

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

**SAN JOSÉ, CALIFORNIA**

**WEDNESDAY, FEBRUARY 21, 2024**

The Committee meeting was held in the Council Chambers The meeting convened at 2:02 p.m.

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

Absent: Councilmembers - None.

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

**A. City Council (City Clerk)**

**1. Review Final Agenda**

Review February 27, 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 Councilmember Pam Foley, and carried unanimously, the February 27, 2024 Final Agenda was approved. (5-0-0)

**2. Review Draft Agenda**

Review March 5, 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)

Councilmember Sergio Jimenez noted that his office will be submitting a memorandum for Item 3.4.

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the March 5, 2024 Draft Agenda was approved. (5-0-0)

## **B. Consent Calendar**

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved as a whole, with the below actions taken as indicated. (5-0-0)

### **1. The Public Record for February 7 – February 15, 2024. (City Clerk)**

Receive and file the Public Record for February 7 – February 15, 2024.

Action: The Public Record for February 7 – February 15, 2024 was approved.

### **2. Release Date for Study Session. (City Manager)**

Recommend release of date held for Study Session on Friday, March 1, 2024.

Action: The release of date for the Study Session on March 1, 2024 was approved.

### **3. Retroactive Approval and Approval of Multiple Special 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 Events. (Batra)**

1. Retroactively approve the eWaste event scheduled on December 2, 2023 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
2. Retroactively approve the Senior Fraud Prevention Workshop event scheduled on December 7, 2023 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
3. Retroactively approve the LifeSTEPS Holiday Gala event scheduled on December 17, 2023 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
4. Retroactively approve the CERT Leadership Success Training event scheduled on January 20, 2024 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
5. Retroactively approve the Budget Town Hall event scheduled on January 29, 2024 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
6. Retroactively approve the Talk with Batra Pancake Breakfast scheduled on February 17, 2024 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
7. Approve the Senior Winter Walk event scheduled on February 23, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
8. Approve the Shredding and E-Waste Day event scheduled on February 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
9. Approve the Comanche Blossom Valley Dumpster Day scheduled on March 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
10. Place the item on the February 27, 2024 Council Agenda for action.

Action: The multiple special events sponsored by Council District 10 were approved for placement on the February 27, 2024 City Council Agenda for action.

**4. Retroactive Approval and Approval of Multiple Special 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 Events. (Batra)**

Approval of the Greek Flag Raising and Greek Independence Day Lighting Sponsored by Council District 9 as City Council Sponsored Special Events to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Events. (Foley)

1. Approve the Greek Flag Raising scheduled on March 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the Greek Independence Day Tower and Rotunda Lighting scheduled on March 25, 2024 to March 31, 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 March 5, 2024 Council Agenda for action.

Action: The multiple special events sponsored by Council District 10 were approved for placement on the March 5, 2024 City Council Agenda for action.

**C. Rules Committee Reviews, Recommendations and Approvals**

**1. Request for Revolving Door Waiver. (City Clerk)**

1. Consider the request by Magdalena Carrasco, former Council Chief of Staff for District 3 Councilmember Omar Torres, for a Waiver of the Revolving Door Restrictions based on Ms. Carrasco's February 8, 2024 Waiver Request Letter; and
  - a. Grant the request for a waiver upon making findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10; or
  - b. Deny the request for a waiver if unable to make findings that such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10; and
2. Forward the request and recommendation to the City Council for their consideration on the February 27, 2024 City Council agenda.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment, Title 12 (Ethics Provisions).

The applicant, Magdalena Carrasco, spoke to the item.

Kevin Fisher, Assistant City Attorney, recommended cross referencing the findings from page 3 of the staff memorandum to City Council as the basis for the waiver for consideration.

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the request for a Revolving Door Waiver was approved, including cross referencing the staff memorandum to the full City Council. (5-0-0)

## **2. Request Shenzhen Sister City Affiliation. (Mayor, Kamei, and Foley)**

Direct the City Manager's Office to:

1. Return to Council on March 5, 2024 with a recommendation to approve a Sister City affiliation with Shenzhen, China and,
2. Work with the Mayor's Office to identify non-profit community partners that can help provide fundraising and community building capacity for the Sister City relationship.

