



# **City Council Meeting Amended Agenda**

**Tuesday, April 19, 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, 80400 and 80445, 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

[22-508](#)

Closed Session Agenda

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

1:30 p.m.- Regular Session

- **Pledge of Allegiance**

Led by District 4's Boy Scout Troop #170

- **Invocation (District 4)**

Quirina Luna Geary - Chairwoman of Tamien Nation.

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring April 22, 2022 as Earth Day. (Mayor)

1.2 Presentation of a proclamation declaring National Donate Life Month. (Carrasco)

## **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.**[22-528](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30748 - An Ordinance of the City of San José Amending Chapter 23.04 (Sign Code) of Title 23 of the San José Municipal Code to Modify Section 23.04.032 (Large Outdoor Stadium Spaces) to Increase the Maximum Number of Signs Allowed to Be Attached to an Outdoor Stadium from a Total of Four Signs to Six Signs.

[Passed for Publication on 4/5/2022 - Item 10.1(a) (22-448)]

**2.3 Approval of Council Committee Minutes.****2.4 Mayor and Council Excused Absence Requests.**[22-571](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Foley from the Regular Meeting for the Smart Cities and Service Improvements Committee on April 7, 2022 due to the attendance of American Leadership Forum of Silicon Valley Orientation.

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

[Rules Committee referral 4/13/2022 - 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     [22-509](#)     Settlement of Katrina Diaz, Samantha Moreno, Levi Diaz, and Preston Diaz v. City of San José.**

**Recommendation:**     Approve the settlement of a lawsuit brought by Plaintiffs Katrina Diaz, Samantha Moreno, Levi Diaz, and Preston Diaz in the total amount of \$147,499 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     [22-510](#)     Master Service Agreements for Customer Service Vision and Standards Services.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to:  
(a) Negotiate and execute master consulting agreements with the following vendors for customer service vision and standards services for initial one-year terms beginning on or about June 1, 2022 through June 1, 2023 with total maximum compensation not to exceed \$400,000 for each agreement, subject to the appropriation of funds:  
      (1) CivicMakers (San Francisco, CA);  
      (2) BerryDunn (Portland, ME);  
      (3) Guidehouse Inc. (Falls Church, VA); and  
      (4) Keen Independent Research LLC (Denver, CO).  
(b) Exercise up to two one-year options to extend the term of each of the agreements with the last option ending on or about June 30, 2025, 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. (City Manager)

**Attachments**     [Memorandum](#)

**2.9     [22-511](#)     Additional Funding for Studying the Potential of San José Electric Service to Downtown West.**

**Recommendation:**     Adopt the following 2021-2022 Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund:  
                                      (a) Increase the estimate for Other Revenue by \$300,000; and  
                                      (b) Increase the Diridon Station Area Development Planning - Electric Microgrid City-Wide Expenses appropriation to the Community Energy Department by \$300,000.  
                                      CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
                                      (Community Energy/City Manager)

**Attachments**     [Memorandum](#)



**2.10**    [22-512](#)

**City Roadmap - Digital Equity: Actions Related to the Construction Contracts for the Mt. Pleasant and Silver Creek Community WiFi Infrastructure, James Lick Tech Refresh, and Digital Inclusion Program.**

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Public Works to:
- (1) Decide any timely bid protests, including any issues of bidder responsiveness or responsibility;
  - (2) Make the City's final determination as to the lowest responsive and responsible bidder;
  - (3) Award and execute two contracts for the construction of the Mt. Pleasant and Silver Creek Projects, to the lowest responsive, responsible bidder on each Project, in an amount not to exceed \$1,750,000 for each Project, in a total amount for both Projects not to exceed \$3,500,000; and
  - (4) Establish a construction contingency of 10% of the amount of the construction contracts for each Project.
- (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to:
- (1) Establish the ESUHSD Community WiFi - Mt Pleasant City-Wide Expenses appropriation to the Public Works Department in the amount of \$1,671,203;
  - (2) Establish the ESUHSD Community WiFi - Silver Creek City-Wide Expenses appropriation to the Public Works Department in the amount of \$1,671,203;
  - (3) Establish the ESUHSD Community WiFi - Tech Refresh City-Wide Expenses appropriation to the Information Technology Department in the amount of \$493,204; and
  - (4) Increase the estimate for Revenue from Local Agencies by \$3,835,610.
- CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d), New Construction of Small Structures.  
(Library/Public Works/City Manager)

