



# 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, August 30, 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](#)  
[23-295](#)

Review September 5, 2023 Final Agenda - Cancelled

### 2. Review Draft Agenda

[ROGC](#)  
[23-296](#)

Review September 12, 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](#)      The Public Record for August 17 - August 24, 2023. (City Clerk)  
[23-297](#)

**Recommendation:**      Receive and file the Public Record for August 17 - August 24, 2023.

**Attachments**      [The Public Record - Revised 8/28/2023](#)

2. [ROGC](#)      Request For Travel For Councilmember David Cohen. -  
[23-298](#)      WITHDRAWN PER ADMINISTRATION; Duplicative of 8/9/2023  
Item B.4

**Recommendation:**      Authorize travel for Councilmember Cohen to Sacramento, CA from  
September 20 - 22, 2023 to attend the League of California Cities -  
Annual Conference and Expo.

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

3. [ROGC](#)      Approval of the Ethiopian Flag Raising Ceremony and Tower Lighting  
[23-304](#)      as a City Sponsored Special Event, to Expend City Funds and  
Authorization to Accept Donations of Materials and Services for the  
Event. (Mayor)

**Recommendation:**      1. Approve the Ethiopian Flag Raising Ceremony to be held on  
September 7, 2023 as a City Council sponsored Special Event and  
approve the expenditure of funds.

2. Approve City Hall Tower lighting in green, yellow, and red scheduled  
September 6, 2023 in celebration of the Ethiopian New Year.

3. Approve and accept donations from various individuals, businesses or  
community groups to support the event.

4. Place the item on Tuesday, September 12, 2023 Council Agenda for  
action.

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

4. [ROGC](#)  
[23-303](#) Retroactive Approval of the Roosevelt Community Center Eggstavaganza Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Torres)

**Recommendation:** 1.Retroactively Approve the Roosevelt Community Center Eggstavaganza scheduled on March25th, 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 September 12th, 2023, Council Agenda for action.

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

END OF CONSENT

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

1. [ROGC](#)  
[23-301](#) Extending the Post Street Traffic Closure Pilot Program. (Mahan, Kamei, Torres, and Foley)

**Recommendation:** Direct staff to:  
1. Extend the Post Street Traffic Closure Pilot Program until December 31, 2024.  
2. Allocate funding from the downtown storefront grants program to pay for the estimated costs of extending the Post Street Traffic Closure Pilot program through FY 2023-2024, not to exceed \$50,000.  
3. During the FY 2024-2025 budget process, return to Council Council through a Manager's Budget Addendum analyzing the costs to continue the Post Street Traffic Closure Pilot Program through December 31, 2024, and for permanently closing Post Street to automobile traffic.  
4. Prior to the conclusion of the Post Street Traffic Closure Pilot Program, begin the legal proceedings to permanently close Post Street to automobile traffic.

**Attachments** [Memorandum from Mahan, Kamei, Torres, and Foley](#)  
[Early Consideration Response Form - 8/29/2023](#)  
[Letters from the Public](#)

2. [ROGC](#) Holding Negligent Property Owners Accountable and Protecting and  
[23-302](#) Preserving the Former First Church of Christ Scientist Building.  
(Mahan, Kamei, Torres, Foley)

**Recommendation:**

1. Direct the City Attorney to review the City's Disposition and Development Agreement (DDA) with Z&L Properties related to property located at 43 East St. James St. ("former First Church of Christ, Scientist building") and report back to the City Council by the end of 2023 with recommendations related to its enforcement and options for the repurchase of property.
2. Direct the City Manager to:
  - a. Coordinate with the City Attorney to increase the maximum code enforcement fines that can be applied to property owners responsible for chronic code violations involving designated city, state, or federal landmarks from \$100,000 to \$500,000.
  - b. Once implemented, continue assessing additional fines for any ongoing code violations related to the former First Church of Christ, Scientist building until reaching the new maximum fine amount of \$500,000. Consider increasing the maximum daily fine from \$2,500 to \$10,000.
  - c. Work with the City Attorney to engage County of Santa Clara County and other relevant parties, including affordable and market rate housing developers, to explore repurchase and redevelopment of the property.

**Attachments** [Memorandum from Mahan, Kamei, Torres, and Foley](#)  
[Early Consideration Response Form - 8/30/2023](#)  
[Letters from the Public](#)

3. [ROGC](#) Study Session: Indigenous Heritage in San José. (Ortiz, Davis, Cohen,  
[23-299](#) Candelas, and Doan)

**Recommendation:**

1. Direct the City Clerk to set a City Council Study Session entitled Indigenous Heritage in San José in fall 2023.
2. Direct the City Manager to develop an agenda and facilitate the Study Session with the objectives and goals mentioned below.

**Attachments** [Memorandum from Ortiz, Davis, Cohen, Candelas, Doan](#)  
[Early Consideration Response Form - 8/30/2023](#)

## 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.