



City Council Meeting Amended Agenda

Tuesday, November 30, 2021

11:00 AM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/93052835954>**

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 your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- 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 amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- 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 Jose Resolution Numbers 79485, 80237, 80266 and 80290, 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 ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 7:30 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 930 5283 5954. 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/93052835954>
 - 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**

9:00 a.m.- Closed Session

21-2447 Closed Session Agenda

11:00 a.m.- Regular Session

6:00 p.m.- Evening Session

- **Pledge of Allegiance**

- **Invocation (District 10)**

Pastor Jordan Wong, Senior Pastor at Almaden Neighborhood Church.

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a Proclamation recognizing Family Court Awareness Month. (Foley)
- 1.2 Presentation of a Proclamation recognizing International Day for the Elimination of Violence Against Women and Human Rights Day. (Arenas)
- 1.3 Presentation of a Proclamation recognizing December 1st as World AIDS Day in the City of San José. (Perez)

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, staff, or public 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.

21-2495 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30686 - An Ordinance of the City of San José Amending Section 27.30.080 of Chapter 27.30 of Title 27 of the San José Municipal Code to Remove the Requirement that the City Council Must Approve Any Change Order that Results in Extending the Completion Date of a Project by More than 180 Days beyond the Original Completion Date.
[Passed for Publication on 11/16/2021 - Item 2.16 (21-2384)]
(b) Ordinance No. 30687 - An Ordinance of the City of San José Amending Chapter 12.06 of Title 12 of the San José Municipal Code to (A) Align the City's Disclaimer Requirements for Campaign Advertisements with State Law but with Stricter Requirements for the Disclosures of "Top Contributors"; (B) Require Campaign Committees Making Independent Expenditures to File Campaign Advertisements with the City Clerk; and (C) Make Other Technical Changes, Including Aligning the Definition and Use of Surplus Funds in the Municipal Code with the Meaning under State Law.
[Passed for Publication on 11/16/2021 - Item 3.5 (21-2420)]

(c) Ordinance No. 30688 - An Ordinance of the City of San José Rezoning 63 Certain Real Properties from the R-1-5 Single Family Residence Zoning District to the A Agriculture Zoning District; 33 Certain Real Properties from the R-1-1 Single Family Residence Zoning District to the A Agriculture Zoning District; 60 Certain Real Properties from the R-1-5 Single Family Residence Zoning District to the A Agriculture Zoning District; 11 Certain Real Properties from the R-MH Mobilehome Park Zoning District to the A Agriculture Zoning District; Two Certain Real Properties from the Hi Heavy Industrial Zoning District to the A Agriculture Zoning District; Two Certain Real Properties from the A Agriculture Zoning District to the OS Open Space Zoning District; 22 Certain Real Properties from the A(PD) Planned Development Zoning District to the OS Open Space Zoning District; One Certain Real Property from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District; One Certain Real Property from the R-1-5 Single Family Residence to the PQP Public/Quasi Public Zoning District; One Certain Real Property from the R-1-5 Single Family Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District; One Certain Real Property from the CP Commercial Pedestrian Zoning District to the A Agriculture Zoning District; Four Certain Real Properties from the A Agriculture Zoning District to IP Industrial Park Zoning District; and One Certain Real Property from the A(PD) Planned Development Zoning District to the A Agriculture Zoning District, All Located within the North, Mid- and South Coyote Valley in the City of San José.

[Passed for Publication on 11/16/2021 - Item 10.3(c) (21-2387)]

(d) Ordinance No. 30689 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 214.5 Gross Acres Situated on the East Side of Monterey Road between Metcalf Road and 1,400 Feet South of Palm Avenue from the A Agriculture Zoning District to the A(PD) Planned Development Zoning District.

[Passed for Publication on 11/16/2021 - Item 10.3(d) (21-2387)]

(e) Ordinance No. 30690 - An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (Zoning Ordinance) to Revise Table 20-40 in Section 20.20.200 OS Open Space and A Agricultural District Development Standards to be Consistent with the General Plan Coyote Valley Agriculture Overlay.