**Attachments**

[Memorandum](#)

[Memorandum from Arenas, 4/19/2022](#)

[Resolution](#)

**2.11    [22-513](#)            San José Diridon Station Integrated Concept Plan.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

(a) Execute the Second Amended and Restated Cooperative Agreement with the Santa Clara Valley Transportation Authority, the Peninsula Corridor Joint Powers Board, the California High-Speed Rail Authority, and the Metropolitan Transportation Commission related to the Diridon integrated Station Concept Plan to:

(1) Extend the term of the agreement to June 30, 2025; and

(2) Amend the Scope of Agreement.

(b) Negotiate and execute future extensions to this cooperative agreement for up to two additional five-year terms, extending until June 30, 2035.

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

Council Districts 3 and 6. (Transportation)

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

**2.12    [22-514](#)            Airport Connector Procurement Ordinance.****Recommendation:**

Approve an ordinance authorizing the use of alternative project delivery methods and to establish certain requirements for procurements and contracts related to the proposed Airport Connector Project.

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

Council Districts 3 and 6. (Transportation/Airport/Public Works)

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

- 2.13**    [22-572](#)            **Retroactive Approval of Proclamation, Flag Raising and Lighting Recognizing Golden State Warriors ‘Blue and Gold Day’ in the Bay Area on April 15, 2022 as a City Council Sponsored Special Event, and Accept Donation of Materials for the Event.**

**Recommendation:**    (a) Retroactively approve the Proclamation of Golden State Warriors ‘Blue and Gold Day’ in the Bay Area on April 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Retroactively approve the Golden State Warriors Flag Raising on April 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.  
(c) Retroactively approve the Golden State Warriors ‘Blue and Gold Day’ in the Bay Area Tower and Rotunda Lighting on April 15-18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.  
(d) Retroactively 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. (Liccardo)  
[Rules Committee referral 4/13/2022 - Item A.1.a]

**Attachments**    [Memorandum](#)

- 2.14**    [22-584](#)            **Approval of Earth Day Tree Planting Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on April 13, 2022:  
(a) Approve the Earth Day Tree Planting Event scheduled on April 22, 2022 as a City Council sponsored Special Event, approve the expenditure of funds, and approve the purchase of gift cards to be intended as prizes; 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. (Cohen)  
[Rules Committee referral 4/13/2022 - Item B.3]

**Attachments**    [Memorandum](#)

- 2.15**    [22-589](#)            **Approval of City Hall Free Use on Saturday, April 30, 2022, and the Vietnamese Heritage and Freedom Flag Raising from April 29 - May 5, 2022 for the Black April Commemoration Event Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on April 13, 2022:  
(a) Adopt a resolution authorizing "Free Use" for events and activities held at City Hall on April 30, 2022 for the Black April Commemoration Event co-hosted by the Council District 3 Office and the Vietnamese American Roundtable;  
(b) Approve the Vietnamese Heritage and Freedom Flag to be raised at City Hall scheduled on April 29 - May 5, 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. (Perez)  
[Rules Committee referral 4/13/2022 - Item B.4]

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

- 2.16**    [22-593](#)            **Retroactive Approval of Comanche Blossom Valley Neighborhood Association Neighbor Day Event Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on April 13, 2022:  
(a) Retroactively approve the Comanche Blossom Valley Neighborhood Association Neighbor Day dumpster event scheduled on March 10, 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. (Mahan)  
[Rules Committee referral 4/13/2022 - Item B.5]

**Attachments**    [Memorandum](#)

- 2.17**    [22-596](#)            **Approval of District 5 Earth Day Litter Pickup Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on April 13, 2022:  
(a) Approve the District 5 Earth Day Litter Pickup Event scheduled on April 23, 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. (Carrasco)  
[Rules Committee referral 4/13/2022 - Item B.6]

**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**     [22-515](#)**City Roadmap - Digital Equity: Approval of Digital Inclusion Grant Awards.****Recommendation:**

Adopt a resolution:

(a) Approving the award of Digital Inclusion Grants to the following organizations in the amounts specified:

