



City Council Meeting Minutes

Tuesday, August 30, 2022
Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88957084529>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution No. 80628, Councilmembers may be teleconferencing from remote locations.

• Call to Order and Roll Call

9:30 a.m.- Closed Session. 22-1276: *See pages 16-18 for Closed Session Minutes.*
Councilmembers Absent: All present virtually.

1:32 p.m.- Regular Session.
Councilmembers Absent: All present virtually and in Council Chambers.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Invocation (District 7)

Teacher Ms. Rodriguez and her students, from the Music for Minors Program at Dahl Elementary School offered the Invocation and sang the “Hello Song” and “Donut Shop Song.”

• Orders of the Day

There were no changes to the Orders of the Day. No vote was required.

Councilmember Raul Peralez stated the meeting was adjourned in memory of Jenny Do.

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Maya Esparza presented the commendation to the City of San José Animal Care and Services Division in recognition of their extraordinary work supporting our communities and our animals, particularly during the COVID-19 pandemic. A commendation was presented to Director of Public Works, Matt Cano and City of San José Animal Care Center Volunteers and Staff.

1.2 Vice Mayor Chappie Jones presented a proclamation to the Winchester Mystery House and proclaimed September 5, 2022 to be Sarah Winchester Day, in honor of the 100th anniversary of her passing. The proclamation was presented to Walter Madison.

2. CONSENT CALENDAR

Public Comments: Blair Beekman spoke to the items on the Consent Calendar.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 22-1309 Approval of City Council Minutes.

(a) City Council Meeting Minutes of December 8, 2020.

(b) City Council Study Session Meeting Minutes of August 15, 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved. (11-0.)

2.2 22-1298 Final Adoption of Ordinances.

(a) Ordinance No. 30809 - An Ordinance of the City of San José Amending Chapter 2.08 of Title 2 of the San José Municipal Code to (A) Amend Section 2.08.080 Authorizing the Community Stabilization and Opportunity Pathways Fund Commission to Establish Its Own Rules and Regulations; and (B) Add a New Part 50 Establishing the Community Stabilization and Opportunity Pathways Fund Commission. [Passed for Publication on 8/16/2022 - Item 8.1 (22-1265)]

(b) Ordinance No. 30810 - An Ordinance of the City of San José Rezoning 69 Properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, 48 Properties from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 37 Properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, 20 Properties from R-2 Two-Family Residential Zoning District to OS Open Space Zoning District, 16 Properties from R-2 Two-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, 12 Properties from CN Commercial Neighborhood Zoning District to R-1-8 Single Family Residential Zoning District, Eight Properties from R-M Multifamily Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, Seven Properties from R-1-8 Single Family Residential Zoning District to OS Open Space Zoning District, Six Properties from CN Commercial Neighborhood Zoning District to MUC Mixed Use Commercial Zoning District, Six Properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, Six Properties from LI Light Industrial Zoning District to R-1-8 Single Family Residential Zoning District, Five Properties from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, Five Properties from R-1-8 Single Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, Five Properties from R-2 Two-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, Five Properties from CG Commercial General Zoning District to UR Urban Residential Zoning District, Five Properties from R-1-8 Single Family Residential Zoning District to LI Light Industrial Zoning District, Four Properties from LI Light Industrial Zoning District to OS Open

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2.2 (Cont'd.)

Space Zoning District, Four Properties from CP Commercial Pedestrian Zoning District to R-1-8 Single Family Residential Zoning District, Three Properties from R-M Multifamily Residential Zoning District to PQP Public/Quasi-Public Zoning District, Two Properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, Two Properties from R-M Multifamily Residential Zoning District to MUC Mixed Use Commercial Zoning District, Two Properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District, Two Properties from CG Commercial General Zoning District to R-1-8 Single Family Residential Zoning District, One Property from R-2 Two-Family Residential Zoning District to LI Light Industrial Zoning District, One Property from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, One Property from LI Light Industrial Zoning District to MUC Mixed Use Commercial Zoning District, One Property from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, One Property from A Agriculture Zoning District to OS Open Space Zoning District, One Property from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, and One Property from R-M Multifamily Residential Zoning District to OS Open Space Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José.[Passed for Publication on 8/23/2022 - Item 10.1(a) (22-1259)]

Action: **Ordinance No. 30809** and **Ordinance No. 30810** were adopted. (11-0.)

