



# **City Council Meeting Amended Agenda**

**Tuesday, February 15, 2022**

**1:30 PM**

**Virtual Meeting - <https://sanjoseca.zoom.us/j/99346843938>**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, 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.**

**\* COVID-19 NOTICE \***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343 and 80363, Councilmembers may be teleconferencing from remote locations.

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

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, 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 legislate 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 993 4684 3938. 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/99346843938>
  - 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

[22-140](#) Closed Session Agenda

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

1:30 p.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 2)

Father Jon Pedigo - Director of Advocacy and Community Engagement at Catholic Charities of Santa Clara County.

- 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 commendation to Mother's Out Front in recognition of their outstanding efforts to protect our environment and create a more livable climate. (Foley)

1.2 Presentation of a proclamation recognizing Teen Dating Violence Awareness Month. (Arenas)

1.3 Presentation of a proclamation recognizing African American History Month. (Jones)

## **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.****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 [22-139](#) Administrative Amendments to Boards and Commissions.**

**Recommendation:** Approve an ordinance to amend Chapter 2.08 of Title 2 of the San José Municipal Code to make administrative amendments to Boards and Commissions to eliminate term limits for Appeal Hearing Board members, eliminate the election process for scheduled Employee seat vacancies and scheduled Police and Fire retiree seat vacancies with only one applicant, allow appointment of Retirement Board applicants to a less than 12-month term plus subsequent full four-year term, and eliminate the Human Services Commission.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

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

**2.8 [22-153](#) Ordinance Amending the Police and Fire Department Retirement Plan to Clarify the Definition of Compensation.**

**Recommendation:** Approve an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to clarify the meaning of “FLSA premium pay” for Firefighters and memorialize when certain pays were incorporated into base pay for both Firefighters and Police Officers.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

**2.9**    [22-154](#)                      **Council Policy for Non-Voting Members of the Retirement Boards.**

**Recommendation:**    Adopt a resolution establishing a new City Council Policy entitled, “Non-Voting Retirement Board Member Roles and Expectations.” CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

**2.10**    [22-155](#)                      **Hiring Incentive Referral Program for City Employees.**

**Recommendation:**    Adopt a resolution to temporarily increase the Hiring Incentive Referral Program for City employees to \$1,500, effective February 20, 2022, and expiring on June 30, 2022. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

**2.11**    [22-141](#)                      **Actions Related to the Application for CalRecycle SB1383 Local Assistance Grant.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee to:  
(a) Submit an application to the California Department of Resources Recycling and Recovery (CalRecycle) for the SB 1383 Local Assistance Grant; and  
(b) Negotiate and execute any grant and payment agreements and any other documents necessary with CalRecycle to accept and receive the SB 1383 Local Assistance Grant upon award.  
CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended resulting in no physical changes to the environment. (Environmental Services)

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

**2.12**    [22-142](#)                    **Actions Related to the Purchase Order for Towable Diesel Dry Prime Pump Rental Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Pac Machine Company (Sacramento, CA) for Towable Diesel Dry Prime Pump Rentals for a twelve-month period, starting on or about February 16, 2022 and ending on February 15, 2023, for an amount not to exceed \$134,000.

(b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about February 15, 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](#)

**2.13**    [22-143](#)                    **Actions Related to the City Hall Council Chambers and Committee Rooms Audio Visual System Upgrade Project.**

**Recommendation:**

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the 9979-City Hall Council Chambers and Committee Rooms Audio Visual System Upgrade Project to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000;

(b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and

(c) Establish a construction contingency of up to fifteen percent of the amount of the construction contract for the project.

CEQA: Categorically Exempt, File No. ER22-005, CEQA Section 15301, Existing Facilities. Council District 3. (Public Works)

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



**2.14**    [22-144](#)                    **Highway Safety Improvement Program Cycle 10 Grant Acceptance and Appropriation of Funds.**

**Recommendation:**    (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Program Supplement for State funded Highway Safety Improvement Program grant with Caltrans in an amount not to exceed \$324,200 for reimbursement of traffic signal safety improvement work at the intersection of I-280 and Moorpark Avenue.  
(b) Adopt the following 2021-2022 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:  
    (1) Increase the estimate for Revenue from State of California by \$324,200; and  
    (2) Establish the I-280 & Moorpark Signal Modification appropriation to the Department of Transportation in the amount of \$324,200.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council District 1.  
(Transportation/City Manager)

