



City Council Meeting Amended Agenda

Tuesday, February 28, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

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.sanjose.legistar.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. 80628, 80659, 80685, 80724, 80758, 80809, RES2023-1 and RES2023-22, Councilmembers may be teleconferencing from remote locations.

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 ilegislate 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 889 5708 4529. 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/88957084529>
 - 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.

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). Interpretation is available in Spanish. In your webinar controls, select "Interpretation." Click the language you would like to hear.

- **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

[23-304](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

11:00 a.m. - Special Meeting: Fiscal Year 2023-2024 City Council Priority Setting Session #2 -
Administration Report, Council Chambers, City Hall

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

6:00 p.m. - Evening Session, Council Chambers, City Hall

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- **Pledge of Allegiance**

- **Invocation (District 2)**

Saida Mulder - Singer, Songwriter, SJSU Alumni.

- **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.

SEE NEW ITEM 8.2, “City Initiatives Roadmap – Emergency Housing System Expansion: Actions Related to the Homekey Program Round 2 Funds from the California Department of Housing and Community Development for Interim Housing Located at Branham Lane and Monterey Road” TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council’s Rules of Conduct, Resolution No. 2023-22, Rule 3(d); Council Agenda Items’ Placement After Rules During Social Distancing Period Resolution No. 79485; Council AB 361 Implementation Resolution No. 80809, Section 8.

- **Adjournment**

This meeting will be adjourned in the memory of Charles "Chuck" Delano Alexander who passed away on January 2, 2023. Chuck lived through the Civil Rights movement and saw great change in San Jose and Silicon Valley. He was a trailblazer for African American student athletes at San Jose State University, and was a founder of the Good Brothers House, a rooming house for African American athletes at a time when the United States was still segregated.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to Celina Rodriguez recognizing her groundbreaking journalism career. (Ortiz)

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.

[23-253](#)**Approval of City Council Minutes.****Recommendation:**

- (a) City Council Meeting Minutes of February 7, 2023.
 - (b) City Council Meeting Minutes of February 14, 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.

Attachments

- [\(a\) 2/7/2023 CC Minutes](#)
- [\(b\) 2/14/2023 CC Minutes](#)

2.2 Final Adoption of Ordinances.[23-302](#)**Final Adoption of Ordinances.****Recommendation:**

- (a) Ordinance No. 30884 - An Ordinance of the City of San José Prezoning Certain Real Property of Approximately 0.51 Gross Acres, Situated on the East Side of South Bascom Avenue Between Basile Avenue and Parkmoor Avenue and on the Southwest Corner of Laswell Avenue and Parkmoor Avenue (APNs: 277-29-045 & 277-29-044) from Unincorporated Territory within the County of Santa Clara County to the CP Commercial Pedestrian Zoning District and The R-1-8 Single-Family Residence Zoning District.
[Passed for Publication on 2/14/2023 - Item 10.1(a)(1) (23-195)]

2.3 Approval of Council Committee Minutes.

23-254**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Community and Economic Development Committee Minutes of January 23, 2023.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of January 25, 2023.
 - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of February 1, 2023.
 - (d) Regular Transportation and Environment Committee Minutes of February 6, 2023.
 - (e) Regular Neighborhood Services and Education Committee Minutes of December 8, 2022.
 - (f) Regular Neighborhood Services and Education Committee Minutes of November 10, 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.

Attachments

- [\(a\) 1/23/2023 CED Minutes](#)
- [\(b\) 1/25/2023 ROGC Minutes](#)
- [\(c\) 2/1/2023 ROGC Minutes](#)
- [\(d\) 2/6/2023 T&E Minutes](#)
- [\(e\) 12/8/2022 NSE Minutes](#)
- [\(f\) 11/10/2022 NSE Minutes](#)

2.4 Mayor and Council Excused Absence Requests.23-256**Mayor and Council Excused Absence Requests.****Recommendation:**

- (a) Request for an excused absence for Councilmember Jimenez from the Regular City Council Meeting on February 7, 2023 due to illness.
 - (b) Request for an excused absence for Councilmember Davis from the Regular Meeting of Rules and Open Government Committee on February 8, 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)

Attachments

- [\(a\) Memorandum](#)
- [\(b\) Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

- 2.7 [23-297](#) **Amicus Curiae Brief in Support of the Legality of the Deferred Action for Childhood Arrivals (DACA) Program in Texas v. United States (S.D. Tex).**

Recommendation: Authorize the City Attorney to join in Amicus Curiae brief being drafted by the County of Los Angeles and City of Los Angeles on behalf of cities and counties opposing plaintiffs' challenge to the legality of the Biden administration's new administrative DACA rule, which took effect on October 31, 2022, in Texas v. United States, Case No. 1:18-cv-00068 (S.D. Tex).
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Attorney)

Attachments [Memorandum](#)

- 2.8 [23-258](#) **Prevention, Awareness, and Wellness Support Program for Communications Division in San José Police Department.**

Recommendation: Adopt a resolution approving the terms of a Side Letter Agreement between the City of San José and the San José Police Dispatchers' Association for the implementation of the Prevention, Awareness, and Wellness Support Program in the San José Police Department's Communications Division effective as soon as practicable.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

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

2.9 [23-259](#) Amendments to Pay Plan and Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 Relating to Base Pay Increases and Non-Pensionable Lump Sum Payments for Dispatcher Series.

