



# **City Council Meeting Amended Agenda**

**Tuesday, October 17, 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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

[23-1373](#)

Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

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

## • Pledge of Allegiance

## • Invocation (District 9)

Pastor Tyler Cole, Lincoln Glen 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 will be adjourned in memory of Robert "Bob" Kadlec who passed away on September 30, 2023. A decorated veteran with the Air Force, Robert was involved with numerous Veterans organizations in San José over the years and played a major contribution in putting on the annual Memorial Day event and the Veterans Day Parade.

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring October 2023 as National Disability Employment Awareness Month in the City of San José. (Foley & Kamei)

1.2 Presentation of a commendation congratulating San Jose's Energy Department for being awarded the 2023 Beacon Innovation and Leadership Award for the Solar Access Program, which expands access to low-income residents. (Cohen)

1.3 Presentation of a proclamation declaring October 2023 as Arts and Humanities Month in the City of San José to recognize, celebrate, and support the arts and humanities throughout our City and Nation which have a tremendous impact to the culture and education of our City. (Torres)

## **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.**

[23-1365](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30954 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.44 Gross Acres, Situated on the East Side of North 7th Street, Approximately 200 Feet Northwesterly from the Intersection of North 7th Street and East Empire Street (520 North 7th Street) (APNS: 249-36-011, 012 and 013) from the LI Light Industrial Zoning District to the MUN Mixed-Use Neighborhood Zoning District.

[Passed for Publication on 9/26/2023 - Item 10.1(a) (23-1283)]

(b) Ordinance No. 30955 - An Ordinance of the City of San José Adding Sections 4.12.018 and 4.12.028 to Chapter 4.12, and Amending Sections 4.04.080 and 4.04.085 of Chapter 4.04 and Sections 4.12.210, 4.12.225, 4.12.350, 4.12.415 and 4.12.420 of Chapter 4.12 of Title 4 of the San José Municipal Code to Modify the City's Procurement Process for Goods and Services.

[Passed for Publication on 10/3/2023 - Item 3.3 (23-1321)]

(c) Ordinance No. 30956 - An Ordinance of the City of San José Amending Titles 2, 4, and 26 and Adding Title 28 to the San José Municipal Code to Establish a Municipal Utility for Electric Service.

[Passed for Publication on 10/3/2023 - Item 6.1 (23-1326)]

**2.3 Approval of Council Committee Minutes.****2.4 Mayor and Council Excused Absence Requests.**[23-1436](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for excused absences for:

(a) Councilmember Jimenez from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on October 4, 2023 due to personal travel.

(b) Councilmember Davis from the Regular Meeting of Rules and Open Government Committee and Committee of the Whole on October 4, 2023 due to illness.

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

[Rules Committee referral 10/11/2023 - 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**     [23-1374](#)

**Adoption of an Ordinance Ratifying Final Expenditures in Various Appropriations for 2022-2023 and Adoption of the Associated Appropriation Ordinance and Funding Sources Resolution Amendments in 2022-2023.**

- Recommendation:**
- (a) Adopt an ordinance ratifying final 2022-2023 expenditures in various appropriations as detailed in the report to Council.
  - (b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in the American Rescue Plan Fund:
    - (1) Increase the estimate for Revenue from the Federal Government by \$12,124,964; and
    - (2) Increase the Transfer to the General Fund appropriation by \$12,124,964.
  - (c) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund:
    - (1) Increase the revenue estimate for Transfers and Reimbursements by \$496,277;
    - (2) Increase the FICA - Medicare appropriation to the Human Resources Department by \$484,190;
    - (3) Increase the 401(a) Defined Contribution Retirement Plan appropriation to the Human Resources Department by \$12,579; and
    - (4) Decrease the Unrestricted Ending Fund Balance by \$492.
  - (d) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
    - (1) Increase the estimate for Revenue from the Federal Government by \$427,280; and
    - (2) Increase the Clean Creeks, Healthy Watersheds appropriation to the Environmental Services Department by \$427,280.
  - (e) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Public Works Program Support Fund:
    - (1) Increase the Compensated Time Off appropriation to the Public Works Department by \$729,043; and
    - (2) Decrease the Unrestricted Ending Fund Balance by \$729,043.
  - (f) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Integrated Waste Management Fund:
    - (1) Increase the Personal Services appropriation to the City Attorney's Office by \$116,582; and
    - (2) Decrease the Unrestricted Ending Fund Balance by \$116,582.
  - (g) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:
    - (1) Increase the Collection Costs appropriation to the Finance Department by \$19,318; and
    - (2) Decrease the Unrestricted Ending Fund Balance by \$19,318.
  - (h) Adopt the following 2022-2023 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Operating

