



# **City Council Meeting Amended Agenda**

**Tuesday, September 26, 2023**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -**

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

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

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

**How to observe the Meeting (no public comment):**

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

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

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

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

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

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

- 1) By Phone: (888) 475 4499. Webinar ID is 884 7147 0054. Click \*9 to raise a hand to speak. Click \*6 to unmute when called.  
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88471470054>
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.

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

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

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione

"Interpretation" (Interpretación). (Zoom solo)

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

To request interpretation in other languages, please email [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) four days prior to the meeting.

## • Call to Order and Roll Call

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

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[23-1304](#)

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 8)

Bhai Manmohan Singh Ji - Sikh Gurdwara San José

## • 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 September 2023 as Suicide Prevention Awareness Month to raise visibility for San José residents about suicide prevention and warning signs of suicide. (Foley)

1.2 Presentation of a proclamation recognizing September 2023 as Gynecological Cancer Awareness Month in the City of San José to bring awareness to the different signs, symptoms, and risk factors of all forms of gynecological cancers, including ovarian cancer, and the resources available for patients and their families. (Mayor and Davis)

## **2. CONSENT CALENDAR**

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

### **2.1 Approval of City Council Minutes.**

### **2.2 Final Adoption of Ordinances.**

[23-1295](#)

#### **Final Adoption of Ordinances.**

#### **Recommendation:**

(a) Ordinance No. 30950 - An Ordinance of the City of San José Amending Various Sections of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code to Modify Provisions of the 2022 California Building Energy Efficiency Standards to Serve as a Reach Code to Increase Building Efficiency, and Mandate Electric- and Solar-Readiness.

[Passed for Publication on 9/12/2023 - Item 6.2(b) (23-1187)]

(b) Ordinance No. 30951- An Ordinance of the City of San José Amending Part 48 of Chapter 2.08 of Title 2 of the San José Municipal Code to Add Section 2.08.4835, and to Amend Sections 2.08.4840 and 2.08.4850, and to Make Other Conforming Changes.

[Passed for Publication on 9/12/2023 - Item 7.1 (23-1188)]

(c) Ordinance No. 30952 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.43 Gross Acre, Situated on the Westerly Side of North Fifth Street, Approximately 45 Feet South of Jackson Street (575, 591 and 593 North Fifth Street) (APNS: 249-40-002, 249-40-003 and 249-40-004) from the A(PD) Planned Development Zoning District to the MUC Mixed Use Commercial Zoning District.

[Passed for Publication on 9/12/2023 - Item 10.1(a)(1) (23-1190)]

**2.3 Approval of Council Committee Minutes.****2.4 Mayor and Council Excused Absence Requests.****2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [23-1284](#) Settlement of Haidar v. City of San José, et al.**

**Recommendation:** Approve a settlement in the case of Haidar v. City of San Jose, et al. in the amount of \$400,000.00 and authorize the City Attorney to execute a Settlement Agreement.

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

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

**2.8 [23-1297](#) Amendment to the Agreement with Witt O'Brien's LLC for COVID-19 Consulting Support.**

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Eighth Amendment to the Agreement with Witt O'Brien's LLC (Witt O'Brien's) to extend the Agreement from September 30, 2023 to March 30, 2024 with no increase in compensation, in order to continue assisting the City with strategic emergency management support in updating plans and protocols based on the lessons learned in response to COVID-19 and 10 concurrent emergencies.

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

**Attachments** [Memorandum](#)

**2.9**    [23-1268](#)    **Lease Renewal with Concourse Business Center, LLC.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a First Amendment to the Standard Form Net Lease Agreement dated August 15, 2018 with Concourse Business Center, LLC to extend the lease term for an additional five years from October 1, 2023 to September 30, 2028 at a total base rental cost of approximately \$1,493,354 and applicable triple net expenses, subject to annual budget appropriation, and increase the security deposit to \$26,381.93 from the original \$22,257.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 4. (Economic Development and Cultural Affairs)

**Attachments**    [Memorandum](#)

**2.10**    [23-1269](#)    **Amendment to the Agreement with PMWEB, Inc. for a Project Management Information System.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Agreement for a Project Management Information System with PMWeb, Inc. (Wakefield, MA) to extend the initial term through June 30, 2024, including updates to the project implementation and payment schedules and under the same material terms and conditions as the original agreement with no change in maximum compensation, exercise up to four one-year options to extend the term of the agreement through June 30, 2028, or as may be adjusted to align with the software renewal term, and rescind the first option issued prior to completion of implementation, 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.  
Council District 6. (Finance/Airport)

**Attachments**    [Memorandum](#)



**2.11** [23-1270](#) **Actions Related to the Purchase Orders with Valley Power Systems North, Inc. for Engine and Generator Repair Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

