



City Council Meeting Amended Agenda

Tuesday, May 23, 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.

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

[23-789](#)

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 5)
- Orders of the Day

To be heard after Ceremonial Items

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

- Adjournment

This meeting will be adjourned in memory of San José Evergreen Community College District Vice Chancellor, Jorge Escobar, who passed away on April 16, 2023. Jorge was a husband, a father and a community leader who was a committed public servant for our Evergreen community.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring May 21 to May 27, 2023 as National Public Works Week and recognizing Public Works services to our communities in the City of San José. (Kamei and Candelas)

1.2 Presentation of a proclamation declaring May 28, 2023, as the 105th year of Azerbaijan Independence Day to celebrate and recognize their contribution to the cultural, social, and economic fabric of the City of San José. (Batra)

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.

[23-782](#)

Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of April 25, 2023.
 - (b) Regular City Council Meeting Minutes of May 9, 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

- [\(a\) 4/25/2023 CC Minutes](#)
- [\(b\) 5/9/2023 CC Minutes](#)

2.2 Final Adoption of Ordinances.

[23-753](#)

Final Adoption of Ordinances.

Recommendation:

- (a) Ordinance No. 30906 - An Ordinance of the City of San José Amending Section 5.09.500 of Chapter 5.09 of Title 5; Sections 15.14.515 and 15.14.770 of Chapter 15.14 of Title 15; Section 20.80.460 of Chapter 20.80, Sections 20.95.020 and Section 20.95.110 of Chapter 20.95, and Sections 20.100.465, 20.100.480, 20.100.910, 20.100.1030 and 20.100.1090 of Chapter 20.100 of Title 20 of the San José Municipal Code to Make Amendments Related to Compliance with the Municipal Regional Stormwater Permit.
[Passed for Publication on 5/9/2023 - Item 6.1(a) (23-670)]
- (b) Ordinance No. 30908 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 9.78 Gross Acres Situated at the Southeast Corner of Trade Zone Boulevard and Ringwood Avenue (2400 Ringwood Avenue and 1849 Fortune Drive) (APNs 244-17-009 & 244-17-014) from the IP Industrial Park Zoning District to the TEC(PD) Planned Development Zoning District.
[Passed for Publication on 5/9/2023 - Item 10.2(b) (23-679)]

2.3 Approval of Council Committee Minutes.

[23-783](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Regular Community and Economic Development Committee Minutes April 24, 2023.

(b) Regular Transportation and Environment Committee Minutes May 1, 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

[\(a\) 4/24/2023 CED Minutes](#)

[\(b\) 5/1/2023 T&E Minutes](#)

2.4 Mayor and Council Excused Absence Requests.[23-787](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Davis from the Regular Meeting of Rules and Open Government Committee on May 17, 2023 due to Authorized City Business at Blue Zones Monterey County Site Visit, Salinas, California.

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

[Rules Committee referral 5/17/2023 - Item A.1.a]

Attachments

[Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.**

2.7 [23-733](#) Amendment to Services Agreement Between the City of San José and Faith Group, LLC for Airport On-Call IT Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Second Amendment to the Master Services Agreement between the City of San José and Faith Group, LLC for on-call information technology services, extending the expiration of the current term by one year to July 4, 2024, and increasing the maximum compensation by \$346,000 for a not to exceed total of \$1,535,000. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Airport)

Attachments [Memorandum](#)

2.8 [23-734](#) Amendment to Master City of San José Consultant Agreement with Jviation, Inc., a Woolpert Company for Airport On-Call Professional Consulting Services.

Recommendation: Approve a Second Amendment to the Master City of San José Consultant Agreement between the City of San José and Jviation, Inc., a Woolpert Company for on-call professional consulting services, extending the expiration of the current term from August 27, 2023, to June 30, 2025, with no additional compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

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

2.9 [23-735](#) Amendment to Master City of San José Consultant Agreement between the City of San José and Kimley-Horn and Associates for Airport On-Call Professional Consulting Services.

Recommendation: Approve a Second Amendment to the Master City of San José Consultant Agreement between the City of San José and Kimley-Horn for on-call professional consulting services, extending the expiration of the current term from September 12, 2023, to September 12, 2024, with no change in maximum compensation.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

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

2.10 [23-736](#) Airport Concession Disadvantaged Business Enterprise Program for Federal Fiscal Years 2024-2026.