## Fund:

(1) Increase the Personal Services appropriation to the City Attorney's Office by \$16,046; and

(2) Decrease the Unrestricted Ending Fund Balance by \$16,046.

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](#)

**2.8** [23-1375](#) **Acquisition and Move of the Historic Coyote Depot.**

**Recommendation:** Approve the acquisition and move of the historic Coyote Depot, from Union Pacific property to the City-owned History Park.  
CEQA: Categorically Exempt, File No. ER23-223, CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 7. (Economic Development and Cultural Affairs)

**Attachments** [Memorandum](#)

2.9 [23-1376](#) **Actions Related to the Potential Transfer of Title of the Property Commonly Referred to as the Signia by Hilton Annex “South Tower Property”, Located at 170 S. Market Street.**

**Recommendation:**

- (a) Adopt a resolution:
- (1) Consenting to the transfer of title to the property currently owned by SC SJ Holdings, LLC, commonly referred to as the Signia by Hilton “South Tower Property” located at 170 S. Market St., to AG170, LLC;
  - (2) Consenting to the separation of the North Tower Property and the South Tower Property as referenced in the Lot Tie Agreement and Covenant Regarding Transfer and Certain Services dated March 15, 2002 between Light Tower Associates I, LLC and Light Tower Associates II, LLC and subsequent termination of the same Agreement by the Parties; and
  - (3) Authorizing the City Manager or designee to negotiate and execute any documents as necessary to memorialize the City’s consent.
- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute an amendment to the Amended and Restated Revocable Encroachment Permit for the Operation and Maintenance of Underground Service Tunnel and Above-Ground Pedestrian Bridge dated March 20, 2002, and entered into by and among Light Tower Associates I, LLC, Light Tower Associates II, LLC, and the City to provide that the obligation to remove the above ground pedestrian bridge pursuant to the terms of the permit will rest solely with the owner of the South Tower Property, and its successors and assigns, and the obligation to remove the underground service tunnel pursuant to the terms of the permit will rest solely with the owner of the property commonly referred to as the Signia by Hilton “North Tower Property” located at 170 S. Market St., and its successors and assigns.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 3. (Economic Development and Cultural Affairs)

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

**2.10**    [23-1377](#)            **Actions Related to the Purchase Order with Community Fire Protection for Fire-Life Safety System Inspections, Testing, Maintenance, and Repair Services.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to exercise up to four one-year options to extend the term of the purchase order with Community Fire Protection (Seaside, CA) for fire-life safety system inspections, testing, maintenance, and repair services, with the last option ending on or about October 31, 2027, 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](#)

**2.11**    [23-1378](#)            **Amendment to the Agreement Between the County of Santa Clara and City of San José for Access to the County of Santa Clara’s Criminal Justice Information Control System.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to execute a first amendment to the agreement between the County of Santa Clara and the City of San José for terminal access and network support related to the Criminal Justice Information Control system, in an amount of \$283,725 for the extension of three years, from July 1, 2023 to June 30, 2026.

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

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

**2.12**    [23-1379](#)            **Status Report on the November 2018 Ballot Measure T - The Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond.**

**Recommendation:**    Accept the status report on the work plan and implementation updates for projects included in the approved 2018 Measure T - The Disaster Preparedness, Public Safety, And Infrastructure General Obligation Bond.