2.3 22-1310

Approval of Council Committee Minutes.

(a) Regular Community and Economic Development Committee Minutes of August 22, 2022. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of August 17, 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 22-1169 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through September 29, 2022 during the Governor’s Proclaimed COVID State of Emergency.

Adopt a resolution of the finding of the continued existence need to extend AB 361 implementation and amending the City’s Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor’s proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor’s Executive Orders regarding the Brown Act into the City’s open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. 80659** was adopted. (11-0.)

2.8 22-1290 2022 League of California Cities Annual Meeting Voting Delegate and Alternate.

Approve the designation of Councilmember David Cohen as the voting delegate and Councilmember Esparza as the alternate voting delegate to the General Assembly at the September 7-9, 2022 League of California Cities Annual Meeting in Long Beach, CA. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: The 2022 League of California Cities Annual Meeting Voting Delegate and Alternate were approved. (11-0.)

2.9 22-1278 Purchase Order with EAN Services, LLC for Vehicle Rental Services.

Adopt a resolution authorizing the City Manager to: (a) Amend purchase order OP 60980 with EAN Services, LLC, dba Enterprise Rent-A-Car (St. Louis, MO) to increase the amount of total compensation by \$200,000, for a revised maximum compensation not-to-exceed \$510,000 for the period ending August 31, 2022; and (b) Execute additional purchase orders for ongoing rentals with EAN Services, LLC, dba Enterprise Rent-A-Car, leveraging the pricing from the State of California cooperative agreement through February 29, 2024, 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)

Action: **Resolution No. 80660** was adopted. (11-0.)

2.10 22-1279 Purchase Orders with Microsoft Corporation for Unified Enterprise Support Services.

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute enrollment documentation with and issue annual purchase orders to Microsoft

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2.10 (Cont'd.)

Corporation (Redmond, WA) for Unified Enterprise Support Services for a three-year term beginning September 7, 2022 and ending September 6, 2025 with a maximum compensation of \$114,426 for the first year of the three-year term, subject to the appropriation of funds; and (b) Negotiate and execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional fees as required for the purchase of additional Microsoft products and related professional services, 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)

Action: **Resolution No. 80661** was adopted. (11-0.)

2.11 22-1311

Boards and Commissions Appointment.

Approve the following Boards and Commissions appointment: (a) Historic Landmarks Commission: (1) Appoint Edward Janke for a term ending June 30, 2025. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 8/24/2022 - Item A.1.a]

Action: The Boards and Commissions Appointment was approved. (11-0.)

2.12 22-1312

Approval of Ethiopian Heritage Flag Raising and Tower Lighting Sponsored by The Mayor's Office as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

(a) Approve the Ethiopian Heritage Flag Raising Ceremony scheduled on September 9, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Approve the Ethiopian Heritage Tower Lighting on September 8-14, 2022; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Liccardo) [Rules Committee referral 8/24/2022 - Item A.1.a]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.13 22-1316

Retroactive Approval of Trash Talk 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.

As recommended by the Rules and Open Government Committee on August 24, 2022: (a) Retroactively Approve the Community Office Hour Trash Talk scheduled on August 27, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) 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. (Davis) [Rules Committee referral 8/24/2022 - Item B.2]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)

2.14 22-1320 Approval of End of Cruising Ban Celebration 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.

As recommended by the Rules and Open Government Committee on August 24, 2022: (a) Approve the End of Cruising Ban Celebration scheduled on August 31, 2022 as a City Council sponsored Special Event and approved the expenditure of funds; and (b) 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. (Peralez) [Rules Committee referral 8/24/2022 - Item B.3]

Councilmember Raul Peralez pulled the item to briefly comment on it.

