



City Council Meeting Amended Agenda

Tuesday, May 3, 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 José 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.

Interpretation is available in Spanish. In your webinar controls, select “Interpretation.” Click the language you would like to hear.

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

[22-615](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

- **Pledge of Allegiance**

- **Invocation (District 5)**

Professor – Rossana Alvarez

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring May 1, 2022 as May Day. (Carrasco)

1.2 Presentation of a proclamation declaring April 24, 2022 as Armenian Genocide Remembrance Day in honor of the victims of the Armenian Genocide and the contributions of the Armenian diaspora community in San José. (Cohen)

1.3 Presentation of a proclamation recognizing May 1 to 7, 2022 National Small Business Week. (Jones)

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.

[22-633](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30757 - An Ordinance of the City of San José Amending Section 2.08.2810, Section 2.08.2820, and 2.08.2830 of Chapter 2.08, Repealing Section 2.08.2860 of Chapter 2.08, and Adding Section 2.08.2870 to Chapter 2.08 of Title 2 of the San José Municipal Code to Add a Housing and Community Development Member Seat for Persons with Recent Experience Living in Homelessness, to Amend the Appointment Process and Provide a Stipend for Such Commissioner, and to Remove Outdated Provisions. [Passed for Publication on 4/19/2022 - Item 8.1 (22-461)]

(b) Ordinance No. 30758 - An Ordinance of the City of San José Rezoning 47 Properties from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, One Property from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, 11 Properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, 34 Properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, Six Properties from the R-2 Two-Family Residential Zoning District to the UV Urban Village Zoning District, 16 Properties from the R-M Multiple Residence Zoning District to the UV Urban Village Zoning District, Two Properties from the LI Light Industrial Zoning District to the UV Urban Village Zoning District, 13 Properties from the CP Commercial Pedestrian Zoning District to the UVC Urban Village Commercial Zoning District, Two Properties from the CO Commercial Office Zoning District to the UVC Urban Village Commercial Zoning District, Six Properties from the CN Commercial Neighborhood Zoning District to the UVC Urban Village Commercial Zoning District, 13 Properties from the CG Commercial General Zoning District to the UVC Urban Village Commercial Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the UVC Urban Village Commercial Zoning District, 59 Properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, Eight Properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, Four Properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the R-M Multiple Residence District Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the CP Commercial Pedestrian

Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, Two Properties from the CG Commercial General Zoning District to the Split Zoned UV Urban Village and UVC Urban Village Commercial Zoning Districts, One Property from the Split Zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the MUC Mixed Use Commercial Zoning District, One Property from the Split Zoned A Agriculture And CP Commercial Pedestrian Zoning Districts to the UV Urban Village Zoning District, One Property from the Split Zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UV Urban Village Zoning District, and One Property from the Split Zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UR Urban Residential Zoning District, Located on those Certain Real Properties throughout the Valley Fair/Santana Row and West San Carlos Street Planned Growth Areas.

[Passed for Publication on 4/19/2022 - Item 10.1(a) (22-517)]

Attachments [Ordinance](#)

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[22-668](#)

Mayor and Council Excused Absence Requests.

Recommendation:

Request for an excused absence for:

- (a) Councilmember Arenas from the Regular Meeting for the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on April 20, 2022 due to illness.
- (b) Councilmember Esparza from the Regular Meeting for the City Council on April 26, 2022 due to illness.

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

[Rules Committee referral 4/27/2022 - Item A.1.a]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

- 2.7 [22-011](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through June 2, 2022 during the Governor's Proclaimed COVID State of Emergency.**

Recommendation: Adopt a resolution of the Council of the City of San José finding the continued existence of the 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)

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

- 2.8 [22-606](#) **Actions Related to the T-Mobile Macro Site Projects.**

Recommendation: Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to:

(a) Increase the T-Mobile Macro Site Permitting City-Wide Expenses appropriation to the Planning, Building, and Code Enforcement Department by \$515,091;

(b) Increase the T-Mobile Macro Site Process Reimbursement City-Wide Expenses appropriation to the City Manager's Office by \$125,000; and

(c) Increase the estimate for Other Revenue by \$640,091.