**Attachments**    [Memorandum](#)

**2.15**    [22-185](#)                    **Digital Inclusion Fund Grants Update. - RENUMBERED FROM ITEM 3.5**

**Recommendation:**    Accept the status report on the Digital Inclusion Fund grant program, including:  
(a) Round 1 grantee final outcomes;  
(b) Round 2 grantee performance;  
(c) Digital Inclusion Fund revenue projections; and  
(d) Round 3 and future grants financial analysis and approach.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Library/City Manager)  
[RENUMBERED FROM ITEM 3.5 (22-147)]

**Attachments**    [Memorandum](#)

**2.16** [22-195](#) **Boards and Commissions Appointment.****Recommendation:**

(a) Senior Citizens Commission:

(1) District 7 Seat: Fane Williams to a term ending June 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)

[Rules Committee referral 2/9/2022 - Item A.1.a]

**Attachments**

[Memorandum](#)

[Conflicts of Interest Memorandum](#)

[Application](#)

**2.17** [22-189](#) **Approval of Two 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 Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on February 9, 2022:

(a) Approve the Santos Car Show scheduled on September 3, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the Berryessa Arts Festival at the Berryessa Community Center scheduled on May 7, 2022 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. (Cohen)

[Rules Committee referral 2/9/2022 - Item G.1.a]

**Attachments**

[Memorandum](#)

**2.18**    [22-194](#)            **Approval of City Hall Lighting Display Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 9, 2022:  
(a) Approve the City Hall Lighting Display Event for African American History Month scheduled on February 21, 2022 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. (Jones)  
[Rules Committee referral 2/9/2022 - Item G.1.b]

**Attachments**    [Memorandum](#)

**2.19**    [22-200](#)            **VEBA Advisory Committee Appointment.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 9, 2022:  
(a) Approve the following appointment to the VEBA Advisory Committee for a four-year term, beginning June 1, 2022 and ending on May 31, 2026:  
    (1) Laura Almaguer as the representative nominated by the Federated unions.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)  
[Rules Committee referral 2/9/2022 - Item F.1.a]

**Attachments**    [Memorandum](#)

**2.20** [22-203](#) **Deferred Compensation Advisory Committee Appointments.****Recommendation:**

As recommended by the Rules and Open Government Committee on February 9, 2022:

(a) Approve the following appointments to the Deferred Compensation Advisory Committee (DCAC) for an additional four-year term, beginning March 2, 2022 and ending on March 1, 2026:

(1) Roberto Peña as the representative nominated by the group of employees designated as “Management Employees”; and

(2) Jaime Fonseca as the representative nominated by the group of employees designated as American Federation of State, County, and Municipal Employees, AFSCME Local 101.

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

[Rules Committee referral 2/9/2022 - Item F.1.b]

**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** [22-145](#) **City Roadmap Second Quarter 2021-2022 Update. - DEFERRED****Recommendation:**

Accept the second quarter status report on the implementation of the Fiscal Year 2021-2022 City Roadmap.

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

DEFERRED TO MARCH 2022 PER RULES AND OPEN GOVERNMENT COMMITTEE

**Attachments** [Memorandum](#)

**3.4**    [22-146](#)            **Adoption of Statement of Policy and Questions for the Prospective Director of Information Technology.**

**Recommendation:**    Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Information Technology/Chief Information Officer as described in the memorandum to Council, in compliance with City Charter Section 411.1.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

**Attachments**    [Memorandum](#)

**3.5**    [22-147](#)            **Digital Inclusion Fund Grants Update. - RENUMBERED TO ITEM 2.15 [RENUMBERED TO ITEM 2.15 (22-185)]**

**3.6**     [22-196](#)     **Proposed Ballot Measure for the June 7, 2022 Election to Amend the City Charter to Move the Mayoral Election to the Presidential Election Cycle.**

**Recommendation:**

Adopt a resolution of the City Council:

(a) Calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 7, 2022, to submit to the electors of the City of San Jose, the following measure: Shall the City Charter be amended to: (1) move the election for the Office of Mayor to the same year as presidential elections beginning in 2024 and (2) limit the person elected to the Office of Mayor in 2022 to a two-year term with the option to run for and serve as Mayor for two additional successive four-year terms;

(b) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San Jose Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(c) Authorizing the City Council, or any member or members of the City Council, to submit a ballot argument in favor of the measure pursuant to Elections Code Section 9282;

(d) Authorizing the submittal of rebuttal arguments or, in the alternative, declining to authorize the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(e) Directing the City Attorney to prepare an Impartial Analysis of the measure pursuant to Elections Code Section 9280; and

(f) Directing the City Clerk to take all other actions necessary to place this measure on the June 7, 2022 ballot.