[Passed for Publication on 11/16/2021 - Item 10.3(e) (21-2387)]

2.3 Approval of Council Committee Minutes.

21-2445 Approval of Council Committee Minutes.

Recommendation: (a) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of September 16, 2021.
(b) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of October 21, 2021.
(c) Regular Transportation and Environment Committee Meeting Minutes of October 4, 2021.
(d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 6, 2021.
(e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 3, 2021.
(f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 10, 2021.
(g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of October 7, 2021.
(h) Regular Smart Cities and Service Improvements Committee Meeting Minutes of November 4, 2021.
(i) Regular Neighborhood Services and Education Committee Meeting Minutes of October 14, 2021.
(j) Regular Community and Economic Development Committee Meeting Minutes of October 25, 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.

2.4 Mayor and Council Excused Absence Requests.

21-2494 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Esparza from the Regular Meeting for the City Council on November 16, 2021 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)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 21-2473 Application for California State Park's Outdoor Equity Grants Program for Independence High School and Community Watershed Education.****Recommendation:** Adopt a resolution:

- (a) Approving the Environmental Services Department's application to the California Department of Parks and Recreation's Outdoor Equity Grants Program for Independence High School and the surrounding community to provide opportunities for members of the community and students to learn about and explore their local waterways, build a relationship with nature, foster a sense of environmental stewardship, and provide career development skills for the students; and
- (b) Authorizing the City Manager to negotiate and execute documents necessary to accept the grant, if awarded.

CEQA: Not a Project, File No. PP17-007, Grant Application with no commitment or obligation to enter to an agreement at the time of application. Council Districts 3, 4 and 5. (Environmental Services)

2.8 21-2474 Amendment to Memorandum of Understanding Between City of San José and Natural Resources Defense Council, Inc.**Recommendation:** Approve the Second Amendment to the American Cities Climate Challenge Memorandum of Understanding extending the term until June 30, 2022.

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

2.9 21-2475 Emergency Drought Declaration.**Recommendation:** Adopt a resolution, to be in effect through October 31, 2022, unless amended or revoked by Council, declaring a water shortage of 15 percent citywide and limiting use of potable water for landscape and turf irrigation to two scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects.

CEQA: Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

2.10 21-2476 Report on Request for Proposal and Actions Related to Regulatory/Program Specific Safety Training.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with National Association of Training and Environmental Consulting and Safety Compliance Management to provide regulatory/program specific safety training with an initial term beginning January 1, 2022 through December 30, 2024, with two options to extend annually through December 30, 2026 for total compensation for each contract not to exceed \$225,000 for the initial three-year term and a total amount not to exceed \$75,000 for Option 1, and \$75,000 for Option 2 for a maximum total amount of compensation not to exceed \$375,000 per agreement (\$750,000 total for both agreements), subject to annual appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Human Resources)

2.11 21-2477 Actions Related to the Proposed 2021-2023 Spending Plan for the Supplemental Law Enforcement Services Grant and the Revised 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.

Recommendation: (a) Approve the proposed 2021-2023 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,577,585 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the memorandum to Council and in the event State Supplemental Law Enforcement Services Grant payments are less or more than expected.
(b) Approve the revised 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Grant in the amount of \$2,570,553.
(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:
(1) Establish an estimate for Revenue from State of California in the amount of \$1,726,756;
(2) Increase the appropriation to the Police Department for the SLES Grant 2020-2022 by \$976,756; and
(3) Establish the SLES Grant 2021-2023 appropriation to the Police Department in the amount of \$750,000.

CEQA: Not a Project, 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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

2.12 21-2478 Actions Related to the Funding Agreement Between the Santa Clara Valley Water District and City of San José for the Coyote Creek Trail Patrol Program.

