



City Council Meeting Amended Agenda

Tuesday, September 27, 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

[22-1396](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session – Cancelled

*The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (District 8)

The Reverend Matthew D. Stanley, Pastor of St. Francis of Assisi Parish.

- 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 William “Bill” Brill, who was a beloved father, grandfather and son. He passed away on Friday, May 13, 2022, leaving behind his son, Meehan, and his granddaughter, Ivey. Bill served on the City of San José’s Civil Service Commission for more than 20 years, most recently serving as the Chair of the Commission. A dedicated public servant, he was known for bringing warmth, compassion, fairness and professionalism in his role as Chair. Prior to his role on the Civil Service Commission, he served on the Housing Commission. Bill leaves behind many colleagues at the City of San José and his work and dedication to the Civil Service Commission will be missed. He will forever be remembered as a loving father and grandfather, an avid gardener, and strong community advocate.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation recognizing John McKay and Michael North for their exemplary community involvement and generous philanthropic endeavors. (Foley)

1.2 Presentation of a proclamation declaring September 2022 as Ovarian Cancer Awareness Month. (Davis)

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.

[22-1424](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30815 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.03 Gross Acres Situated on the South Side of Suncrest Avenue, Approximately 520 Feet Southeasterly of Perie Lane (0 Dorel Drive) (APN: 595-24-050) from the A(PD) Planned Development Zoning District to the R-1-2 Single-Family Residence Zoning District.

[Passed for Publication on 9/13/2022 - 10.1(a) (22-1340)]

2.3 Approval of Council Committee Minutes.

[22-1430](#)

Approval of Council Committee Minutes.

Recommendation:

(a) Regular Public Safety, Finance and Strategic Support Committee Minutes of August 18, 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 [\(a\) 8/18/2022 PSFSS Minutes](#)

2.4 Mayor and Council Excused Absence Requests.

[22-1433](#) **Mayor and Council Excused Absence Requests.**

Recommendation: Request for an excused absence for Councilmember Esparza from the City Council Special Meeting on September 16, 2022 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)
[Rules Committee referral 9/21/2022 - Item A.1.a]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [22-1170](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through October 27, 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 [22-1398](#) **California Strategic Growth Council for the Regional Climate Collaboratives Grant.**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to:
(a) Submit an application to the California Strategic Growth Council for the Regional Climate Collaboratives Grant; and
(b) Negotiate and execute a grant agreement and any other related documents necessary with the California Strategic Growth Council to accept and receive the Regional Climate Collaboratives Grant, if awarded.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into agreement at the time of application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

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

2.9 [22-1399](#) **2021-2022 Municipal Regional Permit Stormwater Management Annual Report.**

Recommendation:

Adopt a resolution authorizing the certification and submittal of the City of San José's Municipal Regional Permit Stormwater Management Annual Report 2021-2022 to the San Francisco Bay Regional Water Quality Control Board by September 30, 2022 in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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](#)
[Resolution](#)

2.10 [22-1421](#) **City Initiatives Roadmap - Clean Energy Resilience: Residential Building Electrification Updates and Workforce Development Acceleration Partnership and Master Agreement with BlocPower LLC. - RENUMBERED TO ITEM 6.1**

Recommendation:

[RENUMBERED TO ITEM 6.1 (22-1455)]

2.11 [22-1400](#) **Amendment to the Agreement with SKIData, Inc. for a Parking Access and Revenue Control System for the Norman Y. Mineta San José International Airport.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Agreement for the purchase, implementation, and maintenance of a parking access and revenue control system with SKIData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) to extend the initial term for an additional nine months ending on June 30, 2023 with no change in maximum compensation and negotiate and execute up to 10 one-year options to extend the agreement for ongoing support, maintenance, and related professional services ending on June 30, 2033 or as may be adjusted to align with the software renewal term, 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](#)

2.12 [22-1401](#) **Actions Related to the Purchase Order with Waterworks Industries Incorporated for Lake Management and Maintenance Services.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute a purchase order with Waterworks Industries Incorporated (Windsor, CA) for lake management and maintenance services for an initial one-year term, starting on or about October 12, 2022, and ending on or about October 11, 2023, for a not-to exceed amount of \$275,000; and
(b) Exercise up to four additional one-year options to extend the term of the purchase order with the last option year ending on or about October 11, 2027, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER22-207, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Attachments [Memorandum](#)

2.13 [22-1402](#) **Actions Related to the Purchase Orders with Towne Motor Company dba Towne Ford Sales for New Ford Trucks.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Amend purchase orders PO 82473, PO 82475, and PO 82491 with Towne Motor Company dba Towne Ford Sales (Redwood City, CA) for new Ford trucks with custom bodies to increase the amount of total compensation by \$795,374 for a revised combined amount not-to-exceed \$1,720,682 and to extend the terms from November 23, 2022, to November 23, 2023;