Recommendation:

Adopt a resolution:

(a) Approving the terms of a Side Letter Agreement between the City and Municipal Employees' Federation, AFSCME, Local 101 to:

(1) Provide a 0.46% base pay increase to the following Dispatcher classifications, effective March 5, 2023:

(i) Public Safety Radio Dispatcher Trainee (8532);

(ii) Public Safety Radio Dispatcher (FT/PT) (8514/8534);

(iii) Senior Public Safety Dispatcher (FT/PT) (8513/8533); and

(iv) Supervising Public Safety Dispatcher (8512).

(2) Provide a one-time non-pensionable lump sum payment to eligible incumbents in the Dispatcher classifications, consistent with the terms of the Side Letter Agreement between the City and Municipal Employees' Federation, AFSCME, Local 101.

(b) Amending the City of San José Pay Plan to increase the annual pensionable salary ranges of the following Dispatcher classifications effective March 5, 2023:

(1) Public Safety Radio Dispatcher Trainee (8532) increased to \$81,452.80 - \$81,452.80;

(2) Public Safety Radio Dispatcher (FT/PT) (8514/8534) increased to \$90,459.20 - \$109,969.60;

(3) Senior Public Safety Dispatcher (FT/PT) (8513/8533) increased to \$104,644.80 - \$127,316.80; and

(4) Supervising Public Safety Dispatcher (8512) increased to \$121,284.80 - \$147,326.40.

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

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

2.10 [23-260](#)

Amendments to the Pay Plan and Terms of Side Letter Agreements Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101, the City Association of Management Personnel, IFPTE, Local 21, and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21.

Recommendation:

Adopt a resolution:

(a) Approving the terms of a Side Letter Agreement between the City and the Municipal Employees' Federation, AFSCME, Local 101 to provide the following effective March 5, 2023:

(1) Providing employees in the Associate Construction Inspector (3771) classification with an approximate 4.33% base pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

(2) Providing employees in the Senior Construction Inspector (3772) classification with an approximate 2.29% base pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(b) Approving the terms of a Side Letter Agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 to provide the following effective March 5, 2023:

(1) Providing employees in the Principal Construction Inspector (3773) classification with an approximate 5.78% base pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

(2) Providing employees in the Operations Manager (3776) classification with an approximate 10.75% base pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(c) Approving the terms of Side Letter Agreement between the City and the Association of Management Supervisory Personnel, IFPTE, Local 21 to provide a 10.36% base pay increase to the following classifications consistent with the Side Letter Agreement that has been signed by all parties, effective March 5, 2023:

(1) Airport Operations Supervisor I (3524);

(2) Airport Operations Supervisor II (3527); and

(3) Airport Operations Supervisor III (3528).

(d) Approving the terms of a Side Letter Agreement between the City and the City Association of Management Personnel, IFPTE, Local 21:

(1) Providing a 10.36% base pay increase to the following classifications consistent with the Side Letter Agreement that has been signed by all parties, effective March 5, 2023:

(i) Airport Operations Superintendent I (3525); and

(ii) Airport Operations Superintendent II (3532).

(2) Providing a 15.00% base pay increase to the following classifications consistent with the Side Letter Agreement that has been signed by all parties, effective March 5, 2023:

(i) Airport Operations Manager I (3526); and

(ii) Airport Operations Manager II (3534).

(e) Amending the City of San José Pay Plan to increase the annual pensionable salary ranges for the following classifications effective March 5, 2023:

- (1) Associate Construction Inspector (3771) increased to \$82,929.60 - \$100,796.80;
- (2) Senior Construction Inspector (3772) increased to \$91,332.80 - \$111,092.80;
- (3) Principal Construction Inspector (3773) increased to \$108,222.40 - \$131,851.20;
- (4) Operations Manager (3776) increased to \$119,184.00 - \$145,100.80;
- (5) Airport Operations Supervisor I (3524) increased to \$93,059.20 - \$113,380.80;
- (6) Airport Operations Supervisor II (3527) increased to \$99,985.60 - \$121,825.60;
- (7) Airport Operations Supervisor III (3528) increased to \$107,681.60 - \$131,164.80;
- (8) Airport Operations Superintendent I (3525) increased to \$108,056.00 - \$131,643.20;
- (9) Airport Operations Superintendent II (3532) increased to \$124,966.40 - \$152,256.00;
- (10) Airport Operations Manager I (3526) increased to \$130,228.80 - \$158,620.80; and
- (11) Airport Operations Manager II (3534) increased to \$150,592.00 - \$183,435.20.

