



# City of San José

City of San José  
200 East Santa Clara Street  
San Jose, CA 95113

## Agenda

### **Joint Meeting for the Rules and Open Government Committee and Committee of the Whole**

#### **Committee Members**

**David Cohen, Chair**

**Pam Foley, Vice Chair**

**Sergio Jimenez, Member**

**Dev Davis, Member**

**Rosemary Kamei, Member**

#### **Committee Staff**

**Lee Wilcox, Assistant City Manager**

**Toni Taber, City Clerk**

**Nora Frimann, City Attorney**

**Rachelle Blattman, City Manager's Office**

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**Wednesday, October 4, 2023**

**2:00 PM**

**Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/85991848944>**

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#### **How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

#### **How to submit written Public Comment for items on the agenda:**

- 1) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 9:00 a.m. the day of the meeting.

#### **How to provide spoken Public Comment during the Committee Meeting:**

1) By phone 888 475 4499. Webinar ID: 85991848944. Click \*9 to raise a hand to speak. Press \*6 to unmute. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)

2) By online <https://sanjoseca.zoom.us/j/85991848944>.

a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.

b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.

c. When the Committee Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.

d. When called, please limit your remarks to the time limit allotted.

## A. City Council (City Clerk)

### 1. Review Final Agenda

[ROGC](#)  
[23-345](#)

Review October 10, 2023 Final Agenda - Cancelled

### 2. Review Draft Agenda

[ROGC](#)  
[23-346](#)

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 Requirements for Agenda Items or Documents (if needed)

**Attachments** [Agenda](#)

*Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Committee requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.*

## B. Consent Calendar

1. [ROGC  
23-348](#) The Public Record for September 21 - September 28, 2023. (City Clerk)

**Recommendation:** Receive and file the Public Record for September 21 - September 28, 2023.

**Attachments** [The Public Record](#)

2. [ROGC  
23-341](#) Monthly Report of Activities - July and August 2023. (City Clerk)

**Recommendation:** Receive and file the City Clerk's monthly report of activities for July and August 2023.

**Attachments** [Memorandum](#)

3. [ROGC  
23-350](#) Set a General Plan Hearing Third Cycle for October 2023. (Planning, Building, and Code Enforcement)

**Recommendation:** Set 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.

**Attachments** [Memorandum](#)

4. [ROGC](#) Approval of Multiple District 4 Events as City Council Sponsored  
[23-351](#) Special Events to Expend City Funds and Accept Donations of  
Materials and Services for the Events. (Cohen)

**Recommendation:**

1. Retroactively approve the District 4 Groundbreaking Ceremony for Mercado and Bruzzone Parks held on Sunday, October 1, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the Day on the Bay that will be held on Saturday, October 14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Approve the District 4 Pumpkin Giveaway that will be held on Wednesday, October 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Approve the Cherrywood Elementary School Fall Festival that will be held on Friday, October 27, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
5. Approve the Halloween Spooktacular that will be held on Friday, October 27, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
6. Approve and accept donations from various individuals, businesses, or community groups to support the event.
7. Place the item on the Tuesday, October 17, 2023 Council Agenda for action.

**Attachments** [Memorandum from Cohen](#)

5. [ROGC](#) Approval of the District 4 and 5 Filipino American History Month Flag  
[23-353](#) 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)

**Recommendation:**

1. Approve the District 4 and 5 Filipino American History Month Flag Raising and Lighting Ceremony scheduled on October 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.
3. Place the item on the Tuesday, October 17, 2023 Council Agenda for action.

**Attachments** [Memorandum from Cohen and Ortiz](#)

END OF CONSENT

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

1. [ROGC](#)  
[23-339](#) Nomination of Grace Baptist Church for Designation as a City  
Landmark. (Torres)

**Recommendation:** Agendize for discussion and consideration at an upcoming City Council  
meeting:

1. Nominate Grace Baptist Church for designation as a City  
Landmark, and
2. 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.

**Attachments** [Memorandum from Torres](#)  
[Early Consideration Response Form, 10/4/2023](#)

2. [ROGC](#) Shelter Crisis and Emergency on Homelessness Declaration. (Mahan, Kamei, Torres, and Cohen)  
[23-352](#)

**Recommendation:**

(a) Direct the City Manager to include in the upcoming update to the 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.

(b) Further, direct 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.

**Attachments** [Memorandum from Mahan, Kamei, Torres, and Cohen](#)  
[Early Consideration Response Form, 10/4/2023](#)

**D. Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

## **E. Adjournment**

The Code of Conduct (<https://www.sanjoseca.gov/home/showpublisheddocument/12901/636670004966630000>) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1260 as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City's website.