



City Council Meeting Amended Agenda

Tuesday, April 25, 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.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 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.

- 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

[23-573](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Evening Session, Council Chambers, City Hall – Cancelled
*The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (District 4)

Piedmont Middle School - Music Performance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring April 23-29, 2023 as National Library Week highlighting the valuable role libraries, librarians, and library workers play in transforming lives and strengthening our communities in the City of San José. (Torres)

1.2 Presentation of a commendation recognizing Welcoming Interactive, an annual conference being held this year in the City of San José, that highlights successful practices and inspiring stories about immigrant inclusion, programs, policies, and partnerships. (Mayor)

1.3 Presentation of a proclamation declaring April 30, 2023 as Black April, a day for the Vietnamese American community in the City of San José to reflect on and mourn the Fall of Saigon. (Mayor, Doan, and 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.

[23-607](#)

Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of March 16, 2021.
 - (b) Regular City Council Meeting Minutes of March 30, 2021.
 - (c) Regular City Council Meeting Minutes of April 13, 2021.
 - (d) Regular City Council Meeting Minutes of April 27, 2021.
 - (e) Regular City Council Meeting Minutes of September 13, 2022.
 - (f) Regular City Council Meeting Minutes of October 4, 2022.
 - (g) Regular City Council Meeting Minutes of April 18, 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

- [\(a\) 3/16/2021 CC Minutes](#)
- [\(b\) 3/30/2021 CC Minutes](#)
- [\(c\) 4/13/2021 CC Minutes](#)
- [\(d\) 4/27/2021 CC Minutes](#)
- [\(e\) 9/13/2022 CC Minutes](#)
- [\(f\) 10/4/2022 CC Minutes](#)
- [\(g\) 4/18/2023 CC Minutes](#)

2.2 Final Adoption of Ordinances.

[23-599](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30897 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 3.62 Gross Acres, Located Westerly of Interstate 680 and Easterly of Pecten Court (0 Pecten Court) (APN 092-08-016) from the R-1-8 Single Family Residence Zoning District to the HI Heavy Industrial Zoning District. [Passed for Publication on 4/11/2023 - Item 10.1(a)(3) (23-501)]

(b) Ordinance No. 30898 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.39 Gross Acres, Located on the West Side of Plummer Avenue, Approximately 360 Feet Southeast of Curtner Avenue (2267 Plummer Avenue, APN 446-38-005) from the R-1-8 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 4/11/2023 - Item 10.1(b)(3) (23-502)]

(c) Ordinance No. 30899 - An Ordinance of the City of San José Rezoning Certain Real Properties of Approximately 0.48 Gross Acre, Situated at the Northwest Corner of the Intersection of West Julian Street and North Morrison Avenue (945 West Julian Street, APN 261-02-053 and North Morrison Avenue, APN 261-02-009) from the LI Light Industrial Zoning District to the TR Transit Residential Zoning District. [Passed for Publication on 4/11/2023 - Item 10.1(c)(3) (23-503)]

(d) Ordinance No. 30900 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 22.36 Gross Acres Situated at the Northern Terminus of Granite Rock Way at 120 Granite Rock Way (APNs: 462-17-024 and 462-17-025) from the IP Industrial Park and IP(PD) Planned Development Zoning District to a HI(PD) Planned Development Zoning District. [Passed for Publication on 4/11/2023 - Item 10.3(c) (23-504)]

2.3 Approval of Council Committee Minutes.[23-628](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Regular Transportation and Environment Committee Minutes April 3, 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

[\(a\) 4/3/2023 T&E Minutes](#)

2.4 Mayor and Council Excused Absence Requests.**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [23-586](#) Boards and Commissions Appointment.****Recommendation:**

Approve the following Boards and Commissions appointment:

(a) Civil Service Commission:

(1) Employee Nominated Public Member: Appoint Gary Joseph Diquisto for an unexpired term ending November 30, 2025.

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](#)
 [Application](#)

2.8 [23-574](#) Monterey Corridor Working Group Report Update.**Recommendation:**

Accept the progress report on the Monterey Corridor Working Group Report implementation.

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](#)

2.9 [23-575](#) A Purchase Order with Martech for Overhaul and Repair Services for Rotating Equipment and Transmission Pump Stations, Floway, and Other Pumps.