Public Comment: Michelle Zhang, Kaylee Yang (on behalf of Dan Sun), and Alexandra U. provided public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the request for Shenzhen Sister City affiliation was approved. (5-0-0)

## **3. Actions Related to Cardroom Status Report. (Torres and Doan)**

1. Direct Staff to align the City's regulations with the State which already has a robust regulatory program by removing duplicative regulations and functions performed by the San José Division of Gaming Control and eliminate the Cardroom Regulatory Fee in its entirety.
2. Implement a new fee, in coordination with the Cardrooms, to create a fund that will do the following:
  - a. Enforce against illegal gaming operations in San José;
  - b. Promote awareness and prevention of gambling disorders and making treatment available to those negatively impacted by the problem of gambling amongst minority communities, especially the Asian Community that are disproportionately negatively affected by gaming;
  - c. Evaluate the effectiveness of the funds currently allocated to non-profit organizations to deal with problem gaming and see if those funds can have greater impact or better allocated.
3. Direct Staff to engage with the City's two cardrooms to implement recommendation #2.
4. Return to the City Council with the above changes by June 2024. [Referred from 2/15/2024 PSFSS Meeting - Item (d)1 (CC 24-293)]

Councilmember Omar Torres introduced the item, bringing forward the recommendations as outlined in the February 21, 2024 joint memorandum co-authored by Councilmember Torres and Councilmember Doan.

Public Comment: None provided.

Vice Mayor Rosemary Kamei directed Staff to provide an informational memorandum.

Motion: Councilmember Pam Foley motioned to refer the item to the Administration to complete a Workload Analysis. Councilmember Dev Davis seconded the motion.

Friendly Amendment: Councilmember Dev Davis requested that the Workload Analysis be completed for recommendations 3 and 4 and moved approval of recommendations 1 and 2. The maker of the motion approved the amendment.

Assistant City Manager, Lee Wilcox stated the maker of the motion could move approval of the item as a whole, with the acknowledgment that the Administration has greenlit the item.

Amended Motion: Councilmember Pam Foley moved approval of the item as a whole. The seconder of the motion agreed to the amended motion.

Action: On a call to question, the amended motion passed unanimously, the Committee approved the following:

- 1.) Staff direction to align the City's regulations with the State which already has a robust regulatory program by removing duplicative regulations and functions performed by the San José Division of Gaming Control and eliminate the Cardroom Regulatory Fee in its entirety.
- 2.) Implement a new fee, in coordination with the Cardrooms, to create a fund that will do the following:
  - a.) Enforce against illegal gaming operations in San José;
  - b.) Promote awareness and prevention of gambling disorders and making treatment available to those negatively impacted by the problem of gambling amongst minority communities, especially the Asian Community that are disproportionately negatively affected by gaming;
  - c.) Evaluate the effectiveness of the funds currently allocated to non-profit organizations to deal with problem gaming and see if those funds can have greater impact or better allocated.
- 3.) Direct Staff to engage with the City's two cardrooms to implement recommendation #2.
- 4.) Return to the City Council with the above changes by June 2024. (5-0-0)

#### **D. Open Forum**

1. Roberto Gonzalez (Berryessa Flea Market Vendors Association) discussed fast food worker demographics, unkept commitments, and the benefits and resources provided to workers.
2. Ramona Martinez (*via Spanish Interpreter*) expressed a lack of support for fast food workers, wage theft, and corporate lobbyists.
3. Deysi Gomez (*via Spanish Interpreter*) addressed issues of wage theft, lack of workers' rights and awareness of protections, and requested to meet with workers to discuss the industry.
4. Laura Reyes (*via Spanish Interpreter*) highlighted a lack of knowledge about worker rights and being forced to work during health emergencies. She requested mandatory training on workers' rights.

#### **E. Adjournment**

This meeting was adjourned by Chair David Cohen at 2:45 pm.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*Daniel Aguilar*

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Daniel Aguilar,  
Deputy City Clerk, City of San José

Approved at Council on:

Attest By:

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

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