



# **City Council Meeting Amended Agenda**

**Tuesday, March 22, 2022**

**1:30 PM**

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

**<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, 80363 and 80400, 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

[22-349](#)

Closed Session Agenda

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

1:30 p.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 3)

Father Jon Pedigo, 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 proclamation declaring March 25, 2022, as Greek Independence Day. (Foley)

1.2 Presentation of a proclamation recognizing Cerebral Palsy Awareness Month in the City of San José. (Perales)

1.3 Presentation of a proclamation declaring April 1, 2022, as Assyrian New Year. (Mahan)

## **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.

[22-372](#)

### Final Adoption of Ordinances.

**Recommendation:**

(a) Ordinance No. 30733 - An Ordinance of the City of San José Amending Title 4 of the San José Municipal Code by Amending Chapter 4.10 to Consolidate, Streamline, Update and Clarify the Manner in which the City Will Conduct Contractor Debarments.. [Passed for Publication on 3/8/2022 - Item 2.12(a) (22-260)]

## 2.3 Approval of Council Committee Minutes.

## 2.4 Mayor and Council Excused Absence Requests.

[22-424](#)

### Mayor and Council Excused Absence Requests.

**Recommendation:**

Request for excused absence for:

(a) Councilmember Esparza from the Regular Meeting of the Neighborhood Services and Education Committee on March 10, 2022 due to illness; and

(b) Councilmember Jimenez from the Joint Special Meeting of the Neighborhood Services and Education Committee and County regarding child well-being on March 25, 2022 due to authorized City business.

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

[Rules Committee referral 3/16/2022 - 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     [22-350](#)     Actions Related to the City Grant Program for Eligible San José Small Businesses Impacted by the COVID-19 Pandemic.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Enterprise Foundation to manage and implement a grant program utilizing American Rescue Plan Act funding in an amount not to exceed \$2,750,000, for a term from April 1, 2022 to December 31, 2022 to provide financial assistance to eligible San José small businesses that have been negatively impacted by the COVID-19 pandemic.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Economic Development and Cultural Affairs)

**Attachments**     [Memorandum](#)

**2.8     [22-351](#)     Actions Related to Purchase Orders for Infor EAM Professional and Technical Services from Accenture.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase order with attached addendum with Accenture LLP (formerly known as Advoco, LLC) (Berkeley, CA) to provide professional and technical services for Infor EAM, software used to manage equipment maintenance services, repair and parts requests, and associated work orders, for the Department of Public Works, for an initial two-year term beginning on or about March 23, 2022 through March 22, 2024 for a total amount not to exceed \$254,200;
  - (b) Execute purchase order with attached addendum with Accenture LLP to provide professional and technical services for Infor EAM, software used to manage equipment maintenance services, repair and parts requests, and associated work orders, for the Environmental Services Department for an initial one-year term beginning on or about March 23, 2022 through March 22, 2023 for a total amount not to exceed \$45,100;
  - (c) Exercise additional one-year options to extend the term of the purchase orders, with three options for the Department of Public Works and four options for the Environmental Services Department, with the last option year ending on or about March 22, 2027 for both departments, subject to the appropriation of funds; and
  - (d) Negotiate and execute additional purchase orders with Accenture LLP to provide Infor EAM professional and technical services for other City departments as requested, subject to substantially the same material terms and conditions and 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](#)



**2.9     [22-352](#)     EMS Trust Fund Agreement with the County of Santa Clara to Provide Funding of First Responder Category C - Benefit to EMS Systems Users Funds.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with the County of Santa Clara for the City to receive an amount not to exceed \$40,416 to fund the purchase of mechanical chest compression device systems that benefit the Santa Clara County Emergency Medical Services system (EMS Trust Fund, Category C - Benefit to EMS System User Funds).  
(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:  
    (1) Increase the estimate for Revenue from Local Agencies by \$40,416; and  
    (2) Establish a County of Santa Clara EMS Trust Fund - 2022 appropriation to the Fire Department in the amount of \$40,416.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Fire/City Manager)

**Attachments     [Memorandum](#)**

**2.10    [22-353](#)                    Actions Related to the Agreements with San José Conservation Corps and Downtown Streets, Inc. for Park and Trail Maintenance Services.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute a Continuation and Amendment to the two Agreements to Provide Park Maintenance Services with Downtown Streets, Inc. and San José Conservation Corps to extend the term through June 30, 2023, with no change in maximum compensation to Downtown Streets, Inc., and an increase in the maximum compensation from \$1,081,450 to \$1,331,450 for San José Conservation Corps; and
  - (2) Negotiate and execute an Agreement with San José Conservation Corps with a term beginning on April 1, 2022 through March 30, 2023 for services at the Coyote Creek Trail to improve the safety of trail users by providing visitor services, performing light landscaping and maintenance, and reporting large repair and other issues to responsible parties for a maximum compensation not to exceed \$308,790.
- (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Establish the Affordable Housing and Sustainable Communities Grant - Coyote Creek Trail City-wide Expenses appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$308,790; and
  - (2) Increase the estimate for Revenue from the State of California by \$308,790.
- CEQA: Categorically Exempt, File No. PP14-052, CEQA Guidelines Section 15301.c, Existing Facilities. (Parks, Recreation and Neighborhood Services/City Manager)

