

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

SAN JOSÉ, CALIFORNIA

WEDNESDAY, SEPTEMBER 4, 2024

The Committee meeting was held in the Council Chambers. The meeting convened at 2:00 p.m.

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

Absent Councilmembers: - Cohen.

Staff: Assistant City Manager, Angel Rios; Assistant City Attorney, Kevin Fisher; Assistant City Clerk, Joy Rodriguez; City Manager's Office, Rachelle Blattman; and Deputy City Clerk, Daniel Aguilar.

A. City Council (City Clerk)

1. Review September 10, 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 Requirements for Agenda Items or Documents (if needed)

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Committee approved the September 10, 2024 final agenda. (4-0-1; Absent: Cohen)

2. Review September 17, 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 Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Committee approved the September 17, 2024 draft agenda, with Item 3.4(b) removed from the agenda. (4-0-1; Absent: Cohen)

B. Consent Calendar

Public Comments: None provided.

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. (4-0-1; Absent: Cohen)

1. The Public Record for August 22 – August 29, 2024 (City Clerk)

The Public Record for August 15 - August 22, 2024, was noted and filed.

2. Release Date for Study Session. (City Manager)

The Study Session held date of Thursday September 26, 2024, was released.

3. Monthly Report of Activities for August 2024. (City Auditor)

The Auditor's Office Monthly Report for the month of August 2024 was approved.

4. 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.

5. Update to the August - December 2024 Neighborhood Services and Education Committee Work Plan. (Davis)

The amendment to the August - December 2024 Neighborhood Services and Education Committee Work Plan was approved.

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

The Special Events sponsored by Council District 4 were approved for placement on the September 10, 2024, Council Agenda for action.

7. Retroactively Approve the Vigil for Fallen Community Service Officer, Long Pham, Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Doan)

The Vigil for Fallen Community Service Officer, Long Pham, sponsored by Council District 7 was approved for placement on the September 10, 2024, Council Agenda for action.

C. Rules Committee Reviews, Recommendations and Approvals

1. Development Process and CEQA Improvements. (Mayor, Jimenez, and Davis)

Direct the City Manager and the City Attorney to take the following actions:

- 1) Prepare a presentation to the Community and Economic Development Committee (CED), to be heard no later than Q2 2025, that includes the following:
 - a) A summary of findings from any previously collected stakeholder input regarding the CEQA environmental review process, along with peer city metrics for timing for key review elements and other relevant benchmarks.
 - b) Overview and explanation of the CEQA process, including:
 - i) The procedures used for determining whether a project is exempt from CEQA, and whether San Jose's process differs in a meaningful way from our municipal peers.
 - ii) A progress report regarding implementation of the recommendations from the 2022 audit of Environmental Review for New Development.
 - iii) Options or recommendations that could allow for more projects to be determined eligible for CEQA exemptions.
 - c) Opportunities for the Planning, Building and Code Enforcement Department (PBCE) to engage the City Attorney's Office (CAO) to further streamline the CEQA process for projects, including reducing thresholds for impacts and standardizing mitigations for projects in our downtown and urban villages.
- 2) Prepare a City Manager's Budget Addendum (MBA) in the next budget cycle with:
 - a) An overview of workload and workflow in the context of the current cost recovery model.
 - b) Recommendations for a phased increase in general funding to PBCE for work currently not included in the cost recovery model as implemented. Such work may regard, but is not limited to customer service, policy work, and city council inquiries. [Continued from 8/14/2024 - Item C.2 (ROGC 24-659)]

Public Comment: None provided.

Councilmember Pam Foley noted that the Policy Analysis form incorrectly included Councilmember Bien Doan under *Councilmember Sponsorship* portion. Councilmember Dev Davis should instead be included in the Councilmember Sponsorship portion of the Policy Analysis.

Chris Burton, Director, Planning, Building, and Code Enforcement; and David Keyon, Principal Planner, Planning, Building, and Code Enforcement Department, offered the presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, recommendation 2(a) and 2(b) were approved, as outlined on the August 8, 2024 joint memorandum co-authored by Mayor Mahan, Councilmember Jimenez, and Councilmember Davis, recommending the following:

Direct the City Manager and the City Attorney to take the following actions:

- ~~1) Prepare a presentation to the Community and Economic Development Committee (CED), to be heard no later than Q2 2025, that includes the following:~~
 - ~~a) A summary of findings from any previously collected stakeholder input regarding the CEQA environmental review process, along with peer city metrics for timing for key review elements and other~~

relevant benchmarks.

- ~~b) Overview and explanation of the CEQA process, including:~~
 - ~~i) The procedures used for determining whether a project is exempt from CEQA, and whether San Jose's process differs in a meaningful way from our municipal peers.~~
 - ~~ii) A progress report regarding implementation of the recommendations from the 2022 audit of Environmental Review for New Development.~~
 - ~~iii) Options or recommendations that could allow for more projects to be determined eligible for CEQA exemptions.~~
 - ~~c) Opportunities for the Planning, Building and Code Enforcement Department (PBCE) to engage the City Attorney's Office (CAO) to further streamline the CEQA process for projects, including reducing thresholds for impacts and standardizing mitigations for projects in our downtown and urban villages.~~
- 2) Prepare a City Manager's Budget Addendum (MBA) in the next budget cycle with:
- a) An overview of workload and workflow in the context of the current cost recovery model.
 - b) Recommendations for a phased increase in general funding to PBCE for work currently not included in the cost recovery model as implemented. Such work may regard, but is not limited to customer service, policy work, and city council inquiries. (4-0-1; Absent: Cohen)

2. Request to Add Ordinance Amending 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 Jose to City Council Meeting Agenda of September 10, 2024. (Ortiz, Torres, and Cohen)

Councilmember Peter Ortiz introduced the item and brought forward the recommendations as outlined in the August 29, 2024 joint memorandum co-authored by Councilmembers Ortiz, Torres, and Cohen.

Public Comment: Anil Babbar, Gabriel Manrique, Huascar Castro, and Tatiana Villasenor offered public comment.

Councilmember Pam Foley requested that the Workload Analysis include outreach efforts, enforcement, cost analysis, and anything else that would help in making a determination as to how this will move forward successfully.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, a Workload Analysis is to return to the Rules and Open Government Committee in 2-4 weeks regarding amending the Municipal Code to prohibit the sale or use of Algorithmic Devices. (4-0-1; Absent: Cohen)

D. Open Forum

None provided.

E. Adjournment

Chair Pam Foley adjourned the Committee meeting at 2:39 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

Daniel Aguilar

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 5

Attest By:

A handwritten signature in blue ink, appearing to read "Toni J. Taber", is written over a horizontal line.

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