



City Council Meeting Agenda

Tuesday, April 29, 2025

1:30 PM

Council Chambers

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
PAMELA CAMPOS, DISTRICT 2
CARL SALAS, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
MICHAEL MULCAHY, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, VICE MAYOR, DISTRICT 9
GEORGE CASEY, DISTRICT 10

Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.

Public Comment in Person Only

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<https://attend.wordly.ai/join/FAYU-7105>**

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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430

THE LEVINE ACT

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 \$500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. For more information: <https://www.sanjoseca.gov/your-government/appointees/city-clerk/levine-act/-fsiteid-1#!/>

How to observe the Meeting (no public comment):

- 1) Cable Channel 26.
 - 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>
 - 3) <https://youtube.com/CityofSanJoseCalifornia>
 - 4) By Phone: (888) 475 4499. Webinar ID is 915 5718 2016. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
 - 5) Online at: <https://sanjoseca.zoom.us/j/91557182016>
- 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.

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

By email to city.clerk@sanjoseca.gov by 8:00 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 provide spoken Public Comment during the City Council Meeting:

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. 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.

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)

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers. 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. You may remain anonymous, but please fill out a card so we may call you. You can put "anonymous speaker" or "no name" on the card. 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. 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.

- **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

25-431 Closed Session Agenda

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

- **Pledge of Allegiance**

- **Invocation (District 4)**

Tito Cortez, Veterans Supportive Services Agency

- **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.

- Adjournment Recognition
- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation declaring April 29, 2025 as Raymond Townsend Day in the City of San José to celebrate the ongoing legacy and impact of Raymond Townsend, a San José-local who was the first Filipino American to play in the NBA. (Casey)
- 1.2 Presentation of a proclamation declaring April 30, 2025 as Black April, a day for the Vietnamese American community in the City of San José to reflect on and mourn the Fall of Saigon. (Doan)
- 1.3 Presentation of a proclamation declaring May 2025 as Older Americans Month in the City of San José to raise awareness about issues affecting our aging population focusing on social and physical health and advocating for policies that support our aging populations. (Foley)

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.**
- 2.5 City Council Travel Reports.**
- 2.6 Report from the Council Liaison to the Retirement Boards.**

2.7 25-432 Agreement Between the City of San José and Holland & Knight, LLC for Federal Legislative Advocacy Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to:
(a) Negotiate and execute an agreement with Holland & Knight, LLC to provide federal legislative advocacy services for a five-year term beginning July 1, 2025 through June 30, 2030, with a maximum compensation amount not to exceed \$780,000, subject to appropriation of funds; and

(b) Execute up to two additional one-year options to extend the agreement, with the last option ending on June 30, 2032, to provide ongoing services for an estimated annual cost of \$156,000, 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.
(City Manager)

2.8 25-433 Agreement with San José Arena Management, LLC and Sharks Ice, LLC for Security Improvements at the SAP Center and Sharks Ice at San José.

Recommendation: Approve a Memorandum of Understanding Agreement between the City of San José and both San José Arena Management, LLC, a Delaware limited liability company, and Sharks Ice, LLC, a Delaware limited liability company, to allow for facility alterations to enhance the security of the SAP Center and Ice Centre of San José through security-related improvements.

CEQA: Categorically Exempt, File No. ER25-063, Existing Facilities (SAP Center); Categorically Exempt, File No. ER25-064, Existing Facilities (Sharks Ice). Council District 6. (Economic Development and Cultural Affairs/Public Works)

2.9 25-434 Sixth Amendment to the Professional Services Agreement with Calpine Energy Solutions, LLC for Data Management and Customer Call Center Services.

Recommendation: Approve a Sixth Amendment to the Professional Services Agreement with Calpine Energy Solutions, LLC for Data Management and Customer Call Center Services, increasing the maximum compensation by \$2,300,000, from \$23,200,000 to \$25,500,000, 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.
(Energy)

2.10 25-435 Amendment to Title 17 of the San José Municipal Code Related to the San José Energy and Water Building Performance Ordinance.