**Attachments**    [Memorandum](#)

**2.11    [22-354](#)                    Award of Contract for the 9743 - Transit Boarding Island for Tenth, Eleventh, East San Fernando, and East San Salvador Streets.**

**Recommendation:**

- (a) Report on bids and award of contract for the 9743 - Transit Boarding Islands (10th, 11th, East San Fernando, and East San Salvador Streets) to the low bidder, Sposeto Engineering, Inc., in the total amount of \$1,535,827.
- (b) Approve a 10 percent contingency in the amount of \$153,583.
- CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 3. (Public Works/Transportation)

**Attachments**    [Memorandum](#)

**2.12    [22-355](#)                    Transportation Fund for Clean Air Grant Funding Agreement 2021-2022.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority in an amount not to exceed \$701,622 for reimbursement of work that occurs on or after July 1, 2021.

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:

(1) Establish the TFCA 2021-2022 San Jose Adaptive Retiming appropriation to the Transportation Department in the amount of \$200,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$200,000.

(c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

(1) Establish the TFCA 2021-2022 San Jose Bikeway Upgrades appropriation to the Transportation Department in the amount of \$75,124; and

(2) Increase the estimate for Revenue from Local Agencies by \$75,124.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation/City Manager)

**Attachments**    [Memorandum](#)

**2.13    [22-421](#)                    First Amendment to the On-Demand Agreement with Safer LLC for Performance Guarantee at the Airport.****Recommendation:**

Approve the First Amendment to the On-Demand Agreement with Safer LLC at the Norman Y. Mineta San José International Airport to authorize the Director of Airport to adjust the required performance guarantee.

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

(Airport)

[Rules Committee referral 3/16/2022 - Item A.1.a]

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

**2.14    [22-422](#)                      Boards and Commissions Appointments.****Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Library Commission:

(1) District 5 Seat: Appoint Anarita Reyes for a term ending June 30, 2025.

(b) Youth Commission:

(1) District 5 Seat: Appoint Andrew Lieu for a term ending May 31, 2023.

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 3/16/2022 - Item A.1.a]

**Attachments**

[Memorandum](#)

[Conflicts of Interest Memorandum](#)

[Applications](#)

**2.15    [22-420](#)                      Approval of recognizing March 25, 2022 as Greek Independence Day Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on March 16, 2022:

(a) Approve March 25, 2022 as Greek Independence Day as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the Greek Flag Raising Ceremony scheduled on March 25, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and

(c) Approve the Greek Independence Day Tower and Rotunda Lighting Ceremony as a City Council sponsored Special Event and approve the expenditure of funds.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)

[Rules Committee referral 3/16/2022 - Item B.4]

**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**     [22-365](#)     **Options for Campaign Finance Regulations Related to Public Financing, Foreign Influence in Elections, and Other Limits on Corporations and Other Entities.**

**Recommendation:**     (a) Accept the memorandum to Council discussing options for regulations related to public campaign financing, prohibitions on campaign contributions from foreign-influenced business entities, and other limits on corporations and entities with conflicts of interest donating to candidates for office.  
   (b) Provide direction to staff to further develop or implement the options discussed in the memorandum to Council.  
   CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
   (City Attorney)  
   [Deferred from 11/16/2021 - Item 3.6 (21-2421)]

**Attachments**     [Memorandum](#)  
                                 [Supplemental Memorandum](#)  
                                 [Memorandum from Cohen, Jimenez & Foley, 11/16/2021](#)  
                                 [Memorandum from Cohen, Arenas, Foley & Jimenez, 3/18/2022](#)  
                                 [Presentation - 11/16/2021](#)  
                                 [Letters from the Public - 1 of 2](#)  
                                 [Letters from the Public - 2 of 2](#)

- 3.4**     [22-371](#)     **Legal Defense Fund. - DROPPED PER ADMINISTRATION**

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

**5.1     [22-356](#)     **Federal Aviation Administration Grant Funding for the Airport Terminal Americans with Disabilities Act Projects.****

**Recommendation:**     Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, Airport Terminal Program grants from the Federal Aviation Administration under the Infrastructure Investment and Jobs Act of 2021, referred to as the Bipartisan Infrastructure Law in a total amount not to exceed \$40,000,000 for the Airport Terminal Americans with Disabilities Act (ADA) projects below:

- (a) Phase 2 Terminal A Ground Transportation Center - accessibility improvements to terminal ground transportation infrastructure and other terminal ground transportation elements;
- (b) Phase 3a Terminal Package - accessibility improvements to terminal interior spaces; and
- (c) Phase 3b Consolidated Rental Car Facility (CONRAC) - accessibility improvements to exterior and interior locations around the building.

