



City Council Meeting Amended Agenda

Tuesday, November 7, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

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

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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.

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov 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 884 7147 0054. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88471470054>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

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

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

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

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

To request interpretation in other languages, please email city.clerk@sanjoseca.gov four days prior to the meeting.

- **Call to Order and Roll Call**

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

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[23-1486](#)

Closed Session Agenda

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

- **Pledge of Allegiance**

- **Invocation (District 10)**

Pastor Craig Selness

- **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 November 12, 2023 as a celebration of Diwali, the Festival of Lights, and recognizing its message of tolerance, compassion and the victory of good over evil in the City of San José. (Candelas & Batra)

1.2 Presentation of a proclamation declaring November 2023 as Native American Heritage Month to honor the Native American community and commemorate their histories, cultures, and contributions to the City of San José. (Ortiz)

1.3 Presentation of a commendation recognizing the San José Police Department's Homicide and Crime Scene Unit for their 100% solve rate for homicides that occurred in 2022. (Kamei)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[23-1534](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30969 - An Ordinance of the City of San José Amending Title 5 of the San José Municipal Code to Add Chapter 5.12 Adopting Reasonable Local Standards for the Design, Site Development and Operation of Homeless Shelters and Their Structures and Facilities In Lieu of Existing State and Local Standards and Standards for Emergency Housing.

[Passed for Publication on 10/24/2023 - Item 8.2 (23-1433)]

(b) Ordinance No. 30970 - An Ordinance of the City Council of the City of San José Amending Various Sections of Chapter 14.33 of Title 14 of the San José Municipal Code to Limit the Application of the Evergreen-East Hills Traffic Impact Fee 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 Chapter 14.33 to the Effective Date of this Ordinance, Making the Traffic Impact Fee Inapplicable to Evergreen-East Hills Development Projects after the Effective Date of this Ordinance, and Accepting the September 2023 Revised Traffic Impact Study.

[Passed for Publication on 10/24/2023 - Item 10.1(a)(4) (23-1434)]

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 [23-1503](#) Settlement of Andrea Ortega, et al v. City of San José, et al. -
RECOMMEND DEFERRAL**

Recommendation: Approve the settlement of a lawsuit brought by Plaintiff Andrea Ortega, et al in the total amount of \$337,500 and authorize the City Attorney to execute a settlement agreement.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
RECOMMEND DEFERRAL TO 11/14/2023 PER
ADMINISTRATION

**2.8 [23-1504](#) Board of Administration for Federated City Employees' Retirement System
Appointment.**

Recommendation: Reappoint Julie Jennings to the Employee Representative Seat on the Board of Administration for the Federated City Employees' Retirement System for a full-term beginning December 1, 2023 and ending November 30, 2027.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**2.9 [23-1505](#) Board of Administration for Police and Fire Department Retirement Plan
Appointment.**

Recommendation: Reappoint Andrew Gardanier as the Fire Department Employee Representative to the Board of Administration for Police and Fire Department Retirement Plan to a full-term beginning December 1, 2023 and ending November 30, 2027.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.10 [23-1487](#) Extension of the Hiring Incentive Referral Program for City Employees.

Recommendation: Adopt a resolution to extend the expiration date for the temporary increase to the payment provided by the Hiring Incentive Referral Program from \$500 to \$1,500 for City employees, from December 31, 2023 to December 31, 2024.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Manager)

2.11 [23-1488](#) Amendment to the Master Consultant Agreement with Integrated Design 360, LLC for Professional Consulting Services.

Recommendation: Approve the Second Amendment to the Master Consultant Agreement with Integrated Design 360, LLC for professional consulting services, increasing the amount of compensation by \$150,000 for a total maximum compensation not to exceed \$495,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

2.12 [23-1489](#) Actions Related to the Purchase Order with Motorola Solutions, Inc. for Emergency Operations Center Technology Equipment and Related Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to:
(a) Execute a purchase order with Motorola Solutions, Inc. (Chicago, IL) for the purchase of technology equipment and related professional services such as project management, engineering, design, implementation, acceptance testing, and warranty for the City's new Emergency Operations Center for an amount not to exceed \$379,751, including applicable sales tax; and
(b) Amend the purchase order as required for unanticipated changes in requirements or sales tax for a contingency amount not to exceed \$30,000, 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.
(Finance)

2.13 [23-1490](#) Actions Related to Activate Two Overnight Warming Locations During the Cold Weather Season. - RECOMMENDED DEFERRAL

Recommendation:

Adopt a resolution:

(a) Designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season:

(1) Roosevelt Community Center, 901 E Santa Clara Street, San José, CA 95116; and

(2) Tully Community Branch Library, 880 Tully Road, San José, CA 95111.