(f) Amending the City of San José Pay Plan, effective March 5, 2023, to create the following classifications:

- (1) Construction Inspector I FT (3777) with a pensionable salary range of \$64,896.00 - \$79,060.80 annually;
- (2) Construction Inspector II FT (3778) with a pensionable salary range of \$73,424.00 - \$89,440.00 annually;
- (3) Wastewater Facility Senior Engineer FT (3839) with a pensionable salary range of \$137,488.00 - \$174,033.60 annually; and
- (4) Wastewater Facility Principal Engineer FT (3838) with a pensionable salary range of \$153,175.55 - \$192,172.15 annually.

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

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

2.11 [23-268](#) Extension of the Proclamation of the Existence of a Local Emergency by 60 Days.

Recommendation: Adopt a resolution extending the Director of Emergency Services' January 3, 2023 Proclamation of the Existence of a Local Emergency that is currently set to expire on March 4, 2023 by 60 days, as the public safety threat for high water flows and flooding remains.
CEQA: Statutory Exempt, Section 15269, Emergency Projects
Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

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

2.12 [23-261](#) Amendment to Agreement with California Community Power for Long Duration Storage and Geothermal Power.

Recommendation: Adopt a resolution authorizing the Director of the Community Energy Department or designee to execute first amendments to four separate project participation share agreements with California Community Power and other Community Choice Aggregators transferring various responsibilities from project committees to the general manager of California Community Power and removing inefficient procedures and processes.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)

Attachments [Memorandum](#)
 [Agreement - OME](#)
 [Agreement - Onward](#)
 [Agreement - Ormat](#)
 [Agreement - Tumbleweed](#)

2.13 [23-262](#) Actions Related to Purchase Orders with Netsync Network Solutions, Inc. for Cisco SMARTnet Maintenance and Support Services.

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

(a) Amend purchase order PO 82953 with Netsync Network Solutions, Inc. (Houston, TX) for Cisco SMARTnet maintenance and support services for the San José Mineta International Airport to increase compensation by \$343,257 for a revised maximum compensation of \$500,000 for the option term ending on December 15, 2023; and

(b) Exercise up to two additional one-year options to extend the term of the purchase order through December 15, 2025, or as may be adjusted to align with the maintenance and support renewal term, 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](#)

2.14 [23-263](#) Actions Related to the Purchase Orders with J.S. Cole Company and Harris Blade Rental for as Required Earth-Moving and Construction Equipment Rentals.

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

(a) Amend purchase orders OP 62633 with J.S. Cole Company (Novato, CA) and OP 62634 with Harris Blade Rental (Livermore, CA) for as-required earth-moving and construction equipment rentals to increase the total compensation by \$1,300,000, for a combined not-to-exceed amount of \$2,000,000 for the period ending September 6, 2023; and

(b) Exercise up to four one-year options to extend the term of the purchase orders, with the last option ending on or about September 6, 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](#)

2.15 [23-264](#)**Amendment to the Agreement with Granicus, Inc. for Webstreaming Software and Hosting Services.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

(a) Negotiate and execute the Fourth Amendment to the Agreement with Granicus, Inc. (Denver, CO) for Webstreaming Software and Hosting Services to add scope to migrate to the PrimeGov agenda and meeting management platform, increase compensation by \$138,660 to retroactively reflect contract changes executed under previous City Council authority for a revised maximum compensation of \$918,122, add four additional two-year options for a total of nine options to extend the agreement through August 8, 2033 under the same material terms and conditions as the original agreement, update insurance requirements and the City's privacy and disclosure policy, and add the City's information technology and security requirements, subject to the appropriation of funds; and

(b) Negotiate and execute a second amended and restated Option 4 with Granicus, Inc. (Denver, CO) to add \$87,980 for migration to the PrimeGov platform for a revised maximum compensation of \$231,820 for the two-year option period ending August 8, 2023 and move any costs for incomplete migration work not completed by the end of Option 4 from Option 4 to Option 5.

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

Attachments [Memorandum](#)

2.16 [23-265](#)**Actions Related to the Purchase Order with Braun Northwest, Inc. for Rescue Medic Ambulances.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute a purchase order with Braun Northwest, Inc. (Chehalis, WA), for rescue medic ambulances for a one-year term beginning on or about March 1, 2023, and ending on or about February 28, 2024, for a not-to-exceed amount of \$3,300,000;
- (b) Approve a contingency of \$350,000 for unanticipated modifications to rescue medic ambulance specifications, subject to the appropriation of funds; and
- (c) Exercise up to four additional one-year options to extend the term of the purchase order, with the last option ending on or about February 28, 2028, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.17 [23-267](#)**Approval of 10212- Master Agreements with Callander Associates Landscape Architecture, Inc., RRM Design Group, Moore Iacofano Goltsman, Inc., PGAdesign Inc., and SWA Group for Landscape Architectural Services for Various City Facility Projects.****Recommendation:**

