



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

SAN JOSE, CALIFORNIA WEDNESDAY, DECEMBER 1, 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 - Jones, Peralez, Arenas, Cohen.

Absent: Councilmembers - Davis.

Staff: Office of the City Manager, 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 December 7, 2021 Final Agenda

Public Comment: (1) Tessa Woodmansee spoke to the importance of planning for the climate emergency, growing food locally, and urban sustainability. (2) Blair Beekman spoke to affordable and mixed income housing. (3) Paul Soto spoke to his concerns regarding the timing of agendas postings.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee approved the December 7, 2021 Final Agenda, as amended, including the Add Sheet. (4-0-1. Absent: Davis)

2. Review December 14, 2021 Draft Agenda

Public Comment: (1) Tessa Woodmansee addressed the process of posting agendas and the housing crisis. (2) Paul Soto spoke to the project labor agreements. (3) Blair Beekman spoke to surveillance technology, the proposed rate plans for the City regarding PG&E, and renewable energy.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the December 14, 2021 Draft Agenda, with an 11:00 a.m. Open Session start time, Item 3.3 and 10.2 deferred to January 11, 2021 Council Meeting, and Item 3.7 deferred one week to be discussed at the December 8, 2021 Rules and Open Government Committee Meeting. (4-0-1. Absent: Davis)

B. Review of Upcoming Special Meeting Agenda(s)

None provided.

C. Legislative Update

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

There were none presented.

D. Meeting Schedules

a. 2021-2022/2022-2023 City Budget Calendar and Budget Study Session Schedule and 2022-2023 Preliminary General Fund Forecast and Budget Study Session. (City Manager)

Public Comment: (1) Tessa Woodmansee spoke to the committee meeting start times and the Cities budget. (2) Blair Beekman spoke to the Budget Director and open public policies.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, the Committee approved the proposed 2021-2022/2022-2023 City Budget Calendar as presented in Attachment A of the staff memorandum and the schedule for City Council Budget Study Sessions for the 2022-2023 Operating Budget, 2022-2023 Capital Budget and 2023-2027 City Capital Improvement Program, and 2022-2023 Fees and Charges Report as presented and explained in Attachment B and explained in the staff memorandum; and set a City Council Study Session for Friday, January 14, 2022 from 9:00 a.m.- 12:00 p.m. entitled “2022-2023 Preliminary General Fund Forecast and Budget”. (4-0-1. Absent: Davis)

b. Redistricting. (City Clerk)

Public Comment: (1) Blair Beekman spoke to the unity and community maps. (2) Paul Soto spoke to redlining issues. (3) Tessa Woodmansee spoke to environmental racism.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee set the date and time and agenda for a meeting regarding Redistricting on Friday, December 3, 2021 at 9:00 a.m. (4-0-1. Absent: Davis)

E. The Public Record

Public Comment: (1) Paul Soto spoke to zoning laws on Lincoln Ave. (2) Blair Beekman spoke to future of subsidy processes. (3) Tessa Woodmansee addressed building heights in the Willow Glen area.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Public Record for November 10, 2021– November 23, 2021 was noted and filed. (4-0-1. Absent: Davis)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

a. Approval of Holiday Resource Fair 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)

b. Retroactive Approval of Poco Way Fall Festival Event 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)

c. Retroactive Approval of Blossom Valley Dumpster Day and Greystone Park Neighbor Day Events Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mahan)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Events were retroactively approved and cross-referenced to the December 7, 2021 Council Agenda for action. (4-0-1. Absent: Davis)

d. July 2020 - June 2021 Open Government Report. (City Manager)

Public Comment: (1) Blair Beekman addressed the public being able to speak on the City Manager and Closed Session Report Items. (2) Paul Soto spoke to democracies and open government ideas.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the Committee accepted the Open Government Report on posting of public calendars, public record request data, and data regarding posting of agendas and minutes of the City Council and decision-making bodies. (4-0-1. Absent: Davis)

2. ADA Compliance for Small Businesses. (Peralez, Davis, Esparza)

Public Comment: (1) Blair Beekman spoke to equity issues in the workplan. (2) Paul Soto addressed racial equity issues. (3) Tessa Woodmansee spoke on the workplan and the importance of supporting small business.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen and carried unanimously, the Committee deferred the item one week to the December 8, 2021 Rules and Open Government Committee Meeting to have the Early Consideration Response Forms completed. (4-0-1. Absent: Davis)

3. ADA Compliance. (Jones, Jimenez, Foley)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen and carried unanimously, the Committee deferred the item one week to the December 8, 2021 Rules and Open Government Committee Meeting to have the Early Consideration Response Forms completed. (4-0-1. Absent: Davis)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

2. Update to the August 2021 - June 2022 Neighborhood Services and Education Committee Work Plan. (City Manager)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the amendment to the August 2021– June 2022 Neighborhood Services and Education Committee Work Plan to drop the following items from the December 9, 2021 Committee meeting: City Manager’s Office of Racial Equity Work Plan Status Report. (City Manager – Racial Equity) Library Department’s Equity and Inclusion Services Report. (Library) (4-0-1. Absent: Davis)

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**

a. **Public Records Appeal - Katherine Weiland. (Police)**

Public Comment: (1) Molly McLeod stated she's in support of the public records request and expressed her concerns with denying a survivor access to the video. (2) Blair Beekman spoke to respecting the survivor during the appeal process and was thankful that this is a part of the public process. (3) Paul Soto spoke to the possible denial of the appeal and applauded the survivor for her courage. (4) Brian spoke to allowing the survivor to protect her family with the public records request.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen and carried unanimously, the Committee deferred the appeal one week to the December 8, 2021 Rules and Open Government Committee Meeting to allow for a progress report and update on the TRO 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. (4-0-1. Absent: Davis)

J. **Open Forum**

1. Paul Soto thanked Councilmember Sylvia Arenas for her response to Item Ia .
2. Tessa Woodmansee stated that hybrid meetings should continue and encouraged the continuance of virtual meetings.
3. Blair Beekman spoke to open public policies, accountability, and Vision Zero issues.
4. Gail Anne Osmer thanked Councilmember Sylvia Arenas for reaching out to her regarding her concerns with unhoused families in the City.
5. Scott Largent spoke to poverty in Silicon Valley and the need for further awareness.

K. **Adjournment**

Vice Mayor Chappie Jones adjourned the Committee meeting at 4:56 p.m.

Approved at the 1/25/22 Council Meeting

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj:rulesmin-12-1-21