Recommendation: Adopt a resolution:
(a) Approving the proposed Airport Concession Disadvantaged Business Enterprise (ACDBE) program update in accordance with the Federal Aviation Administration (FAA) regulations for the San José Mineta International Airport;
(b) Approve the three-year ACDBE race-neutral goal of 7.7% for all Airport Concessions, other than car rentals, for Federal Fiscal Years (FFY) 2024-2026;
(c) Approve the three-year ACDBE race-neutral goal of 0.40% for rental cars for FFY 2024-2026;
(d) Authorizing the City Manager to submit the three-year ACDBE program to the FAA; and
(e) Authorizing the City Manager to make revisions to the three-year ACDBE plan as requested by the FAA.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Airport)

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

2.11 [23-737](#) Set a Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments.

Recommendation: (a) Preliminarily approve the 2023-2024 Annual Report and Budget as filed by the Downtown Business Improvement District Advisory Board, or as modified by City Council.
 (b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2023-2024, and set Tuesday, June 6, 2023 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.
 CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3.
 (Economic Development and Cultural Affairs)

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

2.12 [23-738](#) Set a Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments.

Recommendation: (a) Preliminarily approve the 2023-2024 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by City Council.
 (b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2023-2024, and set Tuesday, June 6, 2023 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.
 CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3.
 (Economic Development and Cultural Affairs)

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

2.13 [23-739](#) Actions Related to the Purchase Orders with MTSA, Inc. and ACCO Engineered Systems, Inc. for Water Testing/Treatment and Preventative/Corrective Maintenance for HVAC Systems.

Recommendation: Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the terms of the purchase orders with MTSA, Inc. (Sunnyvale, CA) and ACCO Engineered Systems, Inc. (San José, CA) for water testing/treatment and preventative/corrective maintenance for HVAC systems with the last option ending on or about June 5, 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](#)

2.14 [23-740](#) Amendment to the Agreement with Ethosoft, Inc. for a Laboratory Information Management System.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement for a Laboratory Information Management System with Ethosoft, Inc. (Norcross, Georgia) to extend the initial term for an additional 12 months through June 14, 2024, under the same material terms and conditions as the original Agreement with no change in initial term compensation, and exercise up to nine one-year options to extend the Agreement through June 14, 2033, or as may be adjusted to align with the software 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/Environmental Services)

Attachments [Memorandum](#)
[Supplemental Memorandum, 5/19/2023](#)

2.15 [23-741](#) Amendment to Agreement with Stanley Convergent Security Solutions, Inc. for Airport Automated Access Control System and Related Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Agreement for Airport Automated Access Control System Services with Stanley Convergent Security Solutions, Inc. (Fishers, IN) to extend services for up to two additional one-year option terms through June 30, 2025 under the same material terms and conditions as the original agreement with maximum compensation not to exceed \$300,000 for the option period beginning July 1, 2023 and ending June 30, 2024, 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/Airport)

Attachments [Memorandum](#)

2.16 [23-742](#) Amendment to the City Pay Plan. - DEFERRED

Recommendation: Adopt a resolution amending the City of San José Pay Plan effective May 23, 2023, to create the Wastewater Facility Deputy Director (U) (3626) classification with an annual pensionable salary range of \$145,715.99 - \$235,185.60.

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

DEFERRED TO 6/6/2023 PER ADMINISTRATION

Attachments [Resolution](#)

2.17 [23-743](#) List of Pavement Maintenance Projects Eligible for Senate Bill No. 1 Funding.

Recommendation: Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2023-2024 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1, otherwise known as the Road Repair and Accountability Act of 2017.

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

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

2.18 [23-762](#) Retroactive Approval of Dumpster Day Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 10, 2023:
(a) Retroactively approve the Dumpster Day scheduled on May 20, 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. (Foley)
[Rules Committee referral 5/10/2023 - Item B.6]

Attachments [Memorandum](#)

2.19 [23-786](#) Retroactive 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 May 17, 2023:
(a) Retroactively approve the District 4 Community Leadership Forum scheduled on April 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Retroactively approve the District 4 Cataldi Park Tree Planting scheduled on April 29, 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 events.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 5/17/2023 - Item B.2]

Attachments [Memorandum](#)

2.20 [23-788](#) Boards and Commissions Appointment.**Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Youth Commission:

(1) District 1 Seat: Appoint Aanya Mishra for a term of June 1, 2023 to May 31, 2025.

(2) District 2 Seat: Appoint Neyha Pradeepkumar for a term of June 1, 2023 to May 31, 2024.

(3) District 5 Seat: Reappoint Andrew Lieu for a term of June 1, 2023 to May 31, 2025.

(4) District 6 Seat: Reappoint Amiya Bansal for a term of June 1, 2023 to May 31, 2024.

(5) District 7 Seat: Appoint Megan Luong for a term of June 1, 2023 to May 31, 2025.

(6) District 9 Seat: Reappoint Agam Singh for a term of June 1, 2023 to May 31, 2025.

(7) District 10 Seat: Appoint Nolan Mascarenhas for a term of June 1, 2023 to May 31, 2024.