Action: The City Council Sponsored Special Event was approved. (11-0.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 22-1275 Proposed Equity Roundtable Status Report.

As recommended by the Neighborhood Services and Education Committee in August 11, 2022, accept the status report of the proposed Equity Roundtable which outlines the scope and membership of this advisory entity to the City Manager's Office. 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 Manager) [Neighborhood Services and Education Committee referral 8/11/2022 - Item (d)3]

Director, Office of Racial Equity, Zulma Maciel and Senior Executive Analyst, Office of Racial Equity, Dr. Andre J. Lockett offered the presentation and responded to questions.

Public Comment: Katherine Hedges and Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, the status report on the proposed Equity Roundtable was accepted. (11-0.)

4. PUBLIC SAFETY SERVICES

4.1 22-1281 Independent Police Auditor 2021 Year End Report.

- (a) Accept the 2021 Independent Police Auditor Year End Report.
- (b) Accept the San José Police Department's response to the

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4.1 (Cont'd.)

recommendations contained in the 2021 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor) [Deferred from 6/28/2022 - Item 4.2 (22-1047) and 8/16/2022 - Item 4.1 (22-1179)]

DEFERRED TO 9/13/2022 PER ADMINISTRATION.

4.2 22-1282

San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report.

Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2021. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police) [Deferred from 6/28/2022 - Item 4.3 (22-1048) and 8/16/2022 -Item 4.2 (22-1180)]

DEFERRED TO 9/13/2022 PER ADMINISTRATION.

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 22-1283

Actions Related to the Agreements with Ormat and Fish Lake Geothermal for Geothermal Power.

Adopt a resolution:(a) Authorizing the City Manager to execute the following two agreements for the procurement of up to 31 megawatts from the Ormat portfolio of geothermal projects, with any non-material modifications developed, as appropriate, in consultation with the City Attorney, and subject to the annual appropriation of funds, in an amount not to exceed \$21,500,000 annually and \$430,000,000 in aggregate in calendar years 2024 through 2047 for both agreements: (1) Project Participation Share Agreement between California Community Power (CC Power), the City of San José, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Peninsula Clean Energy Authority, Central Coast Community Energy, Silicon Valley Clean Energy, and Valley Clean Energy; and (2) Buyer Liability Pass Through Agreement between CC Power, Ormat (or its affiliate), and the City of San José. (b) Authorizing the City Manager to negotiate and execute, in consultation with the City Attorney, a Coordinated Operations Agreement between CC Power, the City of San José, Sonoma Clean Power Authority, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, Peninsula Clean Energy, Central Coast Community Energy, and Valley Clean Energy addressing operation by CC Power of the Ormat portfolio of geothermal projects. (c) Authorizing the City Manager to execute the following two agreements for the procurement of up to 3 megawatts from the Fish Lake Geothermal, LLC geothermal project, with any non-material modifications developed, as appropriate, in consultation with the City Attorney, and subject to the annual appropriation of funds, in an amount not to exceed \$1,900,000 annually and

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6.1 (Cont'd.)

\$38,000,000 in aggregate in Calendar Years 2024 through 2044 for both agreements: (1) Project Participation Share Agreement between CC Power, the City of San José, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Peninsula Clean Energy Authority, Central Coast Community Energy, Silicon Valley Clean Energy, and Valley Clean Energy; and (2) Buyer Liability Pass Through Agreement between CC Power, Fish Lake Geothermal, LLC (or its affiliate), and the City of San José. (d) Authorizing the City Manager to negotiate and execute, in consultation with the City Attorney, a Coordinated Operations Agreement between CC Power, the City of San José, Sonoma Clean Power Authority, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, Peninsula Clean Energy, Central Coast Community Energy, and Valley Clean Energy addressing operation by CC Power of the Fish Lake Geothermal, LLC geothermal project. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

Director of Community Energy, Lori Mitchell and Deputy Director of Power Resources, Jeanne M. Solé offered the presentation and responded to questions.

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Matt Mahan and carried unanimously, **Resolution No. 80662** was adopted. (11-0.)