Approve the Master Agreements with Callander Associates Landscape Architecture, Inc., RRM Design Group, PGAdesign Inc., Moore Iacofano Goltsman, Inc., and SWA Group for landscape architectural services for various City projects from the date of execution through June 30, 2028, in an amount not to exceed \$1,500,000 for each master agreement.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

Attachments [Memorandum](#)
[Agreement - CALA](#)
[Agreement - MIG](#)
[Agreement - PGA](#)
[Agreement - RRM](#)
[Agreement - SWA](#)

2.18 [23-283](#) Approval of District 2 Career Exploration Seminar Sponsored by Council District 2 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 February 15, 2023:
(a) Approve the District 2 Career Exploration Seminar hosted in collaboration with East Side Union High School District scheduled on March 24, 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. (Jimenez)
[Rules Committee referral 2/15/2023 - Item B.3]

Attachments [Memorandum](#)

2.19 [23-287](#) Retroactive Approval of Councilmember Peter Ortiz Community Swearing-In Ceremony Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 15, 2023:
(a) Retroactively approve the Councilmember Peter Ortiz Community Swearing-In Ceremony scheduled on February 21, 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. (Ortiz)
[Rules Committee referral 2/15/2023 - Item B.4]

Attachments [Memorandum](#)

2.20 [23-296](#) Approval of Recognizing March 25, 2023 as Greek Independence 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 February 15, 2023:

- (a) Approve March 25, 2023 as Greek Independence Day as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the Greek Flag Raising Ceremony scheduled on March 22, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the Greek Independence Day Tower and Rotunda Lighting Ceremony as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) 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 2/15/2023 - Item B.5]

Attachments [Memorandum](#)

2.21 [23-301](#) Retroactive Approval of African American History Month Flag Raising Ceremony 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 February 15, 2023:

- (a) Retroactively approve the African American History Month Flag Raising scheduled on February 10, 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 2/15/2023 - Item B.6]

Attachments [Memorandum](#)

2.22 [23-331](#) Retroactive Approval of Cafecito and Pancake Breakfast Sponsored by Council District 3 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 February 22, 2023:
(a) Retroactively approve the Cafecito and Pancake Breakfast scheduled on February 3, 2023 and February 11, 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. (Torres)
[Rules Committee referral 2/22/2023 - Item B.4]

Attachments [Memorandum](#)

2.23 [23-324](#) 2024 California Ballot Initiative to Increase Vote Threshold for New or Increased Taxes.

Recommendation: As recommended by the Rules and Open Government Committee on February 22, 2023, adopt an oppose position on the 2024 California Ballot Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act, an initiated constitutional amendment limiting the ability of voters, as well as state and local governments, to raise revenues for public services.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 2/22/2023 - Item B.2]

Attachments [Memorandum](#)
 [Letters from the Public](#)

2.24 [23-328](#) VEBA Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on February 22, 2023, approve the following appointment to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term, beginning March 1, 2023 and ending on May 31, 2026:
(a) Edgar “David” Parker, nominated by the Federated unions.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 2/22/2023 - 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 [23-247](#) Board of Fair Campaign and Political Practices Interview.

Recommendation: (a) Interview applicants for appointments to the Board of Fair Campaign and Political Practices.
(b) Appoint up to three (3) applicants to a term ending March 1, 2027.
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](#)
[Memorandum - Conflicts of Interest](#)
[Applications](#)
[Council Votes](#)

3.4 [23-269](#) Report on Bids and Award of Contract for the 8512-Tully Road Safety Improvements Project - Federal Project No. CML-5005(155) - Re-Bid.

Recommendation: (a) Report on bids and award of contract for the 8512 - Tully Road Safety Improvements Project - Federal Project No. CML-5005(155) - Re-Bid to the low bidder, Joséph J. Albanese, Inc., in the amount of \$6,632,725.
(b) Approve a 10% contingency in the amount of \$663,273.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 7 and 8. (Public Works/Transportation)

Attachments [Memorandum](#)
 [Letter from the Public](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [23-270](#) Procurement Authority for Community Energy.

Recommendation: Adopt a resolution increasing the authority of the Director of the Community Energy Department or designee to negotiate and execute short- and medium-term agreements for the procurement of power products from \$352,900,000 to \$412,900,000 in calendar year 2023 and from \$337,300,000 to \$427,300,000 in calendar year 2024 to be paid solely from the San José Clean Energy Operating Fund.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)

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

6.2 [23-271](#) Report on Bids and Award of Contract for 10228 - South Bay Water Recycling Metering and Pressure Monitoring Improvements Phase 1 Project.

Recommendation: Report on bids and award of construction contract for the 10228 - South Bay Water Recycling Metering and Pressure Monitoring Improvements Phase 1 project to the lowest responsive, responsible bidder, JMB Construction, Inc. in the amount of \$2,681,000, and approve a 10 percent contingency in the amount of \$268,100. CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302, Replace or Reconstruction. (Environmental Services)

Attachments [Memorandum](#)
[Supplemental Memorandum, TPAC, 2/14/2023](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-273](#) Overruling Objections to the 2023-2024 Weed Abatement Commencement Report and Directing the Removal of Weeds or Refuse.