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)

**Attachments**    [Memorandum](#)

**2.13**    [23-1380](#)            **Report on Bids and Award of Contract for 10131 - San José Mineta International Airport Administration Parking Lot Safety Upgrades Re-Bid Project.**

**Recommendation:**    (a) Report on bids and award of a contract for the construction of 10131 - San José Mineta International Airport Administration Parking Lot Safety Upgrades Re-Bid Project to the lowest responsive, responsible bidder, Golden Bay Construction, Inc., for the base bid and Bid Alternate Nos. 1, 2, and 3 in the amount of \$1,314,706.  
(b) Approve a 10% contingency in the amount of \$131,471.  
(c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:  
    (1) Decrease the Terminal A parking garage resurfacing by \$920,000; and  
    (2) Increase the Administration Lot Improvements by \$920,000.  
CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report, File No. ER23-029. Council District 6. (Public Works/City Manager)

**Attachments**    [Memorandum](#)

**2.14 [23-1398](#) Retroactive Approval and Approval of Multiple Events Sponsored by Council District 4 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 October 4, 2023:

- (a) Retroactively approve the District 4 Groundbreaking Ceremony for Mercado and Bruzzone Parks scheduled on October 1, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Day on the Bay scheduled on October 14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the District 4 Pumpkin Giveaway scheduled on October 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Approve the Cherrywood Elementary School Fall Festival scheduled on October 27, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Approve the Halloween Spooktacular scheduled on October 27, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (f) 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. (Cohen)  
[Rules Committee referral 10/4/2023 - Item B.4]

**Attachments** [Memorandum](#)

**2.15** [23-1401](#) **Retroactive Approval of District 4 and District 5 Filipino American History Month Flag Raising and Lighting Ceremony 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 4, 2023:  
(a) Retroactively approve the District 4 and District 5 Filipino American History Month Flag Raising and Lighting Ceremony scheduled on October 13, 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. (Cohen and Ortiz)  
[Rules Committee referral 10/4/2023 - Item B.5]

**Attachments** [Memorandum](#)

**2.16** [23-1440](#) **Request for Travel Authorization for Mayor's Staff.**

**Recommendation:** As recommended by the Rules and Open Government Committee on October 11, 2023, authorize travel, accept travel payments to the City of San José and designate Mayor's Staff, Stephen Caines, as the City representative to attend the Bloomberg CityLab event in Washington, D.C. from October 18-20, 2023. Source of Fund: the Aspen Institute, 501c3 (airfare, lodging, meals, ground transportation).  
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 10/11/2023 - 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**    [23-1381](#)            **2022-2023 City Manager’s Annual Report.****Recommendation:**

(a) Accept the 2022-2023 City Manager’s Annual Report in compliance with City Charter Section 701(F).

(b) Adopt the Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2022-2023 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions). CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment. (City Manager)

**Attachments**    [City Manager’s 2022-2023 Annual Report Presentation - est. 15 minutes](#)

**3.4**    [23-1382](#)            **Resolution Affirming Support of the Transgender and Broader LGBTQ+ Communities. - DEFERRED****Recommendation:**

As recommended by the Rules and Open Government Committee on September 20, 2023, adopt a resolution affirming the City of San José’s support of the transgender and broader LGBTQ+ communities.

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

[Rules Committee referral 9/20/2023 - Item C.1]

[Deferred from 10/3/2023 - Item 3.5 (23-1332)]

DEFERRED TO 10/24/2023

**Attachments**    [Memorandum Resolution, 9/20/2023, Rules Resolution Letters from the Public](#)

**3.5**    [23-1385](#)            **Housing Department’s Performance Measures Audit Report.****Recommendation:**

As recommended by the Community and Economic Development Committee on September 25, 2023, accept the audit report on the Housing Department’s performance measures audit.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)  
[Community and Economic Development Committee 9/25/2023 - Item (d)2]

**Attachments**[Memorandum](#)[Memorandum from Mayor, Kamei & Foley, 10/13/2023](#)**4. PUBLIC SAFETY SERVICES****4.1**    [23-1386](#)            **Community Outreach Regarding Street Closures and Traffic Diversions for Large Crowd Events.****Recommendation:**

