



City Council Meeting Amended Agenda

Tuesday, August 30, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

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 No. 80628, 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 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 889 5708 4529. 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/88957084529>
 - 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

[22-1276](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

- Pledge of Allegiance
- Invocation (District 7)

The Captain Jason M. Dahl Elementary School Music for Minors program.

- 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.

- Adjournment

This meeting is adjourned in memory of Jenny Do who passed away on August 4, 2022 at the age of 56. Jenny was an attorney, artist, philanthropist and community advocate. She led the Friends of Hue Foundation (FHF), a Bay Area nonprofit organization that promotes cultural diversity and youth leadership while providing various community services to San José residents, particularly among the Vietnamese American community. She also established the Ao Dai Festival. Her passion, dedication and friendship will be dearly missed by the many who knew her.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the City of San José Animal Care and Services Division in recognition of their extraordinary work supporting our communities and our animals, particularly during the COVID-19 pandemic. (Esparza)

1.2 Presentation of a proclamation to the Winchester Mystery House proclaiming September 5, 2022 to be Sarah Winchester Day, in honor of the 100th anniversary of her passing. (Jones)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

[22-1309](#)

Approval of City Council Minutes.

Recommendation:

- (a) City Council Meeting Minutes of December 8, 2020.
 - (b) City Council Study Session Meeting Minutes of August 15, 2022.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

[\(a\) 12/8/2020 CC Draft Minutes](#)

[\(b\) 8/15/2022 CC Study Session Draft Minutes](#)

2.2 Final Adoption of Ordinances.

[22-1298](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30809 - An Ordinance of the City of San José Amending Chapter 2.08 of Title 2 of the San José Municipal Code to (A) Amend Section 2.08.080 Authorizing the Community Stabilization and Opportunity Pathways Fund Commission to Establish Its Own Rules and Regulations; and (B) Add a New Part 50 Establishing the Community Stabilization and Opportunity Pathways Fund Commission. [Passed for Publication on 8/16/2022 - Item 8.1 (22-1265)]

(b) Ordinance No. 30810 - An Ordinance of the City of San José Rezoning 69 Properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, 48 Properties from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 37 Properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, 20 Properties from R-2 Two-Family Residential Zoning District to OS Open Space Zoning District, 16 Properties from R-2 Two-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, 12 Properties from CN Commercial Neighborhood Zoning District to R-1-8 Single Family Residential Zoning District, Eight Properties from R-M Multifamily Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, Seven Properties from R-1-8 Single Family Residential Zoning District to OS Open Space Zoning District, Six Properties from CN Commercial Neighborhood Zoning District to MUC Mixed Use Commercial Zoning District, Six Properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, Six Properties from LI Light Industrial Zoning District to R-1-8 Single Family Residential Zoning District, Five Properties from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, Five Properties from R-1-8 Single Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, Five Properties from R-2 Two-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, Five Properties from CG Commercial General Zoning District to UR Urban Residential Zoning District, Five Properties from R-1-8 Single Family Residential Zoning District to LI Light Industrial Zoning District, Four Properties from LI Light Industrial Zoning District to OS Open Space Zoning District, Four Properties from CP Commercial Pedestrian Zoning District to R-1-8 Single Family Residential Zoning District, Three Properties from R-M Multifamily Residential Zoning District to PQP Public/Quasi-Public Zoning District, Two Properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, Two Properties from R-M Multifamily Residential

Zoning District to MUC Mixed Use Commercial Zoning District, Two Properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District, Two Properties from CG Commercial General Zoning District to R-1-8 Single Family Residential Zoning District, One Property from R-2 Two-Family Residential Zoning District to LI Light Industrial Zoning District, One Property from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, One Property from LI Light Industrial Zoning District to MUC Mixed Use Commercial Zoning District, One Property from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, One Property from A Agriculture Zoning District to OS Open Space Zoning District, One Property from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, and One Property from R-M Multifamily Residential Zoning District to OS Open Space Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José. [Passed for Publication on 8/23/2022 - Item 10.1(a) (22-1259)]

Attachments [\(a\) Ordinance](#)

2.3 Approval of Council Committee Minutes.

[22-1310](#) **Approval of Council Committee Minutes.**

Recommendation: (a) Regular Community and Economic Development Committee Minutes of August 22, 2022.
 (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of August 17, 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 [\(a\) 8/22/2022 CED Minutes](#)
 [\(b\) 8/17/2022 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 [22-1169](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through September 29, 2022 during the Governor's Proclaimed COVID State of Emergency.**

Recommendation: Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

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

- 2.8 [22-1290](#) **2022 League of California Cities Annual Meeting Voting Delegate and Alternate.**