Recommendation: Conduct a Public Hearing and adopt a resolution:
(a) Overruling any and all objections to the 2023-2024 Weed Abatement Commencement Report (Report); and
(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, File No. PP18-094. (Planning, Building and Code Enforcement)
[Deferred from 2/7/2023 - Item 8.1 (23-165) and 2/14/2023 - Item 8.2 (23-208)]

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

8.2 [23-345](#) City Initiatives Roadmap - Emergency Housing System Expansion: Actions Related to the Homekey Program Round 2 Funds from the California Department of Housing and Community Development for Interim Housing Located at Branham Lane and Monterey Road.

Recommendation:

- (a) Adopt a resolution:
- (1) Authorizing the Director of Housing to renegotiate the terms of an agreement with LifeMoves to accept and receive an award of \$51,552,800 in Homekey Program Round 2 funds from the California Department of Housing and Community Development to address the housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness through the construction and operations at an interim housing community on City-owned property located at Branham Lane and Monterey Road;
 - (2) Approving an increase to the existing City Council-approved grant commitment to LifeMoves by \$2,000,000; and
 - (3) Authorizing the existing City Council-approved grant of \$10,000,000 for the installation of kitchenettes to be allocated towards general construction costs of the Project including, but not limited to, the construction of kitchenettes in each unit.
- (b) Adopt the following 2022-2023 Appropriation Ordinance Amendments in the General Fund:
- (1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$2,000,000; and
 - (2) Increase the Measure E - Project HomeKey 2.0 (40% ELI) appropriation to the Housing Department by \$2,000,000.
- (c) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
- (1) Decrease the Estimate for Revenue from the State of California by \$29,847,200; and
 - (2) Decrease the Project HomeKey 2.0 appropriation to the Housing Department by \$29,847,200.
- CEQA: Statutorily Exempt, File No. ER21-261, CEQA Guidelines Section 15268, Ministerial Projects. Council District 2. (Housing/City Manager)

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

If the Regular Session agenda items end after 6:00 p.m., this Open Forum will be held at the end of the full meeting concurrently with the Evening Session 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.

- **Council will recess until 6:00 p.m.**

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) [23-274](#) C22-042, C22-044, C22-045, C22-046, C22-047, C22-048, C22-049, C22-050, C22-051, C22-052, C22-054, C22-055, C22-056, C22-057 - City-Initiated Rezoning of 834 Parcels to Align a Property's Zoning Designation to Its General Plan Land Use Designation in Response to Senate Bill 1333 (San José Mineta Airport Influence Area).

Recommendation:

Approve an ordinance of the City of San José rezoning two properties from the A Agriculture Zoning District to the CIC Combined Industrial/Commercial Zoning District, seven properties from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, six properties from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District, ten properties from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, 17 properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 14 properties 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 DC Downtown Primary Commercial Zoning District, eight properties from the HI Heavy Industrial Zoning District to the DC Downtown Primary Commercial Zoning District, one property from the IP Industrial Park Zoning District to the DC Downtown Primary Commercial Zoning District, 10 properties from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District, three properties from the PQP Public/Quasi-Public Zoning District to the DC Downtown Primary Commercial Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the DC-NT1 Downtown Commercial - Neighborhood Transition 1 Zoning District, one property from the R-2 Two-Family Residential Zoning District to the DC Downtown Primary Commercial Zoning District, 39 properties from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District, three properties from the CO Commercial Office Zoning District to the LI Light Industrial Zoning District, one property from the CP Commercial Pedestrian Zoning District to the LI Light Industrial Zoning District, 23 properties from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, four properties from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the LI Light Industrial Zoning District, 17 properties from the R-2 Two-Family Residential Zoning District to the LI Light Industrial Zoning District, two properties from the R-M Multiple Residence Zoning District to the LI Light Industrial Zoning District, 30 properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, 18 properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, four properties from the

LI Light Industrial Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, six properties from the R-2 Two-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the R-M Multiple Residence Zoning District to the MUC Mixed Use Commercial Zoning District, 25 properties from the CN Commercial Neighborhood Zoning District to the MUN Mixed Use Neighborhood Zoning District, two properties from the CO Commercial Office Zoning District to the MUN Mixed Use Neighborhood Zoning District, four properties from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District, two properties from the LI Light Industrial Zoning District to the MUN Mixed Use Neighborhood Zoning District, one property from the R-1-8 Single Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 35 properties from the R-2 Two-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 66 properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, six properties from the A Agriculture Zoning District to the OS Open Space Zoning District, one property from the CIC Combined Industrial/Commercial Zoning District to the OS Open Space Zoning District, seven properties from the CO Commercial Office Zoning District to the OS Open Space Zoning District, two properties from the CO (PD) Planned Development Zoning District to the OS Open Space Zoning District, one property from the CP Commercial Pedestrian Zoning District to the OS Open Space Zoning District, 20 properties from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District, six properties from the HI Heavy Industrial Zoning District to the OS Open Space Zoning District, 14 properties from the IP Industrial Park Zoning District to the OS Open Space Zoning District, 26 properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District, 12 properties from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, 50 properties from the R-2 Two-Family Residential Zoning District to the OS Open Space Zoning District, seven properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, two properties from the CN Commercial Neighborhood Zoning District to the PQP Public/Quasi-Public Zoning District, 24 properties from the DC Downtown Primary Commercial Zoning District to the PQP