Recommendation: Approve an ordinance amending Sections 17.85.200 and 17.85.420 of Title 17 of the San José Municipal Code related to the San José Energy and Water Building Performance Ordinance to remove “functional performance testing reports” and “operational training conducted” from the audit report minimum requirements, to improve clarity and to better align with industry audit standards.

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

2.11 25-436 First Amendment to the Agreements with Smart Wave Technologies, LLC for Broadband Equipment and Services and for Wireless Radio Frequency and Cellular Coverage for Facilities Equipment and Services.

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

- (a) Execute the First Amendment to the Agreement with Smart Wave Technologies, LLC (Suwanee, GA) (Smart Wave) for As-Required Broadband Point-To-Point and Point-To-Multipoint Equipment and Services to increase compensation by \$240,000 for a not-to-exceed total of \$400,000, for the option terms ending on June 30, 2028, subject to the appropriation of funds; and

- (b) Execute the First Amendment to the Agreement with Smart Wave Technologies, LLC for As-Required Wireless Radio Frequency and Cellular Coverage for Facilities Equipment and Services to increase compensation by \$480,000 for a not-to-exceed total of \$600,000, for the option terms ending on June 30, 2028, 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)

2.12 25-437 Actions Related to the Purchase Order with Mesa Energy Systems, Inc. for the Removal and Installation of Air Handler Units.

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

- (a) Execute a purchase order with Mesa Energy Systems, Inc. (Irvine, CA) for the removal and installation of air handler units beginning on or about May 1, 2025, and ending on or about April 30, 2026, for a not-to-exceed amount of \$800,000; and
- (b) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about April 30, 2032, subject to the appropriation of funds.

CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497), File No. ER22-279. (Finance)

2.13 25-457

Grant Application for Funding to Pilot the Local Implementation of CalAIM Reimbursements at Interim Housing Sites.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to submit a grant application for CalAIM and authority to negotiate and execute any grant agreements and documents to implement the grant. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Housing)

2.14 25-438

Actions Related to the 10421 - Sanitary Sewer Condition Assessment Fiscal Year 2024-2025 Package III Project.

Recommendation: (a) Report on bids and award of contract for the construction of 10421 - Sanitary Sewer Condition Assessment Fiscal Year 2024-2025 Package III Project to the lowest responsive, responsible bidder, National Plant Services, Inc., in the amount of \$965,068.
(b) Approve a 10% contingency in the amount of \$96,507.
(c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund:
(1) Decrease the Unrestricted Ending Fund Balance by \$817,000, and
(2) Increase the Infrastructure - Sanitary Sewer Condition Assessment appropriation to the Public Works Department by \$817,000.
CEQA: Exempt, File No. ER22-048. CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. Council Districts 1, 3, 4, 5, 6. (Public Works/City Manager)

2.15 25-439 Actions Related to the 10290 - Sanitary Sewer Repairs Fiscal Year 2023-2024 Package V Re-Bid Project.

Recommendation: (a) Report on bids and award of a contract for the construction of 10290 - Sanitary Sewer Repairs Fiscal Year 2023-2024 Package V Re-Bid Project to the lowest responsive, responsible bidder, SubTerra Construction, Inc., in the amount of \$4,750,370.
(b) Approve a 10% contingency in the amount of \$475,037.
(c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund:
(1) Decrease the Unrestricted Ending Fund Balance by \$4,905,000; and
(2) Increase the Urgent Rehabilitation and Repair Projects appropriation to the Public Works Department by \$4,905,000.
CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 5, 6, 8, 9. (Public Works/City Manager)

2.16 25-440 Actions Related to the 10417 - Sanitary Sewer Repairs Fiscal Year 2024-2025 Package I Project.

Recommendation: (a) Report on bids and award of contract for the construction of 10417 - Sanitary Sewer Repairs Fiscal Year 2024-2025 Package I Project to the lowest responsive, responsible bidder, SubTerra Construction Inc., in the amount of \$2,270,084.
(b) Approve a 10% contingency in the amount of \$227,008.
(c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Sewer Service and Use Charge Capital Improvement Fund:
(1) Decrease the Unrestricted Ending Fund Balance by \$6,256,000, and
(2) Increase the Condition Assessment Sewer Repair appropriation to the Public Works Department by \$6,256,000.
CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. Council District 10. (Public Works/City Manager)

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 25-455 Declaration and Recording a Statement of the Results of the April 8, 2025 Special Primary Municipal Election.