Recommendation: Approve the designation of Councilmember David Cohen as the voting delegate and Councilmember Esparza as the alternate voting delegate to the General Assembly at the September 7-9, 2022 League of California Cities Annual Meeting in Long Beach, CA.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)

2.9 [22-1278](#) Purchase Order with EAN Services, LLC for Vehicle Rental Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Amend purchase order OP 60980 with EAN Services, LLC, dba Enterprise Rent-A-Car (St. Louis, MO) to increase the amount of total compensation by \$200,000, for a revised maximum compensation not-to-exceed \$510,000 for the period ending August 31, 2022; and
- (b) Execute additional purchase orders for ongoing rentals with EAN Services, LLC, dba Enterprise Rent-A-Car, leveraging the pricing from the State of California cooperative agreement through February 29, 2024, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.10 [22-1279](#) Purchase Orders with Microsoft Corporation for Unified Enterprise Support Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute enrollment documentation with and issue annual purchase orders to Microsoft Corporation (Redmond, WA) for Unified Enterprise Support Services for a three-year term beginning September 7, 2022 and ending September 6, 2025 with a maximum compensation of \$114,426 for the first year of the three-year term, subject to the appropriation of funds; and
- (b) Negotiate and execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional fees as required for the purchase of additional Microsoft products and related professional services, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.11 [22-1311](#) Boards and Commissions Appointment.**Recommendation:**

Approve the following Boards and Commissions appointment:

(a) Historic Landmarks Commission:

(1) Appoint Edward Janke for a term ending June 30, 2025.

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

[Rules Committee referral 8/24/2022 - Item A.1.a]

Attachments

[Memorandum](#)

[Conflicts of Interest Memorandum](#)

[Application](#)

2.12 [22-1312](#) Approval of Ethiopian Heritage Flag Raising and Tower Lighting Sponsored by the Mayor's Office as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**Recommendation:**

(a) Approve the Ethiopian Heritage Flag Raising Ceremony scheduled on September 9, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the Ethiopian Heritage Tower Lighting on September 8-14, 2022; and

(c) Approve and accept donations from various individuals, businesses, or community groups to support the events.

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

[Rules Committee referral 8/24/2022 - Item A.1.a]

Attachments

[Memorandum](#)

2.13 [22-1316](#) **Retroactive Approval of Trash Talk 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 August 24, 2022:
(a) Retroactively Approve the Community Office Hour Trash Talk scheduled on August 27, 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 8/24/2022 - Item B.2]

Attachments [Memorandum](#)

2.14 [22-1320](#) **Approval of End of Cruising Ban Celebration 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 August 24, 2022:
(a) Approve the End of Cruising Ban Celebration scheduled on August 31, 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. (Perez)
[Rules Committee referral 8/24/2022 - Item B.3]

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 [22-1275](#) Proposed Equity Roundtable Status Report.

Recommendation: As recommended by the Neighborhood Services and Education Committee on August 11, 2022, accept the status report of the proposed Equity Roundtable which outlines the scope and membership of this advisory entity to the City Manager's Office.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)
[Neighborhood Services and Education Committee referral 8/11/2022 - Item (d)3]

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

4. PUBLIC SAFETY SERVICES**4.1 [22-1281](#) Independent Police Auditor 2021 Year End Report. - DEFERRED**

Recommendation: (a) Accept the 2021 Independent Police Auditor Year End Report.
 (b) Accept the San José Police Department's response to the recommendations contained in the 2021 Independent Police Auditor Year End 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. (Independent Police Auditor)
[Deferred from 6/28/2022 - Item 4.2 (22-1047) and 8/16/2022 - Item 4.1 (22-1179)]
DEFERRED TO 9/13/2022 PER ADMINISTRATION

4.2 [22-1282](#) San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report. - DEFERRED

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
[Deferred from 6/28/2022 - Item 4.3 (22-1048) and 8/16/2022 -Item 4.2 (22-1180)]
DEFERRED TO 9/13/2022 PER ADMINISTRATION

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [22-1283](#) Actions Related to the Agreements with Ormat and Fish Lake Geothermal for Geothermal Power.

Recommendation:

Adopt a resolution:

(a) Authorizing the City Manager to execute the following two agreements for the procurement of up to 31 megawatts from the Ormat portfolio of geothermal projects, with any non-material modifications developed, as appropriate, in consultation with the City Attorney, and subject to the annual appropriation of funds, in an amount not to exceed \$21,500,000 annually and \$430,000,000 in aggregate in calendar years 2024 through 2047 for both agreements:

(1) Project Participation Share Agreement between California Community Power (CC Power), the City of San José, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Peninsula Clean Energy Authority, Central Coast Community Energy, Silicon Valley Clean Energy, and Valley Clean Energy; and

(2) Buyer Liability Pass Through Agreement between CC Power, Ormat (or its affiliate), and the City of San José.