6.2 22-1284 San José Municipal Water System's 2022 Public Health Goals Report on Water Quality.

(a) Conduct a public hearing for the purpose of accepting and responding to public comment regarding the San José Municipal Water System's 2022 Public Health Goals Report on water quality as required by the California Health and Safety Code.(b) Approve the San José Municipal Water System's 2022 Public Health Goals Report and direct staff to file the report with the State Water Resources Control Board. 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)

Mayor Sam Liccardo opened the public hearing at 2:56 p.m. and closed it at 3:00 p.m.

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, the public hearing was conducted and (b) the San José Municipal Water System's 2022 Public Health Goals Report was accepted. (11-0.)

7. NEIGHBORHOOD SERVICES

7.1 22-1285

Naming of a New Public Park Located at 3257 Payne Avenue.

Adopt “Payne Avenue Friendship Park” as the official name for a new public park as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making results in no changes to the physical environment. Council District 1. (Parks, Recreation and Neighborhood Services).

Planner IV, Parks, Recreation and Neighborhood Services Department, Rebekah Ross and Planner II, Parks, Recreation and Neighborhood Services Department, Leonel Tapia offered the presentation and responded to questions.

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, the official name, “Payne Avenue Friendship Park” for the new public park located at 3257 Payne Avenue. was adopted. (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1286

Agreement with Estolano Advisors for Economic Studies for the Berryessa Flea Market.

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consultant agreement with Estolano Advisors to conduct economic studies related to the Berryessa Flea Market for a total compensation not-to-exceed \$350,000 for an initial term of 12 months with an option to extend the agreement for one additional year under the same terms and conditions.

(b) Adopt the following Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund: (1) Increase the estimate for Beginning Fund Balance by \$475,000; (2) Increase the Berryessa Flea Market Vendor Business Transition Fund City-Wide Expenses appropriation by \$575,000; and (3) Decrease the Berryessa Flea Market Vendor Business Transition Fund Reserve by \$100,000. CEQA: Not a Project, File Nos. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and 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. Council District 4. (Economic Development and Cultural Affairs/City Manager)

Assistant Director of Economic Development, Director of Real Estate, Nanci Klein; Assistant to the City Manager, Lori Severino; and Business Development Officer, Adolfo Ruelas offered the presentation and responded to questions.

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8.1 (Cont'd.)

Public Comment: Kelly Snider, Blair Beekman, Alex Shoor, Roberto Gonzalez, Mariana Mejia, Misrayn Mendoza, Manuel Rivera, Lisa, Jeremy Barousse, Amanda, and Khaled offered public testimony regarding the item.

Mayor Sam Liccardo addressed his concerns with the outcome and purpose of the studies.

Motion: Councilmember David Cohen moved acceptance of his memorandum dated August 30, 2022, *including moving forward with Packages 2 and 3 of the Estolano Advisors proposal and to proceed with some or all of Package 1 after consulting with vendor stakeholders*; also including acceptance of the memorandum from Councilmember Maya Esparza dated August 30, 2022, *with changes as noted below in "Action"*. Councilmember Maya Esparza seconded the motion.

Economic Development Director, Nanci Klein confirmed that this official advisory group will not be fully formed until Spring 2023, but the existing group of vendor stakeholders and advisors will remain involved until that group is constituted.

Action: On a call for the question, the motion passed unanimously; the staff memorandum was accepted. (a) **Resolution No. 80663**, (b) Funding Sources **Resolution No. 80664**, and (b) Appropriation **Ordinance No. 30811** were adopted. Including the amended memorandum from Councilmember David Cohen dated August 30, 2022, recommending: acceptance of staff recommendations, *including to proceed with Packages 2 and 3 of the Estolano Advisors proposal and to only proceed with some or all of Package 1 after consulting with vendor stakeholders*.