(b) Authorizing the Acting Director of Housing or designee to negotiate and execute an agreement with HomeFirst Services of Santa Clara County, in an amount not to exceed \$1,127,190 to implement the Overnight Warming Locations, retroactive to October 1, 2023 through June 30, 2024.

CEQA: Categorically Exempt, File No. ER22-243, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 3 and 7. (Housing)
RECOMMEND DEFERRAL TO 11/14/2023 PER
ADMINISTRATION

2.14 [23-1491](#) Approval of an Exception to the City Multifamily Housing Revenue Bond Policy Allowing Stevens Creek Promenade Affordable Housing Development to Use an Alternate Bond Issuer.

Recommendation:

Adopt a resolution authorizing an exception to the City Council's Multifamily Housing Revenue Bond Policy 1-16, for the issuance of Multifamily Housing Revenue Bonds for the Stevens Creek Promenade development at 4300-4360 Stevens Creek Boulevard, due to special circumstances, thereby allowing the California Housing Finance Authority to issue the bonds.

CEQA: Addendum to the 4300 Stevens Creek Boulevard Mixed-Use Project Environmental Impact Report (Resolution No. 80668), File Nos. PDC20-021 and PD20-012. Council District 1. (Housing/Finance)

2.15 [23-1492](#) Grant Agreements for Reconnecting Communities Pilot Program for the Monterey Road Highway to Grand Boulevard Design Study.

Recommendation: (a) Accept and receive Reconnecting Communities Pilot Program grant funding from the United States Department of Transportation which will be passed through the California Department of Transportation to the City of San José for the Monterey Road Highway to Grand Boulevard Design Study.

 (b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with United States Department of Transportation and the California Department of Transportation in an amount not to exceed \$2,000,000 for the Monterey Road Highway to Grand Boulevard Design Study.

 CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262 - Feasibility and Planning Studies. Council Districts 2, 3, 7, 10. (Transportation)

2.16 [23-1493](#) Citywide Capital Improvement Program Annual Report 2022-2023.

Recommendation: Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2022-2023.

 CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

2.17 [23-1510](#) Retroactive Approval of 15th Annual Disability Awareness Day Sponsored by Council District 1 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 October 25, 2023:

 (a) Retroactively approve the 15th Annual Disability Awareness Day scheduled on October 12, 2023 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. (Kamei)

 [Rules Committee referral 10/25/2023 - Item B.5]

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**3.2 Labor Negotiations Update.**

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

3.3 [23-1506](#) Appeals Hearing Board Interview.**Recommendation:**

(a) Interview applicants and consider appointment to fill three Member-at-Large seats with terms beginning on January 1, 2024 and ending December 31, 2028 on the Appeals Hearing Board.

(b) 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)

3.4 [23-1507](#) Civil Service Commission Interview.**Recommendation:**

(a) Interview applicants and consider appointment to fill two Member-at-Large seats with terms beginning on December 1, 2023 and ending November 30, 2027 on the Civil Service Commission.

(b) 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)

3.5 [23-1494](#) Amendment to the Vendor Agreement with Delta Dental of California for Third Party Administrator Services and Group Dental Insurance for City Employees, Retirees, and Dependents.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the vendor agreement with Delta Dental of California for Preferred Provider Organization and Health Maintenance Organization dental insurance group plans and administrative services for City employees, retirees, and their dependents, extending the term of the agreement from December 31, 2023, to December 31, 2027, and increasing the not to exceed agreement amount from \$97,958,000 to a revised total plan amount not to exceed \$153,416,265 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.
(Human Resources)

- 3.6 [23-1495](#) Amendment to the Vendor Agreements with Anthem Blue Cross and Kaiser Foundation Health Plan, Inc. for Medical Insurance for City of San José Employees, Retirees, and their Dependents for the Period of January 1, 2024, through December 31, 2028.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or designee to:
- (1) Negotiate and execute an Amendment to the vendor agreement with Anthem Blue Cross to provide medical insurance plans and support services to the City for employees, retirees, and dependents, increasing the not to exceed Agreement amount from \$188,598,000 to a revised not-to-exceed amount of \$438,929,299, subject to the annual appropriation of funds by the City Council, and extending the term of the Agreement from December 31, 2023 to December 31, 2028;
 - (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidence of Coverage documents, with Anthem Blue Cross that are necessary to facilitate the medical insurance services Agreements for the period of January 1, 2024 through December 31, 2028; and
 - (3) In the event that Anthem Blue Cross's proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager or designee to terminate the agreement(s) or group plan contract(s).
- (b) Adopt a resolution authorizing the City Manager or designee to:
- (1) Negotiate and execute an Amendment to the Vendor Agreement with Kaiser Foundation Health Plan, Inc. to provide medical insurance plans and support services to the City for employees, retirees, and dependents, increasing the not-to-exceed Agreement amount from \$375,102,000 to a revised not-to-exceed amount of \$1,012,797,393, subject to the annual appropriation of funds by the City Council, and extending the term of the Agreement from December 31, 2023 to December 31, 2028;
 - (2) Negotiate and approve annual premium renewal rates, and negotiate and execute any annual group health plan or policy contract and any ancillary documents, such as Evidence of Coverage documents, with Kaiser Foundation Health Plan, Inc. that are necessary to facilitate the medical insurance services Agreement for the period of January 1, 2024 through December 31, 2028; and
 - (3) In the event that Kaiser Foundation Health Plan, Inc.'s proposed annual renewal rates are not acceptable to the City Manager, subject to the terms of City's collective bargaining agreements, authorize the City Manager or designee to terminate the agreement(s) or group plan contract(s).