(b) Authorizing the City Manager to negotiate and execute, in consultation with the City Attorney, a Coordinated Operations Agreement between CC Power, the City of San José, Sonoma Clean Power Authority, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, Peninsula Clean Energy, Central Coast Community Energy, and Valley Clean Energy addressing operation by CC Power of the Ormat portfolio of geothermal projects.

(c) Authorizing the City Manager to execute the following two agreements for the procurement of up to 3 megawatts from the Fish Lake Geothermal, LLC geothermal project, with any non-material modifications developed, as appropriate, in consultation with the City Attorney, and subject to the annual appropriation of funds, in an amount not to exceed \$1,900,000 annually and \$38,000,000 in aggregate in Calendar Years 2024 through 2044 for both agreements:

(1) Project Participation Share Agreement between CC Power, the City of San José, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Peninsula Clean Energy Authority, Central Coast Community Energy, Silicon Valley Clean Energy, and Valley Clean Energy; and

(2) Buyer Liability Pass Through Agreement between CC Power, Fish Lake Geothermal, LLC (or its affiliate), and the City of San José.

(d) Authorizing the City Manager to negotiate and execute, in consultation with the City Attorney, a Coordinated Operations Agreement between CC Power, the City of San José, Sonoma Clean Power Authority, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, Peninsula Clean Energy,

Central Coast Community Energy, and Valley Clean Energy addressing operation by CC Power of the Fish Lake Geothermal, LLC geothermal project.

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

Attachments [Memorandum](#)
[\(a\)\(1\) Agreement](#)
[\(a\)\(2\) Agreement](#)
[\(c\)\(1\) Agreement](#)
[\(c\)\(2\) Agreement](#)
[Presentation - est. 10 minutes](#)

6.2 [22-1284](#) San José Municipal Water System's 2022 Public Health Goals Report on Water Quality.

Recommendation: (a) Conduct a public hearing for the purpose of accepting and responding to public comment regarding the San José Municipal Water System's 2022 Public Health Goals Report on water quality as required by the California Health and Safety Code.
(b) Approve the San José Municipal Water System's 2022 Public Health Goals Report and direct staff to file the report with the State Water Resources Control Board.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)

Attachments [Memorandum](#)

7. NEIGHBORHOOD SERVICES

7.1 [22-1285](#) Naming of a New Public Park Located at 3257 Payne Avenue.

Recommendation: Adopt "Payne Avenue Friendship Park" as the official name for a new public park as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making results in no changes to the physical environment.
Council District 1. (Parks, Recreation and Neighborhood Services).

Attachments [Memorandum](#)
[Presentation - est. 5 minutes](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-1286](#) Agreement with Estolano Advisors for Economic Studies for the Berryessa Flea Market.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consultant agreement with Estolano Advisors to conduct economic studies related to the Berryessa Flea Market for a total compensation not-to-exceed \$350,000 for an initial term of 12 months with an option to extend the agreement for one additional year under the same terms and conditions.

(b) Adopt the following Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund:

- (1) Increase the estimate for Beginning Fund Balance by \$475,000;
- (2) Increase the Berryessa Flea Market Vendor Business Transition Fund City-Wide Expenses appropriation by \$575,000; and
- (3) Decrease the Berryessa Flea Market Vendor Business Transition Fund Reserve by \$100,000.

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 District 4. (Economic Development and Cultural Affairs/City Manager)

Attachments [Memorandum](#)
[Memorandum from Esparza, 8/29/2022](#)
[Memorandum from Cohen, 8/30/2022](#)
[Presentation - est. 10 minutes](#)
[Letters from the Public](#)
[Memorandum from Esparza, 8/30/2022](#)

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) [22-1287](#) C22-079, C22-080, C22-081, C22-082, C22-083, C22-085 - Rezoning of 302 Parcels in Various Locations Within the City of San José.

Recommendation:

Approve an ordinance rezoning 114 properties from the R-M Multifamily Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 93 properties from the R-M Multifamily Residential Zoning District to the UR Urban Residential Zoning District, 13 properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, 12 properties from the R-M Multifamily Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 11 properties from the CG Commercial General Zoning District to the MUN Mixed Use Neighborhood Zoning District, 11 properties from the CG Commercial General Zoning District to the R-1-8 Single Family Residential Zoning District, nine properties from the CG Commercial General Zoning District to the UR Urban Residential Zoning District, seven properties from the CN Commercial Neighborhood Zoning District to R-1-8 Single Family Residential Zoning District, seven properties from the CN Commercial Neighborhood Zoning District to the UR Urban Residential Zoning District, four properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, four properties from the CO Commercial Office Zoning District to the R-1-8 Single Family Residential Zoning District, three properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-M Multifamily Residential Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-M Multifamily Residential Zoning District to the OS Open Space Zoning District, three properties from the R-2 Two Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the R-2 Two Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, two properties from the CG Commercial General Zoning District to the OS Open Space Zoning District, and one property from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District, located in various locations on those certain real properties within the City of San José.

