



City Council Meeting Amended Agenda

Tuesday, April 12, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/99346843938>

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



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.

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 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.

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400 and 80445, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to 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, 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 993 4684 3938. 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/99346843938>
 - 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.

• Call to Order and Roll Call

9:30 a.m.- Closed Session

[22-473](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session – Cancelled

*The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (District 4)

Pastor Abraham Zuniga, Vine Church

- 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

This meeting is adjourned in memory of Brian Bates who passed away on March 7, 2022 at the age of 47. It is an honor to recognize Brian for his many contributions to our community and his dedication to making San José State University the place it is today.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring National Volunteer Month. (Carrasco)

1.2 Presentation of a commendation to the Music in the Valley Performers in recognition of their participation in District 9's annual music festival and their contributions to the performing arts in San José. (Foley)

1.3 Presentation of a proclamation recognizing Child Abuse Prevention and Awareness Month. (Arenas)

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.

[22-506](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance no. 30744 - An Ordinance of the City of San José Amending Chapter 5.11 of Title 5 of the San Jose Municipal Code to Modify the Time of Payment to Scheduling of Final Building Inspection, and Add Credits for Constructing New Affordable Housing Units or Restricting Market Rate Units as Affordable Housing and Associated Definitions.

[Passed for Publication on 3/29/2022 - Item 8.2(a) (22-402)]

(b) Ordinance no. 30745 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.25 Gross Acre Situated on the Northeast Corner of Oakland Road and Faulstich Court (APN 241-13-019) from the Combined Industrial/ Commercial Zoning District to the CIC(PD) Planned Development Zoning District.

[Passed for Publication on 3/29/2022 - Item 10.1(a)(2) (22-407)]

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 [22-475](#) **Amendment to the Water Supply Agreement with the City and County of San Francisco and Approval of the Minimum Purchase Transfer from the City of Mountain View to the City of East Palo Alto.**

Recommendation:

Adopt a resolution:

(a) Approving the 2021 Amended and Restated Water Supply Agreement between the City and County of San Francisco and wholesale customers in Alameda County, San Mateo County, and Santa Clara County and authorizing the City Manager to execute such Agreement when final execution copies are prepared and distributed; and

(b) Approving a minimum purchase transfer from the City of Mountain View to the City of East Palo Alto.

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

Council District 4. (Environmental Services)

Attachments [Memorandum](#)
[Agreement](#)
[Resolution](#)

2.8 [22-476](#) **Amendment to the Contract Change Order for the 8687 - Repairs of Water Services and Mains: 2017 Project.**

Recommendation:

(a) Approve the Fourth Amendment to the Construction Contract for the 8687 - Repairs of Water Services and Mains: 2017 project between the City and San Jose Water Company to increase the amount of maximum compensation by \$700,000 for a total maximum contract amount of \$4,595,679, with no other changes to the contract.

(b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Water Utility Capital Fund:

(1) Increase the System Maintenance and Repairs appropriation to the Environmental Services Department by \$700,000; and

(2) Decrease the Facility Sites Improvements to the Environmental Services Department by \$500,000; and

(3) Decrease the Unrestricted Ending Fund Balance by \$200,000.

CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replace or Reconstruction. (Environmental Services/City Manager)

Attachments [Memorandum](#)
[Agreement](#)

2.9 [22-477](#) **Amendment to the Purchase Order with Currie Equipment, LLC, dba JS Cole Company, Inc. for Earthmoving and Construction Equipment Rental Services.**

Recommendation: Adopt a resolution authorizing the City Manager to amend open purchase order OP 59626 with Currie Equipment, LLC (Novato, CA), dba JS Cole Company, Inc. for earthmoving and construction equipment rental services, to retroactively extend the purchase order from November 30, 2021 through August 31, 2022 and to increase compensation by \$450,000, for a revised maximum compensation not-to-exceed \$1,050,000.

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

Attachments [Memorandum](#)

2.10 [22-478](#) **Approval of Gift Trust Fund Donation for the All-Inclusive Playground at Almaden Lake Park from Almaden Valley Rotary Club Endowment.**

Recommendation: Approve a donation in the amount of \$162,000 from Almaden Valley Rotary Club Endowment, a 501(c)(3) organization to the City's Gift Trust Fund to support project development for the All-Inclusive Playground at the Almaden Lake Park.

CEQA: Categorically Exempt, File No. PP19-001, CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.11 [22-479](#) **Agreement with Association of Bay Area Governments for Regional Early Action Planning Grant Funds.**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to:

- (a) Accept the sub-allocation of Regional Early Action Planning Grant funds; and
- (b) Negotiate and execute a grant agreement administered by Association of Bay Area Governments and consultant agreements in the amount of \$442,154 and for a term beginning on the effective date and ending on December 31, 2023.

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 and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)

2.12 [22-480](#) **Amendment to the Agreement with Sherwood Design Engineers, Ltd. for the Alum Rock Park Visitor Center and Service Road Slide Repair.**

Recommendation:

Approve the Fourth Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the Alum Rock Park Visitor Center and Service Road Slide Repair to extend the term of the Agreement retroactive from February 1, 2022 to January 31, 2024, with no change in maximum compensation.

