

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

**SAN JOSÉ, CALIFORNIA**

**WEDNESDAY, AUGUST 14, 2024**

The Committee meeting was held in the Council Chambers. The meeting convened at 2:02 p.m.

Present: Councilmembers - Cohen, Foley, Jimenez, Davis, and Kamei.

Absent: Councilmembers - None.

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

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

**1. Review August 20, 2024 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 Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on August 20, 2024, including the add sheet. (5-0-0)

**2. Review August 27, 2024 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 Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on August 27, 2024. (5-0-0)

## **B. Consent Calendar**

Public Comments: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved, the below actions were taken as indicated. (5-0-0)

### **1. The Public Record for August 1 - August 8, 2024. (City Clerk)**

The Public Record for August 1 - August 8, 2024, was noted and filed.

### **2. Update to the August - December 2024 Community and Economic Development Committee Work Plan. (City Manager)**

The amendment to the August – December Community and Economic Development Committee Work Plan was approved.

### **3. Monthly Report of Activities for June and July 2024. (City Auditor)**

The Auditor's Office Monthly Report for June 2024 and July 2024 were approved.

### **4. City Auditor's FY 2024-25 Work Plan. (City Auditor)**

The City Auditor's FY 2024-25 Work Plan was approved.

### **5. Updates to the August-December 2024: 1) Public Safety, Finance and Strategic Support Committee Work Plan, and 2) Neighborhood Services and Education Committee Work Plan. (City Auditor)**

The amendments to the August-December 2024: Public Safety, Finance and Strategic Support Committee Work Plan; and the Neighborhood Services and Education Committee Work Plan were approved.

### **6. Approval to Expend City Funds and Authorization to Accept Donations for the Silicon Valley Pride Parade and Festival. (City Clerk)**

The Silicon Valley Pride Parade and Festival was approved for placement on the August 20, 2024 Council Agenda for action.

### **7. Approval of a Conversation with Author Karla Cornejo Villavicencio Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Kamei)**

The Conversation with Author Karla Cornejo Villavicencio Sponsored by Council District 1 as a City Council Sponsored Special Event was approved for placement on the August 20, 2024 Council Agenda for action.

**8. Approval of a Conversation with Author Karla Cornejo Villavicencio Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Kamei)**

The Conversation with Author Karla Cornejo Villavicencio Sponsored by Council District 1 as a City Council Sponsored Special Event was approved for placement on the August 27, 2024 Council Agenda for action.

**9. Approval of San José State University Annual Flag Raising Ceremony Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Torres)**

The San José State University Annual Flag Raising Ceremony Sponsored by Council District 3 as a City Council Sponsored Special Event was approved for placement on the August 20, 2024 Council Agenda for action.

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

**1. Public Records Appeal - San Jose/Silicon Valley NAACP.**

Partially deny the appeal from the San Jose/Silicon Valley NAACP regarding the City's response to its Public Records Act request as the City has provided part of the requested information.

Sarah Zarate, Director, Administration, Policy and Intergovernmental Relations; Jessica Lowry, Senior Executive Analyst, Office of the City Manager; and Rosa Tsongtaatarii, Chief Deputy City Attorney, City Attorney's Office, introduced the item and responded to questions.

Public Comment: None provided.

Armen Nercessian, a representative of the appellant, requested that the committee grant its appeal, and grant its Public Records Act request. The representative was given five minutes to speak.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the appeal from the San Jose/Silicon Valley NAACP regarding the City's response to its Public Records Act request was *partially denied*. (5-0-0)

**2. Development Process and CEQA Improvements. (Mayor, Jimenez, and Davis)**

Direct the City Manager and the City Attorney to take the following actions:

1) Prepare a presentation to the Community and Economic Development Committee (CED), to be heard no later than Q2 2025, that includes the following:

a) A summary of findings from any previously collected stakeholder input regarding the CEQA environmental review process, along with peer city metrics for timing for key review elements and other relevant benchmarks.

b) Overview and explanation of the CEQA process, including:

i) The procedures used for determining whether a project is exempt from CEQA, and whether San Jose's process differs in a meaningful way from our municipal peers.

ii) A progress report regarding implementation of the recommendations from the 2022 audit of Environmental Review for New Development.

iii) Options or recommendations that could allow for more projects to be determined eligible for CEQA exemptions.

c) Opportunities for the Planning, Building and Code Enforcement Department (PBCE) to engage the City Attorney's Office (CAO) to further streamline the CEQA process for projects, including reducing thresholds for impacts and standardizing mitigations for projects in our downtown and urban villages.

