



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

SAN JOSE, CALIFORNIA WEDNESDAY, OCTOBER 20, 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, Arenas, Cohen, Davis.

Absent: Councilmembers - All Present.

Staff: City Manager, Jennifer Maguire; 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 October 26, 2021 Final Agenda

Public Comment: (1) Tessa Woodmansee spoke to Columbus Park concerns, having a “community garden” near the park, and rehousing the unhoused community. (2) Sarah Armstrong, from Americans for Safe Access (ASA) addressed residents having safe spaces to medicate in their homes, the marijuana mandate for medical purposes, and eviction concerns for those who need to medicate. (3) Sean Kali-Rai spoke to Item 7.2 regarding cannabis use, medical cannabis, cited scientific evidence he found from UCSF supporting his statements, and suggested referring this item to the Office of Economic Development. (4) Blair Beekman spoke to Items 2.16, 2.12, 2.14, and data collection regarding geofencing. (5) Adam Askari suggested not changing the meeting on the 26th. (6) Jackie Subeck spoke to her oppositions of Item 7.2 banning cannabis from one’s home and urged to remove the item from the agenda.

(Item Continued on the Next Page)

A.1 (Cont'd.)

(7) Gail Morman urged staff to delay the rezoning of the property on Winchester Blvd. and spoke to reports she requested from staff. (8) Eddie Franco, with the California Cannabis Industry Association spoke to equity issues, requested to defer Item 7.2, to remove cannabis from the ordinance, and remove the item from the Agenda.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the October 26, 2021 Final Agenda as amended: to drop Item 7.2 and refer it to the NSE Committee, defer Item 10.2 to the November 16, 2021 Council meeting, cancel the evening session, Item 10.1 on the Land Use Consent Calendar to be heard immediately after the regular Consent Calendar, and include the add sheet. (5-0.)

2. Review November 2, 2021 Draft Agenda

Public Comment: (1) Tessa Woodmansee spoke to the developments on Santa Clara and Almaden Blvd., resiliency in the community, and fossil fuels. (2) Blair Beekman spoke to Item 2.3.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, the Committee accepted the November 2, 2021 Draft Agenda. (5-0.)

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. Gender Based Violence and Child Sexual Assault Joint Meeting. (City Manager)

Public Comment: (1) Tessa Woodmansee spoke to providing more resources for working mothers to stay home and childrens' development. (2) Blair Beekman thanked the staff for their efforts on this item, spoke to workplace issues, and the importance of the police peer review program.

(Item Continued on the Next Page)

D.1 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee set a Joint Meeting between the City of San José Public Safety, Finance and Strategic Support Committee, the San José City Council Committee of the Whole, and the Santa Clara County Children Seniors, and Families Committee regarding Gender Based Violence and Child Sexual Assault on Friday, November 5, 2021 at 10:00 a.m. (5-0.)

E. The Public Record

Public Comment: (1) Blair Beekman spoke to surveillance technology and the public letters regarding the Vista Montana unhoused encampment. (2) Tessa Woodmansee spoke to the public letter process and the letters she submitted regarding the subcommittees.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for October 7, 2021– October 14, 2021 was noted and filed. (5-0.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

a. Approval of Filipino American History Month Flag Raising Ceremony, Tower, and Rotunda Lighting 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) Tessa Woodmansee stated all City Council Sponsored Events should be fossil fuel free. (2) Blair Beekman spoke to implementing a subcommittee process.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Event was approved and placed on the October 26, 2021 Council Agenda for action. (5-0.)

b. Approval of the 15th Annual Santos Family Car Show 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)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the City Council Sponsored Special Event was approved and placed on the November 2, 2021 Council Agenda for action. (5-0.)

2. Retroactive Purchase of Raffle Prizes. (Carrasco)

Public Comment: Tessa Woodmansee spoke to the consumption of plastic, stated the raffle items should not consume so much plastic, and suggested food being raffled.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Committee retroactively approved the purchase of two iPads and a laptop for the National Night Out's raffle giveaway and placed the item on the October 26, 2021 City Council Agenda for action. (5-0.)

