



# **City Council Meeting Amended Agenda**

**Tuesday, October 24, 2023**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -**

**<https://sanjoseca.zoom.us/j/88471470054>**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10



*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

**Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.**

**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 the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).**

**American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.**

**On occasion the City Council may consider agenda items out of order.**

**How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

**How to submit written Public Comment before the City Council Meeting:**

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

**How to submit written Public Comment during the City Council Meeting:**

- 1) Email during the meeting to [councilmeeting@sanjoseca.gov](mailto:councilmeeting@sanjoseca.gov), identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

**How to provide spoken Public Comment during the City Council Meeting:**

- 1) By Phone: (888) 475 4499. Webinar ID is 884 7147 0054. Click \*9 to raise a hand to speak. Click \*6 to unmute when called.  
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88471470054>
  - 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 Mayor 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.

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.”

Click the language you would like to hear. (Zoom only)

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione

"Interpretation" (Interpretación). (Zoom solo)

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

To request interpretation in other languages, please email [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) four days prior to the meeting.

## • Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[23-1414](#)

Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

1:30 p.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Evening Session, Council Chambers, City Hall – Cancelled

\*The previously scheduled Evening Session has been cancelled.

## • Pledge of Allegiance

## • Invocation (District 9)

Gunderson High School Band

## • Orders of the Day

To be heard after Ceremonial Items

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## • Closed Session Report

To be heard after Ceremonial Items

# **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring October 26, 2023 as Lights On Afterschool Day to celebrate afterschool programs and their important role in the lives of children, working families, and communities in the City of San José. (Davis)

1.2 Presentation of a proclamation declaring October 2023 as Attention Deficit Hyperactivity Disorder (ADHD) Awareness Month in the City of San José to recognize, celebrate, and support the education surrounding ADHD awareness. (Torres)

1.3 Presentation of a proclamation declaring October 2023 as Mental Health Awareness Month to raise awareness about mental health, fight stigma, provide support, educate the public, and advocate for policies that help those affected by mental health issues in San Jose. (Ortiz)

1.4 Presentation of a proclamation recognizing October 2023 as Digital Equity Month to recognize City of San José and San José Public Library's commitment to increasing access to technology and boosting awareness of the City of San José's SJ Access digital equity initiative proudly led by the library to provide free resources, programs, and materials to all. (Mayor and Kamei)

## **2. CONSENT CALENDAR**

**Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.**

**2.1 Approval of City Council Minutes.**

**2.2 Final Adoption of Ordinances.**

**2.3 Approval of Council Committee Minutes.**

**2.4 Mayor and Council Excused Absence Requests.**

[23-1461](#)      **Mayor and Council Excused Absence Requests.**

**Recommendation:**      Request for an excused absence for Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on October 18, 2023 due to Authorized City Business to attend the Annual California Association of Local Agency Formation Commissions (CALAFCO) Conference in Monterey, California from October 18-20, 2023.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Kamei)  
[Rules Committee referral 10/18/2023 - Item A.1.a]

**Attachments**      [Memorandum](#)

**2.5 City Council Travel Reports.**

**2.6 Report from the Council Liaison to the Retirement Boards.**

**2.7      [23-1415](#)      **Amendment to the Agreement with Center for Sustainable Energy for the California Electric Vehicle Infrastructure Project.****

**Recommendation:**      Adopt a resolution authorizing the Director of Community Energy to negotiate and execute the Second Amendment to the Services Agreement between the City of San José and the Center for Sustainable Energy for the California Electric Vehicle Infrastructure Project, extending the term through September 30, 2025.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Community Energy)

**Attachments**      [Memorandum](#)

**2.8**     [23-1416](#)     **Amendment to the Master Consultant Agreement with Cornerstone Earth Group for Environmental Support Services.**

**Recommendation:**     Approve the First Amendment to the Master Consultant Agreement with Cornerstone Earth Group, Inc. for environmental consulting services, increasing the amount of compensation by \$500,000, from \$1,000,000 for a total agreement not to exceed \$1,500,000.  
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

**Attachments**     [Memorandum](#)  
[Supplemental Memorandum, TPAC, 10/17/2023](#)  
[Agreement](#)

**2.9**     [23-1418](#)     **Biosolids Public-Private Partnership Facility Status Report.**

**Recommendation:**     Accept the status report on the proposed biosolids public-private partnership facility at the San José-Santa Clara Regional Wastewater Facility.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)