Also including acceptance of the memorandum from Councilmember Maya Esparza dated August 30, 2022, recommending expanding the agreement with Estolano Advisors to include analysis of impacts on the West Wind Capitol Flea Market and to conduct comprehensive outreach to the vendors of the West Wind Capitol Flea Market, if the Site Assessment (Package 3) analyzes alternative sites within a two miles radius of the West Wind Capitol Flea Market. Including the motion to increase the not-to-exceed contract limit with Estolano Advisors by \$25,000 to cover analysis and outreach associated with the West Wind Capitol Flea Market, using funds from the Berryessa Flea Market Vendor Business Transition Fund Reserve. The approved actions decrease the Berryessa Flea Market Vendor Business Transition Fund Reserve by a total of \$125,000 and increase the Berryessa Flea Market Vendor Business Transition Fund City-Wide Expenses appropriation by a total of \$600,000. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- 10.1(a) **22-1287** **C22-079, C22-080, C22-081, C22-082, C22-083, C22-085 - Rezoning of 302 Parcels in Various Locations Within the City of San José.**
Approve an ordinance rezoning 114 properties from the R-M Multifamily Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 93 properties

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10.1(a) (Cont'd.)

from the R-M Multifamily Residential Zoning District to the UR Urban Residential Zoning District, 13 properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, 12 properties from the R-M Multifamily Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 11 properties from the CG Commercial General Zoning District to the MUN Mixed Use Neighborhood Zoning District, 11 properties from the CG Commercial General Zoning District to the R-1-8 Single Family Residential Zoning District, nine properties from the CG Commercial General Zoning District to the UR Urban Residential Zoning District, seven properties from the CN Commercial Neighborhood Zoning District to R-1-8 Single Family Residential Zoning District, seven properties from the CN Commercial Neighborhood Zoning District to the UR Urban Residential Zoning District, four properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, four properties from the CO Commercial Office Zoning District to the R-1-8 Single Family Residential Zoning District, three properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-M Multifamily Residential Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-M Multifamily Residential Zoning District to the OS Open Space Zoning District, three properties from the R-2 Two Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the R-2 Two Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, two properties from the CG Commercial General Zoning District to the OS Open Space Zoning District, and one property from the CG Commercial General Zoning District to the 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), and Addenda thereto. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, **Ordinance No. 30812** was passed for publication. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-1288 PDC21-011, PD21-012/ER21-135, PT21-034 - Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map on Certain Real Property Located on the North Side of Cambrianna Drive, Approximately 150 feet Westerly of Taper Avenue (1975 Cambrianna Drive) (Cambrian School District, Owner).

(a) Adopt a resolution adopting the 1975 Cambrianna Residential Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program; and
(Item Continued on the Next Page)

10.2 (Cont'd.)

(b) Approve an ordinance rezoning certain real property from the R-1-8 Single Family Residential Zoning District to the R-1-8(PD) Planned Development Zoning District on a 2.85-gross acre site located on the north side of Cambrianna Drive, approximately 150 feet westerly of Taper Avenue (1975 Cambrianna Drive); and

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide 2.85 gross acres from an existing 10.0-gross acre former school parcel, and the creation of 23 lots on the 2.85-acre parcel, consisting of 21 single-family lots and two private street lots; and.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the removal of three ordinance-size trees and the construction of 21 single-family residences (including four affordable units) and 14 accessory dwelling units (ADUs), on the 2.85-gross acre project site, including extended construction hours to include Saturdays from 8:00 a.m. to 5:00 p.m. CEQA: 1975 Cambrianna Drive Residential Project Mitigated Negative Declaration. Planning Commission recommends approval (8-0-1; Garcia absent). Council District 9. (Planning, Building and Code Enforcement) [Deferred from 8/23/2022 - Item 10.2 (22-1260)].

Director of PBCE, Chris Burton offered the presentation and responded to questions.

Public Comment: Sam Shiraishi, Alex Shoor, Melissa Wuenschel, Carol Presunka (Cambrian School Board Member), Lalo Mendez, Blair Beekman, Randy Scofield, Melissa, and Beth Erickson offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez and carried unanimously, (a) **Resolution No. 80665**, (c) **Resolution No. 80666**, and (d) **Resolution No. 80667** were adopted; (b) **Ordinance No. 30813** was passed for publication. Including the additional direction that feasible notification be given to the neighbors near the construction use on Saturdays. (10-0-1 Noes: Liccardo.)

