

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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, November 2, 2022**

**COVID-19 NOTICE**

*Consistent with AB 361 and City of San Jose Resolution Nos. 80628, 80659, 80685 and 80724 Committee Members may have teleconferenced from remote locations.*

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- Arenas, Cohen, Davis, Peralez

Absent: Councilmembers- Jones

Staff: Assistant City Manager, Lee Wilcox; City Attorney, Nora Frimann; City Clerk, Toni Taber; City Manager's Office, Rachelle Blattman; and Deputy City Clerk, Megan Roche.

**A. City Council (City Clerk)**

**1. Review November 8, 2022 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: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Committee approved the final agenda for the City Council meeting on November 8, 2022 with the Add Sheet. (4-0-1; Absent: Jones)

**2. Review November 15, 2022 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: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis, and carried unanimously, the Committee approved the draft agenda for the City Council meeting on November 15, 2022, with the 11:00 a.m. start time noted. (4-0-1; Absent: Jones)

## B. Consent Calendar

Public Comments: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Consent Calendar was approved. (4-0-1; Absent: Jones)

### **1. Retroactive Approval of Movie Night and Jazz Concert Events Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Davis)**

The Movie Nights and Jazz Concerts at Cahill Park, the Municipal Rose Garden, and Rosemary Gardens Park, scheduled on July 23, August 6, August 13, August 27, and October 1, 2022, all sponsored by Council District 6, were approved for placement on the November 8, 2022 City Council agenda.

### **2. Request to Travel. (Jimenez)**

The travel and related travel expenses for Councilmember Sergio Jimenez to attend the Sister Cities International African Regional Summit on February 20-24, 2023 in Cape Town, South Africa were approved.

### **3. Approval of the District 2 Fall Festival Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Jimenez)**

The District 2 Fall Festival scheduled on November 19, 2022, sponsored by Council District 2, and the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed \$50 for a free raffle were approved for placement on the November 15, 2022 City Council agenda.

### **4. Approval of River Oaks Neighborhood E-Waste Collection and Retroactive Approval of the Day on the Bay 2022 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 River Oaks Neighborhood e-Waste Collection scheduled on November 12, 2022 and Day on the Bay 2022 held on October 8, 2022, both sponsored by Council District 4, were approved for placement on the November 8, 2022 City Council agenda.

## **5. Request to Travel. (Jones)**

Travel for Vice Mayor Jones to Kansas City, MO on November 17-19, 2022 for the National League of Cities City Summit Conference was authorized.

## **6. VEBA Advisory Committee Appointment. (Human Resources)**

The appointment of Aidan Guy, nominated by the San José Police Officers' Association (POA) as the POA's active employee member, to the Voluntary Employees Beneficiary Association Advisory Committee for a partial term beginning December 1, 2022 and ending May 31, 2024 was approved for placement on the November 15, 2022 City Council agenda.

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

### **1. Maximizing Affordable Homes within Projects Receiving City Financing. (Mayor, Jones, and Carrasco)**

Public Comments: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen, and carried unanimously, the memorandum from the Mayor and Councilmembers Jones and Carrasco was approved with the Early Consideration Response Form. (4-0-1; Absent: Jones)

*Memorandum from Mayor, Jones, and Carrasco:* Request that the Rules Committee bring this memorandum forth to the November 15th City Council meeting along with the other housing items currently agendized, with the recommendation to direct the City Manager to: (1) Prioritize Measure E and other City discretionary affordable housing funding for those affordable housing projects that maximize unit count within the constraints of the municipal code, zoning, land use plan, and the City's published design guidelines. (2) Direct the Housing Department to communicate clearly to all affordable housing builders seeking City financing that reductions of project unit count for reasons unsupported by City policy will result in their project being deprioritized for City funding.

### **2. City-Initiated General Plan Amendment for Public/Quasi-Public Land Use Designation - Defining Permanent Supportive Housing. (Mayor, Jones, and Davis)**

Public Comments: The following member of the public provided comments: Blair Beekman.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez, and carried unanimously, the memorandum from the Mayor and Councilmembers Jones and Davis was approved with the Early Consideration Response Form. (4-0-1; Absent: Jones)

*Memorandum from Mayor, Jones, and Davis:* (1) Direct City Staff to initiate a General Plan text amendment clarifying that "permanent supportive housing" included in the Public/Quasi-Public (PQP) land use designation summary, on page 12 of Chapter 5, shall be defined as "100% deed-restricted affordable housing with at least 25% permanent supportive housing and the remainder

rent-restricted low-income housing for households earning 80% Area Median Income or less.” (2) Direct City Staff to bring back any necessary changes to Chapter 20.40 of the City Municipal Zoning Code, which includes the zoning district definition for PQP. (3) City Staff may return to Council with other proposed requirements, relating to density, design, and other elements, to ensure consistency with other City policies and objectives, but shall allow existing applications to proceed where consistent with the above direction.

### **Open Forum**

1. Blair Beekman discussed a two-state solution to the war in Ukraine and the necessity of giving clear warning before sweeps of encampments, and also hoped for more description in Santa Clara County Board of Supervisors closed session reports.
2. Gail Anne Osmer requested that members of the public disclose their name when speaking to the Rules and Open Government Committee and City Council and complimented the work done by Beautify San Jose.

### **E. Adjournment**

Vice Chair Raul Perez adjourned the Committee meeting at 2:20 p.m.



Email: [raul.perez@sanjoseca.gov](mailto:raul.perez@sanjoseca.gov)  
Date: 12/29/2022 GMT

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Councilmember Raul Perez, Vice Chair  
Rules and Open Government Committee

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