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. (City Manager)

Attachments [Memorandum](#)

2.9 [22-607](#) **Report on Request for Proposal for As-Required Broadband, Wireless, and Cellular Equipment and Services.**

Recommendation:

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute agreements with World Wide Technology, LLC (St. Louis, MO) and SmartWave Technologies, LLC (Suwanee, GA) for as-required broadband point-to-point and point-to-multipoint equipment and services (Package A) for an initial one-year term ending June 30, 2023, five one-year options to extend the agreements through June 30, 2028, and a maximum aggregate compensation not to exceed \$320,000 during the initial one-year term, subject to the appropriation of funds;

(b) Negotiate and execute purchase orders with World Wide Technology, LLC (St. Louis, MO), SmartWave Technologies, LLC (Suwanee, GA), Netsync Network Solutions (Long Beach, CA), and InterVision Systems, LLC (Santa Clara, CA) for as-required wireless broadband long-term evolution cellular routing for remote wide area network equipment and services (Package B) for an initial one-year term ending June 30, 2023, five one-year options to extend the term of the purchase orders through June 30, 2028, and a maximum aggregate compensation not to exceed \$75,000 during the initial one-year term, subject to the appropriation of funds;

(c) Negotiate and execute agreements with Netsync Network Solutions (Long Beach, CA) and SmartWave Technologies, LLC (Suwanee, GA) for as-required wireless radio frequency and cellular coverage for facilities equipment and services (Package C) for an initial one-year term ending June 30, 2023, five one-year options to extend the agreements through June 30, 2028, and a maximum aggregate compensation not to exceed \$240,000 during the initial one-year term, subject to the appropriation of funds; and

(d) Negotiate and execute amendments and change orders for all agreements and purchase orders as required to address changes in the City's broadband needs and reallocate funding between providers within each package, consistent with the procurement and the City's standard terms and conditions, subject to the appropriation of funds.

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

(Finance)

Attachments [Memorandum](#)

2.10 [22-608](#) **City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: Change Order #3 and On-Bill Financing Loan 4 Amendment to the PG&E Turnkey Service Agreement for Streetlight LED Conversion Project.**

Recommendation: (a) Approve Change Order #3 for PG&E to perform work involving shoebox-shaped streetlight conversions in the amount of \$600,000 under the PG&E Turnkey Service Agreement for Streetlight LED Conversion project.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment with PG&E for On-Bill Financing Loan 4, to increase the payback period up to nine years.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c) Existing Facilities and PP19-024, CEQA Guidelines Section 15303(d) New Construction of Small Structures.

(Transportation)

Attachments [Memorandum Agreement](#)

2.11 [22-669](#) **Retroactive Request for Travel Authorization for Mayor Sam Liccardo.**

Recommendation: Retroactively authorize travel for Mayor Liccardo to attend an announcement regarding Gun Violence Reduction in Washington, D.C. from April 10-12, 2022. Source of Fund: Mayor's Office Budget. 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 4/27/2022 - Item A.1.a]

Attachments [Memorandum](#)

2.12 [22-673](#) **Retroactive Approval of a Dumpster Day Sponsored by Council District 9 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 27, 2022:
(a) Retroactively approve the Dumpster Day held at the Cambrian Park Plaza scheduled on April 9, 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. (Foley)
[Rules Committee referral 4/27/2022 - Item B.2]

Attachments [Memorandum](#)

2.13 [22-676](#) **Approval of Three Dumpster Days Sponsored by Council District 5 as a 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 27, 2022:
(a) Approve the Dumpster Day Events scheduled for May 7, 2022, May 21, 2022 and June 4, 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 events.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 4/27/2022 - Item B.3]

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 [22-609](#) **Actions Related to the Great Oaks Water Company Application for Renewal of a Potable Water Franchise.**

Recommendation:

- (a) Hold a public hearing on the Great Oaks Water Company application for renewal of a potable water franchise per San José Municipal Code Section 15.40.720.
- (b) Approve an uncodified ordinance, to extend the term of the Great Oaks Water Company nonexclusive franchise until July 1, 2032, with no change in any other terms and conditions of the franchise.
- (c) Approve a Memorandum of Understanding with Great Oaks Water Company regarding shared commitment to explore future pilot project partnerships with the City.
- CEQA: Not a Project, File No. PP17-003 Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works/Environmental Services)

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

3.4 [22-677](#) **Board of Fair Campaign and Political Practices Appointment.**

Recommendation:

- (a) Interview applicant for appointment to the Board of Fair Campaign and Political Practices.
- (b) Appoint one applicant to a term ending March 1, 2025.
PLEASE NOTE: APPROVAL OF THIS ITEM REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. San José Municipal Code Section 2.08.1610.
- (c) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments [Memorandum](#)
[Conflicts of Interest Memorandum](#)
[Application](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [22-611](#) Revisions to the City of San José's Water Efficient Landscape Ordinance.

