



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

SAN JOSE, CALIFORNIA

WEDNESDAY, JANUARY 12, 2022

COVID-19 NOTICE

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323 and 80343, this meeting was not physically open to the public, and the Committee Members were teleconferencing from remote locations.

The Committee meeting was teleconferenced from remote locations and convened at 2:01 p.m. to hear public comment regarding Item H.1. (see Item H.1)

The Committee recessed to Closed Session at 2:06 p.m. and returned to Open Session at 2:48 p.m.

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

Absent: Councilmembers - All present.

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Gloria Schmanek; Henry Smith, Mayor's Office; and Deputy City Clerk Ruth Krantz.

A. City Council (City Clerk)

1. Review January 18, 2022 Final Agenda – Meeting Cancelled

2. Review January 25, 2022 Draft Agenda

a) Add new items to Final Agenda

b) Assign "Time Certain" to Agenda Items (if needed)

c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: (1) Tessa Woodmansee complained that there is 'weak' outreach regarding developments. (2) Blair Beekman spoke to final adoption of the urban village project at next week's meeting and use of money for creation of urban villages and need for affordable housing.

2. Review January 25, 2022 Draft Agenda (Cont'd.)

Assistant City Manager, Lee Wilcox noted that the January 25 meeting agenda will be revisited at next week's ROGC meeting, so there is still time to address changes. Councilmember David Cohen spoke to Vice Mayor Chappie Jones suggestion to not hear Item 4.1 before 6 p.m. and suggested the timing for this item be discussed next week.

It was noted that Item 10.1 was noticed for 1:30 p.m., and City Clerk Toni J. Taber indicated cancellation of the evening session.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, the Committee accepted the January 25, 2022 Draft Agenda, including a time certain of 1:30 p.m. for Item 10.1, a Land Use item, and with the evening meeting canceled. (5-0.)

B. Review of Upcoming Meeting Agenda(s)

None provided.

C. Legislative Update

1. State

2. Federal

There were none presented.

D. Meeting Schedules

There were none presented.

E. The Public Record for December 21 – January 6, 2022. (City Clerk)

Public Comments: (1) Tessa complained of exploiting people and nature for profit and the need for systemic change. (2) Blair Beekman noted the push for law enforcement practices and need for reimagining, equity and accountability. (3) Paul Soto spoke to advocacy and failure of public servants as mandated reporters. (4) Jill Borders spoke to Martha O'Connell's letter in the public record regarding the redistricting process and her own frustration. (5) Martha O'Connell spoke to redistricting outreach and encouraged councilmembers to reach out to their constituents.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for December 21- January 6, 2022 was noted and filed. (5-0.)

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

- (a) Retroactive approval of Summerdale Dumpster Day, scheduled for January 22, 2022, 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)**
- (b) Retroactive Approval of Fiesta Navideña Sponsored by Council District 5, held on December 4, 2021, Sponsored by Council District 1 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 Community Events Sponsored by Council District 2, Walnut Mobile Home Park Toy Drive held on December 22, 2021, Southside Community Center Rotary Senior Luncheon held on December 3, 2021 and Cottle to Lean Neighborhood Dumpster Day held on November 13, 2021 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event and approve the expenditure of District 2 office budget funds to purchase gift cards, toys and other materials for the events. (Jimenez)**

Public Comments: Blair Beekman offered appreciation for dumpster days and the ability for community connection. Paul Soto, Tessa Woodmansee and Martha O'Connell expressed disagreement with wording being changed to not allow the public to pull items on the Consent Calendar.

Action: Upon motion Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, the City Council Sponsored Special Events were retroactively approved and cross-referenced to the January 25, 2022 Council Agenda for action. (5-0.)

G. 2. Monthly Report of Activities for December 2021. (City Auditor)

City Auditor Joe Rois provided the monthly report.

Public Comments: (1) Blair Beekman spoke to community energy and clean energy practices and AI issues. (2) Paul Soto spoke to racial equity. (3) Tessa Woodmansee questioned the City's commitment to clean energy and expressed the need for solar energy. (4) Jill Borders posed procedural questions.

City Auditor Joe Rois responded to questions from the Committee.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Monthly Report of Activities for December 2021 was accepted. (5-0.)

H. Review of Additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee

None provided.

2. Neighborhood Services and Education Committee Work Plan (Mayor and Arenas)

Public Comments:

1. Blair Beekman spoke to actions of the committees, accountability and sustainability practices.
2. Paul Soto spoke to poverty as violence against the people.
3. Tessa Woodmansee spoke to climate leadership and early childhood education.
4. Jill Borders spoke to justice and recommended Thomas Paine's book "Agrarian Justice"

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas and carried unanimously, the Neighborhood Services and Education Committee Work Plan for the period January through June 2022 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m., with the exception of the month of May setting the meeting on the third Thursday of that month at 9:00 a.m. was accepted. (5-0.)

3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

5. Joint Meeting of the Rules and Open Government Committee

None provided.

I. Open Government

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

a. As directed by Rules Committee on 12/1/2021, accept a progress update from staff. b. Deny the appeal 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. [Continued from 1/5/2022 - Item I.a (ROGC 21-892)]

The Committee opened for Open Session for public comment at 2:01 p.m.

Public Comments: (1) Tessa Woodmansee spoke to open democracy practices. (2) Blair Beekman asked how long these closed sessions may be for accessibility purposes.

The Committee recessed to Closed Session at 2:06 p.m. and returned to Open Session at 2:48 p.m. and Vice Mayor Chappie Jones noted a two-week deferral request by the appellant.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis and carried unanimously, the hearing was deferred for two weeks at the request of the appellant's representative. (5-0.)

OPEN FORUM

1. Caller User #1: addressed new year's resolutions and community involvement.
2. Paul Soto spoke on how he has changed San José's history and offered a quotation from Thomas Paine.
3. Tessa Woodmansee spoke to the role of the government and need to be protected from pollution.
4. Blair Beekman addressed shared, open processes and voting rights.
5. Jill Borders spoke on renters vs. homeowners, questioning why all forms require this information.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:54 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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