- (1) Alum Rock School District \$262,500.
- (2) Catholic Charities of Santa Clara County \$70,000.
- (3) Closing the Divide \$17,500.
- (4) Evergreen Valley College \$52,500.
- (5) Goodwill of Silicon Valley \$17,500.
- (6) International Children Assistance Network, Inc. (ICAN) \$21,000.
- (7) International Rescue Committee, Inc. \$14,000.
- (8) Prosperity Lab \$17,500.
- (9) Sacred Heart Community Service \$61,250.
- (10) San José Community Media Access Corp \$3,500.
- (11) Silicon Valley Education Foundation \$35,000.
- (12) Sourcewise \$35,000.
- (13) Step Up & Do Something \$72,800.
- (14) Tech Exchange (The Oakland Public Education Fund) \$52,500.
- (15) The Vietnamese Voluntary Foundation, Inc. \$19,950.

(b) Authorizing a \$182,000 payment from the Digital Inclusion Fund to California Emerging Technology Fund (CETF) and use of \$387,750 in donated funds in the City Fund managed by CETF to distribute the grant awards to the grantees pursuant to the City's agreement with CETF.

(c) Authorizing the City Manager or designee to negotiate and execute a Second Amendment to the Agreement between the City and CETF to allow a one-time payment of \$20,000 in July 2022 to CETF for the separate administration of digital inclusion grants to schools that supported the City's COVID-19 emergency response and a one-time payment of up to \$72,500 in June 2023 to support the City's digital inclusion program assessment and change management.

CEQA: Not a Project, File No. PP17-003, 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. (Library/City Manager)

**Attachments**   [Memorandum](#)  
[Resolution](#)  
[Presentation - est. 10 minutes](#)  
[Letters from the Public](#)

**3.4**     [22-516](#)**Renewal of Downtown San José Property-Based Business Improvement District.****Recommendation:**

- (a) Adopt a resolution approving the execution of petitions as property owner to expand and renew the Downtown San José Property-Based Business Improvement District (PBID).
  - (b) Approve an agreement with the San José Downtown Association (SJDA) to fund the City's costs in conducting proceedings to expand and renew the PBID.
  - (c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Downtown Property and Business Improvement District Fund:
    - (1) Increase the estimate for Other Revenue by \$31,366; and
    - (2) Establish an appropriation to Public Works Department for the PBID Renewal Feasibility Project in the amount of \$31,366.
  - (d) Adopt a resolution:
    - (1) Stating City Council's intention to expand and renew the PBID;
    - (2) Preliminarily approve the PBID Management Plan, including the Engineer's Report; and
    - (3) Setting a public hearing and the tabulation of the majority protest ballots for June 7, 2022 at 1:30 p.m. or as soon thereafter as the matter may be heard.
  - (e) Adopt a resolution finding the SJDA remains uniquely situated to manage and oversee the delivery of services specified in the PBID Management Plan and Engineer's Report pursuant to San José Municipal Code Section 4.12.235, and delegating to the City Manager, or designee the authority to negotiate and execute an agreement with the SJDA to provide management of the expanded and renewed PBID, if approved by the property owners and formed by City Council on June 7, 2022.
- CEQA: Not a Project, File No. PP17-003, 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. Council Districts 3 and 6. (Public Works/Transportation/City Manager)



**Attachments**    [Memorandum](#)  
[Agreement](#)  
[Resolution \(a\)](#)  
[Resolution \(d\)](#)  
[Resolution \(e\)](#)  
[Presentation - est. 5 minutes](#)

**3.5    [22-573](#)    Boards and Commissions Appointment.**

**Recommendation:**    Approve the following Boards and Commissions appointment:

(a) Civil Service Commission:

(1) Interview applicant and consider appointment to fill one Member-at-Large seat with term ending November 30, 2022.

(2) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.

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 4/13/2022 - Item A.1.a]

**Attachments**    [Memorandum](#)  
[Conflicts of Interest Memorandum](#)  
[Application](#)

**4. PUBLIC SAFETY SERVICES**

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES**

**8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1     [22-461](#)     Actions Related to Increasing Equitable Representation on the Housing and Community Development Commission.**

**Recommendation:**

(a) Approve an ordinance amending Part 28 of Chapter 2.08 of Title 2 of the San José Municipal Code, titled “Housing and Community Development Commission” to:

- (1) Increase the total number of members from 13 to 14;
- (2) Add one new designated member seat for a person with lived experience with homelessness;
- (3) Provide that the Mayor nominate (in the short-term) the Lived Experience with Homelessness Commissioner for submission to City Council for formal appointment; and
- (4) Commencing in Fiscal Year 2022-2023, provide a monthly stipend in the amount of \$200 for the Lived Experience with Homelessness Commissioner on the Housing and Community Development Commission, dependent on attending a monthly meeting.

