



City Council Meeting Amended Agenda

Tuesday, May 10, 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.

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

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

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445 and 80481, 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 ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

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

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

- 1) By Phone: (888) 475 4499. Webinar ID is 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.

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

Click the language you would like to hear.

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

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

[22-642](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- **Pledge of Allegiance**

- **Invocation (District 5)**

Saxophone Player – Jared Carbajal

- **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 May 8, 2022 as Mother's Day. (Carrasco)

1.2 Presentation of a commendation to Police Captain Brian Shab and Deputy City Attorney Vance Chang for their extraordinary efforts to uplift and support the Santee Community. (Esparza)

1.3 Presentation of a proclamation recognizing Mental Health Awareness Month. (Arenas)

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.

[22-667](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30762 - An Ordinance of the City of San José Amending Section 27.06.050 of the San José Municipal Code to Increase the Credit (or “Discount”) Provided for a Local Business Enterprise or a Small Business Enterprise from 2.5 Percent to 5.0 Percent and to Authorize the City Manager or City Manager’s Designee to Update Procurement Preferences for Minor Public Works Contracts Accordingly.

[Passed for Publication on 4/26/2022 - Item 3.5 (22-565)]

2.3 Approval of Council Committee Minutes.

[22-708](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 13, 2022.

(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 20, 2022.

(c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 27, 2022.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

[\(a\) 4/13/2022 ROGC Minutes](#)

[\(b\) 4/20/2022 ROGC Minutes](#)

[\(c\) 4/27/2022 ROGC 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** [22-663](#)**Amendment to Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.****Recommendation:**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Seventh Amendment to the Agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term of the Agreement from June 30, 2022 to June 30, 2023, with no increase in the maximum amount of compensation.

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](#)

2.8 [22-643](#) **2019 State Homeland Security Grant Program Funding to the Fire Department for Unmanned Aircraft Systems.**

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(a) Increase the estimate for Revenue from Federal Government by \$132,700; and

(b) Establish a State Homeland Security Grant - Fire 2019 City-Wide Expenses appropriation to the Fire Department in the amount of \$132,700.

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](#)

2.9 [22-644](#) **Actions Related to the St. James Park Phase I Design Master Agreement with CMG Landscape Architecture for Design Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Fourth Amendment to the Master Agreement with CMG Landscape Architecture for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$129,122 from \$2,620,878 to \$2,750,000 and extend the agreement to December 31, 2023.

CEQA: Environmental Impact Report for the St. James Park Capital Vision and Performing Arts Pavilion, File No. PP16-037. Council District 3. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.10 [22-645](#) **Actions Related to a Grant Application for Santa Clara Valley Open Space Authority for Park Development Located at Midfield Avenue and Havana Way.**

Recommendation: (a) Adopt a resolution authorizing the City Manager to submit a grant application and, if awarded, negotiate and execute a grant agreement with Santa Clara Valley Open Space Authority for an amount up to \$250,000 for park development at the southeast corner of Midfield Avenue and Havana Way.

 (b) Adopt a resolution authorizing the City Manager to negotiate and execute a cooperative agreement with Caltrans under the Clean California Program for an amount up to \$500,000 for park development at the southeast corner of Midfield Avenue and Havana Way.

 CEQA: Midfield-Havana Pocket Park: Categorical Exempt, CEQA Guidelines Section 15332, Infill Development Projects, File No. ER20-200. Council District 7. (Parks, Recreation and Neighborhood Services)

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

2.11 [22-648](#) **Agreement for Consultant Services with Sherwood Design Engineers, Ltd for the JFG Koi Pond Pump House Project.**

Recommendation: Approve the Second Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, Ltd. to retroactively extend the term of the Agreement from October 31, 2021 to October 31, 2024, with no change in maximum compensation, for design and construction support on the JFG Koi Pond Pump House Project.

 CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. (Public Works)

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

2.12 [22-649](#) **Consultant Agreement with DKS Associates for the Bascom Avenue Highway-Rail Traffic Signal Project.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Consultant Agreement between the City of San José and DKS Associates, for an amount not to exceed \$339,446 for design engineering consultant services for the Bascom Avenue Highway-Rail Traffic Signal Project.

CEQA: Not a Project, File PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. Council District 6. (Transportation)

Attachments [Memorandum](#)

2.13 [22-666](#) **Amend Chapter 12.06 of the San José Municipal Code to Extend the Campaign Contribution Fundraising Period for Debt Retirement Recommendation. - RENUMBERED FROM ITEM 3.4**

Recommendation: Approve an ordinance amending Chapter 12.06 of the San José Municipal Code to:

(a) Extend the campaign contribution period for the primary and run-off elections for Mayor and Councilmember to 60 days after the date of each election, and

(b) Specify that funds raised during this 60-day contribution period may only be used to retire campaign-related debts and liabilities and that any solicitation for such contributions by a candidate or candidate-controlled committee must indicate that all contributions received during this period will be used for this purpose.

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

(City Attorney)

[RENUMBERED FROM ITEM 3.4 (22-665)]

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

2.14 [22-712](#) **Approval of D6 Faith Leaders Breakfast Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on May 4, 2022:

(a) Approve the D6 Better Together Faith Leaders Breakfast scheduled on May 26, 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. (Davis)

[Rules Committee referral 5/4/2022 - Item B.2]

Attachments [Memorandum](#)

2.15 [22-719](#) **Retroactive Approval of the East San José Leadership 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 May 4, 2022:

(a) Retroactively approve the East San José Leadership event scheduled on May 6, 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 5/4/2022 - Item B.3]

Attachments [Memorandum](#)

2.16 [22-723](#) **Approval of the Eritrean Flag Raising 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 May 4, 2022:

(a) Approve the Eritrean Flag Raising Event scheduled on May 24, 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 5/4/2022 - Item B.4]

Attachments [Memorandum](#)

2.17 [22-727](#) **Approval of the San José State University Designing Forward 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 May 4, 2022:

(a) Approve the San José State University Designing Forward event scheduled on May 19, 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. (Peralez)

[Rules Committee referral 5/4/2022 - Item B.6]

Attachments [Memorandum](#)

2.18 [22-735](#) **Proclamation and Flags at Half-Staff Honoring Norman Mineta**

Recommendation: Approve a Proclamation and Retroactively Authorize Flags at City Facilities be Flown at Half-Staff from May 3 - 10, 2022 in Honor of Former U.S. Secretary of Transportation and San José Mayor Norman Mineta.

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

[Rules Committee referral 5/4/2022 - Item A.1.a]

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 [22-650](#) **San José Spotlight Public Records Act Request Appeal.**

Recommendation: Consider the appeal of San José Spotlight regarding the City's response to its Public Records Act request.

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

Attachments [Memorandum](#)
[Memorandum from Liccardo, 4/28/2022](#)

3.4 [22-665](#) **Amend Chapter 12.06 of the San José Municipal Code to Extend the Campaign Contribution Fundraising Period for Debt Retirement Recommendation. - RENUMBERED TO ITEM 2.13 (22-666)**

3.5 [22-652](#) **Fleet: Take Home Vehicles Audit Report.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on April 21, 2022, accept the report on the Fleet: Take Home Vehicles Audit.

CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 4/21/2022 - Item (d)4]

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

3.6 [22-655](#) **Citywide Grant Monitoring Audit Report.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on April 21, 2022, accept the report on the Citywide Grant Monitoring Audit.

CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 4/21/2022 - Item (d)5]

Attachments

[Memorandum](#)

3.7 [22-659](#) **City Roadmap - Procurement Improvement Status Report.****Recommendation:**

As recommended by the Smart Cities and Service Improvements Committee on April 7, 2022:

- (a) Accept the status report on the City Roadmap Procurement Improvement initiative.
- (b) Direct staff to return to City Council with recommendations to update Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services of Title 4 of the San José Municipal Code.
- (c) Refer procurement improvement staffing and technology recommendations for consideration, along with other City priorities, to the FY 2022-2023 budget process.
- (d) Accept the City of San José Procurement Current State Assessment Report and City of San José Procurement Future State Vision Report. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)
[Smart Cities and Service Improvements Committee referral 4/7/2022 - Item (d)1]

Attachments [Memorandum](#)
[Supplemental Memorandum, 4/25/2022](#)
[Presentation - est. 15 minutes](#)

4. PUBLIC SAFETY SERVICES

4.1 [22-660](#) **Privately Made Firearm Ordinance.****Recommendation:**

Approve an ordinance amending Chapter 10.32 of Title 10 of the San José Municipal Code to add Part 7 to reduce gun harm by prohibiting the possession, manufacturing, sale, assembly, transfer, receiving, and distribution of un-serialized firearms, frames, and receivers within San José, subject to certain exceptions.

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

Attachments

[Memorandum](#)

[Ordinance](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

4.2 [22-646](#) **Report of the Reimagining Public Safety Community Advisory Committee and Charter Review Commission Public Safety Recommendations - TO BE HEARD AT 6:00 P.M.**

Recommendation: (a) Refer the recommendations contained in the Report of the Reimagining Public Safety Community Advisory Committee to the City Manager and City Attorney for analysis of operational and implementation considerations, budget and workload impact, legal considerations, and other relevant considerations, to return to the Public Safety, Finance and Strategic Support Committee in fall 2022 along with a comprehensive review of all outstanding recommendations for reform and operational improvement being tracked by the Police Department.

(b) Refer the recommendation of the Charter Review Commission with respect to creation of a Police Commission, an Independent Investigation Department, and an Office of the Inspector General to the Citywide Roadmap prioritization process.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Manager)
TO BE HEARD AT 6:00 P.M.

Attachments [Memorandum](#)
[Presentation](#)
[Presentation - Youth RiPS](#)
[Letters from the Public](#)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

- Council will recess until 6:00 p.m.

10. LAND USE

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

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

- (a) [22-661](#) CP21-012 - Conditional Use Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 450 North Capitol Avenue.

Recommendation:

Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 ABC License - Full Range of Alcoholic Beverages) at an existing 124,320-square foot retail store (Target) on an approximately 11.5-gross acre site located at 450 North Capitol Avenue. CEQA: Exemption pursuant to Section 15301(a) for Existing Facilities. Council District 5. (Planning, Building and Code Enforcement)
[Deferred from 4/26/2022 - Item 10.2 (22-569)]
TO BE HEARD IMMEDIATELY AFTER CONSENT

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

- (b) [22-662](#) **PDC20-020, PT20-036 & PD20-011 - Planned Development Rezoning, Planned Tentative Map and Planned Development Permit for Certain Real Property Located at 226-254 McEvoy Street and 205-214 Dupont Street.**

Recommendation:

- (1) Adopt a resolution adopting the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (City Council Resolution No. 78942) and a related Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act (CEQA).
- (2) Approve an ordinance rezoning an approximately 5.4-gross acre site, located on the southeast corner of McEvoy and Dupont Street, from the R-M Zoning District to an RM(PD) Planned Development Zoning District.
- (3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge the existing six lots into two lots and reconfigure an existing public street (Dupont Street), on an approximately 5.4-gross acre site.
- (4) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of nine buildings on site, totaling approximately 64,800 square feet, the removal of 56 trees (26 ordinance-size, 30 non-ordinance-size) and the construction of two five-story multifamily apartment buildings consisting of 689 units and approximately 4,005 square feet of commercial space with a State Density Bonus concession for an approximately 38% parking reduction on an approximately 5.4-gross acre site.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (City Council Resolution No. 78942). Planning Commission recommends approval (9-0-2; Montañez and Caballero absent). Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments

- [Memorandum](#)
[\(1\) Resolution](#)
[\(2\) Ordinance](#)
[\(3\) Resolution](#)
[\(4\) Resolution](#)
[Letters from the Public](#)

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.