



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

**SAN JOSE, CALIFORNIA**

**WEDNESDAY, MAY 6, 2020**

*Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone/Webinar or online.*

The Council meeting was teleconferenced from remote locations and convened at 2:03 p.m.

Present: Councilmembers - Arenas, Davis, Jones, Khamis; Liccardo.

Absent: Councilmembers - All Present.

**1. Review May 12, 2020 Final Agenda**

- a) Add new items to Final Agenda**
- b) Assign "Time Certain" to Agenda Items (if needed)**
- c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)**

Mayor Sam Liccardo recommended deferral of Item 10.1(d) to the May 13, 2020 Rules and Open Government Meeting for discussion of Councilmember Sergio Jimenez' April 24, 2020 memorandum regarding an Amendment to Title 20 of the Zoning Code, and with subsequent deferral of the item to the May 19, 2020 Council Meeting for action.

Councilmember Johnny Khamis recommended a deferral of Item 8.3 to the Council Meeting of May 19, 2020, to have more time to review the memorandum from the City Manager's Office regarding Amendments to the Eviction Moratorium Ordinance.

Staff recommended an 11 a.m. start time.

Public Comments: Blair Beekman advised slow and deliberate action regarding 5G technology and upgrades.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Committee accepted the May 12, 2020 Final

*(Item Continued on the Next Page)*

**1. Review May 12, 2020 Final Agenda (Cont'd.)**

Agenda, including a Sunshine waiver for COVID-19 Related Additions: Items 5.1 (Amendments to Concession Agreements for Temporary Financial Relief to Non-Aeronautical Concessionaires at the Norman Y. Mineta San Jose International Airport); Item 8.2 (Amendment to the Apartment Rent Ordinance Due to COVID-19 Pandemic to Allow a Temporary Reduction of Rent); Item 8.4 (Actions Related to CARES Act Supplemental Grant U.S. Department of Housing and Urban Development) and with Item 8.3 (Amendments to the Eviction Moratorium Ordinance) deferred to the Council Meeting of May 19, 2020. Item 10.1(d) was deferred for discussion to the May 13, 2020 Rules and Open Government Committee meeting with subsequent action to the May 19, 2020 Meeting of the City Council. An 11 a.m. start time for the May 12, 2020 meeting was approved. (5-0.)

**2. Review May 19, 2020 Draft Agenda**

- a) Add new items to Final Agenda
- b) Assign "Time Certain" to Agenda Items (if needed)
- c) Review of Notice Waiver Requests for Agenda Items or Documents (if needed)

Public Comments: (1) Jeffrey Buchanan questioned the delayed Council action being taken for Item 8.3, noting that amendments to the ordinance will not be in place in time to assist tenants for their June rent payments. (2) Blair Beekman advocated for upgraded pedestrian and bicycle accessibility and actions taken towards the eviction moratorium.

Council discussion followed regarding the rent moratorium, and Councilmember Dev Davis offered comments regarding the County's handling of this matter which would additionally apply to our jurisdiction.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Committee accepted the May 19, 2020 Draft Agenda. (5-0.)

**B. Review of Upcoming Meeting Agenda(s)**

There were none presented.

**C. Legislative Update**

- 1. State
- 2. Federal

There were none presented.

**D. Meeting Schedules**

None provided.

**E. The Public Record for April 24, 2020 - April 30, 2020. (City Clerk)**

Public Comments: Blair Beekman spoke to the importance of the Sunshine Ordinance.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Public Record for April 24, 2020 – April 30, 2020 was noted and filed. (5-0.)

**F. Boards, Commissions and Committees**

None provided.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Consent Calendar – None**

**2. Fee Cap on Food Delivery Services. (Diep)**

Councilmember Lan Diep offered recommendations on enacting an urgency ordinance capping food-delivery fees until restaurants may operate once again with restrictions to help them through the pandemic, as outlined in his memorandum of April 30, 2020.

Public Comments: Offering support to Councilmember Lan Diep's recommendations were Nate LeBlanc (San José Downtown Association) and Eddie Truong (Silicon Valley Organization).

City Attorney Richard Doyle offered comments, indicating that it could be returned to next week's meeting of the Rules and Open Government Committee.

Motion: Councilmember Johnny Khamis moved approval of this item returning to the Rules and Open Government Committee on May 13, 2020. Councilmember Dev Davis seconded the motion.

Action: On a call for the question the motion carried unanimously, and Councilmember Lan Diep's memorandum dated April 30, 2020 was scheduled for discussion at the Rules and Open Government Committee of May 13, 2020. (5-0.)

**3. Universal Extension of Development and Construction Deadlines Due to COVID-19. (Mayor)**

Public Comments: Offering support to the Mayor's recommendations were Nate LeBlanc (San José Downtown Association), Eddie Truong (Silicon Valley Organization) and Pat Sausedo (Government Affairs, South Bay), with the opinion that these actions will put construction and trade workers back to work while combatting the ongoing housing crisis.



### **3. Universal Extension of Development and Construction Deadlines (Cont'd.)**

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the recommendation from Mayor Sam Liccardo was accepted, including direction to the City Manager and City Attorney to review the universe of applicable development and construction deadlines impacted by COVID-19 and return to Council with recommendations for an ordinance that addresses the following: (1) PBCE has already extended building permit deadlines by 6 months in April 2020. Please provide an update and recommendation on extending deadlines for an additional 6 months, for a total of 12 months, to correspond with expected supply chain and labor delays, as well as the potential for a second wave of infections this fall; (2) Provide an extension of all entitlements from 2 to 4 years for all projects due to the impacts of COVID-19 on construction timelines due to factors listed above, with the additional factor of significantly diminished investor activity; (3) Evaluate the forbearance of permit and entitlement fees to ensure that these universal extensions will not have unintended consequences; and (4) Provide extensions for all fee waivers and reductions to, at a minimum, correspond to the duration of the COVID-19 shelter in place order(s). (5-0.)

#### **H. Review of additions to Council Committee Agendas/Work Plans**

- 1. Community and Economic Development Committee - none provided.**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee – none provided.**
- 4. Public Safety, Finance and Strategic Support Committee**
- 5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole**
- 6. Smart Cities and Service Improvement Committee**

There were none presented.

#### **I. Open Government**

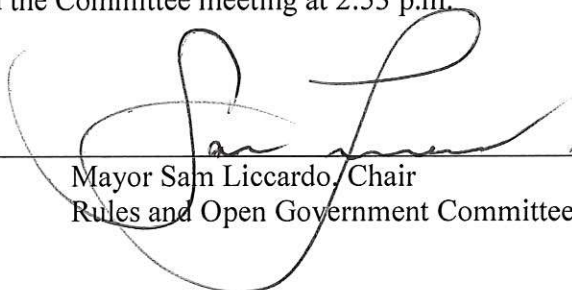
None provided.

### **OPEN FORUM**

Blair Beekman urged a united front by the community during these times of crisis.

#### **G. Adjournment**

Mayor Sam Liccardo adjourned the Committee meeting at 2:53 p.m.



Mayor Sam Liccardo, Chair  
Rules and Open Government Committee

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