

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, November 16, 2022**

**COVID-19 NOTICE**

*Consistent with AB 361 and City of San Jose Resolution Nos. 80628, 80659, 80685, 80724 and 80758 Committee Members may have teleconferenced from remote locations.*

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and teleconferenced from remote locations. The meeting convened at 2:00 p.m.

Present: Councilmembers- Arenas, Cohen, Davis (2:03 p.m.), Peralez

Absent: Councilmembers- Jones

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Rachelle Blattman; and Deputy City Clerk, Megan Roche.

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

1. Review November 22, 2022 Final Agenda – Cancelled
2. Review November 29, 2022 Draft Agenda
  - a) Add new items to Draft Agenda
  - b) Assign “Time Certain” to Agenda Items (if needed)
  - c) Review of Notice of Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: None

Action: Councilmember Sylvia Arenas made a motion which was seconded by Councilmember David Cohen, to approve the draft agenda for the City Council meeting on November 29, 2022, with a 6:00 p.m. time certain for items 8.4 and 8.5, which are to be heard concurrently.

Action: Vice Chair Raul Peralez requested a friendly amendment to Councilmember Sylvia Arenas' motion, to start the afternoon Council session at 1:30 p.m. Councilmembers Sylvia Arenas and David Cohen accepted the friendly amendment.

Final Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember David Cohen, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on November 29, 2022, with a start time of 1:30 p.m. and with a 6:00 p.m. time certain for items 8.4 and 8.5, which are to be heard concurrently. (4-0-1; Absent: Jones)

Discussion: After item C.1 was taken, Vice Chair Raul Peralez made the request that the City Council Closed Session meetings scheduled for December 6 and 13, 2022 be held in person.

## B. Consent Calendar

Public Comments: None

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved. (4-0-1; Absent: Jones)

### **1. The Public Record for November 3 - November 9, 2022. (City Clerk)**

The Public Record for November 3 – November 9, 2022 was noted and filed.

### **2. Retroactive Approval of Various Events Sponsored by Council District 5 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Carrasco)**

The Autumn Litter Harvest event scheduled on October 1, 2022, the Autumn Fun Fest event scheduled on October 29, 2022, the Cimarron Park Dumpster Day event scheduled on October 29, 2022, the Warmsprings Dumpster Day event scheduled on November 5, 2022, the Delano Manongs Park Ribbon Cutting event scheduled on November 5, 2022, the Pet Vaccination and Wellness event scheduled on November 13, 2022, the Councilmember Magdalena Carrasco Farewell Address event scheduled on November 12, 2022, the Arbuckle Dumpster Day event scheduled on November 19, 2022, the Dorsa Miller Dumpster Day event scheduled on December 10, 2022, the Fiesta Navideña event scheduled on December 3, 2022, and the Emma Prusch All Inclusive Playground Groundbreaking event scheduled on December 8, 2022, all sponsored by Council District 5, were approved for placement on the November 29, 2022 City Council agenda.

### **3. Retroactive Approval of Holiday Event Series Sponsored by Council District 6 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Davis)**

The Holiday Event Series at Evans Lane Interim Housing and Guadalupe River Park Working Group holiday lunch scheduled on October 29, November 14, November 16, and December 12, 2022, sponsored by Council District 6, was approved for placement on the November 29, 2022 City Council agenda.

### **4. Schedule a General Plan Hearing for December 2022. (Planning, Building and Code Enforcement)**

A General Plan Annual Review hearing was set for the afternoon of December 13, 2022, to consider City-initiated General Plan amendments.

**5. Approval of the Free Holiday Tree Giveaway Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Perez)**

The Free Holiday Tree Giveaway event scheduled on December 4, 2022, sponsored by Council District 3, was approved for placement on the November 29, 2022 City Council agenda.

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

**1. Filling Vacancies. (Jimenez and Cohen)**

Public Comments: The following members of the public provided comments: Neil Park McClintick, David Heindel, Jacquie Heffner, Martha O’Connell, David Eisbach, Gail Anne Osmer, Ruth Callahan, Francesca Paist, Brenda Dohmen, Blair Beekman, Paul Soto, and Sandra.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the memorandum from Councilmembers Jimenez and Cohen was approved, with a request that staff provide the memorandums as soon as possible. (4-0-1; Absent: Jones)

*Memorandum from Jimenez and Cohen:* (1) Direct the City Attorney to prepare an informational memorandum outlining the process for filling Council vacancies. (2) Direct the City Clerk’s Office to schedule a Special Meeting no later than December 18, 2022, for Council to decide the process for filling council seats vacated by the recent election.

**2. Rick Doyle Facility Renaming. (City Attorney)--Drop**

This item was dropped per the administration.

**Open Forum**

1. Blair Beekman expressed thanks for Richard Doyle’s years of service, wished the Committee good luck in resolving appointments, addressed the future of parking in San José, and stressed the importance of coordination with local communities to bridge the digital divide.
2. Sandra stated that what is legal is not necessarily what is morally right.
3. Paul Soto expressed confidence in the new leadership that District 1 will have, congratulated the Mayor-elect, and referenced item 81 in a County meeting held on November 15, 2022 when the demolition of a building was stopped.
4. Martha O’Connell agreed with Sandra’s statement and wished for something to be done in memory of Rick Doyle.
5. Misrayn (Gabby) Mendoza congratulated the new leadership in District 1.

**E. Adjournment**

Vice Chair Raul Perez adjourned the Committee meeting at 2:57 p.m.



Email: raul.perez@sanjoseca.gov  
Date: 12/29/2022 GMT

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Councilmember Raul Perez, Vice Chair  
Rules and Open Government Committee

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