

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

SAN JOSE, CALIFORNIA

WEDNESDAY, May 11, 2022

COVID-19 NOTICE

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445 and 80481, this meeting will not be physically open to the public and the Committee Members will be teleconferencing from remote locations.

The Council meeting was teleconferenced from remote locations and convened at 2:00 p.m.

Present: Councilmembers - Arenas (2:08 p.m.), Cohen, Davis, Peralez (2:01 p.m.), Jones

Absent: Councilmembers - None

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

A. City Council (City Clerk)

1. Review May 17, 2022 Final Agenda

- a) Add new items to Final 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: The following members of the public provided comments: Kathryn Hedges and Misrayn Mendoza.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen, and carried unanimously, the Committee approved the final agenda for the City Council meeting on May 17, 2022 with the Add Sheet. (4-0-1; Absent: Arenas)

2. Review May 24, 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: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on May 24, 2022. (5-0-0)

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. (5-0-0)

1. The Public Record for April 28 – May 5, 2022. (City Clerk)

The Public Record for April 28 – May 5, 2022 was noted and filed.

2. Approval of a Flag Raising and Lighting for Pride Month Sponsored by Council District 6 and Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis and Foley)

A flag raising and lighting for Pride Month, to be recognized on June 7, 2022 and sponsored by Council Districts 6 and 9, was approved for placement on the May 17, 2022 Council agenda.

3. Approval of Shasta-Hanchett Park Dumpster Day Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

The Shasta-Hanchett Park Dumpster Day scheduled on May 21, 2022, sponsored by Council District 6, was approved for placement on the May 17, 2022 Council agenda.

4. Retroactive Approval of D. J. Meyer Elementary Egg Hunt and Resource Fair Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Arenas)

The D. J. Meyer Elementary Egg Hunt and Resource Fair scheduled on April 16, 2022, sponsored by Council District 8, was approved for placement on the May 17, 2022 Council agenda.

5. Monthly Report of Activities for April 2022. (City Auditor)

The Auditor's Office Monthly Report of Activities for the month of April 2022 was approved.

6. Retroactive Approval of Senior Zumba and Cafecito 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)

The Senior Zumba and Cafecito series scheduled on March 3, March 11, March 17, and April 7, 2022, sponsored by Council District 5, was approved for placement on the May 17, 2022 Council agenda.

7. Update the January - June 2022 Transportation and Environment Committee Work Plan. (Environmental Services)

The amendment to the January - June 2022 Transportation and Environment Committee Work Plan was approved.

8. SCA 2 (Allen): Repeal Of Article XXXIV. (Housing)

A position of support was adopted for State Constitutional Amendment (SCA) 2 (Allen), and the position was approved for placement on the June 7, 2022 Council agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Eliminating the Regulation of Cruising from San José Municipal Code. (Perez)

Public Comments: The following members of the public provided comments: Robert Diaz, Victor Vasquez, Kathryn Hedges, Veronica Amador, Dilza Gonzalez, Brian Darby, Arturo Munoz, and David Polanco.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Sylvia Arenas, and carried unanimously, the memorandum from Councilmember Raul Perez was approved, to direct the City Manager to submit a Managers Budget Addendum that will eliminate San José Municipal Code 11.34, Regulation of Cruising, and fines, fees or signage associated with it. (5-0-0)

2. SB 1100 (Cortese): Open Meetings - Orderly Conduct. (City Manager)

Public Comments: None

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the item was approved for placement on the May 24, 2022 Council agenda. (5-0-0)

D. Open Forum

1. Kathryn Hedges advocated for a proper study session with a specified date, preferably in the evening, and for interpretation when there are agenda items that pertain to a specific ethnic community.
2. Tony Romero, a community organizer with Latinos United for a New America (LUNA), requested that the study session be scheduled for May 23, 2022 at 6:00 p.m. to meet the ballot measure deadline.
3. Dilza Gonzalez asked for the study session to be scheduled for May 23, 2022 in order to meet the deadline to bring the topic to voters, and also asked for translations in order to include the Spanish speaking community.
4. Lety urged the Committee to schedule the study session on May 23, 2022 in order to meet the deadline for it to be included in the September ballot, and asked how translation can be requested for future meetings.
5. Jennifer Parra expressed disappointment that the study session was moved from May 17, 2022 to an unknown date, and that translations are not available.

