

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

**SAN JOSÉ, CALIFORNIA**

**WEDNESDAY, MAY 22, 2024**

The Committee meeting was held in the Council Chambers, and convened at 2:03 p.m.

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

Absent: Councilmembers - None

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

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

**1. Review May 28, 2024 Final Agenda – CANCELLED.**

**2. Review June 4, 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 Vice Mayor Rosemary Kamei, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on June 4, 2024, including the Add Sheet. (5-0-0)

**B. Consent Calendar**

Public Comment: None provided.

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

### **1. The Public Record for May 9 - May 16, 2024. (City Clerk)**

The Public Record for May 9 - May 16, 2024 was received and filed.

### **2. Request to Travel. (Mayor)**

Mayor Matt Mahan's request to travel to Baltimore, Maryland from June 26- 28, 2024 was authorized.

### **3. Approval of Pride and Transgender Flag Raisings and Lighting for Pride Week Sponsored by Council District 3, Council District 6, and Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Foley, Davis, and Torres)**

The Pride and Transgender Flag Raisings and Lighting for Pride Week sponsored by Council District 3, Council District 6, and Council District 9 were approved for placement on the June 4, 2024 City Council Agenda.

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

### **1. Bay Area Affordable Housing Bond. (Mayor, Kamei, and Davis)**

1. Adopt a resolution taking a position in support of the Bay Area Regional Housing Bond on the November 5, 2024 ballot.
2. If voters approve the Regional Housing Bond, direct the City Manager to return with a spending plan within ninety days consistent with state law that reflects the following priorities:
  - a. Fifty-two percent of the funding shall be used for the construction of new affordable housing with a priority for cost and time-effective projects consistent within the existing City Affordable Housing Investment Plan.
    - i. Prior to issuing any funding, the City shall conduct an audit of its Notice of Funding Availability (NOFA) process and return to Council with proposed cost-control measures to maximize unit production.
  - b. Twenty eight percent of the funding shall be used on immediate, low barrier, and flexible solutions that provide safe and dignified shelter. Solutions may include:
    - i. Emergency interim housing
    - ii. Acquisition and rehabilitation of motels/hotels
    - iii. Acquisition of land for safe parking or safe sleeping
    - iv. Acquisition and conversion of industrial or commercial buildings
    - v. Construction of new and/or redesigning of existing congregate shelter
    - vi. Acquisition of market rate housing to convert to permanent deed restricted housing
    - vii. Operations and services associated with affordable housing and interim housing if State law is amended to allow for bond proceeds to be used for providing services.
  - c. Fifteen percent shall be used for the preservation of affordable housing, with a priority for privately-owned affordable housing developments with expiring deed restrictions.
  - d. If state law is amended to allow for bond proceeds to be used for providing services:
    - i. Five percent of bond proceeds shall be used for tenant protections.
    - ii. If State law is not amended, five percent of the funding shall be used for the construction of new affordable housing in accordance with 2.a.
  - e. Conduct community outreach on the spending plan with these priorities before the spending

plan returns to City Council for approval.

3. Any changes to the allocations described in Recommendation 2.b. shall require two thirds vote of the City Council in addition to complying with applicable state law.

Public Comment: Alyssa, Matthew Reed, and Huescar Castro offered public testimony regarding the item.

Motion: Vice Mayor Rosemary Kamei motioned to accept the Bay Area Affordable Housing Bond. Councilmember Dev Davis seconded the motion.

Friendly Amendment: Councilmember Dev Davis made a friendly amendment to accept *only recommendation 1* from the joint memorandum co-authored by Mayor Mahan, Councilmember Kamei, and Councilmember Davis, dated May 16, 2024. The maker of the motion accepted the friendly amendment.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Dev Davis, and carried unanimously, *recommendation 1* from the joint memorandum co-authored by Mayor Mahan, Councilmember Kamei and Councilmember Davis, dated May 16, 2024, was accepted as follows:

1. Adopt a resolution taking a position in support of the Bay Area Regional Housing Bond on the November 5, 2024 ballot.
2. ~~If voters approve the Regional Housing Bond, direct the City Manager to return with a spending plan within ninety days consistent with state law that reflects the following priorities:~~
  - a. ~~Fifty two percent of the funding shall be used for the construction of new affordable housing with a priority for cost and time effective projects consistent within the existing City Affordable Housing Investment Plan.~~
  - i. ~~Prior to issuing any funding, the City shall conduct an audit of its Notice of Funding Availability (NOFA) process and return to Council with proposed cost control measures to maximize unit production.~~
  - b. ~~Twenty eight percent of the funding shall be used on immediate, low barrier, and flexible solutions that provide safe and dignified shelter. Solutions may include:~~
    - i. ~~Emergency interim housing~~
    - ii. ~~Acquisition and rehabilitation of motels/hotels~~
    - iii. ~~Acquisition of land for safe parking or safe sleeping~~
    - iv. ~~Acquisition and conversion of industrial or commercial buildings~~
    - v. ~~Construction of new and/or redesigning of existing congregate shelter~~
    - vi. ~~Acquisition of market rate housing to convert to permanent deed restricted housing~~
    - vii. ~~Operations and services associated with affordable housing and interim housing if State law is amended to allow for bond proceeds to be used for providing services.~~
  - c. ~~Fifteen percent shall be used for the preservation of affordable housing, with a priority for privately owned affordable housing developments with expiring deed restrictions.~~
  - d. ~~If state law is amended to allow for bond proceeds to be used for providing services:~~
    - i. ~~Five percent of bond proceeds shall be used for tenant protections.~~
    - ii. ~~If State law is not amended, five percent of the funding shall be used for the construction of new affordable housing in accordance with 2.a.~~
  - e. ~~Conduct community outreach on the spending plan with these priorities before the spending plan returns to City Council for approval.~~
3. ~~Any changes to the allocations described in Recommendation 2.b. shall require two thirds vote of the City Council in addition to complying with applicable state law. (5-0-0)~~

**2. Clarity on Issues Related to the Stormwater Permit. (Kamei, Jimenez, Ortiz, and Candelas)**

Agendize a discussion with San Francisco Bay Regional Water Quality Control Board staff during the June 4, 2024 Council Meeting.

Vice Mayor Rosemary Kamei introduced the item and recommendation, as outlined in the joint memorandum co-authored by Vice Mayor Kamei, Councilmember Ortiz, and Councilmember Candelas, dated May 16, 2024.

Public Comment: Matthew Reed and Huescar Castro offered public testimony regarding the item.

Councilmember David Cohen spoke to the City Council Agenda workload for the month of June, and expressed the importance of having Water Quality Control Board staff available during the discussion.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, a discussion with San Francisco Bay Regional Water Quality Control Board staff during the *June 11*, 2024 Council Meeting was agendized; with City staff providing the presentation, and to have Water Quality Control Board staff available to answer potential questions. (5-0-0)

**D. Open Forum**

No Public Comment provided.

**E. Adjournment**

Chair David Cohen adjourned the Committee meeting at 2:43 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

***DRAFT***

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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