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

**SAN JOSÉ, CALIFORNIA**

**WEDNESDAY, MARCH 6, 2024**

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

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

Absent: Councilmembers - None.

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

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

**1. Review Final Agenda**

Review March 12, 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 Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the March 12, 2024 Final Agenda was approved, including the deferral of item 4.1 to the City Council agenda dated March 19, 2024, and with the addition of the add sheet. (5-0-0)

**2. Review Draft Agenda**

Review March 19, 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 Sergio Jimenez, and carried unanimously, the March 19, 2024 Draft Agenda was approved. (5-0-0)

## **B. Consent Calendar**

Public Comment: Gale Osmer provided public testimony regarding item B.2.

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

### **1. The Public Record for February 22 – February 29, 2024. (City Clerk)**

Receive and file the Public Record for February 22 – February 29, 2024.

Action: The Public Record for February 22 – February 29, 2024 was noted and filed.

### **2. Regional Partnership, Local Action - A Holistic Study Session About the Homelessness Crisis in San José. (City Manager/Housing)**

Set a City Council Study session entitled Regional Partnership, Local Action - A Holistic Study Session About the Homelessness Crisis in San José for Thursday, March 28, 2024, from 1:30 P.M. - 4:30 P.M., in the City Council Chambers and approve the Study Session Agenda.

Action: A City Council Study session entitled *Regional Partnership, Local Action - A Holistic Study Session About the Homelessness Crisis in San José*, was set for Thursday, March 28, 2024, from 1:30 P.M. - 4:30 P.M., in the City Council Chambers.

### **3. Monthly Report of Activities for February 2024. (City Auditor)**

Retroactively Approve the Auditor's Office Monthly Report of Activities for the month of February 2024.

Action: The Auditor's Office Monthly Report of Activities was approved.

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

### **1. SJ LUV (Lifting Up Lives) Pilot Program. (Doan and Batra)**

1. Direct the City Manager to issue a Manager's Budget Addendum (MBA) subsequent to the release of the 2024-2025 Proposed Operating Budget that evaluates the cost and feasibility of implementing the specific elements of the Pilot Shelter Program described below:
  - a. Work with the City Attorney to assess changing San José's Municipal Code to allow for amplified tow authority and encampment abatement in the pilot zone of this memorandum
  - b. Work with the IGR team to prioritize championing change of the California Vehicle Code and other state laws in the next legislative session

- c. Evaluate costs and a path forward to ballot measures needed, if any, to turn any pilot location sites referenced in this memo or agreed upon by staff and the Councilmember of a district into viable locations.
- d. Coordinate with private partners identified in the memo to achieve funding for this project, including construction and ongoing services/expenses.
- e. Work with the District 7 Councilmember to determine a location within District 7 to construct pre-engineered congregate shelter buildings as stated in the Pilot Locations section of this memorandum.
- f. Reserve all in-progress EIH housing, RV parking, tiny homes, and other projects in Districts 2, 7, and 10 for residents of the pilot program area only.
- g. Work with Pilot Program Councilmembers, City Attorney, and other City departments to determine pilot program logistics and duration.
- h. Develop performance indicators to track the pilot's effectiveness to support expanding the program if successful.
- i. Identify available and needed data to generate reports and help drive informed decisions.
- j. Develop systems to track services and activities to support the unsheltered population and the possibility of integrating with other agencies/organizations.
- k. Address quality-of-life issues in the pilot area as stated in this memorandum.

Councilmember Bien Doan, Councilmember Arjun Batra, and District 7 Chief of Staff Jonathan Fleming offered the presentation and responded to questions.

Public Comment: Gale Osmer, Bob Brownstein, and Deborah Townley provided public testimony regarding the item.

Motion: Councilmember Pam Foley moved approval to direct the City Manager to issue a Manager's Budget Addendum (MBA) on the cost and timelines associated with various models of the housing the unhoused. Councilmember Dev Davis seconded the motion.

Lee Wilcox, Assistant City Manager, clarified that the MBA would detail costs and timeframes of various building solution models.

Kevin Fisher, Chief Deputy City Attorney, informed that the motion should also explicitly address the referral request.

Amended Motion: Councilmember Pam Foley amended her motion to also deny moving forward on the memorandum. The seconder of the motion agreed to the amendment.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the SJ LUV (Lifting Up Lives) Pilot Program memorandum was denied. The authorization of a Manager's Budget Addendum detailing the cost and timelines associated with various models of housing and unhoused was approved.. (5-0-0)

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

None provided

## **E. Adjournment**

This meeting was adjourned by Chair David Cohen at 3:05 pm.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*Daniel Aguilar*

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Daniel Aguilar,  
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 4

Attest By:

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

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