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

(City Clerk)

**Attachments**     [Memorandum](#)  
[Supplemental Memorandum, 2/15/2022](#)  
[Memorandum from Foley, 2/15/2022](#)  
[Resolution](#)

## **4. PUBLIC SAFETY SERVICES**

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

5.1 [22-148](#) **Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report for the Outdoor Advertising Digital Billboards.**

**Recommendation:** (a) Adopt a resolution approving the Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report (EIR) (SCH# 2018102020), certified by the San José City Council on April 18, 2020 (Resolution No. 79497), in accordance with the California Environmental Quality Act.

(b) Conduct a Public Hearing regarding the Project Plan for two Outdoor Advertising Digital Billboards under the “Norman Y. Mineta San José International Airport City of San José Advertising Concession Agreement by and between the City of San José and Clear Channel Outdoors Inc. with estimated annual revenue to the Airport of \$490,000 and reaffirm the project plan.

CEQA: US 101 Electronic Signs Addendum, File No. ER21-015.  
Council District 6. (Airport)  
[Deferred from 11/30/2021 - Item 5.2 (21-2486), 2/1/2022 - Item 5.1 (22-087)]

**Attachments** [Memorandum](#)  
[Memorandum, 11/17/2021](#)  
[Supplemental Memorandum, 11/29/2021](#)  
[Memorandum from Liccardo, Jones, Peralez, Cohen & Foley, 11/](#)  
[Resolution](#)  
[Presentation - est. 5 minutes](#)  
[US 101 Airport Electronic Signs Final Initial Study/Addendum -](#)  
[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](#)

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

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 [22-149](#) Actions Related to the Cannabis Equity Assistance Program. - TO BE HEARD CONCURRENTLY WITH ITEM 10.2**

**Recommendation:** (a) Accept the San José Cannabis Equity Assessment.  
(b) Accept the staff report on implementing a Cannabis Equity Pilot Program (pending Council action on Item 10.2).  
(c) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code to amend the Cannabis Equity Assistance Program.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development and Cultural Affairs/City Manager)  
TO BE HEARD CONCURRENTLY WITH ITEM 10.2

**Attachments** [Memorandum](#)  
[Supplemental Memorandum, 2/11/2022](#)  
[Memorandum from Foley, Peralez & Carrasco, 2/11/2022](#)  
[Memorandum from Peralez, 2/11/2022](#)  
[Memorandum from Jones, 2/15/2022](#)  
[Ordinance](#)  
[Presentation - est. 5 minutes \(first\)](#)  
[Presentation - est. 5 minutes \(second\)](#)  
[Letters from the Public](#)

### **8.2 [22-150](#) Funding Award with Goodwill of Silicon Valley for the San José Bridge Program. - RECOMMEND DEFERRAL**

**Recommendation:** Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with Goodwill of Silicon Valley in the amount of \$2,850,000 from the American Rescue Plan Act and the Housing Trust Fund to operate the San José Bridge Program retroactive from December 1, 2021 through June 30, 2023.  
CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and 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. (Housing)  
RECOMMEND DEFERRAL TO 3/8/2022 PER ADMINISTRATION

**Attachments** [Memorandum](#)



**8.3**     [22-151](#)     **Proposed Changes to the Allocation and Category Names of Measure E Real Property Transfer Taxes.**

**Recommendation:**

- (a) Hold the first of two public hearings regarding proposed changes to the spending allocation of real property transfer tax revenues as described under Section 22 of City Council Policy 1-18.
- (b) Consider changes to the spending allocation of real property transfer tax revenue set forth under Section 22 of City Council Policy 1-18 to modify the category names and allocation amounts to:
- (1) 40% for creation of new affordable housing for extremely low-income households;
  - (2) 30% for creation of new affordable housing for low-income households;
  - (3) 5% for creation of new for-sale and rental affordable housing for Moderate-Income households; and
  - (4) 25% for homeless support programs including prevention and rental assistance, shelter construction and operations.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing/City Manager)

