

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, SEPTEMBER 13, 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 2:01 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 19, 2023 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 Comments: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved the final agenda for the City Council meeting on September 19, 2023. (5-0-0)

**2. Review September 26, 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)

Councilmember Pam Foley noted that Ceremonial Item 1.1 is sponsored by District 9.

Public Comments: 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 September 26, 2023, with cancellation of the evening session. (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 Comment: None provided.

### **1. The Public Record for August 31 – September 7, 2023. (City Clerk)**

The Public Record for August 31 – September 7, 2023, was noted and filed.

### **2. Santa Clara County 9-1-1 Ambulance Services Study Session. (Fire)**

The City Council Study Session entitled City Council Governance: Developing Norms and Procedures was set for Thursday, August 24, 2023, from 1:30 p.m. - 4:30 p.m., in the City Council Chambers and the Study Session agenda was approved.

### **3. Monthly Report of Activities for August 2023. (City Auditor)**

The Auditor's Office Monthly Report of Activities for the months of June and July 2023, was approved.

### **4. Retroactive approval of Multiple Special Events Sponsored by Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Torres)**

The Street Vendor Resource Fair scheduled on July 31, 2023; Community Safety Meeting scheduled on August 14, 2023; and Luna Park Business Association Meeting scheduled on August 30, 2023, were retroactively approved for placement on the September 19, 2023 City Council Agenda.

### **5. Retroactive Approval of the San José State University Flag Raising Event 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 Flag Raising event scheduled on August 23, 2023, was retroactively approved for placement on the September 19, 2023 City Council Agenda.

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

### **1. Safe Parking Program Requirements. (Mahan, Jimenez, and Batra)**

Public Comments: Francesca Paist, Rev. Jethroe Moore II, Shaun, Gail Osmer, and Chris Copolillo offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved Staff's Early Consideration Response, with direction for the Item to return to Council in quarter one of 2024.

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, and Councilmember Batra, dated August 31, 2023, recommending the following:

1. Direct the City Manager to evaluate amending the Citywide Safe Parking Program to remove registration, operability, and insurance requirements, and return to Council for consideration and approval.
2. Direct the City Manager to engage LifeMoves to amend the operation agreement for the VTA Santa Teresa Safe Parking program to remove registration, operability, and insurance requirements, and return to Council for consideration and approval.  
(5-0-0)

## **2. Regulating Oversized Vehicles Citywide. (Mahan, Jimenez, Cohen and Doan)**

Public Comments: Jordan Moldow, Kyra Kazantzis, Francesca Paist, Gail Osmer, and Shaunn offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved staff's Early Consideration Response form and heard and forwarded the recommendation to the full City Council for its consideration in January 2024.

Including acceptance of the joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, Councilmember Cohen, and Councilmember Doan, dated September 7, 2023, recommending the following:

Direct the City Manager and the City Attorney to explore the following concepts and return to Council in January 2024, with recommendations and a framework for evaluation and discussion. The staff analysis should include:

1. Potential oversized vehicle (boats, large trucks, and recreational vehicles) parking regulations Citywide. Staff should research the following potential strategies:
  - a. Determining if there are appropriate on-street locations (that is, on public right-of way) that can be identified as safe and permissible for oversized vehicles to be parked, and establishing a free, low-barrier permit program to direct individuals to park their vehicles in those areas, where they could remain temporarily if they adhere to a code of conduct.
    - i. Evaluate the practicality of limiting the number of permits to the number of lived-in RVs counted in the latest point-in-time census.
    - ii. Evaluate the staff and resource implications of providing services like portable sewage disposal to the specified areas.
  - b. Identifying characteristics of City streets, such as narrow streets, streets with bike lanes, and streets within a certain proximity to sensitive receptors, where a new ordinance restricting parking of oversized vehicles could be enforced.
  - c. Designing a pilot program that would phase in implementation and enforcement of oversized vehicle parking restrictions in areas that would most benefit from restrictions
  - d. Providing notice and maps to residents living in oversized vehicles regarding areas they can park and corresponding enforcement actions.
  - e. Understanding the ability of San José to enforce existing laws and restrictions pertaining to oversized and lived-in vehicles.
    - i. Consider and provide alternative enforcement tools, including the existing 72-hour parking restriction; current street cleaning schedules to maintain our public roads clear of debris, oils, and other impacts associated with oversized vehicles, and other regulations designed to deter storage of vehicles on public right of ways and support appropriate circulation of vehicles.

2. Zoning Code amendments and other options to streamline the creation of RV Safe Parking sites, which shall include:
  - a. Reducing the number of times staff needs to return to Council by providing the Public Works Director with authority to approve contracting bids.
  - b. Utilizing the ‘design-build’ strategy to streamline the bidding and design process.
  - c. Determining any emergency powers, the City can declare to expedite production.
  - d. Identifying appropriate zoning districts to allow Safe Parking as a by-right use.
3. Identify the above recommendations that will require additional resources for implementation so that they can be considered for inclusion in the Mayor’s March Budget Message for Fiscal Year 2024-2025.  
(5-0-0)

### **3. Regulating the Rental of Recreational Vehicles for Living on City Streets. (Cohen and Ortiz)**

Public Comments: Francesca Paist offered public comment.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved Staff’s Early Consideration Response form, with additional direction for staff to bring back an information memorandum by the end of Fiscal Year 2023-2024.

Including acceptance of the joint memorandum co-authored by Councilmembers Cohen and Councilmember Ortiz, dated September 7, 2023, recommending the following for Council Consideration:

1. Direct the City Manager to coordinate with the City Attorney’s Office to evaluate the viability of an enforcement program similar to Los Angeles to regulate the leasing of vans/vehicles for use as dwellings on City streets and report back to the City Council.
2. Direct the City Attorney’s Office to report to Council on the feasibility of requiring those who engage in illegal renting and/or leasing of recreational vehicles to return rental payments and pay relocation expenses to their tenants.  
(4-0-1; Absent: Jimenez)

### **Open Forum**

1. Martha O’Connell spoke on legal representation for renters during eviction cases and challenges of work with the Law Foundation and the City’s Eviction Center.
2. Blair Beekman spoke on the need for tech accountability.

### **Adjournment**

Chair David Cohen adjourned the Committee meeting at 3:08 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*DRAFT- Grace Turner*

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Grace Turner  
Deputy City Clerk, City of San José

Approved at Council on:

Attest By:

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