

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

**SAN JOSE, CALIFORNIA                      WEDNESDAY, APRIL 28, 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, David Sykes; Office of the City Manager, Deputy 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 May 4, 2021 Final Agenda**

Public Comment: Blair Beekman spoke on COVID-19 concerns, preparation for the upcoming year, funding ideas, and HVAC (heating, ventilation, and air conditioning) systems.

Councilmember David Cohen requested information regarding the deferral of Item 3.7 and 3.8 to the May 11, 2021 Council Meeting that was requested by the City Manager's office. Office of the City Manager, Deputy City Manager, Lee Wilcox explained the reason a deferral is requested.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, the Committee accepted the May 4, 2021 Final Agenda, as amended, including adds, and Sunshine Waivers as required. (5-0.)

**2. Review May 11, 2021 Draft Agenda**

Public Comment: Blair Beekman spoke to subsidy programs, the payment options for residents to pay for their energy bills, fossil fuels, and the firework ordinance.

Councilmember Raul Peralez asked if captioning updates and improvements were available to properly capture votes and names.

Councilmember Sylvia Arenas requested if the City Manager's Office could monitor Item 8.1, to see if a time certain would be needed. Office of the City Manager, Deputy City Manager, Lee Wilcox stated his office could monitor the agenda and Item 8.1 for a possible recommended time certain.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the May 11, 2021 Draft Agenda, as amended, including adds, Sunshine Waivers as required, and with a Closed Session start time of 9 a.m. (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**

None provided.

**E. The Public Record**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the Public Record for April 15, 2021– April 22, 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 South Bay Clean Creeks Coalition Commendation 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)**
- b. Approval of Melanoma Awareness Month 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)**

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the City Council Sponsored Special Events were approved and placed on the May 4, 2021 Council Agenda for action. (5-0.)

- c. Retroactively Approval of Multiple Dumpster Days and Clean Ups Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Esparza)**

Public Comment: (1) Blair Beekman thanked the staff for this item and stated the importance of having Dumpster Day on a Saturday Morning. (2) Brenda Zendejas spoke to the relief that families would have as a result of consistent dumpster days. (3) Omar Vasquez, a volunteer for Luna Organization spoke to the importance of having street cleaning, organizing and educating the community on illegal dumping, and looking into fines.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the City Council Sponsored Special Event was retroactively approved and placed on the May 4, 2021 Council Agenda for action. (5-0.)

**2. AB 367 (Garcia): Menstrual Products. (City Manager)**

Public Comment: (1) Blair Beekman spoke to open public policies and the needed civil protections. (2) Brenda Zendejas spoke in support of this item in regard to children at schools, unhoused womens' communities, and is eager to see menstrual products be free for all.

Vice Mayor Chappie Jones requested that Items G2, G3, and G4 be heard together.

Interim Director, Intergovernmental Relations, Alexandria Felton offered the overview, the report for all three bills, and the recommendations of the bills.

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## **G. 2 (Cont'd.)**

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the item to be agendaized for the May 4, 2021 City Council Meeting so that the City's Legislative Representative can advocate the City's support for AB 367. (5-0.)

### **3. H.R. 831 (Peters): Health STATISTICS Act of 2021. (City Manager)**

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the item to be agendaized for the May 4, 2021 City Council Meeting so that the City's Legislative Representative can advocate the City's support H.R. 831. (5-0.)

### **4. H.R. 1985 (Pascrell): Nursing Home Reform Modernization Act. (City Manager)**

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember David Cohen and carried unanimously, the Committee approved the item to be agendaized for the May 4, 2021 City Council Meeting so that the City's Legislative Representative can advocate the City's support for H.R. 1985. (5-0.)