CEQA: Categorically Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. Council District 4. (Public Works)

Attachments [Memorandum](#)
[Agreement](#)

2.13 [22-481](#) **California State Lands Commission Lease Agreement for City Owned and Maintained Infrastructure on State Owned Land.**

Recommendation: Adopt a resolution authorizing the City Manager to execute the California State Lands Commission Lease Agreement for a 25-year term to allow the continued use of City owned and maintained infrastructure on state owned land.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 4. (Transportation)

Attachments [Memorandum Agreement](#)

2.14 [22-518](#) **City Council Appointments for Santa Clara Valley Habitat Agency Boards.**

Recommendation: (a) Councilmember Foley will replace Councilmember Mahan as the City’s “elected official” representative to the Santa Clara Valley Habitat Agency Implementation Board.
(b) Appoint Councilmember Cohen as the Alternate to Councilmember Foley on the Santa Clara Valley Habitat Agency Implementation Board.
(c) Appoint David Keyon as the City Staff Representative to the Santa Clara Valley Habitat Agency Implementation Board and Cassandra van der Zweep as his Alternate.
(d) Appoint Councilmember Davis as the Alternate to Councilmember Foley on the Santa Clara Valley Habitat Agency Governing Board.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 4/6/2022 - Item A.1.a]

Attachments [Memorandum](#)

2.15 [22-519](#) **Boards and Commissions Appointment.****Recommendation:**

Approve the following Boards and Commissions appointment:

(a) Neighborhoods Commission:

(1) District 4 Seat: Appoint Barinder Ahluwalia for a term ending June 30, 2024.

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 4/6/2022 - Item A.1.a]

Attachments

[Memorandum](#)

[Memorandum - Conflicts of Interest](#)

[Application](#)

2.16 [22-523](#)

Retroactive Approval of Memorial Bench Ribbon Cutting at Plata Arroyo Park Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on April 6, 2022:

(a) Retroactively approve the Memorial Bench Ribbon Cutting at Plata Arroyo Park Event scheduled on March 4, 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. (Carrasco)

[Rules Committee referral 4/6/2022 - Item B.2]

Attachments

[Memorandum](#)

2.17 [22-527](#) **Approval of Cape Colony Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on April 6, 2022:
(a) Approve the Cape Colony Dumpster Day scheduled on April 16, 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. (Cohen)
[Rules Committee referral 4/6/2022 - Item B.3]

Attachments [Memorandum](#)

2.18 [22-533](#) **Approval of Willow Glen Dumpster Day 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.**

Recommendation: As recommended by the Rules and Open Government Committee on April 6, 2022:
(a) Approve the Willow Glen Dumpster Day scheduled on April 16, 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 4/6/2022 - Item B.4]

Attachments [Memorandum](#)

- 2.19** [22-540](#) **Retroactive Approval of Trash Talks Sponsored by Council District 6 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 April 6, 2022:
(a) Retroactively approve the community office hours Trash Talks scheduled on March 19, 2022 and April 2, 2022 as City Council sponsored Special Events 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 4/6/2022 - Item B.5]

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** [22-482](#) **Terms of Side Letter Agreement with the San José Police Officers' Association and the International Association of Fire Fighters, Local 230 Extending the Tripartite Retirement Memorandum of Agreement Described in the Alternative Pension Reform Settlement Framework Agreement through June 30, 2030.**

Recommendation: Adopt a resolution approving the terms of the side letter agreements between the City and the San José Police Officers' Association and the International Association of Fire Fighters, Local 230 extending the Tripartite Retirement Memorandum of Agreement described in the Alternative Pension Reform Settlement Framework Agreement through June 30, 2030.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)
[Resolution](#)

3.4 [22-542](#) **Oppose the Valley Water District Measure Extending Term Limits for Board Members.**

Recommendation: As recommended by the Rules and Open Government Committee on April 6, 2022, adopt a resolution that:

(a) Opposes Santa Clara Valley Water District’s (VWD) term limit extension measure; and

(b) Calls on other cities in VWD’s service area to join in opposing the measure.

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

(Mahan)

[Rules Committee referral 4/6/2022 - Item C.2]

Attachments [Memorandum](#)

[Resolution](#)

[Memorandum from Jimenez, 4/11/2022](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [22-483](#) **Revisions to the City of San José’s Water Efficient Landscape Ordinance. - DEFERRED**

Recommendation: As recommended by the Transportation and Environment Committee on March 7, 2022:

- (a) Accept the report on Water Efficient Landscape Ordinance.
- (b) Approve an ordinance amending the San José Municipal Code, Sections 15.08.500, 15.10.030, 15.10.040, 15.10.290, 15.10.300, and Chapter 15.11 of Title 15 and Sections 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to clarify potable water conservation standards.