Recommendation: (a) Adopt a resolution declaring and recording a statement of the results of the April 8, 2025 Special Primary Municipal Election per Elections Code Sections 10263, 10264, and 15400.
(b) Should the official results reflect a tie for the second-highest number of votes, the City Council shall determine a method of decision by lot, and select the winner accordingly, during an open meeting and under the City Council's direction, in accordance with the City Charter.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Clerk)

3.4 25-441 Spring Intergovernmental Relations Report.

Recommendation: (a) Accept the 2025 Spring Intergovernmental Relations Report.
(b) Reaffirm all City positions summarized in the 2025-2026 Intergovernmental Relations Priority Federal Legislation Log.
(c) Reaffirm all City positions summarized in the 2025-2026 Intergovernmental Relations Priority State Legislation Log.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

3.5 25-442 Proposed Revisions to City Council Policy 1-16 - Policy for the Issuance of Multifamily Housing Revenue Bonds.

Recommendation: (a) Accept the annual review and approve the proposed revisions to the Council Policy 1-16 - Policy for the Issuance of the Multifamily Housing Revenue Bonds.
(b) Adopt a resolution amending Council Policy 1-16, Policy for the Issuance of Multifamily Housing Revenue Bonds.
(c) Direct staff to return to City Council in the fall of 2025 with a comprehensive revision to Council 1-16 Policy for the issuance of Multifamily Revenue Bonds.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Finance/Housing)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 25-443 Delegation of Authority to Award 9812 - Better Bikeway San José - San Fernando Corridor - Re-Bid Project.

Recommendation: Adopt a resolution authorizing the Director of Public Works or his designee to:

- (a) Award and execute a contract for the construction of 9812 - Better Bikeway San José - San Fernando Corridor - Re-Bid Project to the lowest responsive, responsible bidder in the amount not to exceed \$9,900,000;
- (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency of up to 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER24-313, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works/Transportation)

5.2 25-444 Report on Bids and Award of Contract for the 10508 - 2025 Major Streets Sealing Project.

Recommendation: (a) Report on bids and award a contract for the construction of 10508 - 2025 Major Streets Sealing Project to the lowest responsive, responsible bidder, Graham Contractors, Inc., in the amount of \$7,445,538.90; and

(b) Approve a 10% percent contingency in the amount of \$744,553.89.

CEQA: Exempt, File No. ER24-313, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 25-445 Adoption of a Park Master Plan, Approval of a Turnkey Parkland Agreement, and Adoption of an Official Park Name within the 0 Seely Ave Mixed Use Project.

Recommendation: (a) Approve a master plan for an approximate 2.5-acre public park located along the northeast side of Seely Avenue, approximately 500 feet northwest of Montague Expressway.

(b) Approve a Turnkey Parkland Agreement between the City of San José and SummerHill Epic Way LLC, Seely Development Partners, LLC, and Trimble Building A Holdings LLC to satisfy the requirements of the City's Park Impact Ordinance (San José Municipal Code Section 14.25) and Parkland Dedication Ordinance (San José Municipal Code Chapter 19.38) which include:

- (1) Dedication of a 2.506 gross acre site to the City;
- (2) Design, construction, and dedication of park improvements on this site;
- (3) Payment of City Design and Review Fees; and
- (4) Payment of Parkland Fees.

(c) Direct the City Clerk to record a certified copy of the Turnkey Parkland Agreement, including the exhibits hereto, with the Office of the Recorder for the County of Santa Clara.

(d) Adopt "Eiichi Edward Sakauye Park" as the official name for the park as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process.

CEQA: Environmental Impact Report for the 0 Seely Avenue Mixed Use Project File No. ER21-284 (Resolution No. RES2024-297), and File Nos. PDC21-035 (Ordinance No. 31115); PD22-002 (Resolution No. RES2024-299) and PT22-003 (Resolution No. RES2024-298). (Parks, Recreation and Neighborhood Services)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 25-446 Actions Related to the Alameda Community Benefit Improvement District.