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, Building and Code Enforcement)

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2** [22-1288](#) **PDC21-011, PD21-012/ER21-135, PT21-034 - Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map on Certain Real Property Located on the North Side of Cambrianna Drive, Approximately 150 feet Westerly of Taper Avenue (1975 Cambrianna Drive) (Cambrian School District, Owner).**

Recommendation:

- (a) Adopt a resolution adopting the 1975 Cambrianna Residential Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Approve an ordinance rezoning certain real property from the R-1-8 Single Family Residential Zoning District to the R-1-8(PD) Planned Development Zoning District on a 2.85-gross acre site located on the north side of Cambrianna Drive, approximately 150 feet westerly of Taper Avenue (1975 Cambrianna Drive).
- (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide 2.85 gross acres from an existing 10.0-gross acre former school parcel, and the creation of 23 lots on the 2.85-acre parcel, consisting of 21 single-family lots and two private street lots.
- (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the removal of three ordinance-size trees and the construction of 21 single-family residences (including four affordable units) and 14 accessory dwelling units (ADUs), on the 2.85-gross acre project site, including extended construction hours to include Saturdays from 8:00 a.m. to 5:00 p.m.
- CEQA: 1975 Cambrianna Drive Residential Project Mitigated Negative Declaration. Planning Commission recommends approval (8-0-1; Garcia absent). Council District 9. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
 [\(a\) Resolution](#)
 [\(b\) Ordinance](#)
 [\(c\) Resolution](#)
 [\(d\) Resolution](#)
 [Presentation - est. 5 minutes](#)
 [Letters from the Public](#)

- 10.3** [22-1289](#) **PDC20-021, PD20-012/ER21-006, PT21-001 - Planned Development Rezoning, Planned Development Permit, Vesting Tentative Map on Certain Real Property Located at the Southeast Corner of Stevens Creek Boulevard and Lopina Way (4300 Stevens Creek Boulevard) (MPG Stevens Creek Owner LLC., Owner).**

Recommendation:

- (a) Adopt a resolution adopting the Addendum to the Final Environmental Impact Report (FEIR) prepared for 4300 Stevens Creek Boulevard Mixed Use Project (PDC16-036 and PD17-014) adopted by City Council Resolution No. 78994 on February 26, 2019, in accordance with CEQA.
- (b) Approve an ordinance rezoning certain real property from the CP(PD) Planned Development Zoning District (File No. PDC16-036) to the CP(PD) Planned Development Zoning District on an approximately 10.0 gross-acre site located at the southeast corner of Stevens Creek Boulevard and Lopina Way (4300 Stevens Creek Boulevard).
- (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide three parcels into seven parcels with up to 580 condominium units on the approximately 10.0-gross acre site.
- (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of three existing commercial buildings, the removal of 104 ordinance-size trees and 92 non-ordinance size trees, the construction of three multifamily residential buildings with 580 units (including 173 units of affordable housing), and a 250-room hotel with 8,500 square feet of ground floor retail with associated parking, landscaping, and amenities, on the approximately 10.0-gross acre site.
- CEQA: Stevens Creek Promenade Addendum to the Final Environmental Impact Report (FEIR) prepared for the 4300 Stevens Creek Boulevard Mixed Use Project (PDC16-036 and PD17-014) adopted by City Council Resolution No. 78994 on February 26, 2019. Planning Commission recommends approval (8-0-1; Garcia absent). Council District 1. (Planning, Building and Code Enforcement) [Deferred from 8/23/2022 - Item 10.3 (22-1261)]

Attachments [Memorandum](#)[Memorandum from Jones, 8/30/2022](#)[Memorandum from Liccardo, 8/30/2022](#)[\(a\) Resolution](#)[\(b\) Ordinance](#)[\(c\) Resolution](#)[\(d\) Resolution](#)[Presentation - est. 5 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**

This meeting is adjourned in memory of Jenny Do who passed away on August 4, 2022 at the age of 56. Jenny was an attorney, artist, philanthropist and community advocate. She led the Friends of Hue Foundation (FHF), a Bay Area nonprofit organization that promotes cultural diversity and youth leadership while providing various community services to San José residents, particularly among the Vietnamese American community. She also established the Ao Dai Festival. Her passion, dedication and friendship will be dearly missed by the many who knew her.

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.