Accept the San José Police Department’s plan for community outreach regarding its operational plans for planned large crowd events that include possible street closures and traffic diversions.  
CEQA: Not a Project, File No. PP17-009, Staff reports, assessments, annual reports, and informational memos that involve no approvals of any City action. (Police)  
[Deferred from 9/19/2023 - Item 4.3 (23-1245) and 10/3/2023 - Item 4.2 (23-1286)]

**Attachments**[Memorandum](#)[Letters from the Public](#)**5. TRANSPORTATION & AVIATION SERVICES**

**5.1**     [23-1387](#)     **California Department of Transportation Grant for the East San José Corridor Safety Improvement Project.**

**Recommendation:**     Adopt a Resolution of Local Support to accept and receive State grant funds appropriated from the Budget Act of 2022, Assembly Bill 178 for the East San José Corridor Safety Improvement Project that indicates the City will:

- (a) Follow all grant program requirements and delivery timelines; and
- (b) Authorize the City Manager or designee to negotiate and execute a grant fund transfer agreement and all documents necessary to effectuate the grant with California Department of Transportation in an amount not to exceed \$10,000,000 for the East San José Corridor Safety Improvement Project.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 2 and 7.  
(Transportation)

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

5.2 [23-1388](#) **Actions Related to the Acquisition of Property Located at 32-60 Stockton Avenue.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Negotiate and execute a purchase and sale agreement with Chunhong Liu, Trustee of the Thang Do and Chunhong Liu Revocable Trust dated January 29, 2008, for approximately 1.12 acres (48,830 square feet) of land commonly known as 32-60 Stockton Avenue and located at the northeast corner of Stockton Avenue and Santa Clara Street, identified as Assessor's Parcel Numbers 259-28-001 and 259-28-002 (Property), for a price of \$23,800,000;
- (b) Deliver an I.R.S. §1033 letter to seller;
- (c) Execute all other documents necessary to effectuate the transfer to the City;
- (d) Negotiate and execute all documents and contracts necessary for the relocation of tenants currently occupying 32-60 Stockton Avenue, including approval of the Final Relocation Plan and disbursement of necessary payments as required by relocation statute, not to exceed \$350,000; and
- (e) Negotiate and execute an amendment to the Cooperative Agreement for San José Diridon Integrated Station to address property acquisitions required for future project needs and maintenance of the property by the City in the interim before it is needed for construction.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 6. (Transportation/Economic Development and Cultural Affairs)

**Attachments** [Replacement Memorandum, 10/13/2023](#)  
[Presentation - est. 5 minutes](#)  
[Letters from the Public](#)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1**     [23-1389](#)     **Authorization to Apply for the U.S. Department of Housing and Urban Development's Notice of Funding Opportunity for Pathways to Removing Obstacles to Housing.**

**Recommendation:**     Adopt a resolution authorizing the City Manager or designee to apply for a grant up to \$10,000,000 and submit all required documentation for the U.S. Department of Housing and Urban Development's Pathways to Removing Obstacles to Housing to address the barriers to preserving affordable housing in San José through acquisition, rehabilitation, and operations of existing housing.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Housing)

**Attachments**     [Memorandum](#)  
                          [Resolution](#)  
                          [Presentation - est. 5 minutes](#)

8.2 [23-1390](#) **Actions Related to Emergency Interim Housing Programs. - RECOMMEND DEFERRAL**