**Attachments**     [Memorandum](#)  
[Supplemental Memorandum, TPAC, 10/17/2023](#)



**2.10**    [23-1419](#)            **Actions Related to Purchase Orders with Carahsoft Technology Corporation and MSAB, Inc. for Police Department Digital Forensic Tools.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Negotiate and execute purchase orders with Carahsoft Technology Corporation (Reston, VA) for various Police Department digital forensic tools and related professional services for a combined maximum compensation not to exceed \$500,000 for one-year terms beginning in alignment with each tool's respective next renewal period, subject to the appropriation of funds;
- (b) Negotiate and execute a purchase order with MSAB, Inc. (Arlington, VA) for XRY Mobile Device Extraction Software and related professional services for a maximum compensation not to exceed \$50,000 for the initial term beginning April 1, 2024 and ending March 31, 2025, subject to the appropriation of funds;
- (c) Amend the purchase orders with Carahsoft Technology Corporation and MSAB, Inc. as required, including increasing funds or moving funds between them, to address unanticipated changes during the initial terms for a total combined contingency not to exceed \$250,000, subject to the appropriation of funds; and
- (d) Exercise up to six one-year options to extend the terms of the purchase orders in alignment with each tool's respective software renewal period, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

**Attachments**    [Memorandum](#)

**2.11**    [23-1421](#)            **Request for Purchase Additional Quantities of Pre-Approved Military Equipment. - DEFERRED**

**Recommendation:**

Approve the purchase of additional quantities of pre-approved military equipment for use by the San José Police Department.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(Police)

DEFERRED TO 10/31/2023 PER ADMINISTRATION

**2.12**    [23-1422](#)    **Terminating Solar Power Purchase Agreement and Decommissioning the Solar Panels at the San José Municipal Water System Office.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement terminating the solar power purchase agreement with Tesla (formerly SolarCity) that enables the removal of the solar photovoltaic system at the San José Municipal Water System Office and provides for the termination fee payment from the City in the amount of \$113,823.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 7. (Public Works)

**Attachments**    [Memorandum](#)

**2.13**    [23-1423](#)    **Amendment to the Master Consultant Agreements with Quality Assurance Engineering, Inc. DBA Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc. for Special Inspection and Materials Testing Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.**

**Recommendation:**    Approve the Second Amendment to the Master Consultant Agreements with Quality Assurance Engineering, Inc. dba Consolidated Engineering Laboratories, Construction Testing Services, Inc., and Signet Testing Labs, Inc. for special inspection and materials testing services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program, extending the term from December 31, 2023, to December 31, 2026 at no additional cost to the City.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works/Environmental Services)

**Attachments**    [Memorandum](#)  
[Supplemental Memorandum, TPAC, 10/17/2023](#)  
[Agreement - Consolidated Engineering Lab](#)  
[Agreement - Construction Testing Services, Inc.](#)  
[Agreement - Signet Testing Lab. Inc.](#)

**2.14** [23-1464](#) **Request to Travel and Excused Absence. - DROP****Recommendation:**

As recommended by the Rules and Open Government Committee on October 18, 2023:

(a) Authorize travel, accept travel payments to the City of San José, and designate Councilmember Torres as the City representative to attend the Reimagining the Civic Commons event in Lexington, Kentucky from October 24-26, 2023. (Source of Fund: District 3 Funds and the Guadalupe River Park Conservancy and the Knight Foundation, 501c3 nonprofits - airfare, lodging, meals, ground transportation.)

(b) Request for an excuse absence from the Regular meeting of City Council on October 24, 2023.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Torres)

[Rules Committee referral 10/18/2023 - Item B.5]

DROP

**Attachments** [Memorandum](#)

**2.15** [23-1468](#) **Retroactive Approval and 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.**

**Recommendation:** As recommended by the Rules and Open Government Committee on October 18, 2023:

- (a) Retroactively approve the Lowrider and Coffee with the Captain Events scheduled on September 1, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Cafecito Event scheduled on October 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Pancake Breakfast Event scheduled on October 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Approve the Washington Community Halloween Haunted House scheduled on October 28, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (e) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Torres)  
[Rules Committee referral 10/18/2023 - Item B.4]

**Attachments** [Memorandum](#)

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

#### **3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.  
TO BE HEARD AT 9:30 A.M.

**3.3**    [23-1425](#)            **Office of Retirement Services Interim Audit Report.**

**Recommendation:**    Accept the interim audit report on the Office of Retirement Services. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