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

3.7 [23-1496](#) **Report on Bids and Award of Contract for the 8675 - TRAIL: Coyote Creek (Phelan Avenue to Tully Road) Project.**

Recommendation: (a) Report on bids and award of a contract for the construction of 8675 - TRAIL: Coyote Creek (Phelan Avenue to Tully Road) Project to the lowest responsive, responsible bidder, Joseph J. Albanese, Inc., for the base bid in the amount of \$4,487,000; and
(b) Approve a 10% contingency in the amount of \$448,700.
CEQA: Addendum to the Coyote Creek Trail Master Plan Mitigated Negative Declaration (Resolution No. 74583), File No. PP19-045.
Council District 7. (Public Works/Parks, Recreation and Neighborhood Services)

3.8 [23-1497](#) **Report on Bids and Award of Contract for the 9151 - Police Department -Air Support Unit Hangar Relocation (2018 Measure T) Project.**

Recommendation: (a) Report on bids and award of a contract for the construction of 9151 - Police Department-Air Support Unit Hangar Relocation Project to the lowest responsive, responsible bidder D.L. Falk Construction, Inc., for the Base Bid and Bid Alternate Nos. 1, 2 and 3 in the amount of \$12,660,000.
(b) Approve a 10% contingency in the amount of \$1,266,000.
(c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:
 (1) Increase the Measure T - Police Air Support Hangar appropriation in the Public Works Department by \$1,179,000; and
 (2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$1,179,000.
CEQA: Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497), File No. PP18-103. (Public Works/City Manager)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 [23-1498](#) Multiple Master Consultant Agreements for Transportation Related Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute master consultant agreements with 15 firms to provide consultant services in six technical service areas: 1) Traffic Data Collection, 2) Transportation Planning, 3) Traffic Engineering, 4) Traffic Operations, 5) Parking Engineering and Operations, and 6) Civil Design and Construction Support, for a five-year term ending December 31, 2028, with a maximum aggregate compensation not to exceed \$14,600,000, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection or other professional services with no commitment to future action. (Transportation/Public Works)

6. ENVIRONMENTAL & UTILITY SERVICES**6.1 [23-1499](#) Long Term Renewable Energy Agreement with Sun Pond. - DEFERRED**

Recommendation: Adopt a resolution authorizing the Director of the Community Energy Department or designee to negotiate and execute a long-term agreement with Sun Pond, LLC, a subsidiary of Longroad Development Company, LLC, to buy renewable energy, renewable energy credits, resource adequacy, battery tolling rights, and attributes associated with a solar photovoltaic and battery storage facility for a term of 20 years beginning 2026 through 2046, in an estimated annual amount of \$11,566,000 and a not-to-exceed amount of \$231,320,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; the terms of this resolution superseding Section (c) of Resolution No. RES2023-9.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)
[Deferred from 10/24/2023 - Item 6.1 (23-1426)]
DEFERRED TO 11/14/2023 PER ADMINISTRATION

7. NEIGHBORHOOD SERVICES**8. COMMUNITY & ECONOMIC DEVELOPMENT****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) [23-1500](#) **PDC22-087 & ER22-189 - Planned Development Rezoning on Certain Real Property Located at 1655 Lincoln Avenue. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: (1) Adopt a resolution adopting the 1655 Lincoln Avenue Residential Subdivision Mitigated Negative Declaration, for which an initial study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.
 (2) Approve an ordinance rezoning the certain real property of approximately 1.00 gross acre from the R-1-8 Single Family Residence District and R-2 Two-Family Residence District to the R-1-8(PD) Planned Development Zoning District located at 1655 Lincoln Avenue. CEQA: Initial Study/Mitigated Negative Declaration for 1655 Lincoln Avenue Residential Subdivision Project. Planning Commission recommends approval (10-0-1, Rosario absent) (Item 4.c. on the 10/11/2023 Planning Commission agenda). Council District 6. (Planning, Building and Code Enforcement)
 TO BE HEARD IMMEDIATELY AFTER CONSENT

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**

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.