Public/Quasi-Public Zoning District, 30 properties from the HI Heavy Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, 20 properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, seven properties from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the R-M Multiple Residence Zoning District to the PQP Public/Quasi-Public Zoning District, ten properties from the CG Commercial General Zoning District to the R-1-8 Single-Family Residential Zoning District, 44 properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, 20 properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residential Zoning District, 11 properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, seven properties from the DC-NT1 Downtown Commercial Neighborhood Transition 1 Zoning District to the R-1-8 Single-Family Residential Zoning District, 19 properties from the LI Light Industrial Zoning District to the R-1-8 Single-Family Residential Zoning District, one property from the CG Commercial General Zoning District to the TEC Transit Employment Center Zoning District, one property from the CN Commercial Neighborhood Zoning District to the TEC Transit Employment Center Zoning District, 28 properties from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District, seven properties from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District, four properties from the LI Light Industrial Zoning District to the TEC Transit Employment Center Zoning District, five properties from the CP Commercial Pedestrian Zoning District to the TR Transit Residential Zoning District, one property from the CG Commercial General Zoning District to the UR Urban Village Zoning District, three properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, four properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, two properties from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, one property from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, two properties from the IP Industrial Park Zoning District to the UV Urban Village Zoning District, four properties from the R-M Multiple Residence Zoning

District to the UV Urban Village Zoning District, one property from the split zoned HI Heavy Industrial and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, two properties from the HI Heavy Industrial Zoning District to the split zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, three properties from the split zoned R-1-8 Single-Family Residential and R-M Multiple Residence Zoning Districts to the MUN Mixed Use Neighborhood Zoning District, one property from the split zoned IP Industrial Park and CP Commercial Pedestrian Zoning Districts to the UV Urban Village Zoning District, one property from the split zoned R-1-8 Single-Family Residential and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, two properties from the split zoned R-1-8 Single-Family Residential and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District, one property from the split zoned R-1-8 Single-Family Residential and IP Industrial Park Zoning Districts to the split zoned LI Light Industrial and OS Open Space Zoning Districts, one property from the split zoned R-1-8 Single-Family Residential and CO Commercial Office Zoning Districts to the OS Open Space Zoning District, two properties from the CO Commercial Office Zoning District to the split zoned LI Light Industrial and OS Open Space Zoning Districts, one property from the split zoned R-1-8 Single-Family Residential and LI Light Industrial Zoning Districts to the OS Open Space Zoning District, two properties from the split zoned R-2 Two-Family Residential, CO Commercial Office, and CP Commercial Pedestrian Zoning Districts to the OS Open Space Zoning District, five properties from the split zoned R-2 Two-Family Residential and LI Light Industrial Zoning District to the OS Open Space Zoning District, two properties from the split zoned R-1-8 Single-Family Residential and CP Commercial Pedestrian Zoning Districts to the MUN Mixed Use Neighborhood Zoning District, one property from the split zoned R-2 Two-Family Residential and CO Commercial Office Zoning District to the OS Open Space Zoning District, two properties from the split zoned R-2 Two Family Residential and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, one property from the split zoned CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family-Residential, and R-1-8 Single-Family Residential Zoning Districts to the split zoned LI Light Industrial and OS Open Space Zoning Districts, one property from split zoned CO Commercial Office and R-1-8 Single-Family Residential to the PQP Public/Quasi-Public

Zoning Districts, one property from the split zoned R-1-8 Single Family Residential, R-2 Two-Family Residential, CP Commercial Pedestrian, and A Agriculture Zoning Districts to the OS Open Space Zoning District, one property from the split zoned R-2 Two-Family Residential and CP Commercial Pedestrian Zoning Districts to the OS Open Space Zoning District, one property from the split zoned R-2 Two-Family Residential, R-M Multiple Residence, and LI Light Industrial Zoning District to the OS Open Space Zoning District, two properties from the IP Industrial Park Zoning District to the DC Downtown Primary Commercial Zoning District, one property from the HI Heavy Industrial Zoning District to the split zoned OS Open Space and TEC Transit Employment Center Zoning Districts, two properties from the split zoned HI Heavy Industrial and LI Light Industrial Zoning Districts to the PQP Public/Quasi-Public Zoning District, one property from the split zoned HI Heavy Industrial and LI Light Industrial Zoning Districts to the DC Downtown Primary Commercial Zoning District, two properties from the split zoned LI Light Industrial and HI Heavy Industrial Zoning Districts to the OS Open Space Zoning District, one property from the split zoned CO (PD) Planned Development and LI Light Industrial Zoning Districts to the OS Open Space Zoning District, one property from the split zoned LI Light Industrial and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, two properties from the DC Downtown Primary Commercial to the split zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, one property from the split zoned R-2 Two-Family Residential and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District, one property from the split zoned R-2 Two-Family Residential and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, one property from the split zoned R-M Multiple Residence and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, one property from the split zoned R-2 Two-Family Residential and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, two properties from the split zoned A Agriculture and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, and one property from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District, all on those certain real properties located throughout the San José Mineta Airport Influence Area.