Recommendation: (a) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute an agreement for the Coyote Creek Trail Patrol Program with the Santa Clara Valley Water District in the amount of \$400,000 for the initial term (January 1, 2022 to December 31, 2022); and

(2) Exercise up to 4 one-year extensions for a total not-to-exceed amount of \$2,000,000, subject to the appropriation of funds.

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

(1) Increase the estimate for Revenue from Local Agencies by \$400,000; and

(2) Increase the Coyote Creek Trail Patrol City-Wide Expenses appropriation to the Police Department by \$400,000.

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

2.13 21-2479 Actions Related to the Construction Contract for 9700 - Police E-Lot Fencing Project Re-Bid at the Southwest Corner of West Mission Street and North San Pedro Street for the Police Department.

Recommendation: (a) Retroactively approve the Director of Public Works establishing a 15 percent construction contingency in the amount of \$34,953 for the 9700 - Police E-Lot Fencing Re-bid Project; and

(b) Approve a \$55,260 increase to the contract contingency for a revised contingency amount of \$90,213, to pay for additional work completed by the Contractor for a total revised contract amount of \$323,232.

CEQA: Exempt, File No. PP19-014, CEQA Guidelines 15301, Existing Facilities. Council District 3. (Public Works)

[Deferred from 11/9/2021 - Item 2.7 (21-2342); and 11/16/2021 - Item 2.17 (21-2407)]

2.14 21-2480 Amendment to the Master Agreements with GHD, Inc. and RRM Design Group for Trail Engineering Services.

Recommendation: (a) Approve the Second Amendment to the Master Agreement for consultant services with GHD, Inc. (CPMS Contract No. 9011), extending the term of the agreement from December 30, 2021 to December 31, 2024 to complete various ongoing trail projects, at no additional cost to the City.
(b) Approve the Second Amendment to the Master Agreement for consultant services with RRM Design Group (CPMS Contract No. 9011), extending the term of the agreement from December 30, 2021 to December 30, 2022 to complete various ongoing trail projects, at no additional cost to the City.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

2.15 21-2481 Amendment to the Master Agreement with Salas O'Brien Engineers Inc. for Mechanical, Electrical and Plumbing Services for Various City Facility Projects.

Recommendation: Approve the First Amendment to the Master Agreement with Salas O'Brien Engineers Inc. for Mechanical, Electrical and Plumbing Services to extend the term of the Agreement from December 31, 2021 to December 31, 2023, for the sole purpose of allowing the Consultant to continue providing design consulting and construction support services through completion of City Hall Audio Visual System Upgrade, Measure T - Community Centers Improvement, Second St. Block 6 Garage Elevator, 45 North Market St. Garage Elevator and The Tech Interactive Fire Alarm Projects.
CEQA: Not a Project, File No. PP17- 003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

2.16 21-2493 Retroactive Request for Travel for Mayor Liccardo.

Recommendation: Retroactively authorize travel for Mayor Liccardo to attend the signing ceremony of the Bipartisan Infrastructure Investment and Jobs Act in Washington, D.C. from November 14 - 16, 2021 and to advocate with legislators and staff for transit appropriations. Source of Funds: Mayor's Office Budget.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo)

2.17 21-2451 Approval of District 3 Night at Christmas in the Park 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 November 10, 2021:

(a) Approve the District 3 Night at Christmas in the Park scheduled on December 1, 2021 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 11/10/2021 - Item G.1.b]

2.18 21-2458 Approval of Free Christmas Tree Giveaway 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 November 10, 2021:

(a) Approve the Free Christmas Tree Giveaway scheduled on December 4, 2021 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 11/10/2021 - Item G.1.c]

2.19 21-2465 Retroactive Approval of Apology Ceremony to the Chinese American Community 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 November 10, 2021:

(a) Retroactive approve the Apology Ceremony to the Chinese American Community scheduled on September 29, 2021 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 11/10/2021 - Item G.1.d]