**Attachments**    [Memorandum](#)  
[Memorandum from Mayor, 10/23/2023](#)  
[Presentation - est. 5 minutes](#)

**3.4**    [23-1424](#)            **Actions Related to the Purchase Orders with Rosendin Electric, Inc. and Sprig Electric Co. for Electrical Maintenance and Repair Services.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute purchase orders with Rosendin Electric, Inc. (San José, CA) and Sprig Electric Co. (San José, CA) for electrical maintenance and repair services for a one-year term beginning on or about October 25, 2023, and ending on or about October 24, 2024, for a combined not-to-exceed amount of \$5,000,000;
- (b) Approve a contingency of \$1,000,000 for unanticipated demand for electrical maintenance and repair services, subject to the appropriation of funds; and
- (c) Exercise up to six additional one-year options to extend the term of the purchase orders, with the last option year ending on or about October 24, 2030, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no changes to the physical environment. (Finance)

**Attachments**    [Memorandum](#)

**3.5**    [23-1441](#)    **Resolution Affirming Support of the Transgender and Broader LGBTQ+ Communities. - PUBLIC COMMENT LIMITED TO 30 MINUTES TOTAL, 1 MINUTE PER SPEAKER**

**Recommendation:**    As recommended by the Rules and Open Government Committee on September 20, 2023, adopt a resolution affirming the City of San José’s support of the transgender and broader LGBTQ+ communities.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(Foley and Torres)  
[Rules Committee referral 9/20/2023 - Item C.1]  
[Deferred from 10/3/2023 - Item 3.5 (23-1332), 10/17/2023 - Item 3.4 (23-1382)]  
[Public comment is limited to 30 minutes total with each speaker limited to 1 minute. Per Rules Committee 10/4/2023 – Item A.2]

**Attachments**    [Memorandum](#)  
                          [Resolution, 9/20/2023, Rules](#)  
                          [Resolution](#)  
                          [Letters from the Public](#)

## **4. PUBLIC SAFETY SERVICES**

**4.1**     [23-1420](#)     **Actions Related to the Board of State and Community Corrections Organized Retail Theft Prevention Grant Program.**

**Recommendation:**

(a) Adopt a resolution accepting the Board of State and Community Corrections Organized Retail Theft Prevention Grant Program in the amount of \$8,489,349; and authorizing the City Manager or designee to negotiate and execute any Grant Agreement, amendments, and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.

(b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish the 2023-2024 Board of State and Community Corrections Organized Retail Theft Grant Program City-Wide Expenses appropriation to the Police Department in the amount of \$2,790,679; and

(2) Increase the estimate for revenue from State of California by \$2,790,679.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

**Attachments**     [Memorandum](#)  
                          [Resolution](#)  
                          [Presentation - est. 10 minutes](#)

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1**    [23-1426](#)            **Long Term Renewable Energy Agreement with Sun Pond. - DEFERRED**

**Recommendation:**    Adopt a resolution authorizing the Director of the Community Energy Department or designee to negotiate and execute a long-term agreement with Sun Pond, LLC, a subsidiary of Longroad Development Company, LLC, to buy renewable energy, renewable energy credits, resource adequacy, battery tolling rights, and attributes associated with a solar photovoltaic and battery storage facility for a term of 20 years beginning 2026 through 2046, in an estimated annual amount of \$11,566,000 and a not-to-exceed amount of \$231,320,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; the terms of this resolution superseding Section (c) of Resolution No. RES2023-9.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Community Energy)  
DEFERRED TO 11/7/2023 PER ADMINISTRATION

**Attachments**    [Resolution](#)

**6.2**    [23-1431](#)            **Climate Smart San José Plan Semi-Annual Report.**

**Recommendation:**    As recommended by the Transportation and Environment Committee on October 2, 2023, accept the annual report on Climate Smart San José activities.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)  
[Transportation and Environment Committee on 10/2/2023 - Item (d)1]

**Attachments**    [Memorandum](#)  
[Presentation - est. 15 minutes](#)  
[Letters from the Public](#)

**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**



**8.1**     [23-1432](#)     **Approval of the Issuance of Multifamily Housing Revenue Notes and the Loan of the Proceeds Thereof for the Financing of the Dry Creek Crossing Project and Approving Other Related Documents. - TO BE HEARD AFTER ITEM 10.1**

**Recommendation:**

Adopt a resolution:

(a) Authorizing the issuance of a (1) tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Dry Creek Crossing), Series 2023E-1 (Tax-Exempt)” in a principal amount not to exceed \$31,194,905 (2023E-1 Note), and (2) a taxable multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Dry Creek Crossing), Series 2023E-2” (Taxable)” in a principal amount not to exceed \$8,805,095;

(b) Approving the loan of 2023E Notes proceeds to CRP Dry Creek Crossing LP, a California limited partnership created by CRP Affordable Housing & Community Development LLC, a Delaware limited liability company, to finance the construction and development of a 64-unit multifamily development known as Dry Creek Crossing located at 2388 South Bascom Avenue in San José. Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, the Contingency Draw Down Agreement, and related documents (collectively, the 2023E Note Documents); and

(c) Authorizing and directing the City Manager, Director of Housing, Acting Director of Housing, Director of Finance, Assistant Director of Housing, Assistant Director of Finance, Deputy Director of Finance - Debt & Treasury Management, or their designees, to execute and deliver the 2023E Note Documents together with any documents ancillary to the 2023E Notes Documents.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9.

