



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

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 30, 2023

The Committee meeting was held in a hybrid format, both in person in the Council Chambers and teleconferenced from remote locations. The meeting convened at 2:00 p.m.

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

Absent: Councilmembers - All present.

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager’s Office, Rachelle Blattman; and Deputy City Clerk, Grace Turner.

A. City Council (City Clerk)

1. Review September 5, 2023 Final Agenda - Cancelled

No agenda to review. Meeting cancelled.

2. Review September 12, 2023 Draft Agenda

- a) Add new items to Draft 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 Comments: Paul Soto provided public comment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on September 12, 2023, with item 3.3 scheduled to be heard last, the Land Use Consent scheduled to be heard directly after regular Consent items, item 7.1 scheduled not to be heard before 4:00 p.m., and the evening session cancelled. (5-0-0.)

B. Consent Calendar

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Consent Calendar was approved. (5-0-0.)

Public Comments: None provided.

1. The Public Record for August 17 – August 24, 2023. (City Clerk)

The Public Record for August 17 – August 24, 2023, was noted and filed.

2. Request For Travel For Councilmember David Cohen. – WITHDRAWN PER ADMINISTRATION; Duplicative of 8/9/2023 Item B.4.

Withdrawn per administration.

3. Approval of the Ethiopian Flag Raising Ceremony and Tower Lighting as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event. (Mayor)

The Ethiopian Flag Raising Ceremony scheduled on September 7, 2023, and City Hall Tower lighting in green, yellow, and red scheduled on September 6, 2023, sponsored by the Mayor’s Office, were approved for placement on the September 12, 2023 City Council agenda.

4. Retroactive Approval of the Roosevelt Community Center Eggstavanza 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 Roosevelt Community Center Eggstavanza scheduled on March 25, 2023, sponsored by the Council District 3, was approved for placement on the September 12, 2023 City Council agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Extending the Post Street Traffic Closure Pilot Program. (Mahan, Kamei, Torres, and Foley)

Councilmember Omar Torres and Michael Lomio, Senior Land Use and Economic Development Policy Advisor, for the Mayor’s Office, introduced the August 24, 2024 joint memorandum co-authored by Mayor Mahan, Vice Mayor Kamei, Councilmember Torres, and Councilmember Foley.

Lee Wilcox, Assistant City Manager, City Manager’s Office introduced staff’s Early Consideration Response form, explaining that all items from the joint memorandum were approved by staff except for Item 4, which requires additional staff analysis.

Public Comments: Nathan Svoboda (Project MORE) and Paul Soto offered public comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved staff’s Early Consideration Response form for full City Council discussion at an undetermined date.

Including acceptance of recommendations 1, 2, and 3 of the joint memorandum co-authored by Mayor Mahan, Vice Mayor Kamei, Councilmembers Torres, and Councilmember Foley, dated August 24, 2024, approved for Council Consideration, recommending the following:

Direct staff to:

1. Extend the Post Street Traffic Closure Pilot Program until December 31, 2024.
2. Allocate funding from the downtown storefront grants program to pay for the estimated costs of extending the Post Street Traffic Closure Pilot program through Fiscal Year 2023-2024, not to exceed \$50,000.
3. During the Fiscal Year 2024-2025 budgeting process, return to Council through an MBA analyzing the costs to continue the Post Street Traffic Closure Pilot Program through December 31, 2024, and for permanently closing Post Street to automobile traffic.
(5-0-0.)

2. Holding Negligent Property Owners Accountable and Protecting and Preserving the Former First Church of Christ Scientist Building. (Mahan, Kamei, Torres, Foley)

Councilmember Omar Torres introduced the joint memorandum he co-authored, dated August 24, 2023.

Lee Wilcox, Assistant City Manager, City Manager’s Office; and Nanci Klein, Director, Office of Economic Development and Cultural Affairs responded to questions.

Public Comments: Caller “0319”, Ben Leech (Preservation Action Council), Paul Soto, and Ellen offered public comments.

Lee Wilcox introduced staff’s Early Consideration Response form, explaining that all items from the joint memorandum were approved by staff except for Item 2.c, which requires additional staff analysis.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved staff’s Early Consideration Response form, with direction to return to Council by the end of 2023.

Including acceptance of *only* Items 1, 2.a, and 2.b of the joint memorandum co-authored by Mayor Mahan, Vice Mayor Kamei, Councilmembers Torres, and Councilmember Foley, dated August 24, 2023, recommending the following:

1. Direct the City Attorney to review the City’s Disposition and Development Agreement (DDA) with Z&L Properties related to property located at 43 East St. James St. (former First Church of Christ, Scientist building) and report back to the Council by the end of 2023 with recommendations related to its enforcement and options for the repurchase of property.
2. Direct the City Manager to:
 - a. Coordinate with the City Attorney to increase the maximum code enforcement fines that can be applied to property owners responsible for chronic code violations involving designated city, state, or federal landmarks from \$100,000 to \$500,000.
 - b. Once implemented, continue assessing additional fines for any ongoing code violations related to the former First Church of Christ, Scientist building until Mayor Matt Mahan Vice Mayor Rosemary Kamei Councilmember Omar Torres Councilmember Pam Foley Holding Negligent Property Owners Accountable and Protecting and Preserving the former First Church of Christ Scientist Building Rules Committee Agenda, August 30,

2023 Item C.2 reaching the new maximum fine amount of \$500,000. Consider increasing the maximum daily fine from \$2,500 to \$10,000. (5-0-0.)

3. Study Session: Indigenous Heritage in San José. (Ortiz, Davis, Cohen, Candelas, and Doan)

Councilmember Peter Ortiz introduced the joint memorandum he co-authored, dated August 30, 2023.

Public Comments: Paul Soto offered public comment.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved staff's recommendation, including additional staff recommendations based on the Early Consideration Response form, directing the Study Session to be held January 25, 2023.

Including acceptance of the joint memorandum co-authored by Councilmembers Ortiz, Councilmember Davis, Councilmember Cohen, Councilmember Candelas, and Councilmember Doan, dated August 30, 2023, recommending the following:

1. Direct the City Clerk to set a City Council Study Session entitled Indigenous Heritage in San José on January 25, 2023.
2. Direct the City Manager to develop an agenda and facilitate the Study Session with the objectives and goals mentioned below
(5-0-0.)

D. Open Forum

1. Ellen spoke on recognizing land in the City as First Nations land and including the voices of indigenous people in the development of new buildings.
2. Paul Soto spoke on being detained at a county government building while speaking on racism.

D. Adjournment

Chair David Cohen adjourned the Committee meeting at 2:44 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT- Grace Turner

Grace Turner
Deputy City Clerk, City of San José

Approved at Council on:

Attest By:

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