CEQA: Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497), File No. PP18-103. (Airport)

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

**5.2     [22-423](#)     **Federal Aviation Administration Grant Funding for the Airport Terminal Roofing Projects.****

**Recommendation:**     Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, Airport Terminal Program grants from the Federal Aviation Administration under the Infrastructure Investment and Jobs Act of 2021, referred to as the Bipartisan Infrastructure Law in a total amount not to exceed \$6,125,000 for the Airport Terminal Roofing projects below:

- (a) Terminal A Roof Replacement;
- (b) Terminal A+ Roof Replacement;
- (c) Federal Inspection Station Roof Replacement; and
- (d) Terminal B Skylight Refurbishment.

CEQA: Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497), File No. PP18-103. (Airport)  
[Rules Committee referral 3/16/2022 - Item A.1.a]

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

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

### **6.1     [22-357](#)             Storm Drain System Improvement Project Rebid.**

**Recommendation:**     Report on bids and award of construction contract to the low bidder, Ranger Pipelines, Inc., in the amount of \$6,333,000 for the 8748 - Storm Drain System Improvement Project Rebid and approve a 20 percent construction contingency in the amount of \$1,266,600. CEQA: Statutory Exemption, ER20-208, CEQA Guideline Section 15269(b) Emergency Projects. (Environmental Services/Public Works)

**Attachments**     [Memorandum](#)  
                         [TPAC Supplemental Memorandum](#)

## **7. NEIGHBORHOOD SERVICES**

### **7.1     [22-361](#)             Amendment to Chapter 9.44 - Regulation of Smoking of Title 9, Health and Safety of the San José Municipal Code in Alignment with City Council Policy Priority #18: Smoke Free Housing. - DROP**

**Recommendation:**     As recommended by the Neighborhood Services and Education Committee on December 9, 2021, approve an ordinance amending Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code to prohibit smoking inside multifamily housing units, except for smoking or vaping of cannabis, and to reduce the exposure to secondhand smoke in alignment with and completion of City Council Policy Priority #18: Smoke Free Housing. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Information Memos that involve no approvals of any City action. (Planning, Building, and Code Enforcement) [Neighborhood Services and Education referral 12/9/2021 - Item (d)3] DROPPED PER RULES AND OPEN GOVERNMENT COMMITTEE

**Attachments**     [Memorandum](#)  
                         [Ordinance](#)  
                         [Presentation, NSE](#)  
                         [Letters from the Public - 1 of 2](#)  
                         [Letters from the Public - 2 of 2](#)

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

**8.1     [22-362](#)            Fiscal Year 2022-2023 Annual Action Plan Priorities.**

**Recommendation:**     Hold a public hearing on funding priorities for Fiscal Year 2022-2023 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development and provide Housing Department staff with input on the proposed funding priorities for the City's next Annual Action Plan.  
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.  
(Housing)

**Attachments**     [Memorandum](#)  
[Supplemental Memorandum, 3/21/2022](#)  
[Presentation - est. 10 minutes](#)

**8.2     [22-369](#)            Report on the Status of California's COVID-19 Recovery Act, State's COVID-19 Rental Assistance Program, and Implementation of Local Eviction Diversion and Settlement Program.**

**Recommendation:**     (a) Accept the staff report on the status of California's COVID-19 Rental Housing Recovery Act, the State's COVID-19 rental assistance program, and the Housing Department's efforts to prevent at-risk households from eviction by providing rental assistance in the City of San José.  
(b) Direct the City Manager to implement an Eviction Diversion and Settlement Program in partnership with the County of Santa Clara's Office of Supportive Housing, Sacred Heart Community Services and the Superior Court of Santa Clara County.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(Housing)

**Attachments**     [Memorandum](#)  
[Memorandum from Carrasco, 3/21/2022](#)  
[Presentation - est. 10 minutes](#)  
[Letters from the Public](#)



- 8.3     [22-363](#)     **Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Element and the Housing Successor to the Redevelopment Agency Annual Report.**

**Recommendation:**     (a) Accept the Calendar Year 2021 Annual Progress Report on the implementation of the San José 2014-2023 Housing Element; and  
                                      (b) Accept the Fiscal Year 2020-2021 Housing Successor to the Redevelopment Agency Annual Report.  
                                      CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building, and Code Enforcement/Housing)

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

**10.2**    [22-384](#)

**GP21-016, GP21-017, C21-041, C21-042 & PP21-014 - General Plan Amendments, Rezonings, and Municipal Code Changes for the North First Street Local Transit Village.**

