urged staff to delay the vote. (12) Christopher L. spoke to community trust building, trust issues with the vendors and owners, and the needs for vendors to be considered, and requested a 90-day deferral. (13) Luis Galego, a Berryessa Flea Market vendor stated this job is helping him support his three children after his job at a restaurant was closed due to the pandemic. (14) Victor Vasquez, Huascar Castro, Alma who is a vendor at the Berryessa Flea Market, Amanda Valenzuela an advocate for the BFVA, and Keila urged that the Staff and Councilmembers honor the 90-day deferral request.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the June 22, 2021 Final Agenda, as amended, including the add sheet, with Sunshine Waivers as required, with a Closed Session start time of 8:30 a.m., Item 10.3 not to be heard before 7:00 p.m., Items 10.3 and 10.4 to be heard immediately after Item 4.3, and Item 8.2 to be deferred to the June 29, 2021 meeting. (4-0-1. Absent: Arenas)

2. Review June 29, 2021 Draft Agenda

Public Comment: (1) Tessa Woodmansee suggested reducing vehicles in Downtown San José, spoke on the climate crisis, and zero emission fossil fuels. (2) Paul Soto thanked Vice Mayor Chappie Jones for allowing additional public comment on the last item. (3) Blair Beekman spoke to the COVID-19 Eviction Moratorium.

(Item Continued on the Next Page)

A.2 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the June 29, 2021 Draft Agenda, as amended, including Adds, with Sunshine Waivers as required. (4-0-1. Absent: Arenas)

B. Review of Upcoming Special Meeting Agenda(s)

None provided.

C. Legislative Update

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

There were none presented.

D. Meeting Schedules

1. City Council Parking and Transportation Demand Management Study Session.

Public Comment: (1) Tessa Woodmansee spoke on the importance of reducing vehicles on roadways and forming a Citizens Action Committee. (2) Blair Beekman spoke to mass transit, transportation, and aerosol vaccines. (3) David Cheperdak thanked the staff for clarifying his concerns and questions on the previous item.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Committee scheduled a City Council Study Session entitled Parking and Transportation Demand Management for Friday, August 27, 2021 from 9:00 a.m. – 12:00 p.m. in the Council Chambers and approved the Study Session agenda. (4-0-1. Absent: Arenas)

E. The Public Record

Public Comment: (1) Blair Beekman spoke to the bus bridge shuttle, housing, transportation, and the Santa Clara Valley Transportation Authority. (2) Martha O'Connell spoke to the public letter on the Housing Commission regarding rent increases.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for June 3, 2021– June 10, 2021 was noted and filed. (4-0-1. Absent: Arenas)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- a. Approval of Parks and Recreation Month Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)**

Public Comment: Blair Beekman thanked the staff for all their efforts.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the City Council Sponsored Special Event was approved and cross-referenced to the June 22, 2021 Council Agenda for action. (3-0-2. Absent: Arenas, Davis)

- b. Approval of Northwood Park Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Cohen)**

- c. Approval of Three Neighbor Day Events Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mahan)**

- d. Approval of Proclamation for National Immigrant Heritage Month 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 Comment: (1) Paul Soto stated that Chicanos and Mexicans should not be considered immigrants in California, the land of their ancestry. (2) Tessa Woodmansee spoke to the Consent Calendar, commercial development, sustainability, and growing food locally.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the City Council Sponsored Special Events were approved and cross-referenced to the June 22, 2021 Council Agenda for action. (3-0-2. Absent: Arenas, Davis)

- 2. Reducing Gun Harm, and the Public Burdens of Gun Violence. (Liccardo, Jones, Peralez, Cohen, Carrasco)**

DEFERRED TO 6/29/2021 PER ADMINISTRATION

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. Open Government

None provided.

J. Open Forum

1. Tessa Woodmansee spoke to bicycle infrastructures, road improvements, and the desire to feel safe walking as a pedestrian.
2. Blair Beekman spoke to Measure T and the need for public oversight on disaster preparedness.
3. Paul Soto spoke to indigenous people, exploitation, and dehumanization.
4. Martha O'Connell expressed her gratitude for granting a one-minute public speaking time at longer meetings to allow everyone's voices to be heard in an efficient matter.
5. David Cheperdak spoke to the total costs and steps associated with purchasing a registered gun, gun safety, spoke to the trigger lock, and the additional costs being proposed.
6. Caller '5140' spoke to the Ordinance being proposed in Item G2.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 4:08 p.m.

Approved at the 8/3/21 Council Meeting

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj:rulesmin_6-16-21