(b) Direct the Housing Department to help recruit interested applicants for the new Lived Experience with Homelessness Commissioner seat and, upon appointment, provide the necessary resources and support for the new Commissioner to reduce barriers to participation.

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

[Deferred from 3/29/2022 - Item 8.1 (22-401)]

**Attachments**

[Memorandum](#)

[Memorandum from Peralez, 4/15/2022](#)

[Ordinance](#)

[Presentation - est. 10 minutes](#)

[Letters from the Public](#)

**8.2     [22-575](#)     Proposed Changes to the Spending Priorities and Percentage Allocations  
Measure E Real Property Transfer Taxes.**

**Recommendation:**

(a) Hold the second of two public hearings regarding proposed changes to the spending priorities and percentage allocations of real property transfer tax revenues as described under Section 22 of City Council Policy 1-18.

(b) Accept the staff report and adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to make the following changes to the spending priorities and percentage allocations of real property transfer tax revenue set forth under Section 22, Real Property Transfer Tax Revenues, to modify the category names and percentage allocations to:

(1) 40% for creation of new affordable housing for extremely low-income households;

(2) 30% for creation of new affordable housing for lower-income households;

(3) 5% for creation of new affordable housing for moderate-income households;

(4) 10% for homeless prevention and rental assistance; and

(5) 15% for homeless support programs including shelter construction and operations.

PLEASE NOTE: APPROVAL OF THIS RESOLUTION REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. (Council Policy 1-18, Section 22(c)(2)).

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

[Continued from 4/12/2022 - Item 8.1 (22-486)]

PUBLIC HEARING, INCLUDING PUBLIC COMMENT, CLOSED ON 4/12/2022. NO PUBLIC COMMENT WILL BE TAKEN FOR THIS ACTION.

**Attachments**

[Memorandum](#)

[Memorandum from Liccardo, Peralez, Davis, Foley & Mahan, 4/](#)

[Resolution](#)

[Presentation - est. 10 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**

- (a)     [22-517](#)            **C22-005, C22-006, C22-007, C22-008, C22-009, C22-010, C22-011 - Rezoning  
239 Certain Real Properties Located in Various Locations in Council Districts  
1 and 6. - TO BE HEARD IMMEDIATELY AFTER CONSENT.**

**Recommendation:**

Approve an ordinance rezoning 47 properties from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, one property from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, 11 properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, 34 properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, six properties from the R-2 Two-Family Residential Zoning District to the UV Urban Village Zoning District, 16 properties from the R-M Multiple Residence Zoning District to the UV Urban Village Zoning District, two properties from the LI Light Industrial Zoning District to the UV Urban Village Zoning District, 13 properties from the CP Commercial Pedestrian Zoning District to the UVC Urban Village Commercial Zoning District, two properties from the CO Commercial Office Zoning District to the UVC Urban Village Commercial Zoning District, six properties from the CN Commercial Neighborhood Zoning District to the UVC Urban Village Commercial Zoning District, 13 properties from the CG Commercial General Zoning District to the UVC Urban Village Commercial Zoning District, one property from the R-2 Two-Family Residential Zoning District to the UVC Urban Village Commercial Zoning District, 59 properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, eight properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, four properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the R-M Multiple Residence District Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, one property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the CG Commercial General Zoning District to the split zoned UV Urban Village and UVC Urban Village Commercial Zoning Districts, one property from the split zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the MUC Mixed Use Commercial Zoning District, one property from the split zoned A Agriculture and CP Commercial

Pedestrian Zoning Districts to the UV Urban Village Zoning District, one property from the split zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UV Urban Village Zoning District, and one property from the split zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UR Urban Residential Zoning District, located on those certain real properties throughout the Valley Fair/Santana Row and West San Carlos Street planned growth areas.

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 Districts 1 and 6. (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**

## 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.