(b) Approve a contingency of \$258,000 for any unforeseen changes or modifications to vehicle orders, subject to the appropriation of funds; and

(c) Execute additional purchase orders for ongoing vehicle purchases through November 23, 2026, 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](#)

2.14 [22-1403](#) **Actions Related to Citywide Open Purchase Order with Technology Integration Group for Dell PowerEdge Servers.**

Recommendation:

Adopt a resolution authorizing the City Manager to amend citywide open purchase order OP 62374 with Technology Integration Group (San Diego, CA) for as-required Dell PowerEdge servers to increase compensation by \$400,000 for a revised maximum compensation of \$500,000 for the current option ending July 9, 2023 and execute the last option to extend the term through July 9, 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](#)

- 2.15** [22-1419](#) **Agreement with Destination: Home for Funding from Homeless Housing, Assistance, and Prevention Funding for the Lived Experience Advisory Board of Santa Clara County.**

Recommendation: Adopt a resolution authorizing the Director of Housing, or Director's designee, to negotiate and execute an agreement with Destination: Home in the amount of \$200,000 from the Homeless Housing, Assistance, and Prevention funding to establish a two-year agreement with the Lived Experience Advisory Board of Santa Clara County.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

Attachments [Memorandum](#)

- 2.16** [22-1405](#) **Annual Evaluation Report for Fiscal Year 2022 (Year 1) Santa Clara County Multi-Jurisdictional Program for Public Information.**

Recommendation: Accept the Fiscal Year 2022 Annual Evaluation Report on Santa Clara County Multi-Jurisdictional Program for Public Information.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Public Works)

Attachments [Memorandum](#)
[Attachment](#)

- 2.17** [22-1459](#) **Request for Travel Authorization.**

Recommendation: As recommended by the Rules and Open Government Committee on September 21, 2022, authorize travel, accept travel payments to the City of San José, and designate Mayor Sam Liccardo, Clay Garner, Chief Innovation Officer of MOTI, and Deputy City Manager Rob Lloyd as the City representatives to attend the CityLab 2022 conference in Amsterdam, the Netherlands, from October 7, 2022 to October 11, 2022. (Source of Fund: Aspen Institute [airfare, lodging, meals and ground transportation])
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo)
[Rules Committee referral 9/21/2022 - Item B.2]

Attachments [Memorandum](#)

2.18 [22-1463](#) **City Council Appointment for Vision Zero Task Force.****Recommendation:**

As recommended by the Rules and Open Government Committee on September 21, 2022:

(a) Appoint Councilmember Foley as Chair of the City's Vision Zero Task Force.

(b) Appoint Councilmember Peralez as Vice Chair of the City's Vision Zero Task Force.

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

[Rules Committee referral 9/21/2022 - Item B.3]

Attachments [Memorandum](#)

2.19 [22-1467](#) **Approval of City Hall Lighting Display for Ovarian Cancer Awareness Month 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 September 21, 2022:

(a) Approve the City Hall Lighting Display for Ovarian Cancer Awareness Month scheduled on September 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 9/21/2022 - Item B.4]

Attachments [Memorandum](#)

- 2.20** [22-1471](#) **Approval of Noble Elementary School Fall Festival and District 4 Pumpkin Giveaway Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation: As recommended by the Rules and Open Government Committee on September 21, 2022:
(a) Approve the Noble Elementary School Fall Festival scheduled on October 21, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Approve the District 4 Pumpkin Giveaway scheduled on October 26, 2022 as a City Council-sponsored Special Event and approve the expenditure of funds; and
(c) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 9/21/2022 - Item B.5]

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** [22-1422](#) **Status of Open Audit Recommendations as of June 30, 2022.**

Recommendation: Accept the Status of Open Audit recommendations as of June 30, 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. (City Auditor)

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

3.4 [22-1417](#) **City Initiatives Roadmap: Bill of Rights for Children and Youth Audit Report.
- DEFERRED**

Recommendation: As recommended by the Neighborhood Services and Education Committee on September 8, 2022, accept a report on the Bill of Rights for Children and Youth Audit as part of the approved City Initiatives Roadmap for 2022-2023.
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 Auditor)
[Neighborhood Services and Education Committee referral 9/8/2022 - Item (d)1]
DEFERRED TO 10/4/2022 PER RULES AND OPEN GOVERNMENT COMMITTEE

Attachments [Memorandum
Presentation, 9/8/2022](#)

3.5 [22-1404](#) **City Initiatives Roadmap Fourth Quarter 2021-2022 Status Report. - TO BE
HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Accept the fourth quarter status report on the implementation of the Fiscal Year 2021-2022 City Initiatives Roadmap and the Fiscal Year 2022-2023 City Initiatives Roadmap.
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)
TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum
Presentation - est. 15 minutes](#)