**Recommendation:**

- (a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Emergency Interim Housing Programs project and adopting a related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act.
- (b) Accept the staff report and implement the recommendations of the Emergency Interim Housing Report.
- (c) Approve staff work plan for implementing the recommendations.
- (d) Direct staff to return to City Council with an update within one year of the start of implementation.
- (e) Adopt a resolution authorizing the Director of Housing, Acting Director of Housing or designee to negotiate and execute amendments to the following existing Emergency Interim Housing grant agreements:
- (1) HomeFirst Services of Santa Clara County (Monterey/Bernal and Rue Ferrari) in an amount not to exceed \$4,078,815 from January 1, 2024 to June 30, 2024;
  - (2) LifeMoves (Guadalupe) in an amount not to exceed \$1,829,882 from January 1, 2024 to June 30, 2024;
  - (3) People Assisting the Homeless (Evans Lane) in an amount not to exceed \$1,900,000 from January 1, 2024 to June 30, 2024; and
  - (4) HomeFirst Services of Santa Clara County (Bridge Housing Community sites Mabury and Felipe) in an amount not to exceed \$2,206,415 from January 1, 2024 to June 30, 2024.
- 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. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; Mitigated Negative Declaration for the Emergency Interim Housing Programs project, File No. ER22-198. (Housing)  
RECOMMEND DEFERRAL TO 10/24/2023 PER  
ADMINISTRATION

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(e\) Resolution](#)

**8.3**     [23-1391](#)     **Actions Related to the Via del Oro Mobile Quick Build Shelter and Housing Cost Benefit Analysis.**

**Recommendation:**

- (a) Accept the staff report on the Mobile Quick Build Shelter and Housing Cost Benefit Analysis.
- (b) Direct the City Manager or designee to negotiate and execute a lease/use agreement at \$1 per year with John Sobrato to build and operate a Mobile Quick Build Shelter and Housing project at the Via del Oro site consistent with the approach contained in the staff memorandum.
- (c) Direct staff to negotiate a Project Delivery Agreement at a maximum guaranteed amount for Via del Oro Mobile Quick Build Shelter and Housing project with Dignity Moves and Swinerton Construction, consistent with the approach, plans, scope, and cost estimates contained in the staff memorandum, and to return to the City Council for consideration and approval.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. Council District 10. (Public Works/Housing/City Manager)

**Attachments**

[Memorandum](#)

[Memorandum from Mayor, Jimenez, Cohen & Foley, 10/13/2023](#)

[Memorandum from Mayor & Batra, 10/13/2023](#)

[Presentation - est. 15 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 - TO BE HEARD IMMEDIATELY AFTER CONSENT**

- (a) [23-1392](#) **PDA16-027-03 & ER23-124 - Planned Development Permit for Certain Real Property Located at 657 Horning Street.**

**Recommendation:** Adopt a resolution approving, subject to conditions, a Planned Development Permit Amendment and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 20 - Beer & Wine Only) at an existing approximately 3,814-square-foot tenant space (ExtraMile) on an approximately 0.69-gross-acre site. CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (11-0-0). (Item 4c, 9/13/2023 Planning Commission agenda). Council District 3. (Planning, Building and Code Enforcement)  
TO BE HEARD IMMEDIATELY AFTER CONSENT

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



- (b) [23-1393](#) **PDC22-099, PD22-030 & ER22-166 - Rezoning and Planned Development Permit for Certain Real Property Located at 960 W. Hedding Street.**

**Recommendation:**

(1) Adopt a resolution adopting the Bellarmine College Preparatory Master Plan Update Project Initial Study/Mitigated Negative Declaration and adopting the related mitigation monitoring and reporting plan, in accordance with the California Environmental Quality Act (CEQA), as amended.

(2) Approve an ordinance rezoning certain real properties of an approximately 17.64-gross-acre Site, situated on the east side of Elm Street between West Hedding Street and Emory Street, at the southwest corner of West Hedding Street and Elm Street, and northerly of West Hedding Street approximately 300 feet easterly of Elm Street (960 West Hedding Street) (APNs: 261-10-095, 096, 104, 105, 106; 261-11-005; 261-12-001, 002, 074, 087; 230-41-029, 030, 031, 032 & 043) from the PQP(PD) Planned Development Zoning District to a new PQP(PD) Planned Development Zoning District.