(Housing/Finance)

TO BE HEARD AFTER ITEM 10.1

**Attachments** [Memorandum](#)  
[Resolution](#)  
[Agreement - Borrower](#)  
[Agreement - Contingency Draw](#)  
[Agreement - Funding Loan](#)  
[Agreement - Regulatory](#)  
[Presentation - est. 5 minutes](#)

**8.2**     [23-1433](#)     **Adoption of an Ordinance Amending Title 5 of the San José Municipal Code to add Chapter 5.12 Adopting Reasonable Local Standards for Homeless Shelters and Declaration of a Shelter Crisis and Proclamation of a Local Emergency. - TO BE HEARD AFTER ITEM 8.3**

**Recommendation:**

(a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of the California Government Code section 8698 et seq. and proclaiming a local emergency pursuant to, and in accordance with, the provisions of California Government Code sections 8558 and 8630, the San José City Charter, and San José Municipal Code caused by conditions and threatened conditions of homeless in the City of San José.

(b) Approve an ordinance amending Title 5 of the San José Municipal code to add a new Chapter 5.12 adopting reasonable local standards for the design, site development and operation of homeless shelters and their structures and facilities in lieu of existing state and local standards and standards for emergency housing.

CEQA: Initial Study/Mitigated Negative Declaration for the Emergency Interim Housing (EIH) Programs Project (Planning File No. ER22-198). (Housing)

TO BE HEARD AFTER ITEM 8.3

**Attachments** [Memorandum](#)  
[Resolution](#)  
[Ordinance](#)  
[Presentation - est. 5 minutes](#)

**8.3**     [23-1460](#)     **Actions Related to Emergency Interim Housing Programs. - TO BE HEARD BEFORE ITEM 8.2**

**Recommendation:**

- (a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Emergency Interim Housing Programs project and adopting a related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act.
- (b) Accept the staff report and implement the recommendations of the Emergency Interim Housing Report.
- (c) Approve staff work plan for implementing the recommendations.
- (d) Direct staff to return to City Council with an update within one year of the start of implementation.
- (e) Adopt a resolution authorizing the Director of Housing, Acting Director of Housing or designee to negotiate and execute amendments to the following existing Emergency Interim Housing grant agreements:
- (1) HomeFirst Services of Santa Clara County (Monterey/Bernal and Rue Ferrari) in an amount not to exceed \$4,078,815 from January 1, 2024 to June 30, 2024;
  - (2) LifeMoves (Guadalupe) in an amount not to exceed \$1,829,882 from January 1, 2024 to June 30, 2024;
  - (3) People Assisting the Homeless (Evans Lane) in an amount not to exceed \$1,900,000 from January 1, 2024 to June 30, 2024; and
  - (4) HomeFirst Services of Santa Clara County (Bridge Housing Community sites Mabury and Felipe) in an amount not to exceed \$2,206,415 from January 1, 2024 to June 30, 2024.
- CEQA: Not a Project, File No. PP17-009 Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; Mitigated Negative Declaration for the Emergency Interim Housing Programs project, File No. ER22-198. (Housing)  
[Deferred from 10/17/2023 - Item 8.2 (23-1390)]  
TO BE HEARD BEFORE ITEM 8.2

**Attachments**   [Memorandum](#)  
[Memorandum from Mayor, Jimenez, Cohen & Foley, 10/20/2023](#)  
[Memorandum from Candelas, 10/23/2023](#)  
[\(a\) Resolution](#)  
[\(e\) Resolution](#)  
[Presentation - est. 5 minutes](#)  
[Letters from the Public](#)  
[Memorandum from Torres, 10/24/2023](#)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

#### **OPEN THE GENERAL PLAN HEARING (2023 CYCLE 3)**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

#### **10.1 Land Use on Consent Calendar - TO BE HEARD IMMEDIATELY AFTER CONSENT**

- (a) [23-1434](#) **GPT23-006 - Evergreen East Hills Area Development Policy General Plan Text Amendment, Including an Ordinance Update to Title 14, Evergreen East Hills Development Policy Traffic Impact Fee Requirement.**

**Recommendation:**

(1) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report and Supplemental Environmental Impact Report (Resolution No. 76041) and the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy (Resolution No. 74742) in conformance with the California Environmental Quality Act (CEQA).

