

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

SAN JOSÉ, CALIFORNIA

WEDNESDAY, AUGUST 12, 2026

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

Present: Councilmembers - Cohen, Kamei, Foley, Doan, Candelas.

Absent: Councilmembers - None.

Staff: Lee Wilcox, Assistant City Manager, City Manager's Office; Neelam Naidu, Senior Deputy 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 August 18, 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: (*In person*) Lindy Hayes, Brian Darby, Evan Brooks, Lena, Erik Schoennauer, (*Virtual*) Martha O'Connell, and Linda Hutchins-Knowles offered public comment regarding the Consent Calendar.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Committee approved the final agenda for the City Council meeting on August 18, 2026, including the cancellation of Evening Session. (5-0-0)

2. Review August 25, 2026 Draft Agenda

- a) Add New Items to Draft 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 Councilmember Domingo Candelas, seconded by Vice Mayor Pam Foley, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on August 25, 2026. (5-0-0)

B. Consent Calendar

Councilmember David Cohen pulled Item 3 from the Consent Calendar for comment and additional information from Staff.

Public Comment: (*In person*) Brian Darby and (*Virtual*) Jordan Moldow offered public comment.

Lee Wilcox, Assistant City Manager, City Manager's Office, requested that the City Clerk poll Councilmembers and Mayor to determine availability and an alternative date for the Study Session.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Bien Doan, and carried unanimously, items 1 and 2 from the Consent Calendar were approved; with Item 3 (Infrastructure Financing Tools for Economic Development Study Session) deferred until a new Study Session date is determined. (5-0-0)

1. Release Date for Study Session. (City Manager)

Recommend the release of date held for a Study Session on Friday, August 28, 2026.

Action: The release of date held for a Study Session on Friday, August 28, 2026 was approved. (5-0-0)

2. Monthly Report of Activities for June and July 2026. (City Auditor)

Approve the Auditor's Office Monthly Report of Activities for the months of June and July 2026.

Action: The Auditor's Office Monthly Report of Activities for the months of June and July 2026 were approved. (5-0-0)

3. Infrastructure Financing Tools for Economic Development Study Session. (Economic Development and Cultural Affairs/Finance)

Set a City Council Study Session entitled Infrastructure Financing Tools for Economic Development for Monday, September 14, 2026 from 1:30 p.m. - 4:30 p.m. in the Council Chambers and approve the Study Session agenda.

Action: The approval of the City Council Study Session entitled Infrastructure Financing Tools for Economic Development for Monday, September 14, 2026, was *deferred* to a later date. (5-0-0)

C. Rules Committee Reviews, Recommendations and Approvals

1. Temporary Moratorium Related to Detention and Custodial Facility on Private Property. (Mayor, Campos, Ortiz, Doan, and Candelas)

Add to the City Council September 15, 2026 agenda consideration of the following:

1. Adoption of an interim ordinance to implement a 45-day temporary moratorium on the filing, acceptance, processing, or approvals of applications for the establishment, expansion, or change of use for detention and custodial facility on private property.

a. A "detention and custodial facility" means a temporary or permanent building, structure, set of buildings, or portion thereof operated by a private or nongovernmental person or entity that would detain, confine, process, or house persons in custody.

- b. Excluded from the moratorium are:
- i. Any facility providing rehabilitative, counseling, treatment, mental health, educational, or medical services to a juvenile that is under the jurisdiction of the juvenile court.
 - ii. Any facility providing evaluation or treatment services to a person who has been detained, or is subject to an order of commitment by a court.
 - iii. Any facility providing educational, vocational, medical, or other ancillary services to an inmate in custody of, and under the direct supervision of, the State Department of Corrections and Rehabilitation or a county sheriff or other law enforcement agency.
 - iv. A residential care facility licensed under state law.
 - v. Any school facility used for the disciplinary detention of a pupil.
 - vi. Any facility used for the quarantine or isolation of persons for public health reasons under state law.
 - vii. Any facility for the purposes of execution of a punitive sentence imposed by a court.

Public Comment: (*In person*) Brian Darby, Jeremy Barouuse, Musa, Akemi Flynn, Misrayn Mendoza, Daniella, Kylie, Sandra, Samantha, Louis Powell, (*Virtual*) Jordan Moldow, Linda Hutchins-Knowles, Meredith Hurley, Dashiell Leeds, and Carmen Martinez offered public comment.

Rosa Tsongtaatarii, Chief Deputy City Attorney, City Attorney's Office, responded to questions from the Committee.

Lee Wilcox, Assistant City Manager, City Manager's Office, confirmed that the item *does not* need a Workload Analysis to proceed with final approval; and that the item has been scheduled to be heard at the September 15, 2026 City Council meeting for approval.

Action: Upon motion by Vice Mayor Pam Foley, seconded by Councilmember Bien Doan, and carried unanimously, the Temporary Moratorium Related to Detention and Custodial Facility on Private Property was approved; including direction for the City Attorney's Office to submit a supplemental memorandum addressing the *non-private* land legal analysis. (5-0-0)

2. Data Center Community Benefits. (Mayor, Candelas, Cohen, Ortiz, and Campos)

As part of the development of uniform standards and best practices for Data Centers and Large Load Projects, the City Manager is directed to:

1. Include options for requiring community benefits associated with these projects. These may include, but are not limited to, public space improvements, clean energy programs, labor standards, local hiring and work-force development opportunities, affordable housing, and opportunities to generate additional use tax revenue.
2. Evaluate a possible mechanism for investment of a portion of tax revenue generated by data centers within a nexus area around data center sites.
3. Evaluate architectural and site design standards for data centers and other large-load projects, including, but not limited to, building design, visual impacts, green roofing, solar panels, and integration with surrounding uses.
4. Upon adoption of San Jose's standards, evaluate and return to the Council with an assessment of whether any projects in the pipeline would not be considered compliant under the new standards and negotiate with them over possible changes that would improve their implementation.

Manuel Pineda, Deputy City Manager, City Manager's Office; and Chris Burton, Director, Department of Planning, Building, and Code Enforcement, responded to questions from the committee.

Public Comment: (*In person*) Evan Brooks, Jana, Brian Darby, Iszac, Mitra F., Lena, Jasmine Jordan, Carolyn Donlin, Cleo, (*Virtual*) Dashiell Leeds, Linda Hutchins-Knowles, Jordan Moldow and Mani offered public comment.

Action: Upon motion by Councilmember Domingo Candelas, seconded by Councilmember Rosemary Kamei, and carried unanimously, the Data Center Community Benefits item regarding best practices for Data Centers and Large Load Projects, was approved. (5-0-0)

D. Open Forum

1. (In Person) Bridan Darby offered public comment regarding historical incidents that are sometimes denied.
2. (Virtual) Jordan Moldow requested to consider enabling SB 707's optional provision allowing appointed commissioners on advisory-only bodies to participate virtually when uncontrollable circumstances arise.
3. (Virtual) Linda Hutchins-Knowles supported providing commissioners with greater flexibility to participate remotely and requested that remote public comment be extended to community listening sessions, with opportunities for communication and verbal comments in multiple languages.
4. Mani thanked the City for restoring public comments by Zoom and phone, noting that the option is especially helpful for young people with school schedules.
5. (In Person) Jasmine requested the Committee to extend the temporary moratorium on detention facilities to public land and expressed concern with the federal.

E. Adjournment

Chair David Cohen adjourned the Committee meeting at 3:12 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: 5

Attest by:

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