3. Federal Immigration Reform. (Esparza)

Public Comment: (1) José L. Pavon thanked Councilmember Esparza for her efforts on the item, spoke to undocumented immigrants, urged staff to adopt the resolution, and prioritizing immigration reform. (2) Blair Beekman spoke to undocumented immigrants and the memorandum. (3) Tessa Woodmansee spoke to the climate impacts that immigrants encounter in different places of the world such as Honduras and Guatemala. (4) Araceli Rueda spoke to her support of the resolution and stated that immigrants contributed to the economy long before the pandemic such as farm workers, janitors, and construction workers; who are essential workers that don't have the privilege of receiving stimulus checks because of their status.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the early consideration response form, green-lit the item, and placed it on the November 2, 2021 Council Agenda for action.

Including the memorandum from Councilmember Maya Esparza dated October 14, 2021 recommending: Directing Staff to bring forth for Council approval a resolution calling on Congress to preserve funding for Pro-Immigrant Policies, including a path to citizenship, in the federal budget resolution, and urging Congress and the President to pass a path to citizenship policy. (5-0.)

4. Taxi Issues. (Mayor and Peralez)

Public Comment: (1) Tessa Woodmansee spoke to the ordinance setting process and implementing a climate crisis action team. (2) Seyoum Asrat suggested that recommendation 1 of the joint memorandum should have a joint committee compiled with members of the staff and taxi industry members. (3) Caller '9327', representing the Taxicab Drivers Association spoke in support of the joint memorandum and his concerns of the recent annual permit fee increase. (4) Larry, with the Yellow Checker Cab Company addressed the insurance concerns, the November 1st deadline, and concerns of possibly losing two more taxicab companies. (5) Blair Beekman thanked the taxicab drivers for their work and efforts. (6) Caller '5140' spoke to how tax money is being allocated and regulated. (7) Maria spoke to the effects these regulations have on taxicab companies such as the permit costs through SJPD.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee green-lit the item and directed the staff to review and respond to issues and concerns raised by the taxicab industry to the City Council in the letter dated July 29, 2021(attached to memorandum), including increased insurance requirements, taxicab color schemes and taxicab meter requirements; and directed staff to delay any new requirements imposed on the taxi cab industry until staff has had an opportunity to review the issues fully and provide Council analysis on the items the industry has raised. (5-0.)

H. Review of additions to Council Committee Agendas/Workplans

1. Update to the August 2021 - June 2022 Community and Economic Development Committee Work Plan. (City Manager)

Public Comment: (1) Tessa Woodmansee spoke to the workplan, consumerism, and the removal of electric signs. (2) Caller '5140' spoke to Vision Zero and electric sign concerns.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the amendment to the August 2021 - June 2022 Community and Economic Development Committee Work Plan to drop the following item from the October 25, 2021 meeting: Electronic Billboards on City-Owned Property Phase 1 Status Report. (Economic Development and Cultural Affairs/Planning, Building and Code Enforcement) (5-0.)

Downtown Manger, Office of Economic Development, Blage Zelalich stated the work plan completion goal is mid-November before the holidays.

2. **Neighborhood Services and Education Committee**
3. **Update to the August 2021 - June 2022 Transportation and Environment Committee Work Plan. (Environmental Services)**

Public Comment: (1) Tessa Woodmansee spoke to the residential plan regarding garbage. (2) Blair Beekman spoke to the garbage recycling rate report. (2) Caller '5140' spoke to garbage and water rates.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the amendment to the August 2021 - June 2022 Transportation and Environment Committee Work Plan to drop the following item from the November 1, 2021 meeting: Residential Garbage and Recycling Rates Report. (Environmental Services) (5-0.)

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 economic growth and the importance of becoming fossil fuel free in San José.
2. Blair Beekman spoke to the subcommittee process, the reimagining task force, and having an equity roundtable.
3. Caller '5140' spoke to the public comment process.

K. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:57 p.m.

Approved at the 12/14/21 Council Meeting

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/yj:rulesmin-10-20-21