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

[Rules Committee referral 5/17/2023 - Item A.1.a]

Attachments [Memorandum](#)
[Applications](#)

2.21 [23-795](#) Police and Fire Department Retirement Plan Board Public Member Appointment.**Recommendation:**

Reappoint Andrew Lanza as a Board Public Member to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending on April 30, 2027.

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

[Rules Committee referral 5/17/2023 - Item A.1.a]

Attachments [Memorandum](#)
[Memorandum - Police & Fire Retirement Board](#)
[Memorandum - Conflicts of Interest](#)
[Application](#)

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 [23-744](#) 2022 Biennial Ethics Review.

Recommendation:

(a) Accept the report on the Biennial Ethics Review.

(b) Approve an ordinance amending Section 12.21.430 of Chapter 12.21 of Title 12 of the San José Municipal Code to clarify the appeal process for a Public Records Act request.

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

Attachments

[Memorandum](#)

[Ordinance](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

3.4 [23-765](#)**Board of Fair Campaign and Political Practices Recommended Revisions to the Title 12 of the San José Municipal Code, Ethics and Open Government, and Repealing Resolution No. 79187 Governing the Board's Regulations and Procedures.****Recommendation:**

- (a) Council by motion waive the 10-day noticing requirement for the following item, and consider the following recommendation;
- (b) Approve an ordinance amending Title 12 of the San José Municipal Code to amend Section 12.04.080 of Chapter 12.04 authorizing the City Clerk to dismiss without prejudice insufficient complaints or complaints that are outside the jurisdiction of the Board of Fair Campaign and Political Practices; Section 12.05.020 of Chapter 12.05 regulating the schedule of Special Elections for certain initiative measures; Section 12.06.295 of Chapter 12.06 removing limitations on the amount a candidate may loan to their own campaign or campaign committee; Section 12.10.020 and 12.10.050 of Chapter 12.10 removing the nonprofit exception in the Revolving Door Ordinance; and Section 12.12.440 of Chapter 12.12 removing the late filing fee for weekly lobbyist reports; or
- (c) In the alternative, approve an ordinance amending Title 12 of the San José Municipal Code to amend Section 12.04.080 of Chapter 12.04 authorizing the City Clerk to dismiss without prejudice insufficient complaints or complaints that are outside the jurisdiction of the Board of Fair Campaign and Political Practices; Section 12.05.020 of Chapter 12.05 regulating the schedule of Special Elections for certain initiative measures; Section 12.06.295 of Chapter 12.06 removing limitations on the amount a candidate may loan to their own campaign or campaign committee; Section 12.10.020 of Chapter 12.10 to redefine the nonprofit exception in the Revolving Door Ordinance; and Section 12.12.440 of Chapter 12.12 removing the late filing fee for weekly lobbyist reports; and
- (d) Adopt a resolution amending regulations and procedures for the San José Board of Fair Campaign and Political Practices, Investigations, and Hearings and repealing Resolution No. 79187. (Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.6.B.2.a.)
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)
- [Rules Committee referral 5/10/2023 - Item C.1 and 5/17/2023 - Item A.1.a]

Attachments [Memorandum](#)
[Supplemental Memorandum, 5/22/2023](#)
[Memorandum from Jimenez & Cohen, 5/19/2023](#)
[Attachments from BFCPP](#)
[\(b\) Ordinance](#)
[\(c\) Ordinance](#)
[\(d\) Resolution](#)
[Presentation](#)
[Letters from the Public](#)

3.5 [23-768](#) **Proposed Ordinance to Revise Section 12.06.030 of Title 12 of the San José Municipal Code.**

Recommendation: Approve an ordinance amending Section 12.06.030 of Title 12 of the San Jose Municipal Code entitled Municipal Campaign and Officeholder Account to amend the definition of a candidate to conform with State Law.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Attorney)
[Rules Committee referral 5/10/2023 - Item C.2 and 5/17/2023 - Item A.1.a]

Attachments [Memorandum](#)
[Ordinance](#)
[Memorandum from Jimenez, Cohen, Davis, Candelas & Foley, 5/](#)
[Presentation - est. 5 minutes](#)
[Letters from the Public](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

- 5.1** [23-745](#) **BART Silicon Valley Phase II Extension Project Contract Package 2 Specific Construction Transportation Management Plan for West Portal Early Works.**

Recommendation: Approve Santa Clara Valley Transportation Authority's Contract Package 2 Construction Transportation Management Plan for Early Works at the West Portal as part of Santa Clara Valley Transportation Authority's Bay Area Rapid Transit Silicon Valley Phase II Extension Project.