(2) Accept the September 2023 Evergreen-East Hills Development Policy Nexus Study Update.

(3) Adopt a resolution amending the Envision San José 2040 General Plan to amend the Evergreen-East Hills Development Policy (EEHDP) (GPT23-006) to limit the application of the EEHDP to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the EEHDP to the effective date of this resolution, making the Evergreen-East Hills Traffic Impact Fee inapplicable to Evergreen-East Hills development projects after the effective date of this resolution.

(4) Approve an ordinance amending San José Municipal Code Title 14, Chapter 14.33, entitled “Evergreen-East Hills Development Policy Traffic Impact Fee Requirements,” to limit the application of Chapter 14.33 to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the EEHDP to the effective date of the related resolution amending the EEHDP, making the Evergreen-East Hills Traffic Impact Fee inapplicable to future Evergreen-East Hills development projects.

CEQA: Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report and Supplemental Environmental Impact Report (Resolution No. 76041) and the Final Supplemental Environmental Impact Report for the Updated Evergreen-East Hills Area Development Policy (Resolution No. 74742). Planning Commission recommends approval 10/11/2023 - Item 7.a. (9-1-1, Garcia opposed; Rosario absent). (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

- Attachments**
- [Memorandum](#)
  - [Ordinance](#)
  - [\(1\) Resolution](#)
  - [\(3\) Resolution, rev. 10/23/2023](#)

- (b) [23-1469](#) **C22-126, C22-127, C22-128, C22-129, C22-130, C22-131, C22-132, C22-133, C22-134, C22-135, C23-096 - City-Initiated Rezoning of 555 Parcels to Align a Property's Zoning Designation to its General Plan Land Use Designation in Response to Senate Bill 1333.**

**Recommendation:**

Approve an ordinance of the City of San José rezoning 132 properties from R-M Zoning District to MUN Mixed Use Neighborhood Zoning District, 94 from R-1-1 Single-Family Residential Zoning District to OS Open Space Zoning District, 48 from A Agriculture Zoning District to OS Open Space Zoning District, 40 from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, 37 from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 36 from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, 33 from R-1-8 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, 27 from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 21 from A Agriculture Zoning District to PQP Public/Quasi-Public Zoning District, 11 from A Agriculture Zoning District to R-1-2 Single-Family Residential Zoning District, nine from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, eight from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, eight from R-1-1 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, five from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, five from R-1-5 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, four from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, four from R-1-RR Rural Residential Zoning District to R-1-2 Single-Family Residential Zoning District, four from R-1-5 Single-Family Residential Zoning District to R-1-RR Rural Residential Zoning District, four from A Agriculture Zoning District to R-1-RR Rural Residential Zoning District, two from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, three from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, two from R-1-2 Single-Family Residential Zoning District to CIC Combined Industrial/Commercial Zoning District, two from IP Industrial Park Zoning District to OS Open Space Zoning District, two from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District, two from R-1-2 Single-Family Residential Zoning District to R-1-RR Rural Residential Zoning District, one from R-1-5 Single-Family Residential Zoning District to A Agriculture Zoning District, one from IP Industrial Park Zoning District to CP Commercial Pedestrian Zoning District, one from R-1-1 Single-Family Residential Zoning District to LI Light Industrial Zoning District, one from R-1-1 Single-Family Residential Zoning District to



MUN Mixed Use Neighborhood Zoning District, one from CO Commercial Office Zoning District to OS Open Space Zoning District, one from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, one from R-1-2 Single-Family Residential Zoning District to OS Open Space Zoning District, one from R-M Multifamily Zoning District to OS Open Space Zoning District, one from CN Commercial Neighborhood Zoning District to PQP Public/Quasi-Public Zoning District, and one from Water to PQP Public/Quasi-Public Zoning District, located in various locations on those certain real properties within the City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

[Deferred from 10/17/2023 - Item 10.1(d) (23-1395)]

TO BE HEARD IMMEDIATELY AFTER CONSENT

**Attachments** [Memorandum](#)

[Ordinance](#)

[Memorandum from Ortiz, 10/24/2023](#)

**END OF CONSENT CALENDAR**

**CLOSE THE GENERAL PLAN HEARING (2023 CYCLE 3)**

**10. Land Use - Regular Agenda**

- **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.**

- **Adjournment**

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**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct 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.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.