10.3 22-1289

PDC20-021, PD20-012/ER21-006, PT21-001 - Planned Development Rezoning, Planned Development Permit, Vesting Tentative Map on Certain Real Property Located at the Southeast Corner of Stevens Creek Boulevard and Lopina Way (4300 Stevens Creek Boulevard) (MPG Stevens Creek Owner LLC., Owner).

(a) Adopt a resolution adopting the Addendum to the Final Environmental Impact Report (FEIR) prepared for 4300 Stevens Creek Boulevard Mixed Use Project (PDC16-036 and PD17-014) adopted by City Council Resolution No. 78994 on February 26, 2019, in accordance with CEQA; and

(b) Approve an ordinance rezoning certain real property from the CP(PD) Planned Development Zoning District (File No. PDC16-036) to the CP(PD) Planned Development Zoning District on an approximately 10.0 gross-acre site located at the southeast corner of Stevens Creek Boulevard and Lopina Way (4300 Stevens Creek Boulevard); and

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide three parcels into seven parcels with up to 580 condominium units on the approximately 10.0-gross acre site; and

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10.3 (Cont'd.)

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of three existing commercial buildings, the removal of 104 ordinance-size trees and 92 non-ordinance size trees, the construction of three multifamily residential buildings with 580 units (including 173 units of affordable housing), and a 250-room hotel with 8,500 square feet of ground floor retail with associated parking, landscaping, and amenities, on the approximately 10.0-gross acre site. CEQA: Stevens Creek Promenade Addendum to the Final Environmental Impact Report (FEIR) prepared for the 4300 Stevens Creek Boulevard Mixed Use Project (PDC16-036 and PD17-014) adopted by City Council Resolution No. 78994 on February 26, 2019. Planning Commission recommends approval (8-0-1; Garcia absent). Council District 1. (Planning, Building and Code Enforcement) [Deferred from 8/23/2022 - Item 10.3 (22-1261)]

Director of PBCE, Chris Burton offered the presentation and responded to questions.

Public Comment: Tom D., Humberto Nava (Nor Cal Carpenters Union), Rebecca Pro-Compton (Local 405 San Jose Union), Michelle Garza (Carpenters Union), Brian Shields (Field Representative from Nor Cal Carpenters Union), Fermin (Local 405 San Jose Union), Alice Saelee (Local 405 San Jose Union), Matt Regan (Senior Vice President, Policy for the Bay Area Council), Kirk Vartan (Co-Chair, Stevens Creek Advisory Group), Lalo Mendez (Catalyze SV), Alex Shoor (Catalyze SV), Mathew (SV@Home), Kathryn Hedges (Catalyze SV), and Vince Rocha offered public testimony regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, (a) **Resolution No. 80668**, (c) **Resolution No. 80669**, and (d) **Resolution No. 80670** were adopted; (b) **Ordinance No. 30814** was passed for publication. Including acceptance of the memorandum from Vice Mayor Chappie Jones dated August 30, 2022, recommending: To accept Staff and Planning Commission recommendation to approve the project that will result in the construction of three multifamily residential buildings with 580 units, including 173 units of affordable housing, and a 250-room hotel with 8,500 gross square feet of ground floor retail with associated parking.

Also including acceptance of the *amended memorandum* from Mayor Sam Liccardo dated August 30, 2022, recommending: (1) To approve Vice Mayor Jones' memorandum, accepting Staff's recommendations. (2) Direct Staff to identify and return to Council with how the City could adjust the land use designations, UV plan process, or requirements to maintain mixed-use and commercial development standards where appropriate for large, high impact "opportunity" sites even after approval of an Urban Village Plan. *Including the clarification that high opportunity sights will be identified during the urban village process. Once the process of the village plans are approved, one could look back at that particular site that has already been identified during the process. It would not be an after process, to allow for an advanced notice.* (11-0.)