CEQA: File No. ER21-065, Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report for the Santa Clara Valley Transportation Authority's BART Silicon Valley Phase II Extension Project. Council District 6. (Public Works)

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

- 5.2** [23-746](#) **Report on Bids and Award of Contract for the 10272 - 2023 Local Streets Resurfacing North Project.**

Recommendation: (a) Report on bids and award of contract for the 10272 - 2023 Local Streets Resurfacing North Project, to the lowest responsive, responsible bidder, MCK Services, Inc., in the amount of \$11,460,866; and
(b) Approve a 10% contingency in the amount of \$1,146,000.

CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 4, 5, 6, and 8.
(Transportation/Public Works)

Attachments [Memorandum](#)

- 5.3** [23-747](#) **Report on Bids and Award of Contract for the 2023 Local Streets Remove and Replace Pavement Project.**

Recommendation: (a) Report on bids and approve award of contract for the 2023 Local Streets Remove and Replace Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$3,833,200; and
(b) Approve a 10% contingency in the amount of \$383,000.

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

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-748](#) Update on the Future of San Pedro Street.

Recommendation: Accept staff's recommendation on a preferred layout and cost estimate for the potential permanent closure of San Pedro Street to non-emergency vehicular traffic between Santa Clara and St. John streets.

CEQA: Categorically Exempt, File No. ER23 080, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Economic Development and Cultural Affairs/Public Works/Transportation/Fire) [Deferred from 5/16/2023 - Item 8.1 (23-697)]

Attachments [Memorandum](#)
 [Memorandum from Mayor, Kamei, Torres, Davis & Doan, 5/19/23](#)
 [Presentation - est. 10 minutes](#)
 [Letters from the Public](#)

8.2 [23-749](#) Approval of the Issuance of Tax-Exempt and Taxable Multifamily Housing Revenue Notes and the Loan of the Proceeds thereof for the Financing of 777 West San Carlos and Approving Related Documents. - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation:

Adopt a resolution:

(a) Authorizing the issuance of a: (1) tax-exempt multifamily housing revenue note designated as City of San José Multifamily Housing Revenue Note (777 West San Carlos), Series 2023C-1 (Tax-Exempt) in a principal amount not to exceed \$70,700,000 and; (2) taxable multifamily housing revenue note designated as City of San José Multifamily Housing Revenue Note (777 West San Carlos), Series 2023C-2 (Taxable) in a principal amount not to exceed \$1,300,000 (the 2023C-1 Note and with the 2023C-2 Note, collectively the 2023C Notes);

(b) Approving the loan of 2023C Notes proceeds to San José Sunol Street LP (Borrower), a California limited partnership created by Danco Communities, a California for-profit corporation, to finance the construction and development of a 154-unit multifamily development known as 777 West San Carlos located at 260 Sunol Street, 270 Sunol Street, and 777 West San Carlos Street in San José (Development);

(c) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, the Contingency Draw-Down Agreement and related documents (collectively, the 2023C Notes Documents); and

(d) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Housing, Assistant Director of Finance, Deputy Director of Finance, Debt & Treasury Management, or their designees, to execute and deliver the 2023C Notes Documents together with any documents ancillary to the 2023C Notes Documents.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 6. (Housing/Finance)

TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[Supplemental Memorandum, 5/23/2023](#)
[Agreement - Borrower Loan](#)
[Agreement - Contingency Drawdown](#)
[Agreement - Funding Loan](#)
[Agreement - Regulatory](#)
[Resolution](#)
[Public Record Director's TEFRA Public Hearing 3/27/2023](#)
[Letters from the Public](#)

8.3 [23-750](#)

Seventh Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan to Reallocate a Portion of Community Development Block Grant Cares Act Funding Awarded by the United States Department of Housing and Urban Development.

Recommendation:

- (a) Hold a public hearing to allow for public comment.
- (b) Adopt a resolution relating to the following actions regarding a seventh Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan to use the Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act funding awarded by the United States Department of Housing and Urban Development to the City of San José:
- (1) Approve the changes relating to the Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan to apply to the Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act Program Allocation Plan;
- (2) Reallocate \$250,000 in Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act funds from the Law Foundation of Silicon Valley to Sacred Heart Community Services for the Eviction Diversion and Settlement Program, and authorize the Director of Housing to negotiate and execute an amendment to the Sacred Heart Community Services contract relating to these additional funds and extend the contract effective July 1, 2023 through December 31, 2023; and
- (3) Authorize the Housing Department to submit the Substantial Amendment to the United States Department of Housing and Urban Development.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment, and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

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

- **Adjournment**

This meeting will be adjourned in memory of San José-Evergreen Community College District Vice Chancellor, Jorge Escobar, who passed away on April 16, 2023. Jorge was a husband, a father and a community leader who was a committed public servant for our Evergreen community.

**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.