2) Prepare a City Manager's Budget Addendum (MBA) in the next budget cycle with:

a) An overview of workload and workflow in the context of the current cost recovery model.

b) Recommendations for a phased increase in general funding to PBCE for work currently not included in the cost recovery model as implemented. Such work may regard, but is not limited to customer service, policy work, and city council inquiries.

Councilmember Sergio Jimenez introduced the item, bringing forward the recommendations as outlined in the August 8, 2024 joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez and Councilmember Davis.

Public Comment: Eric Schoennauer and Matthew Reed offered public comment.

Motion: Councilmember Sergio Jimenez motioned to accept the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez and Councilmember Davis; and to direct Staff to conduct a Workload Analysis.

Friendly Amendment: Vice Mayor Rosemary Kamei requested to add the following language to recommendation 1(c) of the Joint Memorandum by Mayor Mahan, Councilmember Jimenez, and Councilmember Davis, dated August 8, 2024: "*Explore using the Saratoga Urban Village Planning Process as a test case.*" The friendly amendment was accepted by the maker of the motion and seconder.

Friendly Amendment: Councilmember Pam Foley requested to replace "Q2 2025" with "*January 2025*", of recommendation #1 of the Joint Memorandum co-authored by Mayor Mahan, Councilmember Jimenez, and Councilmember Davis, dated August 8, 2024. The friendly amendment was accepted by the maker of the motion and seconder.

Action: On a call to question, the motion carried unanimously, the Development Process and CEQA Improvements were accepted.

Including acceptance of the *amended* Joint Memorandum co-authored by Mayor Mahan, Councilmember Jimenez, and Councilmember Davis, dated August 8, 2024, recommending the following:  
Direct the City Manager and the City Attorney to take the following actions:

1) Prepare a presentation to the Community and Economic Development Committee (CED), to be heard no later than ~~Q2~~ **January** 2025, that includes the following:

a) A summary of findings from any previously collected stakeholder input regarding the CEQA environmental review process, along with peer city metrics for timing for key review elements and other relevant benchmarks.

b) Overview and explanation of the CEQA process, including:

i) The procedures used for determining whether a project is exempt from CEQA, and whether

San Jose's process differs in a meaningful way from our municipal peers.

ii) A progress report regarding implementation of the recommendations from the 2022 audit of Environmental Review for New Development.

iii) Options or recommendations that could allow for more projects to be determined eligible for CEQA exemptions.

c) Opportunities for the Planning, Building and Code Enforcement Department (PBCE) to engage the City Attorney's Office (CAO) to further streamline the CEQA process for projects, including reducing thresholds for impacts and standardizing mitigations for projects in our downtown and urban villages. *Explore using the Saratoga Urban Village Planning Process as a test case.*

2) Prepare a City Manager's Budget Addendum (MBA) in the next budget cycle with:

a) An overview of workload and workflow in the context of the current cost recovery model.

b) Recommendations for a phased increase in general funding to PBCE for work currently not included in the cost recovery model as implemented. Such work may regard, but is not limited to customer service, policy work, and city council inquiries. (5-0-0)

#### **D. Open Forum**

1. Gail Osmer spoke to interactions with San José Beautify at Great Oaks, regarding the possession of residents materials.
2. Richard Aparicio requested a claim number to retrieve an item that was taken from his possession.
3. Gelia Archibald requested additional information on her items that were taken from her encampment.

#### **E. Adjournment**

Chair David Cohen adjourned the Committee meeting at 2:46 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



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Daniel Aguilar  
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 5

Attest By:

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