

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

SAN JOSE, CALIFORNIA

WEDNESDAY, OCTOBER 4, 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, Foley, Cohen.

Absent: Councilmembers - Davis, Jimenez.

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 October 10, 2023 Final Agenda - Cancelled

No Agenda. Meeting Cancelled.

2. Review October 17, 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: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on October 17, 2023, limiting public comment for item 3.4 to a total of 30 minutes with each speaker having one minute to speak. (3-0-2; Absent: Davis, Jimenez)

B. Consent Calendar

Public Comments: None provided.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved as a whole. (3-0-2; Absent: Davis, Jimenez)

1. The Public Record for September 21- September 28, 2023. (City Clerk)

The Public Record for September 21 – September 28, 2023, was noted and filed.

2. Monthly Report of Activities - July and August 2023. (City Clerk)

City Clerk's monthly report of activities for July and August 2023, was received and filed.

3. Set a General Plan Hearing Third Cycle for October 2023. (Planning, Building, and Code Enforcement)

The Committee approved setting the General Plan Third Review Cycle of 2023 City Council hearing beginning on the afternoon of October 24, 2023, to consider a City-initiated General Plan amendment associated with amendments to the Evergreen-East Hills Development Policy as directed by the City Council as part of the General Plan Four-Year Review and amendment to the Evergreen-East Hills Traffic Impact Fee ordinance in Chapter 14.33 of Title 14 of the San José Municipal Code.

4. Approval of Multiple District 4 Events as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Cohen)

The District 4 Groundbreaking Ceremony for Mercado and Bruzzone Parks scheduled on October 1, 2023, was retroactively approved and the following Special Events, sponsored by District 4, were approved for placement on the October 17, 2023 City Council Agenda: Day on the Bay, scheduled on October 14, 2023; District 4 Pumpkin Giveaway, scheduled on October 18, 2023; the Cherrywood Elementary School Fall Festival, scheduled on October 27, 2023; and the Halloween Spooktacular scheduled on October 27, 2023.

5. Approval of the District 4 and 5 Filipino American History Month Flag Raising and Lighting Ceremony as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Cohen and Ortiz)

The District 4 and 5 Filipino American History Month Flag Raising and Lighting Ceremony scheduled on October 13, 2023, was approved for placement on the October 17, 2023 City Council Agenda.

C. Rules Committee Reviews, Recommendations and Approvals

1. Nomination of Grace Baptist Church for Designation as a City Landmark. (Torres)

Councilmember Omar Torres introduced his September, 21 2023 memorandum.

Public Comments: Blair Beekman, Gail Osmer, Bill Brooks, Phil Mastrocola, and Larry Guernsey offered public comments.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved Staff's early consideration response form and approved to agendaize the September 21, 2023 memorandum authored by Councilmember Omar Torres for discussion and consideration at an upcoming City Council meeting. Including acceptance of the memorandum authored by Councilmember Omar Torres, dated, September 21, 2023, recommending the following:

Nominate Grace Baptist Church for designation as a City Landmark, and

1. Direct the Director of Planning, Building and Code Enforcement or designee to complete any necessary nomination documentation and begin the process for City Landmark designation by setting a public hearing before the Historic Landmarks Commission.

(3-0-2. Absent: Davis, Jimenez.)

1. Shelter Crisis and Emergency on Homelessness Declaration. (Mahan, Kamei, Torres, and Cohen)

Assistant City Manager Lee Wilcox presented staff's Early Consideration Response form.

Public Comments: Gail Osmer, Richard Scott, Karen Gillette, Laura Sandoval (PATH) offered public comments.

Action: Upon motion by Vice Mayor Rosemary Kamei, seconded by Councilmember Pam Foley, and carried unanimously, the Committee approved staff's Early Consideration Response form to the full council. Including acceptance of the joint memorandum co-authored by Mayor Mahan, Vice Mayor Kamei, Councilmembers Torres, and Councilmember Cohen, dated, September 28, 2023 recommending the following:

Direct the City Manager to include in the upcoming update regarding a Shelter Crisis and Emergency on Homelessness Declaration findings and emergency authorizations necessary to respond rapidly to the homelessness crisis, including but not limited to:

1. Demonstrating clear intent of the Council that homelessness is a City priority and that it is the intent of the Council to distribute solutions equitably across all Council Districts.
2. Returning with recommendations to expedite the site selection process.
3. Suspending local land use and zoning requirements for emergency interim housing, safe parking, and low-barrier immediate solutions, provided public health and safety concerns are addressed.
4. Streamlining design and construction of emergency interim housing, safe parking, and other immediate solutions, while maintaining compliance with applicable state law and City Charter, such as Labor Code Sections 17.20, et al and City Charter Section 1217.
5. Removing administrative and/or legal barriers to allow safe sleeping communities or managed encampments.
6. Granting the City Manager authority to streamline the procurement process and flexibility to approve contracts for materials, equipment, and services.
7. Providing maximum legal and administrative flexibility to streamline processes and policies governing the City's ability to stand up more low-barrier, immediate solutions to homelessness.

with further direction for the City Manager to prioritize aligning City policies and procedures with state laws such as SB 35 and AB 2162 that streamline the development of permanent, 100% affordable housing projects; reduce duplicative public meeting requirements; and explore additional options to accelerate the creation and construction of affordable housing.
(3-0-2; Absent: Davis, Jimenez)

D. Open Forum

None provided.

D. Adjournment

Chair David Cohen adjourned the Committee meeting at 2:26 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner,
Deputy City Clerk, City of San José

Approved at Council on: **11/05/2024**

Attest By:



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