(3) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the on-site relocation of an existing approximately 4,377-square-foot historic building (Berchman's Hall), the demolition of an approximately 22,287-square foot academic building (Wade Hall) and the removal of 91 trees (21 ordinance-size, 70 non-ordinance-size) for the construction of a new approximately 44,698-square foot two-story academic building and the reconfiguration of an existing parking area on an approximately 17.64-gross acre site. CEQA: Bellarmine College Preparatory Master Plan Update Project Initial Study/Mitigated Negative Declaration. Planning Commission recommends approval (9-0-2; Rosario and Casey abstain). (Item 4d, 9/13/23 Planning Commission agenda). Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

- Attachments** [Memorandum](#)  
[Supplemental Memorandum, 10/16/2023](#)  
[\(1\) Resolution](#)  
[\(2\) Ordinance](#)  
[\(3\) Resolution](#)

- (c) [23-1394](#) CP23-003 & ER23-014 - Conditional Use Permit for Certain Real Property Located at 2 W. Santa Clara Street.

**Recommendation:**

Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the operation of a drinking establishment (occupancy greater than 250) with late night use until 2:00 AM in the basement of an existing commercial building, including extended construction hours (Monday through Saturday 5:00 AM to 7:00 PM) on an approximately 0.28-gross-acre site.

CEQA: Exemption per CEQA Guidelines Section 15301(a) for Existing Facilities. Council District 3. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

**Attachments**

[Memorandum](#)

[Resolution](#)

[Letters from the Public](#)

- (d) [23-1395](#) **C22-126, C22-127, C22-128, C22-129, C22-130, C22-131, C22-132, C22-133, C22-134, C22-135, C23-096 - City-Initiated Rezoning of 555 Parcels to Align a Property's Zoning Designation to its General Plan Land Use Designation in Response to Senate Bill 1333.**

**Recommendation:**

Approve an ordinance of the City of San José rezoning 132 properties from R-M Zoning District to MUN Mixed Use Neighborhood Zoning District, 94 from R-1-1 Single-Family Residential Zoning District to OS Open Space Zoning District, 48 from A Agriculture Zoning District to OS Open Space Zoning District, 40 from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, 37 from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 36 from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, 33 from R-1-8 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, 27 from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 21 from A Agriculture Zoning District to PQP Public/Quasi-Public Zoning District, 11 from A Agriculture Zoning District to R-1-2 Single-Family Residential Zoning District, nine from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, eight from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, eight from R-1-1 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, five from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, five from R-1-5 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, four from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, four from R-1-RR Rural Residential Zoning District to R-1-2 Single-Family Residential Zoning District, four from R-1-5 Single-Family Residential Zoning District to R-1-RR Rural Residential Zoning District, four from A Agriculture Zoning District to R-1-RR Rural Residential Zoning District, two from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, three from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, two from R-1-2 Single-Family Residential Zoning District to CIC Combined Industrial/Commercial Zoning District, two from IP Industrial Park Zoning District to OS Open Space Zoning District, two from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District, two from R-1-2 Single-Family Residential Zoning District to R-1-RR Rural Residential Zoning District, one from R-1-5 Single-Family Residential Zoning District to A Agriculture Zoning District, one from IP Industrial Park Zoning District to CP Commercial Pedestrian Zoning District, one from R-1-1 Single-Family Residential Zoning District to LI Light Industrial Zoning District, one from R-1-1 Single-Family Residential Zoning District to

MUN Mixed Use Neighborhood Zoning District, one from CO Commercial Office Zoning District to OS Open Space Zoning District, one from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, one from R-1-2 Single-Family Residential Zoning District to OS Open Space Zoning District, one from R-M Multifamily Zoning District to OS Open Space Zoning District, one from CN Commercial Neighborhood Zoning District to PQP Public/Quasi-Public Zoning District, and one from Water to PQP Public/Quasi-Public Zoning District, located in various locations on those certain real properties within the City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617). (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 will be adjourned in memory of Robert "Bob" Kadlec who passed away on September 30, 2023. A decorated veteran with the Air Force, Robert was involved with numerous Veterans organizations in San José over the years and played a major contribution in putting on the annual Memorial Day event and the Veterans Day Parade.

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## 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.