**Recommendation:**

- (a) Adopt a resolution approving the following:
- (1) General Plan Amendment to modify the North 1st Street Local Transit Village boundary and change the General Plan Land Use Designations on the Land Use/Transportation diagram on specified properties within the boundary of the Urban Village Plan area; and
  - (2) Adoption of the North 1st Street Local Transit Village Plan as the guiding policy document for new development and identified public improvements within the urban village area.
- (b) Adopt a resolution approving a General Plan Amendment changing the General Plan Land Use Designation on the land use/transportation diagram on specified properties located adjacent to the North 1st Street Local Transit Village boundary.
- (c) Approve an ordinance amending the regulation of maximum height limitations in San José Municipal Code Section 20.85.020.
- (d) Approve an ordinance rezoning specified properties within the North 1st Street Local Transit Village as follows:
- (1) Twenty-four properties from the CO Commercial Office and CN Commercial Neighborhood zoning districts to the CP Commercial Pedestrian zoning district;
  - (2) One property from the CN Commercial Neighborhood zoning district to the R-1- 8 Single-Family Residence zoning district;
  - (3) Thirty-two properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence, and R-M Multiple Residence zoning districts to the TR Transit Residential zoning district;
  - (4) Twelve properties from the CO Commercial Office, CP Commercial Pedestrian, and R-2 Two-Family Residence zoning districts to the UR Urban Residential zoning district; and
  - (5) Nine properties from the CO Commercial Office, CG Commercial General, and CN Commercial Neighborhood zoning districts to the UVC Urban Village Commercial zoning district.
- (e) Approve an ordinance rezoning specified properties in the vicinity of the North 1st Street Local Transit Village as follows:
- (1) Forty-four properties from the CO Commercial Office, CN Commercial Neighborhood, R-2 Two-Family Residence, R-M Multiple Residence, and A(PD) Planned Development zoning districts to the CP Commercial Pedestrian zoning district;
  - (2) Two properties from the R-1-8 Single-Family Residence zoning district to the MUC Mixed-Use Commercial zoning district;
  - (3) Three properties from the R-1-8 Single-Family Residence and CO Commercial Office Zoning District to the OS Open Space Zoning District;

- (4) Four properties from the CO Commercial Office, R-1-8 Single-Family Residence, and LI Light Industrial zoning districts to the PQP Public/Quasi Public zoning district;
- (5) Forty-three properties from R-2 Two-Family, R-M Multiple Residence, CO Commercial Office, CP Commercial Pedestrian, and A(PD) Planned Development zoning districts to the R-1-8 Single-Family Residence zoning district;
- (6) Six properties from CO Commercial Office, LI Light Industrial, and R-1-8 Single-Family Residence zoning districts to the TR Transit Residential zoning districts; and
- (7) Eleven properties from the CO Commercial Office and LI Light Industrial zoning districts to the UR Urban Residential 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. Planning Commission recommends approval with the following addition: Add the North 1st Street Local Transit Village to the same pilot program for small business displacement as the Alum Rock and Five Wounds Urban Villages (9-2; Garcia and Oliverio opposed). (Planning, Building and Code Enforcement)  
[Deferred from 3/15/2022 - Item 10.4 (22-318)]

**Attachments**   [Memorandum](#)  
[Memorandum from Liccardo & Peralez, 3/18/2022](#)  
[\(a\) Resolution](#)  
[\(b\) Resolution](#)  
[\(c\) Ordinance](#)  
[\(d\) Ordinance](#)  
[\(e\) Ordinance](#)  
[Presentation - est. 10 minutes](#)  
[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

**JOINT CITY OF SAN JOSE CITY COUNCIL/HOUSING AUTHORITY AGENDA**

1:30 p.m.

March 22, 2022

Hybrid Meeting

- Call to Order and Roll Call

- 1. [22-364](#) **Support for the 2023 Moving to Work Annual Plan.**

**Recommendation:**

Board of Commissioners of the City of San José Housing Authority (City Housing Authority) adopt a resolution authorizing the:

- (a) City Housing Authority Board's Executive Director to submit a letter to the Santa Clara County Housing Authority (SCCHA) Board to support the 2023 Moving to Work (MTW) Annual Plan; and
- (b) Executive Director of the SCCHA Board and the Chair of the SCCHA Board of Commissioners to execute documents required in connection with the 2023 MTW Plan submittal in the name of the City Housing Authority.

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

**Attachments**[Memorandum](#)[Memorandum from Liccardo, Peralez, Carrasco & Mahan, 3/18/2022](#)  
[Resolution](#)

- Open Forum
- Adjournment

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

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

### **1. Public Meeting Decorum:**

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

### **2. Signs, Objects or Symbolic Material:**

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

**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.