Recommendation: (a) Adopt a resolution approving the execution of petitions, as property owner, to form The Alameda Community Benefit Improvement District.

(b) Adopt a resolution:

- (1) Stating City Council's intention to form a Community Benefit and Improvement District in The Alameda area;
- (2) Preliminarily approve The Alameda Community Benefit Improvement District Management District Plan and Engineer's Report; and
- (3) Setting a public hearing and the tabulation of the majority protest ballots for June 17, 2025, at 1:30 p.m. or as soon thereafter as the matter may be heard.

(c) Adopt a resolution finding the Alameda Business Association is uniquely situated to manage and oversee the delivery of services specified in The Alameda Community Benefit Improvement District Management District Plan and Engineer's Report pursuant to San José Municipal Code Section 4.12.235, and delegating to the City Manager, or her designee, the authority to negotiate and execute an agreement with The Alameda Business Association to provide management of The Alameda Community Benefit Improvement District, if approved by the property owners and formed by the City Council on June 17, 2025.

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

9. REDEVELOPMENT – SUCCESSOR AGENCY**10. LAND USE**

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) **25-447** C25-001, C25-002, C25-003, C25-004, C25-006, C25-007, C25-008, C25-009, C25-010, C25-013 - **City Initiated Rezoning of Parcels to Align a Property's Zoning District to its General Plan in Land Use Designation in Response to Senate Bill 1333.**

Recommendation: Approve an ordinance of the City of San José rezoning 349 properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, 123 properties from the R-1-8 Single-Family Residence Zoning District to the OS Open Space Zoning District, 63 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, 44 properties from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, 38 properties from the R-1-8 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District, 28 properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, 28 properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District, 23 properties from the R-1-8 Single-Family Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, 22 properties from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, 21 properties from the R-2 Two-Family Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, 18 properties from the R-1-2 Single-Family Residence Zoning District to the R-1-8 Single-Family Residence Zoning District, 14 properties from the LI Light Industrial Zoning District to the TR Transit Residential Zoning District, 13 properties from the R-M Multiple-Family Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District, 13 properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District, 12 properties from the R-2 Two-Family Residence Zoning District to the OS Open Space Zoning District, ten properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residence Zoning District, ten properties from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, nine properties from the R-1-8 Single Family Zoning District to the UR Urban Residential Zoning District, eight properties from the R-M Multiple-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District, eight properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District, eight properties

from the R-1-5 Single-Family Residence Zoning District to the OS Open Space Zoning District, seven properties from the R-M Multiple-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, seven properties from the HI Heavy Industrial Zoning District to the UR Urban Residential Zoning District, seven properties from the A(PD) Agricultural Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District, six properties from the R-1-5 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, five properties from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, three properties from the R-2 Two-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District, three properties from the A Agricultural Zoning District to the OS Open Space Zoning District, three properties from the R-1-5 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, three properties from the IP(PD) Industrial Park Planned Development Zoning District to the IP Industrial Park Zoning District, two properties from the A Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-2 Two-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the HI Heavy Industrial Zoning District to the OS Open Space Zoning District, one property from the A Agricultural Zoning District to the MUN Mixed Use Neighborhood Zoning District, one property from the R-M Multiple-Family Residence Zoning District to the CN Commercial Neighborhood Zoning District, one property from the A Agricultural Zoning District to the R-1-8 Single-Family Residence Zoning District, one property from the CG Commercial General Zoning District to the R-1-8 Single-Family Residence Zoning District, one property from the R-1-8 Single-Family Residence Zoning District to the LI Light Industrial Zoning District, one property from the R-2 Two-Family Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District, and one property from the A(PD) Agricultural Planned Development Zoning District to the CP Commercial Pedestrian Zoning District, all located on those certain real properties situated 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. Council District 6. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

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. Members of the public may only speak at Open Forum once.

- **Adjournment**

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 online at <https://sanjose.legistar.com/Calendar.aspx> or 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.

ABOUT THE AGENDA

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.

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://sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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.

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.