6. Veronica Amador expressed frustration that there was no set date for the study session on voting rights and that the meeting was only offered in English.
7. Victor Vasquez stated that community members are the experts needed at the study session, urged the Committee to schedule the study session at a time that meets the deadlines for the November ballot measure, and requested that interpretation be incorporated into the budget as a good practice.
8. Yurina Guzman urged the Committee to stop the delay and schedule the voting rights study session on May 23, 2022 at 6:00 p.m. to allow enough time for it to be placed on the November ballot.
9. Gabriel Manrique urged the Committee to schedule the study session for May 23, 2022 at 6:00 p.m. and expressed disappointment over the delay from May 17, 2022.
10. Socorro expressed frustration that there was no Spanish or Vietnamese translation and urged the Committee to schedule the study session for May 23, 2022 at 6:00 p.m.
11. Juan Estrada requested that the Committee schedule the voting rights study session with consideration to maximize the ability to participate.
12. Arturo Munoz asked the Committee to prioritize the study session and schedule it for May 23, 2022 at 6:00 p.m., and urged for all meetings related to the expansion of voting rights to include translations in all the common languages in San José.
13. Rosa Cordova, volunteer for Latinos United for a New America (LUNA), expressed disappointment over the delayed scheduling of the voting rights study session and asked that it be scheduled for May 23, 2022 at 6:00 p.m.
14. Araceli M. Gutierrez, on behalf of Sacred Heart Community Service, encouraged the Committee to schedule the study session on May 23, 2022 at 6:00 p.m., a time that allows the community to explore and engage with the new imagining of the City.
15. David Vivanco requested that the study session be held at 6:00 p.m. on May 23, 2022 to allow the voices of working people to be heard, and also requested translation services.
16. Fernanda Perdomo-Arciniegas described a systemic and institutional barrier to inclusion of a community that wants to be heard, and requested that the study session be held on May 23, 2022 at 6:00 p.m.
17. Daniel Vazquez expressed disappointment that the study session was delayed and urged the committee to schedule the study session on May 23, 2022 at 6:00 p.m.
18. Gustavo Flores expressed frustration with the lack of translation services and echoed the sentiments of those who already provided comments.
19. Jeremy Barousse asked the Committee to schedule the study session on May 23, 2022 at 6:00 p.m. in order to keep all available options open for the next steps, and asked that translation services be prioritized for all Council Committee meetings.
20. Maria Ramirez requested that the voting study session be scheduled on May 26, 2022 and for the Committee to open a space for the community.
21. Hector Rincon urged the Committee to schedule the study session and expressed disappointment over the delay in scheduling and also the lack of interpretation services.
22. Trujillo Miguel Vazquez stated his choice to speak in Spanish was in protest that there was no Spanish interpretation, expressed disappointment that the study session was postponed, and reminded the Committee that their actions are written in the history of San José.
23. Paola expressed frustration because of the study session's postponement and urged the Committee to schedule the study session at a time that works for the community, on May 23, 2022 at 6:00 p.m.
24. Laura expressed dissatisfaction over the delay in scheduling the study session for the right to vote, asked the Committee not to schedule the study session for August, and stated that a translator is

needed.

25. Adriana Garcia asked that the study session be kept as originally scheduled to ensure that a reflective process is followed while exploring how more residents can politically participate.

E. Adjournment

Vice Mayor Chappie Jones adjourned the Committee meeting at 3:39 p.m.

A stylized, handwritten-style signature of Chappie Jones in a dark blue or black color, positioned above a thin horizontal line.

Email: chappie.jones@sanjoseca.gov

Vice Mayor Chappie Jones, Chair
Rules and Open Government Committee

CJ/mr:rulesmin20220511