



City Council Meeting Amended Agenda

Tuesday, September 20, 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 Nos. 80628 and 80659, 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

See Separate Agenda

[22-1360](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

- Pledge of Allegiance

- Invocation (District 8)

Faisal Yazadi, Evergreen Islamic Center Board President.

- 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 Joseph T. Noonan who passed away on August 2, 2022 at the age of 48. Joe dedicated many years to lifting up Downtown San José and helping to make it the place it is today. He worked with Broadway San José, San José Downtown Association, Christmas in the Park, the Bay Area Furniture Bank and the City of San José's Placemaking Team and on projects such as Viva Calle, Viva Parks & San José Al Fresco. He also volunteered with One Step Closer Therapeutic Riding, Hunger at Home, and Perseverance Preparatory School. His friendship, optimism and dedication to our city will be dearly missed by everyone who knew and worked with Joe.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring September 2022 as National Preparedness Month to prepare for disasters or emergencies in their homes, businesses and communities. (Davis)

1.2 Presentation of a commendation to the San José FMCI Junior Giants Little League in recognition of their exceptional work providing affordable and fun youth recreational sports to hundreds of children during our recovery from the impacts of the COVID-19 pandemic. (Esparza)

1.3 Presentation of a proclamation declaring September 2022 as Hispanic Heritage Month to celebrate the history, cultures and contributions of the Hispanic community (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.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [22-1362](#) Amendment to Agreement with Hanson Bridgett LLP for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourteenth Amendment with Hanson Bridgett LLP for legal services in connection with the City's retirement plans and other benefit plans and programs to increase the hourly rates under the agreement, with no increase in total 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 [22-1363](#) **Amendment to the Purchase Order with HCI Systems, Inc. for Fire Alarm System Services.**

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase order OP 58961 with HCI Systems, Inc. for fire alarm system monitoring, inspection, testing, and repair services, to increase the compensation by \$190,000 for a revised maximum compensation not-to-exceed \$380,000 and to retroactively extend the term from December 31, 2021 to December 31, 2022.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

Attachments [Memorandum](#)

2.9 [22-1364](#) **Amendment to the Purchase Order with Golden State Fire Apparatus, Inc. for Fire Apparatuses.**

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase order PO 81810 with Golden State Fire Apparatus, Inc. (Sacramento, CA) for the purchase of fire apparatuses, to retroactively extend the purchase order from May 31, 2022 through December 31, 2023.
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 [22-1365](#) **Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by \$250,000 for a revised amount not-to-exceed \$1,240,000 and extend the contract term to January 31, 2023.
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 [22-1367](#) **Fourth Quarter Financial Reports for Fiscal Year 2021-2022.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on August 18, 2022:

Accept the Fourth Quarter (period ended June 30, 2022) Financial Reports for Fiscal Year 2021-2022 for the following programs:

- (a) Debt Management;
- (b) Investment Management;
- (c) Revenue Management; and
- (d) Purchasing and Risk Management.

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

[Public Safety, Finance and Strategic Support Committee referral 8/18/2022 - Item (d)1]

Attachments

[Memorandum](#)

[Investment Report](#)

[Presentation, 8/18/2022](#)

2.12 [22-1429](#) **Request for Travel Authorization and Excused Absence for Councilmember Jimenez.**

Recommendation: As recommended by the Rules and Open Government Committee on September 14, 2022:

(a) Approve travel and related travel expenses and request excused absences due to Authorized City Business for Councilmember Sergio Jimenez to attend the Sister Cities International U.S.-Mexico Mayors' Community Summit in San Diego, CA and Tijuana B.C. on October 11-13, 2022. (Source of Funds: District 2 Funds)

(1) Request an excused absence due to Authorized City Business for the October 13, 2022 regular meeting of the Neighborhood Services and Education Committee.

(b) Approve travel and related travel expenses, request excused absences due to Authorized City Business and accept travel payments to the City of San José, for Councilmember Sergio Jimenez to attend the California Association of Local Agency Formation Commission's (CALAFCO) annual conference in Newport Beach, CA on October 19-21, 2022. (Source of Funds: District 2 Funds)

(1) Request an excused absence due to Authorized City Business for the October 20, 2022 regular meeting of the Public Safety, Finance, and Strategic Support Committee.

