



# 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, November 1, 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](#)  
[23-393](#)

Review November 7, 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](#)  
[Add Sheet](#)

### 2. Review Draft Agenda

[ROGC](#)  
[23-394](#)

Review November 14, 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  
23-395](#) The Public Record for October 19 - October 26, 2023. (City Clerk)

**Recommendation:** Receive and file the Public Record for October 19 - October 26, 2023.

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

2. [ROGC  
23-397](#) Retroactive Update to the August - December 2023 Community and Economic Development Committee Work Plan. (City Manager)

**Recommendation:** Retroactively approve an amendment to the August - December 2023 Community and Economic Development (CED) Committee Work Plan to drop the following item from the October 23, 2023 CED Committee meeting:

- Rent Stabilization Program Strategic Plan Status Report.

Purpose: Provide a status report on the draft Rent Stabilization Program Strategic Plan including Apartment Rent Ordinance, Mobilehome Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and goals and objectives for the program over the coming years. (Housing)

**Attachments** [Memorandum](#)

3. [ROGC  
23-398](#) Retroactive Approval of the Various Events Sponsored by Council District 3 as City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Events. (Torres)

**Recommendation:**

1. Retroactively approve the Taco Talk event scheduled on August 24, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Retroactively approve the Pizza and Policy event scheduled on September 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Retroactively approve the San José State Homecoming Tower Lighting scheduled from October 17, 2023 to October 24, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
4. Retroactively approve the Pellier Park Grand Opening scheduled on October 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
5. Retroactively approve the First Station 8 Groundbreaking scheduled on October 19, 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 November 7, 2023 Council Agenda for action.

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

END OF CONSENT

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

1. [ROGC](#)            Development Services. (Jimenez and Davis)  
[23-396](#)

**Recommendation:**

Direct the City Manager to take the following actions:

1) Identify improvements in development services led by departments other than PBCE (e.g. Fire, PRNS, Housing, Public Works). To the extent feasible, include these improvements in the PBCE Customer Service Charter - Improvement Initiatives dashboard, or in a substantially similar publicly-accessible location.

a) Where no description is provided for a proposed improvement/initiative, add information to help the public understand what the improvement/initiative is and what it will achieve when implemented.

2) Include open audit recommendations pertaining to development services either in the Improvement Initiatives dashboard or in a new, separate dashboard.

3) Continue to solicit input from the development community and other relevant stakeholders regarding potential improvements to the City of San Jose Development Services Customer Survey.

4) Compile results from the Development Services Customer Survey and either provide information regarding survey results on the PBCE Customer Service Charter website or in periodic reports to CED. To the extent feasible, include input received through channels or venues other than the Customer Survey as well.

5) Assess the cost implications of the City's regulatory framework (e.g. Building Code, Design Guidelines, etc.) and incorporate findings into future studies of the cost of development.

6) Evaluate the following and provide a qualitative (or, when feasible, quantitative) assessment to CED and/or the City Council through an informational memorandum:

a) The effectiveness of existing pathways for the development community to provide constructive feedback to the City (for instance, the Developers and Construction Roundtable and any successor forum).

b) Potential process improvements that could reduce the need for multiple rounds of review.

c) Consistency in the citation of specific, approved regulations in comment letters during project review. Additionally, identify regulations that could be interpreted subjectively and/or regulations or guidelines that may not be strictly enforceable

i) For example, provide a citation for enforceable and objective regulatory comments. Consider providing guidelines, subjectively interpreted regulations, and other comments that are unenforceable in a different memo, but not in the same letter of

comments.

d) The staff capacity and resource implications of initiating new or updated studies of development services (for example, the 2016 Management Partners “Development Services Cost Recovery Analysis, Process Improvements, Calculation of Unearned Revenues, and Refund Processing”).

e) The staff capacity and resource implications of conducting an assessment of the City’s regulatory framework, including local amendments to the Building Code and Design Guidelines, with the goal to simplify or eliminate regulations that are particularly costly or burdensome to the development community. This assessment shall not occur until after Recommendation 5 has been implemented.

f) The resource implications of dedicated staffing to provide clarifications to the development community by phone rather than through formal submission of responses.

**Attachments** [Memorandum from Jimenez and Davis](#)  
[Early Consideration Response Form - 10/31/2023](#)

## 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.