### **5. Illegal Dumping Fines and Enforcement. (Jimenez and Perez)**

Public Comment: (1) Brenda Zendejas, resident of District 5, urged that council reject the recommendation, she stated the \$10,000 fine is outrageous, urged solutions such as more dumpster days to solve illegal dumping, and stated that fines would pit communities against each other and lead to retaliation. (2) Blair Beekman spoke to the fine amount, the need to get community input, and the need to inform the public. (3) Victoria Partida urged staff to reject this item and suggested that consistent community clean-ups and campaigns are needed. (4) Veronica urged staff to reject this item due to the fines possibly punishing those who are already displaced and targeted. (5) Omar Vasquez, a volunteer for the organization Luna, spoke to paying taxes, the fine amount, not being in support of the item, and urged staff to reject this item.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Dev Davis and carried unanimously, the Committee approved the item to be agendaized for the May 18, 2021 City Council Meeting.

Including the acceptance of the joint memorandum from Councilmember Sergio Jimenez and Raul Perez, dated April 22, 2021, recommending that staff: (1) Direct the City Manager to increase illegal dumping fines to \$10,000 for the first and subsequent offenses; (2) Direct the City Manager to prepare an MBA for the current budget cycle that outlines the cost of increased enforcement against illegal dumping, such as

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## **G. 5 (Cont'd.)**

purchasing additional cameras to monitor hotspots, utilizing Community Service Officers to patrol identified hotspots, and establishing a community awareness campaign to encourage reporting of illegal dumping. (3) Direct the City Attorney to evaluate whether fines collected can be used to reward residents who provide information leading to a citation and fine for illegal dumping. (5-0.)

## **H. Review of additions to Council Committee Agendas/Workplans**

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee Work Plan. (Mayor and Davis)**
- 4. Update to the Public Safety, Finance and Strategic Support Committee Work Plan. (Fire)**
- 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. Caller '5140' urged staff to reevaluate the fines, requested to know the consequences if the fines are not paid, and asked how the fines will be collected.
2. Blair Beekman thanked the staff for speaking on Dumpster Day, spoke on May Day, and better open public policy practices.
3. Dave Poeschel spoke on the importance of the concerns stated in the public letter from the South Bay Coalition and other organizations.
4. Mollie M. spoke on the need for an Americans with Disabilities (ADA) office and representation.
5. Buford Barr spoke to housing opportunities for single family lots, his concerns with overcrowded parking, affordable housing, and mass transit.

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6. Tobin Gilman thanked Councilmember Arenas and Davis for their work on the General Plan Task Force, he suggested that the recommendation directing staff to continue studying the elimination of single-family zoning city wide be separated and excluded from the rest of the report.
7. Gail Anne Osmer thanked the Housing Department for taking the public's suggestions and concerns into account and suggested renaming "sanctioned encampments" to "safe sleeping zones".
8. Barbara Fontana is not in support of changes to single family zoning and stated that the changes should be placed on the ballot for the public to decide and vote on.
9. Sandra spoke on "opportunity housing", the public being misled without advocacy on the policy, and stated it causes the city's residents to distrust the City Council.
10. Brenda Zendejas thanked Councilmembers Cohen, Arenas, and Davis for asking great questions on the illegal dumping item and requested clarification on the definition of what is considered illegal dumping.
11. Lynne Stephenson spoke to "opportunity housing" recommendations and proposals, conducting cost effective analysis, and concerns regarding the city staff recommendation that up to four units be allowed on all parcels with a residential land use designation.
12. Brenda Dohmen spoke to "opportunity housing" zoning changes, requested city transparency regarding the proposal, and suggested placing the elimination of single-family home zoning on the ballot for a city-wide vote.
13. Linda Ruthruff stated she is not in support of San José Light Tower Project due to the dangers, distractions to pilots, and destructiveness it may cause.
14. Mathew Reed stated that "opportunity housing" needs to be an open public discussion to hear the concerns from the public, to prevent misunderstandings and misinformation.
15. Robert Fontana spoke to episode 2 and 8 of the Housing Department's podcast series called, "Dwellings" that addressed: political advocacy, residential zoning, opportunity housing, gentle density, climate real estate, and single-family zoning.

**K. Adjournment**

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:55 p.m.

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**Approved at the 6/29/21 Council Meeting**

Vice Mayor Chappie Jones, Chair  
Rules and Open Government Committee

CJ/yj/:rulesmin\_4-28-21