2.20 21-2472 Retroactive Approval of Multiple Special Events Sponsored by Council District 3 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 November 10, 2021:

- (a) Retroactively approve the Dumpster Day held on North 28th Street and East Saint James Street scheduled on August 21, 2021;
- (b) Retroactively approve the Dumpster Day held on Martha Street and South 8th Street scheduled on September 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Dumpster Day held on Sonora Avenue scheduled on October 9, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the Dumpster Day held on North 2nd Street and East Mission Street scheduled on October 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (e) 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 11/10/2021 - Item G.1.e]

2.21 21-2498 Retroactive Approval of Shred-A-Thon and E-Waste Collection Day Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on November 17, 2021:

- (a) Retroactively approve the Shred-A-Thon and E-Waste Collection Day scheduled on November 6, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)
[Rules Committee referral 11/17/2021 - Item G.1.a]

2.22 21-2502 Approval of Santa Visits Alviso and District 4 Pajama Giveaway Sponsored by Council District 4 as a 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 November 17, 2021:

(a) Approve the Santa Visits Alviso scheduled on December 11, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the District 4 Pajama Giveaway scheduled on December 15, 2021 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 11/17/2021 - Item G.1.b]

3. STRATEGIC SUPPORT

3.1 City Manager's COVID-19 Update (Verbal Report).

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 21-2503 City of San José Council District Redistricting Public Hearing. - NOT TO BE HEARD BEFORE 6:00 P.M.

Recommendation: Conduct a Public Hearing for City of San José Council District Redistricting.

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

NOT TO BE HEARD BEFORE 6:00 P.M.

3.4 21-2482 Annual Intergovernmental Relations Report.

Recommendation: (a) Accept the Annual Intergovernmental Relations Report; and
(b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.

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

3.5 21-2483 2022 Legislative Program and the Top Legislative Priorities.

Recommendation: Adopt the 2022 Legislative Program and the top legislative priorities for 2022.

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

3.6 21-2485 COVID-19 Pandemic Response and Community and Economic Recovery Budget Adjustments.

Recommendation: (a) Accept the report on recommended adjustments to the City's COVID-19 pandemic response and community and economic recovery budget.

(b) Approve the position additions for various City Departments in support of pandemic response and recovery efforts as described in Attachment B to the staff memorandum.

(c) Adopt 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the American Rescue Plan Fund, the Emergency Reserve Fund, and the General Fund as described in Attachment C to the staff memorandum.

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

[Deferred from 11/2/2021 - Item 3.3 (21-2297)]

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

5.1 21-2487 Direct Lease Concession Loan Policy for Concessionaires at Norman Y. Mineta San José International Airport.

Recommendation: (a) Adopt a resolution approving the Direct Lease Concession Loan Policy.

(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the food and beverage concession agreement, to incorporate direct lease business loan terms into the agreement in accordance with the Direct Lease Concession Loan Policy, in an amount not to exceed \$3 million dollars per agreement with Elevate Gourmet Brands-SFO Group, and WSE Group, Inc.

(c) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Revenue Fund:

(1) Increase the Transfer to the Airport Maintenance and Operation Fund by \$6,000,000; and

(2) Decrease the Ending Fund Balance Airline Agreement Reserve by \$6,000,000.

(d) Adopt the following 2021-2022 Appropriation Ordinance and Revenue Resolution Amendments in the Airport Maintenance and Operation Fund:

(1) Establish an appropriation to the Airport Department for the Tenant Business Loan Program in the amount of \$6,000,000; and

(2) Increase Transfers and Reimbursements from the Airport Revenue Fund by \$6,000,000.

CEQA: File No. PP17-003 Not a Project, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport/City Manager)
[Deferred from 11/16/2021 - Item 5.1 (21-2385)]

5.2 21-2486 Amendment to the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards.

Recommendation: (a) Adopt a resolution approving the Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report (SCH# 2018102020), certified by the San José City Council on April 18, 2020, in accordance with the California Environmental Quality Act.