• Open Forum

1. Forrest Williams requested to have a date for the City to recognize the Stem Science Fair winners of San José.
2. Giovanni Ottolini, from the Carpenters Local 405 of San Jose spoke to the unprecedented inflation and expensive cost of living here in the San José.
(Item Continued on the Next Page)

Open Forum (Cont'd.)

- 3. Kirk Vartan addressed his disappointment of the City’s lack of response for a support letter of a Bill for the governor to sign.
- 4. Gail Anne Osmer invited the Council to attend the Columbus Park abatements on September 1st and 2nd.
- 5. Blair Beekman spoke to community energy, the VTA tunnel systems, and the Ukraine War.

• **Adjournment**

The Council of the City of San José adjourned at 5:56 p.m. in memory of Jenny Do who passed away on August 4, 2022 at the age of 56. Jenny was an attorney, artist, philanthropist, and community advocate. She led the Friends of Hue Foundation (FHF), a Bay Area nonprofit organization that promotes cultural diversity and youth leadership while providing various community services to San José residents, particularly among the Vietnamese American community. She also established the Ao Dai Festival. Her passion, dedication, and friendship will be dearly missed by the many who knew her.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on: **6/6/2023**

Attest By: 

Toni J. Taber, CMC
City Clerk, City of San José

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 30, 2022

The Council of the City of San José convened into Closed Session at 9:38 a.m.
The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Cohen, Carrasco,
Davis, Esparza, Arenas, Foley, Mahan.

Absent: Councilmembers - All present.

CLOSED SESSION ITEM(S) DISCUSSED:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: Dominguez, Jessica et al., v City of San Jose et al.,
 Name(s) of Parties(s) Involved: JESSICA DOMINGUEZ INDIVIDUALLY AND JESSICA DOMINGUEZ AS GUARDIAN AD LITEM FOR JAD (1), JAD (2) AND JAD (3) v CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, MICHAEL PINA, AND DOE POLICE OFFICERS 2 through 5
 Court: United States District Court Northern District of California San Jose Division
 Case No.: 5:18-cv-04826 BLF
 Amount of Money or Other Relief Sought: Damages according to proof.

2. Case Name: Calonge, Rosalina v. City of San Jose, et al.
 Name(s) of Parties(s) Involved: ROSALINA CALONGE, an individual and successor in interest to FRANCIS CALONGE, deceased, CITY OF SAN JOSE, a municipal public entity, EDWARD CARBONI, individually, and DOES 1-50, inclusive, and FRANCISCO CALONGE, an individual, Nominal Defendant.
 Court: US District Court Northern District of California
 Case No.: 5:20-cv-07429-NC
 Amount of Money or Other Relief Sought: Damages according to proof

3. Case Name: Outfront Media, LLC. v. City of San Jose, et al.,
 Name(s) of Parties(s) OUTFRONT MEDIA LLC; CITY OF SAN JOSE, CITY COUNCIL OF THE CITY OF SAN JOSE AIRPORT DEPARTMENT OF THE CITY OF SAN JOSE, DIRECTOR OF AVIATION JOHN AITKEN; and DOES 1 through 20; CLEAR CHANNEL OUTDOOR, INC. dba CLEAR CHANNEL AIRPORTS, and ROES 1 through 25
 Court: Superior Court of California, County of Santa Clara
 Case No: 22CV401194
 Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief

4. Case Name: Glass, Christopher, et al., v. City of San Jose, et al.,
 Name(s) of Parties(s) Involved: CHRISTOPHER GLASS and FIREARMS POLICY COALITION, INC., CITY OF SAN JOSE; ANTHONY MATA, in his official capacity as Chief of Police of the City of San Jose; and JENNIFER MAGUIRE, in her official capacity as City Manager of the City of San Jose
 Court: United States District Court
 Case No.: 5:22-cv-02533-NC
 Amount of Money or Other Relief Sought: Damages according to proof

B. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

Department or Agency:City Attorney
 Title: City Attorney
 Name:Nora Frimann

C. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator:Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

2. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 11:25 a.m.; to reconvene in Regular Open Session at 1:32 p.m. in Council Chambers.