

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

**SAN JOSÉ, CALIFORNIA**

**WEDNESDAY, OCTOBER 23, 2024**

The Committee meeting was held in the Council Chambers, and convened at 2:01 p.m.

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

Absent: Councilmembers - None.

Staff: Assistant City Manager, Dolan Beckel; Assistant City Attorney, Kevin Fisher; City Manager's Office, Rachelle Blattman; and Deputy City Clerk, Daniel Aguilar.

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

**1. Review October 29, 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 Requests 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 final agenda for the City Council meeting on October 29, 2024; including a Closed Session start time of 9:00am., with no action taken on the Add Sheet. (5-0-0)

**2. Review November 5, 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 November 5, 2024. (5-0-0)

## **B. Consent Calendar**

Public Comment: Blair Beekman offered public comment regarding the consent calendar.

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

### **1. The Public Record for October 10 - October 17, 2024. (City Clerk)**

The Public Record for October 10 - October 17, 2024, was received and filed.

### **2. Update to the August - December 2024 Transportation and Environment Committee Work Plan. (Environmental Services)**

The amendment to the August - December 2024 Transportation and Environment Committee Work Plan was approved to *drop* the following item from the November 4, 2024, Transportation and Environment Committee meeting agenda: Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit Annual Report.

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

### **1. Annual City Council Referral Status Report. (City Manager)**

- (a) Accept the Annual City Council Referral Status Report.
- (b) Drop select City Council Referrals listed in the staff memorandum.
- (c) Defer the City Council Referral listed in the staff memorandum.

Sarah Zarate, Director, Office of Administration, Policy, and Intergovernmental Relations, City Manager's Office; and Tom Westphal, Deputy Director, City Manager's Office of Administration, Policy, and Intergovernmental Relations, offered the presentation and responded to questions.

Public Comment: Blair Beekman offered public testimony regarding the item.

Erik Solivan, Director, Housing Department; and Martina Davis, Division Manager, Planning, Building & Code Enforcement Department, responded to Council questions.

Staff requested a completion date of *June 2026* for the digital wayfinding signs.

Motion: Councilmember Dev Davis moved (a) acceptance of the Annual City Council Referral Status Report; and (b) dropped select City Council Referrals listed in the staff memorandum; also including Staff from the City Manager's Office to proceed with a pilot program or innovation that might help the City get digital wayfinding signage for at least the first 6 months of 2026, so that there is something available through a possible pilot program. Councilmember Pam Foley seconded the motion.

Friendly Amendment: Councilmember Pam Foley directed that Staff bring back an update to the Community and Economic Development (CED) Committee in February 2026, regarding the plan for the digital wayfinding signage by 2026, particularly in January 2026. The maker of the motion accepted the friendly amendment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Committee (a) accepted the Annual City Council Referral Status Report; (b) dropped select City Council Referrals listed in the staff memorandum; (c) *with further discussion regarding the possible deferrals; including additional Staff direction for the City Manager's Office to pursue a pilot or innovation program that might help the City get digital wayfinding signage for at least the first 6 months of 2026, so that there's something available through a possible program; also including staff direction to return to the Community and Economic Development (CED) Committee in February 2026 with an update and workload analysis, regarding the plan for digital wayfinding signage by 2026, particularly in January 2026.*  
(5-0-0)

## **2. Ordinance Amendment for Sale or Use of Algorithmic Devices for Residential Dwelling Units. (Ortiz, Torres, and Cohen)**

1. Consider an ordinance prohibiting the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units in San José.
2. Add the draft ordinance of the City Council of the City of San José amending San José Municipal Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San José to the City Council. [Deferred from 10/2/2024 - Item C.1 (ROGC 24-692)]

Councilmember Peter Ortiz spoke to the joint memorandum he co-authored with Councilmember Omar Torres and Councilmember David Cohen, dated August 29, 2024.

Public Comment: Yolanda Chavez (*translated through Wordly*), J. Martinez, Bob Brownstein, Angel Viano (Silicon Valley Council of Nonprofits/ R.E.A.L Coalition), Huascar Castro, Amanda Flores, Blair Beekman, Gabby Chavez-Lopez, Alison Cingolani (SV@Home), Janelle O. (Silicon Valley Council of Nonprofits); Dmitriy K., Leah Toeniskoetter (President and CEO of the San José Chamber of Commerce), Anil Babbar (California Apartment Association), and Nate LeBlanc (San José Downtown Association) provided public testimony regarding the item.

Erik Solivan, Director, Housing Department responded to Council questions. He confirmed that staff could bring an update to the Community and Economic Development (CED) Committee in January 2025.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Dev Davis, and carried unanimously, *staff was directed to do the following: track this item at the State and Federal level; to also track other local jurisdictions like San Francisco as to what they're doing and how it's working for them; staff is to provide an update in January 2025 and on a quarterly basis to the Community and Economic Development (CED) Committee as part of the Anti-Displacement Strategy Status Report; In addition, after the Justice Department Antitrust Lawsuit ruling is finalized, direct staff to update the entire City Council with options on how to proceed based on the results of the ruling.*  
(5-0-0)

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

1. Blair Beekman spoke to the smart kiosk program process, and the County of Santa Clara's technology ordinance items.

#### **E. Adjournment**

Councilmember Cohen adjourned the Committee meeting at 3:11 p.m.

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: 5

Attest by:



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