

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

SAN JOSE, CALIFORNIA

WEDNESDAY, NOVEMBER 3, 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, 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 November 9, 2021 Final 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: Tessa Woodmansee spoke to the program being developed at Emma Prusch Park, it's intended use for agriculture and need for reparations.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the Committee accepted the November 9, 2021 Final Agenda, including adding item 2.4: "Mayor and Council Excused Absence Request". (5-0.)

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2. Review November 16, 2021 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) Paul Soto expressed concerns regarding types of items coming up on the Consent Calendar, opining that some should be given more attention. (2) Tessa Woodmansee agreed with the previous speaker and spoke on the City’s Road Map and growing food to bring vibrancy to San José.

City Attorney, Nora Frimann clarified speakers’ right to address Consent Calendar items.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the October 5, 2021 Draft Agenda. (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 October 21 – October 28, 2021. (City Clerk)

Public Comments: (1) Tessa Woodmansee commented that the subcommittee process and Charter Review process is being isolated from the public. (2) Paul Soto spoke to necessity for reimagining meetings and criticism of police violence.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Public Record for October 21 - 28, 2021 was noted and filed.

F. Boards, Commissions and Committees

None provided.

G. Rules Committee Reviews, Recommendations and Approvals

1. Consent Calendar

(a) Retroactive approval of Foxdale Movie Night Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event. (Carrasco)

Public Comments: Tessa Woodmansee encouraged riding bikes or walking to events.

Action: Upon motion Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, the City Council Sponsored Special Event was retroactively approved and cross-referenced to the November 9, 2021 Council Agenda for action. (5-0.)

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

City Auditor Joe Rois provided the report and introduced staff working on the biennial peer review process.

Public Comments: (1) Tessa Woodmansee spoke to importance of auditing and mitigation of fossil fuels. (2) Blair Beekman spoke to accessibility and technology auditing. (3) Paul Soto offered appreciation for the audit process and spoke to the language of racism and need to challenge it.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, the Auditor's Office Monthly Report of Activities for the month of October 2021 were accepted. (5-0.)

G. 3. Reproductive Freedom Resolution. (Carrasco, Davis, Esparza, Arenas, Foley)

Public Comments: (1) Tessa Woodmansee offered appreciation to the City extending its scope to include federal issues. (2) Dianna Zamora spoke to reproductive freedoms and the City holding itself as a model for social justice. (3) Paul Soto offered appreciation for the memo offered and fight against racism.

Councilmember Maya Esparza spoke to the memo she coauthored with Councilmembers Carrasco, Davis and Foley, and long-established rights and freedoms that are being challenged. Councilmember Dev Davis and Councilmember Sylvia Arenas, also discussed importance of this resolution.

Assistant City Manager, Lee Wilcox spoke to policy statements made by Council in the form of resolutions.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, staff was directed to bring forward for Council approval a resolution affirming the City of San José's support for reproductive freedom and rights, and calling on Congress to protect reproductive freedom nationwide as prescribed in Roe v. Wade. (5-0.)

H. Review of Additions to Council Committee Agendas/Workplans

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee Work Plan**
- 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.

OPEN FORUM

1. Tessa Woodmansee spoke to interconnectedness of federal and state issues and need to have public comment at the beginning of the meeting.
2. Blair Beekman addressed reimagining and democratic ideals and the need for consistency in the meeting process.
3. Paul Soto spoke to the democratic process being circumvented.
4. Scott Largent spoke to incident at Starbird Park where a mentally unstable person was in crisis and first responders were unable to assist.
5. Martha O'Connell spoke to lack of consistency and discrimination in meetings.

G. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 2:58 p.m.

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

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