4. PUBLIC SAFETY SERVICES

4.1 [22-1414](#) Fireworks Ordinance Work Plan Status Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on August 18, 2022, accept the status report on the implementation of the Fireworks Ordinance Work Plan Post-Fourth of July 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. (Fire)

[Public Safety, Finance and Strategic Support Committee referral 8/18/2022 - Item (d)4]

Attachments [Memorandum](#)
[Presentation](#)

5. TRANSPORTATION & AVIATION SERVICES**6. ENVIRONMENTAL & UTILITY SERVICES****6.1 [22-1455](#) City Initiatives Roadmap - Clean Energy Resilience: Residential Building Electrification Updates and Workforce Development Acceleration Partnership and Master Agreement with BlocPower LLC. - RENUMBERED FROM ITEM 2.10**

Recommendation: (a) Accept the update on the Request for Proposals for Residential Building Electrification Updates and Workforce Development Acceleration Partnership.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute a Master Agreement with BlocPower LLC for up to \$489,000 in total contract funds.

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

[RENUMBERED FROM ITEM 2.10 (22-1421)]

Attachments [Memorandum](#)
[Memorandum from Cohen, Carrasco, Esparza & Arenas, 9/22/22](#)
[Memorandum from Liccardo, Jimenez & Peralez, 9/23/22](#)

7. NEIGHBORHOOD SERVICES**8. COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 [22-1418](#) **Exclusive Negotiation Agreements for Affordable Housing Developments on City-Owned Sites.**

Recommendation:

Adopt a resolution authorizing the Director of Housing, or designee, to:

(a) Negotiate and execute Exclusive Negotiation Agreements and any ancillary documents with the following developers allowing them to entitle affordable housing developments for the following City-owned sites: EAH Housing and/or affiliates for 3707 Williams Road, Habitat for Humanity East Bay/Silicon Valley and/or affiliates for 1749 Mount Pleasant Road, the Santa Clara County Housing Authority and/or affiliates for 255 N. Autumn Avenue and 240 and 260 N. Montgomery Street; and

(b) Negotiate and execute Exclusive Negotiation Agreements and any ancillary documents with BRIDGE Housing and AvalonBay Communities, Inc., and/or affiliates allowing them to entitle a development that includes a community center, market-rate housing and affordable housing for 5585 Cottle Road.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Development on these sites will require site-specific CEQA review. Council Districts 1, 2, 5, 6. (Housing)

Attachments

[Memorandum](#)

[Presentation - est. 10 minutes](#)

[Letters from the Public](#)

8.2 [22-1420](#) **Actions Related to the Surplus and Property Sale and Property Management Agreement for the SureStay Hotel by Best Western Located at 1488 North First Street.**

Recommendation:

Adopt a resolution:

(a) Declaring the subject property “exempt surplus land” to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D), San José Municipal Code 4.20.080 and in accordance with Council Policy 7-13(D)(3);

(b) Approving the sale of the City-owned property SureStay Hotel by Best Western located at 1488 North First Street, identified as Assessor’s Parcel Number 235-02-034, to the Santa Clara County Housing Authority for \$1;

(c) Authorizing the City Manager, or her designee, to negotiate and execute the Purchase and Sale Agreement, the deed, and all other documents necessary to complete the transaction; and

(d) Authorizing the Director of Housing or designee to negotiate and execute an agreement with LifeMoves, a nonprofit public benefit corporation, not to exceed \$1,700,000 of Measure E funds from October 1, 2022 to June 30, 2023 for property management and supportive services at the SureStay Hotel by Best Western.

CEQA: Not a discretionary project subject to CEQA pursuant to Health & Safety Code section 50675.1.1(g); Exempt per Public Resources Code 21080(b)(1) and CEQA Guidelines Section 15369 Ministerial Project pursuant to Government Code Section 65913.4. Council District 3. (Housing/ Economic Development and Cultural Affairs)

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **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 William "Bill" Brill, who was a beloved father, grandfather and son. He passed away on Friday, May 13, 2022, leaving behind his son, Meehan, and his granddaughter, Ivey. Bill served on the City of San José's Civil Service Commission for more than 20 years, most recently serving as the Chair of the Commission. A dedicated public servant, he was known for bringing warmth, compassion, fairness and professionalism in his role as Chair. Prior to his role on the Civil Service Commission, he served on the Housing Commission. Bill leaves behind many colleagues at the City of San José and his work and dedication to the Civil Service Commission will be missed. He will forever be remembered as a loving father and grandfather, an avid gardener, and strong community advocate.

**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.