

**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, Rachele 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. (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 offered public comment.

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)

Approve an amendment to the August - December 2024 Transportation and Environment Committee Work Plan 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.

Purpose: Provide an annual report on the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit. (Environmental Services)

The Update to the August - December 2024 Transportation and Environment Committee Work Plan was approved.

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.**

Action minutes to be provided.

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)]

Action minutes to be provided.

D. Open Forum

1. Blair offered public comment regarding the smart kiosk program and the time and deliberation associated with the 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,

DRAFT

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

Number of actions: 5

Attest by:

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