CEQA: Determination of Consistency with the Final Environmental

Impact Report for the Envision San José 2040 General Plan (FEIR), for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental Environmental Impact Report (SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015 and addenda thereto. (Planning, Building and Code Enforcement)

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

- (b) [23-275](#) **C22-053, C22-058, C22-059, C22-060, C22-061, C22-062, C22-063, C22-064 -
City-Initiated Rezoning of 255 Parcels to Align a Property's Zoning
Designation to Its General Plan Land Use Designation in Response to
Senate Bill 1333 (Reid-Hillview Airport Influence Area).**

Recommendation:

Approve an ordinance of the City of San José rezoning two properties from the A Agriculture Zoning District to the IP Industrial Park Zoning District, two properties from the LI Light Industrial Zoning District to the IP Industrial Park Zoning District, one property from the R-1-2(PD) Planned Development Zoning District to the IP Industrial Park Zoning District, five properties from the A Agriculture Zoning District to the CG Commercial General Zoning District, seven properties from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the UR Urban Residential Zoning District, 16 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, three properties from the A Agriculture Zoning District to the R-1-8 Single-Family Residential Zoning District, two properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, nine properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residential Zoning District, seven properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, two properties from the A Agriculture Zoning District to the PQP Public/Quasi-Public Zoning District, four properties from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the CO Commercial Office Zoning District to the PQP Public/Quasi-Public Zoning District, 35 properties from the IP Industrial Park Zoning District to the PQP Public/Quasi-Public Zoning District, 42 properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 15 properties from the A Agriculture Zoning District to the OS Open Space Zoning District, three properties from the CN Commercial Neighborhood Zoning District to the OS Open Space Zoning District, two properties from the R-1-5 Single-Family Residential Zoning District to the OS Open Space Zoning District, 34 properties 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 OS Open Space Zoning District, two properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, 10 properties from the R-1-8 Single-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, five properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, one property from the A(PD) Planned Development Zoning District to

the CP Commercial Pedestrian Zoning District, four properties from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District, 11 properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, one property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 16 properties from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District, one property from the split zoned CO Commercial Office, CP Commercial Pedestrian, R-1-8 Single-Family Residential, R-2 Two-Family Residential, and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, two properties from the split zoned A Agriculture and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, two properties from the split zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, two properties from the A Agriculture Zoning District to the split zoned CG Commercial General and IP Industrial Park Zoning Districts, one property from the split zoned A Agriculture and R-1-8 Single-Family Residential Zoning Districts to the PQP Public/Quasi-Public Zoning District, one property from the R-1-8 Single-Family Residential Zoning District to the split zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, and one property from the A Agriculture Zoning District to the split zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, all on those certain real properties located throughout the Reid-Hillview Airport Influence Area, City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [23-276](#)

Burbank 44 Annexation C20-011 & ER20-146 - Annexation and Pre-Zoning of Five Unincorporated Parcels from the County of Santa Clara to the City of San José (APNs: 274-16-050, 052, 053, 069 & 070).

Recommendation:

(a) Adopt a resolution certifying the Environmental Impact Report for the 1881 West San Carlos Project, make certain findings concerning significant impacts, mitigation measures, and alternatives, and adopt a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act.

(b) Approve an ordinance pre-zoning an approximately 0.895-gross-acre site in Santa Clara County unincorporated territory designated as Burbank No. 44 into the Mixed-Use Commercial Zoning District.

(c) Adopt a resolution initiating proceedings and scheduling March 28, 2023, for City Council consideration of the reorganization of territory designated as Burbank No. 44, which involves the annexation to the City of San José of approximately 0.895 gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts, excepting the Burbank Sanitary District.

CEQA: Environmental Impact Report for the 1881 West San Carlos Project (File Nos. Burbank 44/C20-011/ CP20- 020/T20-016).

