



# 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, September 4, 2024

2:00 PM

Council Chambers

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For live translations in over 50 languages, please go to <https://attend.wordly.ai/join/FAYU-7105>

#### 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>
  - 4) By phone 888 475 4499. Webinar ID: 964 4134 2315. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
  - 5) By online <https://sanjoseca.zoom.us/j/96441342315>.
- 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.

#### 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 8:00 a.m. the day of the meeting.

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

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers.

## A. City Council (City Clerk)

### 1. Review Final Agenda

[ROGC  
24-672](#)

Review September 10, 2024 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  
24-673](#)

Review September 17, 2024 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  
24-675](#) The Public Record for August 22 - August 29, 2024. (City Clerk)

**Recommendation:** Receive and file the Public Record for August 22 - August 29, 2024.

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

2. [ROGC  
24-679](#) Release Date for Study Session. (City Manager)

**Recommendation:** Recommend release of date held for a Study Session on Thursday, September 26, 2024.

3. [ROGC](#)  
[24-674](#) Monthly Report of Activities for August 2024. (City Auditor)

**Recommendation:** Approve the Auditor's Office Monthly Report for the month of August 2024.

**Attachments** [Memorandum](#)

4. [ROGC](#)  
[24-678](#) Update to the August - December 2024 Transportation and Environment Committee Work Plan. (Environmental Services)

**Recommendation:** Approve an amendment to the August - December 2024 Transportation and Environment Committee Work Plan to drop the following item from the October 7, 2024 Transportation and Environment Committee meeting agenda.

Climate Smart San José Zero Waste Element Status Report.

Purpose: Provide a status report on the Zero Waste Element strategy as part of Climate Smart San José. (Environmental Services)

**Attachments** [Memorandum](#)

5. [ROGC](#)  
[24-681](#) Update to the August - December 2024 Neighborhood Services and Education Committee Work Plan. (Davis)

**Recommendation:** Approve an amendment to the August-December Neighborhood Services and Education Committee Work Plan to add a Joint Special Meeting of the City of San José Neighborhood Services and Education Committee and the County of Santa Clara Children, Seniors and Families Committee on the Blue Zones Readiness Assessment on Monday, September 16, 2024 at 10:00 a.m. in the City Council Chambers.

SEPTEMBER 16, 2024 (10:00 A.M.) SPECIAL JOINT MEETING OF  
THE CITY OF SAN JOSÉ NEIGHBORHOOD SERVICES AND  
EDUCATION COMMITTEE AND COUNTY OF SANTA CLARA  
CHILDREN, SENIORS AND FAMILIES COMMITTEE

1. Blue Zones Readiness Assessment Report.

Purpose: Provide the Blue Zones Readiness Assessment Report.  
(City Manager)

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

6. [ROGC](#)  
[24-677](#) Retroactive Approval and Approval of Multiple Special Events  
Sponsored by Council District 4 as City Council Sponsored Special  
Events to Expend City Funds and Accept Donations of Materials and  
Services for the Events. (Cohen)

**Recommendation:**

1. Retroactively approve the District 4 CERT Meet & Greet Event scheduled on August 22, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the District 4 Annual Pumpkin Giveaway scheduled on October 21, 2024, as a City Council sponsored Special Event and approve the expenditure of funds.
3. Approve the District 4 Christmas in the Park Event scheduled on December 12, 2024, 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 event.
5. Place the item on the September 10, 2024, Council Agenda for action.

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

7. [ROGC](#)  
[24-680](#) Retroactively Approve the Vigil for Fallen Community Service Officer,  
Long Pham, Sponsored by Council District 7 as a City Council  
Sponsored Special Event to Expend City Funds and Accept Donations  
of Materials and Services for the Event. (Doan)

**Recommendation:**

1. Retroactively approve the Vigil for Fallen Community Service Officer, Long Pham, scheduled on August 22, 2024, 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 10, 2024, Council Agenda for action.

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

END OF CONSENT

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

1. [ROGC  
24-676](#) Development Process and CEQA Improvements. (Mayor, Jimenez, and Davis)

**Recommendation:** Direct the City Manager and the City Attorney to take the following actions:

1) Prepare a presentation to the Community and Economic Development Committee (CED), to be heard no later than Q2 2025, that includes the following:

a) A summary of findings from any previously collected stakeholder input regarding the CEQA environmental review process, along with peer city metrics for timing for key review elements and other relevant benchmarks.

b) Overview and explanation of the CEQA process, including:

i) The procedures used for determining whether a project is exempt from CEQA, and whether San Jose's process differs in a meaningful way from our municipal peers.

ii) A progress report regarding implementation of the recommendations from the 2022 audit of Environmental Review for New Development.

iii) Options or recommendations that could allow for more projects to be determined eligible for CEQA exemptions.

c) Opportunities for the Planning, Building and Code Enforcement Department (PBCE) to engage the City Attorney's Office (CAO) to further streamline the CEQA process for projects, including reducing thresholds for impacts and standardizing mitigations for projects in our downtown and urban villages.

2) Prepare a City Manager's Budget Addendum (MBA) in the next budget cycle with:

a) An overview of workload and workflow in the context of the current cost recovery model.

b) Recommendations for a phased increase in general funding to PBCE for work currently not included in the cost recovery model as implemented. Such work may regard, but is not limited to customer service, policy work, and city council inquiries.

[Continued from 8/14/2024 - Item C.2 (ROGC 24-659)]

**Attachments** [Memorandum from Mayor, Jimenez, and Davis](#)  
[Workload Analysis](#)  
[Letter from the Public](#)

2. [ROGC  
24-682](#) Request to Add Ordinance Amending Municipal Code to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units Located in San Jose to City Council Meeting Agenda of September 10, 2024. (Ortiz, Torres, and Cohen)

- Recommendation:**
1. Consider an ordinance prohibiting the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units in San José.
  2. Add the draft ordinance of the City Council of the City of San José amending Municipal Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San José to the City Council Agenda for its regular meeting of September 10, 2024.

**Attachments** [Memorandum from Ortiz, Torres, and Cohen](#)  
[Document presented by Councilmember Ortiz](#)  
[Letter from the Public](#)

## 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.

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act> for updated forms and information.

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.