(b) Conduct a Public Hearing regarding the Project Plan for two Outdoor Advertising Digital Billboards under the Norman Y. Mineta San José International Airport City of San José Advertising Concession Agreement by and between the City of San José and Clear Channel Outdoors Inc. with estimated annual revenue to the Airport of \$490,000.

CEQA: US 101 Electronic Signs Addendum, File No. ER21-015.
(Airport)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-2490 Measure E Real Property Transfer Tax Refund Pilot Program for Qualifying Nonprofit Real Property Transfers.

Recommendation: Approve an ordinance adding a new Section 4.59.230 to Chapter 4.59 of Title 4 of the San José Municipal Code to provide a refund under certain circumstances to:

(a) Charitable organizations that:

(1) Provide direct services or make grants in the areas of education, health, housing, or human and services serving extremely low-income San José residents;

(2) Irrevocably use or endow the proceeds from the conveyance of real property subject to the real property transfer tax for a charitable community purpose; and

(3) Within three years of the property sale, fund direct services or make grants in the areas of equal education, health, housing, or human services serving extremely low-income San José residents in an amount to three times (300%) of the Measure E tax paid and refunded.

(b) Charitable organizations, or limited partnerships with a general partner charitable organization, who purchase a qualifying affordable housing site and satisfy certain other requirements.

CEQA: Not a Project, 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. (Housing)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

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

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public 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) **21-2491** PP21-011 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code. - **TO BE HEARD IN THE AFTERNOON**

Recommendation: Approve an ordinance to:

- (1) Amend Chapter 20.30, Section 20.30.100 to include minor text alteration to Table 20-50, and clarifying changes to Section 20.30.270, 'Corner lot- Rear setback-Exception for attached garage', Section 20.30.500, 'Development standards', and Section 20.30.530, 'Height exceptions - Accessory Buildings';
- (2) Amend Chapter 20.40, Section 20.40.100 to rectify Table 20-90 to add prior approved text;
- (3) Amend Chapter 20.50, Section 20.50.100 to rectify Table 20-110 to add prior approved text;
- (4) Amend Chapter 20.70, Section 20.70.100 to include minor correction to Table 20-140 to incorporate indoor theater use; and
- (5) Amend Chapter 20.90, Section 20.90.220 to correct a reference to Table 20-190; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building, and Code Enforcement)
[Deferred from 10/26/2021 - Item 10.1(b) (21-2262)]
TO BE HEARD IN THE AFTERNOON

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

CONTINUE GENERAL PLAN HEARING (2021 2ND CYCLE) FROM NOVEMBER 16, 2021

10.2 21-2492 GPT21-001/GPT21-005/GP21-013/GPT21-006/GPT21-007 - Changes to the Envision San José 2040 associated with the Envision San José 2040 General Plan Four-Year-Review and related to Urban Village Implementation and Policy Modifications (GPT21-005 & GP21-013), Residential Uses in Neighborhood Business Districts (GPT21-001), Vehicle Miles Traveled (VMT) Policies (GPT21-006), Evergreen East Hills Development Policy (GPT21-007), and Planned Growth Capacity Shifts and Shared Capacity (GPT21-005).

Recommendation: Adopt a resolution approving the General Plan Text and Diagram Amendments associated with the Envision San José 2040 General Plan Four-Year Review.
CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR and Supplemental EIR to the Envision San José General Plan Final Program EIR and addenda thereto (City Council Resolution No. 80300). Planning Director recommends approval of staff recommendation. Planning Commission recommends approval of Planning staff recommendation with the changes recommended by the Four-Year Review Task Force in those instances where they differ from the Planning staff's recommendations. (9-1-1 : Oliverio opposed; Garcia absent). (Planning, Building and Code Enforcement)

CONTINUE GENERAL PLAN HEARING (2021 2ND CYCLE) TO DECEMBER 14, 2021

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. 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 topics related to City business 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.