Planning Commission recommends approval [Planning Commission Agenda 12/14/2022, Item 5.a] (10-0). Council District 6. (Planning, Building and Code Enforcement)

[Renoticed from 2/14/2023 - Item 10.2 (23-196)]

Attachments [Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[\(c\) Resolution](#)

[Presentation - est. 5 minutes](#)

10.3 [23-277](#)**H21-005/ER21-018 & T21-005 - Site Development Permit and Vesting Tentative Map on Certain Real Property Located at 550 East Brokaw Road.****Recommendation:**

- (a) Adopt a resolution certifying the 550 E. Brokaw Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
- (b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one lot into four lots on an approximately 19.70-gross acre site.
- (c) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 213,626-square-foot commercial building and the removal of 274 trees (210 ordinance-size and, 64 non-ordinance-size with 508 replacement trees) for the construction of seven office buildings totaling approximately 1,924,110 square feet and two parking structures totaling approximately 1,647,920 square feet on an approximately 19.70-gross acre site.
- CEQA: 550 E. Brokaw Project Environmental Impact Report (File No. ER21-018). Planning Commission recommends approval [Planning Commission Agenda 1/11/2023, Item No. 5a] (8-0-2; Ahluwalia and Young absent). Council District 3. (Planning, Building and Code Enforcement)
- [Renoticed from 2/14/2023 - Item 10.3 (23-197)]

Attachments

[Memorandum](#)
[Memorandum Attachment 1](#)
[Memorandum Attachment 2](#)
[Memorandum Attachment 3](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)
[Presentation - est. 5 minutes](#)
[Applicant Presentation](#)

10.4 [23-278](#)

**H21-048/ER21-276 & T21-043 - Administrative Hearing on the
Environmental Appeal on the Apollo Residential Project. - DROP**

Recommendation:

(a) Conduct an Administrative Hearing to consider the environmental appeal of the Planning Director's reliance on the Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA) for a Site Development Permit and Vesting Tentative Map (File Nos. H21-048 and T21-043), to allow the demolition of the existing buildings on-site (totaling approximately 15,908 square feet) and construct a 20-story residential tower with up to 471 units and 7,661 square feet of ground floor retail, on an approximately 1.1-acre site.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act, as amended, and finding that:

(1) The City Council has independently reviewed and analyzed the Addendum for the Apollo Residential Project, and related administrative records related to Site Development Permit (File No. H21-048) and Vesting Tentative Map (File No. T21-043); and

(2) The Addendum for the Apollo Residential Project was prepared and completed in full compliance with the CEQA of 1970, as amended, together with State and local implementation guidelines; and

(3) Reliance on the Addendum for the Apollo Residential Project reflects the independent judgment and analysis of the City of San José, as the lead agency for the Project; and

(4) Preparation of a new, subsequent, or supplemental environmental document is not required because the appeal does not raise any new significant impacts that have not already been analyzed or addressed in the Apollo Residential Project Addendum and none of the following events occurred as outlined in Section 21166 of Public Resources Code (PRC):

(i) substantial changes are proposed in the project which will require major revisions of the environmental report;

(ii) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or

(iii) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. Further, a new, subsequent, or supplemental environmental impact report is not required because no impacts outside the scope of the Downtown Strategy 2040 EIR were

identified in Section 15168 of the CEQA Guidelines.
CEQA: Apollo Residential Project Addendum to the Downtown
Strategy 2040 Final Environmental Impact Report. Council District 6.
(Planning, Building and Code Enforcement)
[Renoticed from 2/14/2023 - Item 10.4 (23-198)]
DROP - PER REQUEST OF THE APPELLANT

Attachments [Memorandum](#)
[Memorandum Exhibit A](#)
[Memorandum Exhibit B](#)
[Memorandum Exhibit C](#)
[Memorandum Exhibit D](#)
[Memorandum Exhibit E](#)
[Memorandum Exhibit F](#)

10.5 [23-279](#)**SP21-044 & HP21-001 - Special Use Permit and Historic Preservation Permit for Certain Real Property Located at 19 North Second Street. - DEFERRED****Recommendation:**

- (a) Adopt a resolution certifying the 19 North Second Street Mixed-Use Project Supplemental Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
- (b) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the removal of the majority of the roof and interior (except for stairway core) of an existing 15,000-square foot, two-story building, the retention and integration of the building walls, street-facing façade and a portion of the existing roof and the construction of a 22-story, 240-foot-high mixed use 100% affordable senior housing project with 220 multifamily residential units and approximately 18,643 square feet of commercial space with up to four commercial condominiums on an approximately 0.22-gross acre site.
- (c) Adopt a resolution approving, subject to conditions, a Historic Preservation Permit to allow the removal of the majority of the roof and interior (except for stairway core) of a City Landmark and the construction of a 22-story, 240-foot-high building within the walls of the City Landmark that would integrate and restore the street-facing façade and a portion of the existing roof on an approximately 0.22-gross acre site.

CEQA: 19 North Second Street Mixed-Use Project Supplemental Environmental Impact Report. Council District 3. (Planning, Building and Code Enforcement)

DEFERRED TO 3/28/2023 PER ADMINISTRATION

- **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 the memory of Charles "Chuck" Delano Alexander who passed away on January 2, 2023. Chuck lived through the Civil Rights movement and saw great change in San Jose and Silicon Valley. He was a trailblazer for African American student athletes at San Jose State University, and was a founder of the Good Brothers House, a rooming house for African American athletes at a time when the United States was still segregated.

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.