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 Section 15.08.500 of Chapter 15.08, Sections 15.10.030, 15.10.040, 15.10.290, 15.10.300 of Chapter 15.10, and Chapter 15.11 of Title 15, and Sections 17.72.530, 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 of the San José Municipal Code to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to clarify Potable Water Conservation Standards as revised with stakeholder input after the Transportation and Environment Committee meeting on March 7, 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; 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); and 4/12/2022 - Item 6.1 (22-483)]

Attachments [Memorandum](#)
[Supplemental Memorandum, 4/18/2022](#)
[Presentation - T&E](#)
[Ordinance](#)
[Presentation - est. 10 minutes](#)
[Letters from the Public](#)

7. NEIGHBORHOOD SERVICES

7.1 [22-612](#) **City Roadmap - Encampment Management and Safe Relocation Policy.****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 September 30, 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 from 4/12/2022 - Item 7.1 (22-485)]

Attachments

- [Replacement Memorandum, 4/29/2022](#)
- [Memorandum from Peralez, 4/29/2022](#)
- [Memorandum from Jones & Mahan, 4/29/2022](#)
- [Memorandum from Liccardo, Jones, Peralez, Cohen & Davis, 4/2](#)
- [Memorandum from Cohen, 5/2/2022](#)
- [Memorandum from Davis, 5/2/2022](#)
- [Presentation - est. 15 minutes](#)
- [Letters from the Public](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-613](#) **Fifth Substantial Amendment to the Fiscal Year 2019-20 Annual Action Plan for the Use of Funds from the U.S. Department of Housing and Urban Development.**

Recommendation:

- (a) Hold a public hearing to allow for public comment.
- (b) Adopt a resolution relating to the following actions regarding a fifth amendment to the existing Fiscal Year 2019-20 Annual Action Plan that includes changes to the federal Emergency Solutions Grant Coronavirus Aid Relief, and Economic Security Act funds awarded by the U.S. Department of Housing and Urban Development (HUD) to the City:
- (1) Approve the following changes relating to the Substantial Amendment to the FY 2019-20 Annual Action Plan to:
- (i) Increase the ESG-CV2 funded LifeMoves Motel Voucher Program by \$3,000,000;
- (ii) Decrease the ESG-CV2 administration by \$2,000,000 to redirect to other programs and services; and
- (iii) Decrease the ESG-CV2 Encampment Support - Trash by \$1,000,000 to redirect to other programs and services;
- (2) Authorize the City's Housing Department to submit the Substantial Amendment to the HUD; and
- (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in these Annual Action Plan amendments and all related contract amendments, extensions, and changes.
- (c) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:
- (1) Decrease the ESG CARES II Grant Administration appropriation to the Housing Department by \$2,000,000;
- (2) Decrease the Hygiene/Infection Control appropriation to the Housing Department by \$1,000,000; and
- (3) Increase the Housing Shelter appropriation to the Housing Department by \$3,000,000.
- 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. (Housing/City Manager)

Attachments [Memorandum](#)
[Supplemental Memorandum, 5/2/2022](#)
[Resolution](#)
[Presentation - est. 5 minutes](#)

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

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [22-614](#)

City Roadmap - North San José Strategy: GPT21-003, PP21-008 & C21-018 - Amendment to the General Plan and North San José Area Development Policy; Amendment to Title 20 (Zoning Ordinance); and Amendment to Title 14, Chapter 14.29 (North San José Traffic Impact Fee Requirements). - RECOMMEND DEFERRAL

Recommendation:

- (a) Accept the February 18, 2022 North San José Traffic Impact Fee Plan Update.
- (b) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report amending the Envision San José 2040 General Plan and the North San José Area Development Policy (ADP) to:
- (1) Remove or modify references to the North San José ADP which will no longer apply to future development in North San José;
 - (2) Increase the minimum density within the Transit Employment Residential Overlay (TERO) General Plan land use designation from 55 dwelling units per acre to 75 dwelling units per acre and remove the minimum floor area ratio requirement; and
 - (3) Limit the application of the North San José ADP to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the North San José ADP to the effective date of the resolution making such changes, and making the North San José Traffic Impact Fee inapplicable to future North San José development projects.
- (c) Adopt a resolution amending the Envision San Jose 2040 General Plan pursuant to Title 18 of the San José Municipal Code to make modifications and clarifying revisions to remove references to the North San José Area Development Policy and amend the General Plan to raise the minimum density within the TERO Transit Employment Residential Overlay designation.
- (d) Approve an ordinance amending San José Municipal Code Title 20 (Zoning Ordinance) to add Chapter 20.65 “Overlay Districts” including the “TERO Transit Employment Residential Overlay District,” and amending the Zoning District Map to include the “TERO Transit Employment Residential Overlay District”.
- (e) Approve an ordinance amending San José Municipal Code Title 14, Chapter 14.29 (North San José Traffic Impact Fee Requirements) to limit the application of Chapter 14.29 to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the ADP to the effective date of the resolution making such changes, and making the North San José Traffic Impact Fee inapplicable to future North San José development project.
- CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and

Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617). Planning Commission recommends approval (9-1-1; Oliverio oppose; Terrens absent). Council Districts 3 and 4. (Planning, Building and Code Enforcement)
RECOMMEND DEFERRAL TO 5/17/2022 PER
ADMINISTRATION

Attachments [Memorandum](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)
[\(d\) Ordinance](#)
[\(e\) Ordinance](#)

- 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

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.