(a) Amend purchase orders OP 63368 and OP 63537 with Valley Power Systems North, Inc. (City of Industry, CA) for engine and generator repair services to increase the total compensation by \$200,000, for a maximum compensation not-to-exceed \$450,000 for the period ending on or about April 12, 2024; and

(b) Exercise up to four one-year options to extend the term of the purchase order with the last option ending on or about April 12, 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](#)

**2.12** [23-1271](#) **Actions Related to the Purchase Orders with TSC Motors, Inc. for As Required New RAM 3500 and 5500 Vehicle Purchases.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

(a) Amend purchase orders OP 63227 and OP 63229 with TSC Motors Inc. dba Chrysler Dodge Jeep Ram Morgan Hill (Morgan Hill, CA) for as required new Ram 3500 and 5500 Tradesman vehicle purchases to increase the total compensation by \$1,140,000, for a combined maximum compensation not-to-exceed \$4,000,000 for the period ending on or about March 9, 2024; 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 March 9, 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](#)

**2.13**   [23-1272](#)      **Actions Related to the Purchase Order for Library Books and Related Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Amend purchase orders OP 64021 with Baker & Taylor, LLC (Charlotte, NC), and OP 64018 with Nubro, Inc. dba Brodart Co. (Williamsport, PA) for library books and related services to increase the total compensation by \$1,900,000 for a maximum compensation not to exceed \$2,350,000 for the period ending on or about August 14, 2024;
- (b) Approve a contingency of \$250,000 for unanticipated demand for library books and related services, subject to the appropriation of funds; and
- (c) Exercise up to six additional one-year options to extend the term of the purchase orders, with the last option year ending on or about August 14, 2030, subject to the appropriation of funds.

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

**Attachments**   [Memorandum](#)

**2.14** [23-1273](#) **Amendment to the City of San José Pay Plan for Various Classifications.**

**Recommendation:** Adopt a resolution amending the City of San José Pay Plan effective September 26, 2023, to:

(a) Create the following classifications:

(1) Regional Wastewater Facility General Manager (U) (3628) with an annual pensionable salary range of \$162,036.61 - \$261,760.05.

(2) Chemist II (5106) with an annual pensionable salary range of \$103,833.60 - \$126,152.00.

(3) Microbiologist II (5105) with an annual pensionable salary range of \$103,833.60 - \$126,152.00.

(4) Legal Administrative Assistant III (1169) with an annual pensionable salary range of \$81,515.20 - \$99,320.00.

(b) Delete the following classifications:

(1) Recreation Supervisor Full-Time/Part-Time (7124/7132).

(2) Legal Administrative Assistant Trainee (1165).

(3) Wastewater Facility Deputy Director (3626).

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

(Human Resources)

**Attachments** [Memorandum](#)

[Resolution](#)

**2.15** [23-1285](#) **Amendment to the Agreement with Filco LLC, for Public Event Services Support.**

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the agreement with Filco LLC for public event services support increasing the maximum compensation by \$300,000, from \$1,000,000 to \$1,300,000.

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

(Parks, Recreation and Neighborhood Services)

[Deferred from 9/19/2023 Item 2.12 (23-1231)]

**Attachments** [Memorandum](#)

**2.16** [23-1274](#) **Annual Evaluation Report for Fiscal Year 2023 (Year 2) for the 2021 Santa Clara County Multi- Jurisdictional Program for Public Information.**

**Recommendation:** Accept the Fiscal Year 2023 Annual Evaluation Report on Santa Clara County Multi-Jurisdictional Program for Public Information.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(Public Works)

**Attachments** [Memorandum](#)

**2.17** [23-1312](#) **Retroactive Approval of Fiesta Patrias Reception, Mexican Flag Raising, and Lighting Events Sponsored by Council District 3 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 September 20, 2023:  
(a) Retroactively approve the Fiesta Patrias Reception Event scheduled on September 14, 2023, the Mexican Flag Raising Event schedule on September 15, 2023 and the Mexican American Heritage Lighting scheduled from September 14 to September 21, 2023 as City Council sponsored Special Events 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 9/20/2023 - Item B.1]

**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**    [23-1275](#)            **Status of Open Audit Recommendations as of June 30, 2023.**

**Recommendation:**    Accept the Status of Open Audit recommendations as of June 30, 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. (City Auditor)

**Attachments**    [Memorandum](#)  
[Presentation - est. 10 mins](#)

**3.4**    [23-1279](#)            **Integrated Waste Management Enforcement Program Audit Report.**

**Recommendation:**    As recommended by the Transportation and Environment Committee on September 11, 2023, accept the audit report on the Integrated Waste Management Enforcement 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. (City Auditor)  
[Transportation and Environment Committee referral 9/11/2023 - Item (d)2]

**Attachments**    [Memorandum](#)  
[Presentation, T&E, 9/11/2023](#)  
[Letters from the Public](#)

**3.5**    [23-1280](#)    **Approval of Citywide Insurance Renewals.****Recommendation:**

Adopt a resolution authorizing the Director of Finance or designee to:

(a) Select and purchase City property, liability, and executive risk insurance policies for the period of October 1, 2023, to October 1, 2024, at a total cost not-to-exceed \$3,919,533 as well as an 18% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:

- (1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage;
- (2) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance;
- (3) The Princeton Excess and Surplus Lines Insurance Company and Arch Specialty Insurance Company for \$15 million in Excess Flood Insurance on a 50/50 quota share basis;
- (4) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the San José Mineta International Airport (Airport) and San José - Santa Clara Regional Wastewater Facility;
- (5) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;
- (6) Lexington Insurance Company for Secondary Employment Law Enforcement Professional Liability;
- (7) Arch Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit;
- (8) Great American Insurance Company for Government Fidelity/Crime Coverage; and
- (9) AGCS Marine Insurance Company for Auto Physical Damage for the Police Department grant-funded vehicles and equipment.

(b) Select and purchase Additional Liability Insurance for the period October 22, 2023, to October 22, 2024, at a cost ranging from \$500,000 to \$1,250,000, subject to the appropriation of funds.

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

(Finance)

**Attachments**

[Memorandum](#)

[Supplemental Memorandum, 9/15/2023, TPAC](#)

[Resolution](#)

**3.6**     [23-1296](#)     **Amendment to the City’s Pay Plan for the Director of Retirement Services and Chief Executive Officer, Assistant Director and Chief Investment Officer, Senior Investment Officer, and Investment Officer Classifications. - TO BE HEARD AFTER ITEM 10.1**

**Recommendation:**     (a) Accept the Director of Retirement Services and Chief Executive Officer (CEO) compensation study results.  
                                      (b) Accept the Chief Investment Officer (CIO) and Retirement Investment Officers compensation study results.  
                                      (c) Adopt a resolution amending the City of San José Pay Plan effective September 26, 2023, as follows:  
  (1) Change the total annual salary range for the classification of Director of Retirement Services and Chief Executive Officer U (7501) from \$244,134.49 - \$345,857.33 to \$244,134.49 - \$376,488.00;  
  (2) Change the total annual salary range for the classification of Assistant Director and Chief Investment Officer U (7506) from \$279,737.54 - \$375,102.57 to \$279,737.54 - \$408,300.00;  
  (3) Change the total annual salary range for the classification of Senior Retirement Investment Officer U (7507) from \$152,703.48 - \$238,033.77 to \$152,703.48 - \$266,409.00; and  
  (4) Change the total annual salary range for the classification of Retirement Investment Officer U (7505) from \$144,514.82 - \$204,364.25 to \$144,514.82 - \$231,660.00.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Retirement Services)  
[Deferred from 9/19/2023 Item 3.6 (23-1241)]  
TO BE HEARD AFTER ITEM 10.1

**Attachments**     [Replacement Memorandum, 9/19/2023](#)  
                              [Memorandum from Mayor, Davis & Foley, 9/22/2023](#)  
                              [Attachment A](#)  
                              [Attachment B](#)  
                              [Attachment C](#)  
                              [Attachment D](#)  
                              [Attachment E](#)  
                              [Resolution](#)  
                              [Presentation - est. 5 minutes](#)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

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

## **7. NEIGHBORHOOD SERVICES**

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

8.1 [23-1281](#) Fiscal Year 2022-2023 Consolidated Annual Performance Evaluation Report.

**Recommendation:**

- (a) Conduct a final public hearing on the Fiscal Year 2022-2023 Consolidated Annual Performance and Evaluation Report.
- (b) Accept the report on the progress towards achieving the housing and community development goals identified in the City's 2020-2025 Consolidated Plan and the Fiscal Year 2022-2023 Annual Action Plan regarding the use of federal funds from the United States Department of Housing and Urban Development for submittal by the September 29, 2023 deadline.
- 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, 9/22/2023](#)  
[Presentation - est. 10 mins \(rev. 9/25/2023\)](#)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

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

**10.1 Land Use on Consent Calendar - TO BE HEARD IMMEDIATELY AFTER CONSENT**



- (a) [23-1283](#)      **C23-093 and ER23-084 - Conforming Rezoning on Certain Real Property of an Approximately 0.44-Gross-Acre Site Located at 520 N 7th Street.**

**Recommendation:**

Approve an ordinance rezoning that certain real property of an approximately 0.44-gross-acre site located on the east side of North 7th Street, approximately 200 feet northwesterly from the intersection of North 7th Street and East Empire Street (520 North 7th Street; APNs 249-36-011, 012, & 013) from the LI Light Industrial Zoning District to the MUN Mixed-Use Neighborhood Zoning District.

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. Council District 3. (Planning, Building and Code Enforcement)  
TO BE HEARD IMMEDIATELY AFTER CONSENT

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

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

- **Open Forum**

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

- **Adjournment**

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.