



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

Wednesday, September 13, 2023

2:00 PM

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

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 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](#)
[23-317](#)

Review September 19, 2023 Final Agenda

a. Add New Items to Final 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](#)

2. Review Draft Agenda

[ROGC](#)
[23-318](#)

Review September 26, 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
23-319](#) The Public Record for August 31 - September 7, 2023. (City Clerk)

Recommendation: Receive and file the Public Record for August 31 - September 7, 2023.

Attachments [The Public Record](#)

2. [ROGC
23-322](#) Santa Clara County 9-1-1 Ambulance Services Study Session. (Fire)

Recommendation: Set a City Council Study Session entitled Santa Clara County 9-1-1 Ambulance Services for Monday, October 16, 2023 from 1:30 p.m. – 4:30 p.m. in the City Council Chambers and approve the Study Session agenda.

Attachments [Memorandum](#)

3. [ROGC
23-320](#) Monthly Report of Activities for August 2023. (City Auditor)

Recommendation: Approve the Auditor’s Office Monthly Report of Activities for the month of August 2023.

Attachments [Memorandum](#)

4. [ROGC
23-321](#) Retroactive approval of Multiple Special Events Sponsored by Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Torres)

Recommendation:

1. Retroactively approve the Street Vendor Resource Fair scheduled on July 31, 2023, as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively approve the Community Safety Meeting scheduled on August 14, 2023, as a City Council sponsored Special Event and approve the expenditure of funds.
3. Retroactively approve the Luna Park Business Association Meeting scheduled on August 30, 2023, as a City Council sponsored Special Event and approve the expenditure of funds.
4. Approve and accept donations from various individuals, businesses or community groups to support the events.
5. Place the item on the September 19, 2023 Council Agenda for action.

Attachments [Memorandum from Torres](#)

5. [ROGC
23-300](#) Retroactive Approval of the San José State University Flag Raising Event 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 San José State University (SJSU) Flag Raising event scheduled on August 23, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.
3. Place the item on the September 19, 2023, Council Agenda for action.

Attachments [Memorandum from Torres](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC
23-310](#) Safe Parking Program Requirements. (Mahan, Jimenez, and Batra)

Recommendation:

1. Direct the City Manager to evaluate amending the Citywide Safe Parking Program to remove registration, operability, and insurance requirements, and return to Council for consideration and approval.
2. Direct the City Manager to engage LifeMoves to amend the operation agreement for the VTA Santa Teresa Safe Parking program to remove registration, operability, and insurance requirements, and return to Council for consideration and approval.

Attachments

- [Memorandum from Mahan, Jimenez, and Batra](#)
[Early Consideration Response Form - 9/6/2023](#)
[Early Consideration Response Form - 9/13/2023](#)

2. [ROGC](#) Regulating Oversized Vehicles Citywide. (Mahan, Jimenez, Cohen and
[23-323](#) Doan)

Recommendation:

Direct the City Manager and the City Attorney to explore the following concepts and return to Council within 90 days with recommendations and a framework for evaluation and discussion. The staff analysis should include:

1. Potential oversized vehicle (boats, large trucks, and recreational vehicles) parking regulations citywide. Staff should research the following potential strategies:

a. Determining if there are appropriate on-street locations (that is, on public right-of-way) that can be identified as safe and permissible for oversized vehicles to be parked, and establishing a free, low-barrier permit program to direct individuals to park their vehicles in those areas, where they could remain temporarily if they adhere to a code of conduct

i. Evaluate the practicality of limiting the number of permits to the number of lived-in RVs counted in the latest point-in-time census

ii. Evaluate the staff and resource implications of providing services like portable sewage disposal to the specified areas

b. Identifying characteristics of city streets, such as narrow streets, streets with bike lanes, and streets within a certain proximity to sensitive receptors, where a new ordinance restricting parking of oversized vehicles could be enforced

c. Designing a pilot program that would phase in implementation and enforcement of oversized vehicle parking restrictions in areas that would most benefit from restrictions

d. Providing notice and maps to residents living in oversized vehicles regarding areas they can park and corresponding enforcement actions

e. Understanding the ability of San José to enforce existing laws and restrictions pertaining to oversized and lived-in vehicles

i. Consider and provide alternative enforcement tools, including the existing 72-hour parking restriction; current street cleaning schedules to maintain our public roads clear of debris, oils, and other impacts associated with oversized vehicles, and other regulations designed to deter storage of vehicles on public right of ways and support appropriate circulation of vehicles.

2. Zoning Code amendments and other options to streamline the creation of RV Safe Parking sites, which shall include:

a. Reducing the number of times staff needs to return to Council by providing the Public Works Director with authority to approve contracting bids

b. Utilizing the ‘design-build’ strategy to streamline the bidding and

design process

c. Determining any emergency powers the City can declare to expedite production

d. Identifying appropriate zoning districts to allow Safe Parking as a by-right use

3. Identify the above recommendations that will require additional resources for implementation so that they can be considered for inclusion in the Mayor's March Budget Message for Fiscal Year 2024-2025.

Attachments [Memorandum from Mahan, Jimenez, Cohen and Doan](#)
[Early Consideration Response Form, 9/11/2023](#)

3. [ROGC](#)
[23-324](#) Regulating the Rental of Recreational Vehicles for Living on City Streets. (Cohen and Ortiz)

Recommendation:

1. Direct the City Manager to coordinate with the City Attorney's Office to evaluate the viability of an enforcement program similar to Los Angeles to regulate the leasing of vans/vehicles for use as dwellings on City streets and report back to the City Council.
2. Direct the City Attorney's Office to report to Council on the feasibility of requiring those who engage in illegal renting and/or leasing of recreational vehicles to return rental payments and pay relocation expenses to their tenants.

Attachments [Memorandum from Cohen and Ortiz](#)
[Early Consideration Response Form, 9/11/2023](#)

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.