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. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Environmental Services/Planning, Building and Code Enforcement)
[Transportation and Environment Committee referral 3/7/2022 - Item (d)1]

[Deferred from 3/15/2022 - Item 6.1 (22-313)]

DEFERRED TO 5/3/2022 PER ADMINISTRATION

Attachments [Memorandum](#)
 [Presentation - T&E](#)
 [Ordinance](#)

6.2 [22-484](#) **Actions Related to the State of California’s Low Income Household Water Assistance Program.**

Recommendation:

- (a) Accept the staff report regarding the State of California’s Low-Income Household Water Assistance Program.
- (b) Adopt a resolution:
- (1) Ratifying the City of San José application to participate in the Low-Income Household Water Assistance Program, and authorizing the City Manager, Director of Finance, or their designees to negotiate and execute the necessary agreements, including the Direct Payment Agreement with Horne, LLP, and any amendments or revisions, and other actions, to execute the participation agreement and fulfill associated participation requirements, and
 - (2) Authorizing the City Manager, Director of Finance or their designees to apply for, negotiate, and execute any documents, and take other actions necessary to receive funds for any other state or federal assistance programs which will help customers pay water utility bills.
- (c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the estimate for Transfers and Reimbursements by \$500,000;
 - (2) Establish the Low-Income Household Water Assistance Payment Program City-Wide Expenses appropriation to the Environmental Services Department in the amount of \$200,000; and
 - (3) Establish the Low-Income Household Water Assistance Payment Program Reserve in the amount of \$300,000.
- (d) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Fund:
- (1) Increase the estimate for Other Revenue by \$500,000; and
 - (2) Increase the Transfer to the General Fund - Late Fees by \$500,000.
- 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. (Environmental Services/Finance/City Manager)

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

7. NEIGHBORHOOD SERVICES

7.1 [22-485](#) **City Roadmap - Encampment Management and Safe Relocation Policy. - DEFERRED**

Recommendation:

- (a) Accept the staff report on the status of the City Roadmap - Encampment Management and Safe Relocation Policy and direct the City Manager to:
- (1) Maintain the Encampment Management strategy to provide sanitation and human services including the recommended setback guidelines and services, outreach, assistance, resources program criteria;
 - (2) Approve implementation of a Coyote Creek bi-weekly trash pickup program for Fiscal Year 2022-2023 to align with the Direct Discharge focus areas; and
 - (3) Explore the need to scale services to remove discharge/human waste from Recreational Vehicles and other lived-in vehicles.
- (b) Accept the update on the Guadalupe Gardens encampment abatement and rapid rehousing efforts and approve the extension of the Guadalupe Gardens cleanup to no later than October 31, 2022 to align with opening of relocation opportunities.
- (c) Accept the update on the Guadalupe River Trail Vehicle Prevention Project and work associated with development of the Prototype Park. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Housing)
- DEFERRED TO 5/3/2022 PER ADMINISTRATION

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-486](#) **Proposed Changes to the Spending Priorities and Percentage Allocations Measure E Real Property Transfer Taxes.**

Recommendation:

(a) Hold the second of two public hearings regarding proposed changes to the spending priorities and percentage allocations of real property transfer tax revenues as described under Section 22 of City Council Policy 1-18.

(b) Accept the staff report and adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to make the following changes to the spending priorities and percentage allocations of real property transfer tax revenue set forth under Section 22, Real Property Transfer Tax Revenues, to modify the category names and percentage allocations to:

- (1) 40% for creation of new affordable housing for extremely low-income households;
- (2) 30% for creation of new affordable housing for lower-income households;
- (3) 5% for creation of new affordable housing for moderate-income households;
- (4) 10% for homeless prevention and rental assistance; and
- (5) 15% for homeless support programs including shelter construction and operations.

PLEASE NOTE: APPROVAL OF THIS RESOLUTION REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. (Council Policy 1-18, Section 22(c)(2)).

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

Attachments [Memorandum](#)
[Memorandum from Liccardo, Peralez, Davis, Foley & Mahan, 4/12/22](#)
[Resolution](#)
[Presentation - est. 10 minutes](#)
[Letters from the Public](#)

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

- (a) [22-487](#) C21-043, C21-044, C21-045, C21-047, C21-048 - Rezoning 298 Certain Real Properties Located in Various Locations in Council District 1. - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: Approve an ordinance rezoning 115 properties from R-M to UR Urban Residential, 87 properties from R-M to MUN Mixed Use Neighborhood, 41 properties from R-1-8 to OS Open Space, 23 properties from R-M to OS Open Space, eight properties from R-2 to UR Urban Residential, five properties from CO Commercial Office to OS Open Space, four properties from CP Commercial Pedestrian to OS Open Space, four properties from R-1-8 to PQP Public/Quasi-Public, three properties from CO Commercial Office to R-1-8, two properties from CN Commercial Neighborhood to R-1-8, one property from R-1-2 to MUN Mixed Use Neighborhood, one property from R-2 to OS Open Space, one property from R-1-5 to OS Open Space, one property from R-1-2 to PQP Public/Quasi-Public, one property from A Agricultural to R-1-8, and one property from CP Commercial Pedestrian to UR Urban Residential, located in various locations in Council District 1.
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)
TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[Ordinance](#)

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.

- **Adjournment**

This meeting is adjourned in memory of Brian Bates who passed away on March 7, 2022 at the age of 47. It is an honor to recognize Brian for his many contributions to our community and his dedication to making San José State University the place it is today.

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.