

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, AUGUST 16, 2023**

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 - Davis, Foley, Cohen.

Absent: Councilmembers - All present.

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

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

**1. Review August 22, 2023 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: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the final agenda for the City Council meeting on August 22, 2023, and cancelled the evening session. (5-0-0)

**2. Review August 29, 2023 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)

Assistant City Manager Lee Wilcox and Director of Planning, Building and Code Enforcement Chris Burton responded to questions.

Public Comments: Blair Beekman offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on August 29, 2023. (5-0-0)

## **B. Consent Calendar**

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved *as a whole*, the below actions were taken as indicated. (5-0-0)

Public Comments: None provided.

### **1. The Public Record for August 3 – August 10, 2023. (City Clerk)**

The Public Record for August 3 – August 10, 2023, was noted and filed.

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

The Movie Nights and Jazz Concerts at Arena Green Park, The Municipal Rose Garden, and Rosemary Gardens Park, that were scheduled on July 8, July 15, August 5, and August 12, sponsored by Council District 6, were retroactive approved for placement on the August 22, 2023 City Council agenda.

### **3. Approval to Expend City Funds for the Silicon Valley Pride Parade & Festival. (City Clerk)**

The expenditure of funds for the Silicon Valley Pride Parade & Festival, scheduled for August 26-27, 2023 was approved and the item was placed on the August 22, 2023 Council Agenda for action.

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

### **1. Expedited Work on Alum Rock Polluted Sites. (Ortiz)**

1. Direct the City Manager to conduct stakeholder outreach surrounding the site located on 2075 Alum Rock Ave, a bulk fuel storage business that has significant petroleum and solvent contamination in the soil vapor and groundwater. Community outreach should include, but should not be limited to: a. An overview of potential solutions; b. A collaborative timeline among involved City departments to resolve the contamination issue at this site; and c. Establish an intergovernmental ad hoc committee in partnership with city and county staff that will be co-chaired by Councilmember Peter Ortiz and Supervisor Cindy Chavez that will meet bi-weekly, provide updates from involved government agencies, action items and a timeline for completion. 2. Direct the City Attorney to issue a Confidential Memo on potential legal remedies to ensure that The Regional Water Quality Control Board, which is the regulatory authority that oversees the cleanup of the contamination, works quickly and effectively to protect the community of East San Jose public health and environmental injustices.

Councilmember Peter Ortiz introduced his June 28, 2023 memorandum and responded to questions.

Public Comments: Danny Garza (Plata Arroyo Mayfair) and Blair Beekman offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, the Committee directed the City Manager to conduct stakeholder outreach surrounding the site located on 2075 Alum Rock Ave and directed the City Attorney to issue a Confidential Memo on potential legal remedies to ensure that The Regional Water Quality Control Board works quickly and effectively to protect the community of East San Jose public health and environmental injustices. (5-0-0)

### **Open Forum**

1. Blair Beekman spoke to equity issues involved with the development of technology access.
2. Martha O'Connell spoke to her repeated attempts to reach the Fire Department and Council representatives on fire safety concerns in mobile home parks.

### **Adjournment**

Chair David Cohen adjourned the Committee meeting at 2:31 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*DRAFT- Grace Turner*

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Grace Turner  
Deputy City Clerk, City of San José

Approved at Council on:

Attest By:

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Toni J. Taber, CMC  
City Clerk, City of San José