**Attachments**

- [Memorandum](#)
- [Supplemental Memorandum, 2/14/2022](#)
- [Memorandum from Esparza, Cohen & Jimenez, 2/11/2022](#)
- [Memorandum from Liccardo, 2/14/2022](#)
- [Memorandum from Davis, 2/14/2022](#)
- [Presentation - est. 10 minutes](#)
- [Letters from the Public](#)

**8.4**    [22-164](#)            **Approval of a Downtown High-Rise Residential Tax and Fee Waiver for the Carlyle at 51 Notre Dame Street.**

**Recommendation:**    Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and the Affordable Housing Impact Fee for a downtown residential high-rise at 51 Notre Dame Street in the amount of \$4,390,599 pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6.C.  
CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and addenda thereto, Planning File No. SP20-020. Council District 3. (Economic Development and Cultural Affairs/Housing)  
[Deferred from 1/25/2022 - Item 8.1 (22-042), 2/1/2022 - Item 8.1 (22-132), 2/8/2022 - Item 8.3 (22-156)]

**Attachments**    [Memorandum](#)  
[Memorandum from Peralez, 1/24/2022](#)  
[Presentation - est. 5 minutes](#)  
[Letters from the Public](#)

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

### **10. LAND USE**

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

#### **10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

#### **10 Land Use - Regular Agenda**

**10.2** [22-152](#)**PP21-002 - Amendment to Title 20 and Title 6 of the San José Municipal Code (Cannabis Business Zoning Ordinance and Business Licenses and Regulations). - TO BE HEARD CONCURRENTLY WITH ITEM 8.1****Recommendation:**

- (a) Adopt a resolution adopting the San José Cannabis Business Ordinance Update Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act (CEQA).
- (b) Approve an ordinance amending Title 20 of the San José Municipal Code (the Zoning Ordinance) amending the following sections: Part 9.75 and 9.76 of Chapter 20.80; Table 20-90 of Chapter 20.40, Table 20-110 of Chapter 20.50, Table 20-138 of Chapter 20.55, Table 20-140 of Chapter 20.70, and Table 20-156 of Chapter 20.75; Part 13 of Chapter 20.100 to allow Cannabis retail storefront (dispensary) in the Commercial Zoning districts, disallow new Cannabis dispensaries in Industrial Zoning districts, change distance requirements from Cannabis businesses to sensitive uses with special consideration for the Downtown and Urban Village areas, allow a Zoning Code Verification Certificate to expire, and make other technical, non-substantive, or formatting changes within those sections of title 20 of the San José Municipal Code.
- (c) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulations) of the San José Municipal Code to:
- (1) Add delivery only to the categories of regulated cannabis businesses;
  - (2) Allow up to ten new cannabis dispensary businesses with equity business owners to register (only 5 of which may be storefront dispensaries);
  - (3) Allow currently registered cannabis dispensary businesses to dispense cannabis from a total of two locations;
  - (4) Approve other changes to update the San José Municipal Code to align with State regulations; and
  - (5) Make other technical, non-substantive, or formatting changes.
- CEQA: Negative Declaration for the San José Cannabis Business Ordinance Update; File No. PP21-002. Planning Commission recommends approval 8-3 (Garcia, Ornelas-Wise and Torrens opposed). (Planning, Building and Code Enforcement/Police) TO BE HEARD CONCURRENTLY WITH ITEM 8.1

**Attachments** [\(a\)\(b\) Memorandum](#)  
[\(c\) Memorandum](#)  
[\(a\)\(b\) Supplemental Memorandum, 2/11/2022](#)  
[Supplemental Memorandum, 2/11/2022](#)  
[Memorandum from Foley, Peralez & Carrasco, 2/11/2022](#)  
[Memorandum from Esparza, 2/11/2022](#)  
[Memorandum from Arenas & Cohen, 2/11/2022](#)  
[Memorandum from Jones, 2/15/2022](#)  
[Resolution](#)  
[\(b\) Ordinance](#)  
[\(c\) Ordinance](#)  
[Presentation - est. 5 minutes \(first\)](#)  
[Presentation - est. 5 minutes \(second\)](#)  
[Letters from the Public](#)

- 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.