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

[Rules Committee referral 9/14/2022 - 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 [22-1368](#) **Approval of Citywide Insurance Renewals.****Recommendation:**

Adopt a resolution:

- (a) Repealing Resolution No. 60784 and authorizing the purchase of Government Fidelity/Crime insurance to meet the Official Bonds requirements found in Section 905 of the City Charter; and
- (b) Authorizing the Director of Finance to:
- (1) Select and purchase City property and liability insurance policies for the period of October 1, 2022 to October 1, 2023, at a total cost not to exceed \$3,457,493 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:
 - (i) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage;
 - (ii) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance;
 - (iii) The Princeton Excess and Surplus Lines Insurance Company and Arch Specialty Insurance Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis;
 - (iv) Starr Indemnity & Liability Company for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile);
 - (v) Starr Indemnity & Liability Company for Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage;
 - (vi) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility;
 - (vii) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;
 - (viii) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability;
 - (ix) Arch Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and
 - (x) Great American Insurance Company for Government Fidelity/Crime Coverage.
 - (2) Select and purchase Additional Liability Insurance for the period of October 22, 2022 to October 22, 2023 at cost ranging from \$250,000 to \$950,000, 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](#)
[Supplemental Memorandum from TPAC, 9/9/2022](#)
[Resolution](#)

3.4 [22-1369](#) **Monterey Corridor Working Group Report.**

Recommendation: (a) Accept the Monterey Corridor Working Group Report.
(b) Direct staff to return to City Council with an update on progress in six months.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Manager)

Attachments [Memorandum](#)
[Memorandum from Esparza & Jimenez, 9/16/2022](#)
[Presentation - est. 10 minutes](#)

3.5 [22-1387](#) **Digital Privacy Program Update and Public Camera Use.**

Recommendation: (a) Accept the status report on the progress of the Digital Privacy Program.
(b) Approve new and updated data usage cases in the Transportation and Parks, Recreation and Neighborhood Services departments.
(c) Approve the Data Usage Protocol for Automated License Plate Readers to replace the Police Department's existing Data Usage Policy in Police Duty Manual L4207 and to supersede previously approved automated license plate reader related policies.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Information Technology/Police)
[Smart Cities and Service Improvement Committee referral 2/3/2022 - Item (d)3]
[Deferred from 9/13/2022 - Item 3.3 (22-1345)]

Attachments [Memorandum](#)
[Memorandum from Mayor, 9/19/2022](#)
[Presentation - est. 10 minutes](#)
[Letters from the Public](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-1370](#) Grant Agreement with Jamboree Housing Corporation for the Rehabilitation of the Pavilion Inn Project.

Recommendation:

(a) Adopt a resolution authorizing the Director of Housing to negotiate and execute a construction grant agreement and related documents of up to \$2,776,283 from Homeless Housing, Assistance, and Prevention Program - Round 3 (HHAP3) and Measure E Funds to Jamboree Housing Corporation (Jamboree), to finance the rehabilitation of the Pavilion Inn, located at 1280 North 4th Street, which is being acquired and converted by the Santa Clara County Housing Authority and ground leased to Jamboree to provide 39 supportive housing apartments, three mentor apartments, plus one unrestricted manager's apartment.

(b) Adopt the following Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund:

(1) Decrease the Ending Fund Balance by \$2,200,000; and

(2) Establish a Housing Loans and Grants appropriation to the Housing Department in the amount of \$2,200,000.

(c) Adopt the following Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$576,283; and

(2) Establish the Measure E - Pavilion Inn Rehabilitation (40% ELI) appropriation to the Housing Department in the amount of \$576,283. CEQA: Not a discretionary project subject to CEQA pursuant to Health & Safety Code section 50675.1.4(a); Exempt per Public Resources Code 21080(b)(1) and CEQA Guidelines Section 15369 Ministerial Project pursuant to Government Code Section 65913.4, File No. ER21-159. Council District 6. (Housing/City Manager)

Attachments [Replacement Memorandum, 9/13/2022](#)
[Resolution](#)
[Presentation - est. 5 minutes](#)

8.2 [22-1371](#) **Actions Related to the Fiscal Year 2021-2022 Consolidated Annual Performance and Evaluation Report.**

Recommendation:

- (a) Conduct a final public hearing on the Fiscal Year 2021-2022 Consolidated Annual Performance and Evaluation Report.
- (b) Accept the report on the progress towards achieving the housing and community development goals identified in the City of San José's 2020-2025 Consolidated Plan and the Fiscal Year 2021-2022 Annual Action Plan regarding the use of federal funds from the U.S. Department of Housing and Urban Development for submittal by the September 28, 2022 deadline.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Attachments [Memorandum](#)
[Supplemental Memorandum, 9/19/2022](#)
[Presentation - est. 10 minutes](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

- (a) [22-1372](#) **C22-089, C22-090, C22-091, C22-092, C22-093, C22-094, C22-095, C22-096, C22-097, C22-098 - City-Initiated Rezoning of 520 Parcels to Align a Property's Zoning Designation to its General Plan Land Use Designation in Response to Senate Bill 1333. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Approve an ordinance rezoning 86 properties from CP Commercial Pedestrian Zoning District to MUC Mixed-Use Commercial Zoning District, 44 properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residence Zoning District, 42 properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residence Zoning District, 40 properties from CG Commercial General Zoning District to R-1-8 Single-Family Residence Zoning District, 40 properties from CN Commercial Neighborhood Zoning District to MUC Mixed-Use Commercial Zoning District, 32 properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residence Zoning District, 27 properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, 24 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, 18 properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residence Zoning District, 18 properties from R-M Multifamily Residential Zoning District to MUN Mixed-Use Neighborhood Zoning District, 16 properties from R-M Multifamily Residential Zoning District to PQP Public/Quasi-Public Zoning District, 15 properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District, 12 properties from LI Light Industrial Zoning District to MUC Mixed-Use Commercial Zoning District, 10 properties from R-2 Two-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, nine properties from R-M Multifamily Residential Zoning District to LI Light Industrial Zoning District, eight properties from R-M Multifamily Residential Zoning District to MUC Mixed-Use Commercial Zoning District, seven properties from R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District, six properties from CO Commercial Office Zoning District to MUC Mixed-Use Commercial Zoning District, six properties from CP Commercial Pedestrian Zoning District to LI Light Industrial Zoning District, five properties from CN Commercial Neighborhood Zoning District to CIC Combined Industrial/Commercial Zoning District, five properties from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, five properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District, five properties from R-1-8 Single-Family Residence Zoning District to OS Open Space Zoning District, five properties from R-1-8 Single-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, four properties from R-1-8 Single-Family Residence Zoning District to MUN Mixed-Use Neighborhood Zoning District, four properties from R-2

Two-Family Residence Zoning District to MUC Mixed-Use Commercial Zoning District, three properties from LI Light Industrial Zoning District to OS Open Space Zoning District, three properties from R-2 Two-Family Residence Zoning District to UR Urban Residential Zoning District, three properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, three properties from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District, two properties from R-1-8 Single-Family Residence Zoning District to LI Light Industrial Zoning District, two properties from CP Commercial Pedestrian Zoning District to MUN Mixed-Use Neighborhood Zoning District, two properties from A Agricultural Zoning District to R-1-8 Single-Family Residence Zoning District, two properties from A Agricultural Zoning District to OS Open Space Zoning District, two properties R-M Multifamily Residential Zoning District to OS Open Space Zoning District, one property from CG Commercial General Zoning District to CIC Combined Industrial/Commercial Zoning District, one property from CG Commercial General Zoning District to MUC Mixed-Use Commercial Zoning District, one property from CG Commercial General Zoning District to OS Open Space Zoning District, one property from CO Commercial Office Zoning District to OS Open Space Zoning District, one property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District, and one property from R-2 Two-Family Residence Zoning District to OS Open Space 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. Council District 3. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

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

This meeting is adjourned in memory of Joseph T. Noonan who passed away on August 2, 2022 at the age of 48. Joe dedicated many years to lifting up Downtown San José and helping to make it the place it is today. He worked with Broadway San José, San José Downtown Association, Christmas in the Park, the Bay Area Furniture Bank and the City of San José's Placemaking Team and on projects such as Viva Calle, Viva Parks & San José Al Fresco. He also volunteered with One Step Closer Therapeutic Riding, Hunger at Home, and Perseverance Preparatory School. His friendship, optimism and dedication to our city will be dearly missed by everyone who knew and worked with Joe.

**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.