

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

SAN JOSÉ, CALIFORNIA

WEDNESDAY, FEBRUARY 4, 2026

The Committee meeting was held in the Council Chambers and convened at 2:00 p.m.

Present: Councilmembers - Cohen, Foley, Doan (*present at 2:01 p.m.*), Candelas.

Absent: Councilmembers - Kamei

Staff: Lee Wilcox, Assistant City Manager, City Manager's Office; Kevin Fisher, Assistant City Attorney, City Attorney's Office; Joy Rodriguez, Assistant City Clerk, City Clerk's Office; Rachelle Blattman, Senior Executive Analyst, City Manager's Office; and Daniel Aguilar, Deputy City Clerk, City Clerk's Office.

A. City Council (City Clerk)

1. Review February 10, 2026 Final Agenda

- a) Add New Items to Final Agenda
- b) Assign "Time Certain" to Agenda Items (if needed)
- c) Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

Public Comment: None provided.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Committee approved the final agenda for the City Council meeting on February 10, 2026, including the add sheet. (4-0-1; Absent: Kamei)

2. Review February 17, 2026 Draft Agenda. – *Meeting Cancelled*

B. Consent Calendar

Public Comment: None provided.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Vice Mayor Pam Foley, and carried unanimously, the Consent Calendar was approved *as a whole*, with the following actions taken as indicated. (4-0-1; Absent: Kamei)

1. The Public Record for January 22, 2026 - January 29, 2026. (City Clerk)

Receive and file the Public Record for January 22, 2026 - January 29, 2026.

Action: The Public Record for January 22, 2026 - January 29, 2026 was received and filed.
(4-0-1; Absent: Kamei)

2. Retroactive Approval of the SJ26 and Bay Area Host Committee Flag Raising Sponsored by the Office Of Mayor Matt Mahan as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Mayor)

1. Retroactively approve the SJ26 and Bay Area Host Committee Flag Raising scheduled on February 3, 2026 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the February 10, 2026 City Council Agenda for action.

Action: The SJ26 and Bay Area Host Committee flag raising sponsored by the Office of Mayor Matt Mahan, was approved for placement on the February 10, 2026 City Council agenda for action.
(4-0-1; Absent: Kamei)

C. Rules Committee Reviews, Recommendations and Approvals

1. Exploration of a Scaled Development Fee Framework and Deferred Development Impact Fees. (Ortiz, Cohen, Mulcahy, and Casey) - DEFERRAL REQUESTED PER ADMINISTRATION

Direct the City Manager to:

1. Evaluate and return to Council with options for a scaled development fee framework that aligns development fees with project characteristics such as size, affordability, public benefit, and location;
2. Develop a deferred Development Impact Fee (DIF), Public Works Offsite Fee, and other eligible project-related fee payment programs that allow projects to remit these fees at Certificate of Occupancy instead of at earlier entitlement or permitting stages; and
3. Explore aligning the City's Notice of Funding Availability cycle with the State's Business Cycle including but not limited to providing preliminary letters of commitment at time of application for funding that are subject to final Council approval.

[Referred from 1/21/26 - Item C.1 (ROGC 26-028)]

DEFERRED PER ADMINISTRATION

2. Support and Collaboration on AB 1633 (Private Detention Facility Tax Law). (Ortiz, Campos, Candelas, Cohen)

Request the City Council adopt a position of support for the intent and policy direction of Assembly Bill 1633 (Haney), as introduced on January 26, 2026, as well as similar legislation that advances the same goals, and authorize City staff to take advocacy actions consistent with that intent, including drafting and submitting letters of support and coordinating with the author's office regarding a potential City sponsorship role.

Councilmember Peter Ortiz brought forward the recommendation, as outlined in the January 29, 2026 joint memorandum co-authored by Councilmember Ortiz, Councilmember Campos, Councilmember

Candelas, and Councilmember Cohen.

Public Comment: Lucila Ortiz, Kimberly Woo, and Akemi Flynn offered public comment.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Bien Doan, and carried unanimously, the request for support and collaboration on AB 1633 was adopted. (4-0-1; Absent: Kamei)

D. Open Forum

No Public Comment provided.

E. Adjournment

Chair David Cohen adjourned the Committee meeting at 2:10 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 3

Attest by:

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