Recommendation: Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the term of the purchase order with Mechanical Analysis/Repair, Inc. dba Martech (Lodi, CA) for overhaul and repair services for rotating equipment and transmission pump stations, Floway, and other pumps, with the last option ending on or about June 29, 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](#)
[Supplemental Memorandum, 4/19/2023](#)

2.10 [23-576](#) Amendment to the Agreement with The Pun Group, LLC for Grant Fund Monitoring Services.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to an agreement with The Pun Group, LLC for grant fund monitoring services to increase the maximum total compensation by \$451,500 from \$100,000 to \$551,500.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

Attachments [Memorandum](#)

2.11 [23-577](#) **Amendment to the Master Consultant Agreement with LPA, Inc. for Architectural, Landscape Architectural, Environmental, Planning, and Engineering Services.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the Master Consultant Agreement with LPA, Inc. entered into on April 10, 2018 for architectural, landscape architectural, environmental, planning, and engineering services, to complete active and future projects and extend the agreement from April 30, 2023 to April 30, 2024.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.12 [23-578](#) **Agreement with Santa Clara Valley Medical Center for the Provision of Sexual Assault Forensic Exam Services for the San José Police Department.**

Recommendation: Adopt a resolution authorizing the City Manager to execute:
(a) Agreement between the City of San José and Santa Clara Valley Medical Center for the cost of sexual assault forensic exam services for the San José Police Department, in an amount not to exceed \$648,350 for the period of July 1, 2022, to June 30, 2023; and
(b) Four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$3,241,750, 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. (Police)

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

2.13 [23-632](#)**Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 19, 2023:

(a) Retroactively approve the Trash Talks Community Cleanup Day at Boggini Park scheduled on March 18, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the Dumpster Day at the corner of Chopin Ave and Sibelius Ave scheduled on March 25, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Retroactively approve the Town Hall at Chaboya Middle School scheduled on April 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Retroactively approve the Senior Scam Stopper at the Villages scheduled on April 14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(e) Retroactively approve the Community Cleanup at Dove Hill Park scheduled on April 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(f) Approve the District 8 Dumpster Day off the corner of Brigadoon Way and Daniel Maloney Way scheduled on April 29, 2023 as City Council sponsored Special Events and approve the expenditure of funds.

(g) Approve the District 8 Dumpster Day on Scottsdale Drive scheduled on April 29, 2023 as City Council sponsored Special Events and approve the expenditure of funds.

(h) Approve the District 8 Dumpster Day on Park Estates Way scheduled on April 29, 2023 as City Council sponsored Special Events and approve the expenditure of funds.

(i) 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. (Candelas)

[Rules Committee referral 4/19/2023 - Item B.3]

Attachments [Memorandum](#)

- 2.14** [23-641](#) **Retroactive Approval of Proclamation, Flag Raising, and Lighting Recognizing Golden State Warriors ‘Blue and Gold Day’ in the Bay Area Sponsored by the Mayor’s Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on April 19, 2023:

- (a) Retroactively approve the proclamation of Golden State Warriors ‘Blue and Gold Day’ in the Bay Area scheduled on April 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Golden State Warriors Flag Raising scheduled on April 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) 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. (Mayor)
[Rules Committee referral 4/19/2023 - Item B.4]

Attachments [Memorandum](#)

2.15 [23-644](#) Retroactive Approval and Approval of Multiple Special 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 April 19, 2023:

- (a) Retroactively approve the District 4 Easter Egg Hunt scheduled on March 25, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the District 4 George Mayne School Tree Planting scheduled on April 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the District 4 Community Meet and Greet scheduled on April 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the District 4 Dumpster Day scheduled on April 22, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Approve the District 4 Arbor Day Celebration Planting scheduled on April 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.
- (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 4/19/2023 - 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 [23-636](#) San José Conservation Corps Audit Report.

Recommendation: As recommended by the Neighborhood Services and Education Committee on April 13, 2023, accept the report on the audit of the San José Conservation Corps service delivery and expenditures under City contracts.
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)
[Neighborhood Services and Education Committee referral 4/13/2023 - Item (d)2]

Attachments [San Jose Conservation Corps Audit Report Presentation, NSE, 4/13/2023](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

5.1 [23-579](#) Regional Active Transportation Program Grant from the Metropolitan Transportation Commission for the Story-Keyes Complete Streets Project.

Recommendation: Adopt a "Resolution of Local Support" to receive Regional Active Transportation Program grant funding from the Metropolitan Transportation Commission for the Story-Keyes Complete Streets project that indicates the City will:

- (a) Follow all grant program requirements, delivery timelines, and provide the required local match;
- (b) Complete the project as identified in the grant application(s); and
- (c) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC and the California Department of Transportation in an amount not to exceed \$3,656,000 for the Story-Keyes Complete Streets project.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report, Supplemental Program Environmental Impact Report and addenda thereto (Resolution No. 76041), File No. ER23-065. Council Districts 3, 5, and 7. (Transportation)

Attachments [Memorandum](#)
[Resolution](#)
[Memorandum from Torres, Jimenez, Ortiz & Doan, 4/21/2023](#)

5.2 [23-580](#) Report on Bids and Award a Construction Contract for the 10255 - 2023 Major Streets Resurfacing Project #1.

Recommendation: Report on bids and award a construction contract for the 10255 - 2023 Major Streets Resurfacing Project #1, to the lowest responsive, responsible bidder, O'Grady Paving, Inc., in the amount of \$11,561,847 and approve a 10 percent contingency in the amount of \$1,156,185.

CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation/Public Works)

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [23-581](#) Report on Bids and Award of Construction Contract for 9850 - Yard Piping Improvements Phase 2 Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: (a) Accept the report on bids and award of construction contract to the lowest responsive, responsible bidder, Michels Trenchless, Inc., in the amount of \$16,855,430, for the 9850 - Yard Piping Improvements Phase 2 Project and approve a 15% construction contingency in the amount of \$2,528,315.

(b) Adopt the following 2022-2023 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$2,300,000; and

(2) Increase the Yard Piping and Road Improvements appropriation to the Environmental Services Department by \$2,300,000.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan, Yard Piping and Road Improvements Project, File No. PP19-063.

(Environmental Services/Public Works/City Manager)

Attachments [Memorandum](#)
[Supplemental Memorandum, 4/13/2023](#)
[Supplemental Memorandum, 4/19/2023](#)
[Letters from the Public](#)

6.2 [23-582](#) Amendment to the Master Consultant Agreement with Brown and Caldwell for the Digested Sludge Dewatering Facility.

Recommendation: Approve the First Amendment to the Master Consultant Agreement with Brown and Caldwell to provide engineering services as the owner's advisor for the Digested Sludge Dewatering Facility Project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$1,940,000, for a total agreement amount not to exceed \$9,640,000; and extending the term of agreement from December 31, 2023, to March 31, 2027.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

Attachments [Memorandum](#)
[Supplemental Memorandum, 4/20/2023](#)
[Agreement](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-583](#) Acquisition of Property Located at 258 McEvoy Street.

Recommendation: (a) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a purchase and sale agreement, and all other documents including deed acceptance related to the property transfer to the City, by First Community Housing or its affiliate for the purchase by the City of approximately 1.137 acres of land located at 258 McEvoy Street and 699 W. San Carlos Street, and related reports for a total price not to exceed \$13,451,344.
(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the Inclusionary Fee Fund:
 (1) Decrease the Housing Project Reserve appropriation by \$13,451,344; and
 (2) Establish a Housing Loans and Grants appropriation to the Housing Department in the amount of \$13,451,344.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 6. (Housing/City Manager)

Attachments [Memorandum](#)

8.2 [23-584](#) **Final Public Hearing and Approval of the Fiscal Year 2023-2024 Annual Action Plan for the U.S. Department of Housing and Urban Development.**

Recommendation:

Adopt a resolution to:

- (a) Approve the Fiscal Year 2023-2024 Annual Action Plan;
 - (b) Authorize the Director of Housing to submit the Fiscal Year 2023-2024 Annual Action Plan to Housing and Urban Development;
 - and
 - (c) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2023-2024 Annual Action Plan and all related contract amendments, extensions, and changes.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Attachments

[Memorandum](#)

[Supplemental Memorandum, 4/21/2023](#)

[Resolution](#)

[Presentation - est. 10 minutes](#)

8.3 [23-591](#) City Initiatives Roadmap - Housing Stabilization: Community Opportunity to Purchase Act Program Proposal.

Recommendation:

As recommended by the Community and Economic Development Committee on March 27, 2023, do not accept the status report on the draft Community Opportunity to Purchase (COPA) Program proposal that would provide Qualified Nonprofits a right to make a first and final purchase offer on properties up for sale, and would require notification to residents, Qualified Nonprofits, and the City of residential property sales covered by the program.

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

[Community and Economic Development Committee referral 3/27/2023 - Item (d)3]

Attachments

[Memorandum](#)

[Supplemental Memorandum, 3/23/2023](#)

[Attachments A to J](#)

[Memorandum from Cohen, Ortiz & Jimenez, 4/21/2023](#)

[Memorandum from Kamei, 4/25/2023](#)

[Letters from the Public - 1 of 3](#)

[Letters from the Public - 2 of 3](#)

[Letters from the Public - 3 of 3](#)

[Letters received post meeting](#)

8.4 [23-585](#) City-Led Engagement Process for Pleasant Hills Golf Course.

Recommendation: Accept the staff report on the scope, outreach approach, schedule, and budget for a proposed City-led outreach process for the possible redevelopment of the Pleasant Hills Golf Course property.
CEQA: Not a Project. File No. PP17-007, Preliminary direction to staff and eventual action require approval from the decision-making body.
Council District 8. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Memorandum from Mayor, Candelas, Ortiz & Foley, 4/21/2023](#)
[Presentation - est. 5 minutes](#)
[Letters from the Public - 1 of 7](#)
[Letters from the Public - 2 of 7](#)
[Letters from the Public - 3 of 7](#)
[Letters from the Public - 4 of 7](#)
[Letters from the Public - 5 of 7](#)
[Letters from the Public - 6 of 7](#)
[Letters from the Public - 7 of 7](#)
[Letters received post meeting](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY**10. LAND USE**

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion.
If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

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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.