



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, November 8, 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 16+. 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](#)
[23-400](#)

Review November 14, 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](#)
[23-401](#)

Review November 21, 2023 Draft Agenda - Cancelled

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
23-404](#) Joint City of San José and Santa Clara Valley Water District Special Meeting. (City Manager)

Recommendation: Set a Joint City of San José and Santa Clara Valley Water District Special Meeting on November 17, 2023, from 9:00 a.m. – noon to be held at Valley Water’s Headquarters Building Boardroom, 5700 Almaden Expressway, San José, California, and approve the draft Special Meeting agenda.

Attachments [Memorandum](#)

2. [ROGC
23-405](#) Set a General Plan Hearing Fourth Review Cycle for November - December 2023. (Planning, Building and Code Enforcement)

Recommendation: Set a General Plan Fourth Review Cycle of 2023 City Council hearing beginning on the afternoon of November 28, 2023, and continue the General Plan hearing on December 5, 2023 and December 12, 2023, if necessary, to consider privately initiated and City-initiated General Plan amendments.

Attachments [Memorandum](#)

3. [ROGC
23-402](#) Monthly Report of Activities for October 2023. (City Auditor)

Recommendation:

1. Approve the Auditor’s Office Monthly Report of Activities for the month of October 2023.
2. Amend the City Auditor’s Fiscal Year (FY) 2023-24 work plan to defer the audit of traffic signal and streetlight maintenance. This audit will be reconsidered for inclusion in the Office’s FY 2024-25 Proposed Work Plan.

Attachments [Memorandum](#)

4. [ROGC
23-403](#) External Quality Control Review of the Office of the City Auditor for the Period July 1, 2021 to June 30, 2023. (City Auditor)

Recommendation: Accept the independent auditor’s report, External Quality Control Review of the Office of the City Auditor, San Jose, CA for the Period July 1, 2021 to June 30, 2023, which representatives of the Association of Local Government Auditors (ALGA) prepared on October 26, 2023.

Attachments [Memorandum](#)

5. [ROGC](#)
[23-406](#) Request for Travel for Councilmember David Cohen. (Cohen)

Recommendation: Authorize travel for Councilmember Cohen to Carlsbad, CA from November 29 - December 1, 2023, to attend the League of California Cities Board of Directors Meeting.

Attachments [Memorandum from Cohen](#)
[Memorandum of Costs from Clerk's Office](#)

6. [ROGC](#)
[23-407](#) Retroactive Approval of Multiple Special Events Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events. (Batra)

Recommendation:

1. Retroactively approve the Santa Teresa Shredding Day event scheduled on October 7, 2023 as a City Council sponsored Special Event and retroactively approve the expenditure of funds.
2. Retroactively approve the Los Paseos Neighborhood Association Dumpster Day event in partnership with the LPNA scheduled on October 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
3. Retroactively approve the Celebration of Vietnamese Community event scheduled on November 6, 2023 as a City Council sponsored Special Event, and accept donations from various individuals, businesses, or community groups to support the event.
4. Place the item on the November 14, 2023 Council Agenda for action.

Attachments [Memorandum from Batra](#)

7. [ROGC
23-408](#) Retroactive Approval of Friends on the Farm Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. (Davis)

Recommendation:

1. Retroactively approve the Friends on the Farm scheduled on November 4, 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 November 14, 2023 Council Agenda for action.

Attachments [Memorandum from Davis](#)

END OF CONSENT

C. Rules Committee Reviews, Recommendations and Approvals

1. [ROGC](#) Development Services. (Jimenez and Davis)
[23-410](#)

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.

[Deferred from 11/1/2023 - Item C.1 (ROGC 23-396)]

Attachments [Memorandum from Jimenez and Davis](#)
[Early Consideration Response Form - 10/31/2023](#)
[Early Consideration Response Form - 11/7/2023](#)
[Letter from the Public](#)

2. [ROGC 23-409](#) Special Park Use Policy. (Torres, Cohen, Ortiz, Candelas, and Foley)

Recommendation: Direct the City Manager to modify the special park use policy to allow each Council an increase of one standard free-use event and three additional small-scale events of a neighborhood or regional park for the purpose of a community event sponsored and/or produced by the Council office.

Attachments [Memorandum from Torres, Cohen, Ortiz, Candelas, and Foley](#)
[Early Consideration Response Form - 11/8/2023](#)

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 Committee.

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.