



City Council Meeting Amended Agenda

Tuesday, November 8, 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, 80659, 80685 and 80724, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

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

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

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

22-1616 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 10)**

Chris Shahin – Music Program Director and Owner, SJG School of Music.

- **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

- **Adjournment**

This meeting will be adjourned in the memory of Robert “Bob” Stewart who passed away on September 18, 2022. Bob was a longtime business owner in Berryessa and supported many community groups, including the Berryessa Business Association and the Berryessa Art and Wine Festival Committee.

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation recognizing this year's US Youth Men's Beach Handball National Team, the first US team ever to participate in the Youth World Championships. (Mahan)

1.2 Presentation of a commendation recognizing Rich Saito for his dedication and service to the City of San José. (Mahan)

1.3 Presentation of a commendation recognizing Jesus Flores for his dedication and services to small businesses in San José. (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.**22-1671 Approval of Council Committee Minutes.**

Recommendation: (a) Joint Meeting of Public Safety, Finance and Strategic Support Committee and the County of Santa Clara Public Safety and Justice Committee Minutes of September 8, 2022.
(b) Regular Neighborhood Services and Education Committee Minutes of September 8, 2022.
(c) Regular Neighborhood Services and Education Committee Minutes of October 13, 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.

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 22-1617 Amendment to the Airline-Airport Lease and Operating Agreement with Airlines Operating at the Airport.**

Recommendation: Adopt a resolution authorizing the Director of Aviation to negotiate and execute an amendment for the Airline-Airport Lease and Operating Agreement with any current or new passenger or cargo airlines at the Norman Y. Mineta San José International Airport.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

2.8 22-1618 Continuation of Drought Declaration.

Recommendation: Adopt a resolution extending the drought emergency in Resolution No. 80303 through May 31, 2024, continuing the declaration of a water shortage of 15% citywide and limiting the 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 and trees grown for consumption, nursery or 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)

2.9 22-1619 Actions Related to Continued Shelter Crisis to Activate Two Overnight Warming Locations During the Cold Weather Season.

Recommendation: (a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 et seq., and designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season:

(1) Roosevelt Community Center; 901 E Santa Clara Street, San José, CA 95116; and

(2) West Valley Branch Library; 1243 San Tomas Aquino Road, San José, CA 95117.

(b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with HomeFirst, retroactive to October 15, 2022, through June 30, 2023, in an amount not to exceed \$900,000 to implement the Overnight Warming Locations.

CEQA: Categorically Exempt, File No. ER22-243, CEQA Guidelines Sections 15269, Emergency Projects, and Section 15301, Existing Facilities. Council Districts 1 and 3. (Housing/Library/Parks, Recreation and Neighborhood Services)

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 22-1620 Financial Need-Based Stipends for Boards and Commissions.

Recommendation: (a) Approve an ordinance amending Section 2.08.120.A of Title 2 of the San José Municipal Code to provide a monthly \$200 financial need-based stipend to each member of each City board or commission established under Chapter 2.08 of the San José Municipal Code or the City of San José Charter:

- (1) Who is not currently receiving a stipend;
- (2) Who is a member of a low-income household as defined by the U.S. Department of Housing and Urban Development as at or below 80 percent of the area median income pursuant to 24 CFR 92.2;
- (3) If they have attended a monthly board or commission meeting; and
- (4) Such members shall be eligible to be paid the stipend even if the monthly board or commission meeting is canceled.

(b) Direct the City Clerk's Office to establish the Financial Need-Based Stipend Application process.

(c) Direct the City Manager's Office to ensure stipend budgeting and administration are coordinated among City departments.

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

3.4 22-1621 Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the 2350 S. Bascom Affordable Housing Development.

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$65,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance and refinance the acquisition, construction, improvement and equipping of the 123-unit affordable apartment complex to be located at 2350 S. Bascom Road in San José by San José Bascom Associates, L.P., a California limited partnership or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds.

(b) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds, by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$65,000,000 to finance and refinance the acquisition, construction, improvement and equipping of 2350 S. Bascom, and to pay certain expenses incurred in connection with the issuance of the bonds.

CEQA: Exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Development pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Finance/Housing)

3.5 22-1622 Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the View at Blossom Hill Affordable Housing Development.

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$95,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance and refinance the acquisition, construction, improvement and equipping of the 271-unit multifamily rental housing project to be located at 1007 Blossom Hill Road in San José by View at Blossom Hill, LP, a California limited partnership or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds. (b) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, in an aggregate principal amount not to exceed \$95,000,000 to finance and refinance the acquisition, construction, improvement and equipping of the 271-unit multifamily rental housing project to be located at 1007 Blossom Hill Road in San José, and to pay certain expenses incurred in connection with the issuance of the bonds.

CEQA: Categorically Exempt, File No. ER21-078, CEQA Guidelines Section 15332, Infill Development Projects. Council District 9. (Finance/Housing)

3.6 22-1623 Actions Related to the 10201-SJC Airport Accessibility Upgrades Phase 3A-Terminal Buildings Re-Bid Project.

Recommendation: (a) Adopt a resolution authorizing the Director of Public Works to:

- (1) Award and execute the 10201 SJC Airport Accessibility Upgrades Phase 3A - Terminal Buildings Re-Bid Project to the lowest responsive bidder in an amount not to exceed \$14,000,000; and
- (2) Approve a contingency in the amount of 15 percent of the contract amount.

(b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution Amendments in the Airport Capital Improvement Fund:

- (1) Increase the estimate for Revenue from Federal Government by \$10,000,000; and
- (2) Establish the Terminal Accessibility Upgrades appropriation to the Airport Department in the amount of \$10,000,000.

CEQA: Determination of Consistency with the Final Environmental Impact Report for the Norman Y. Mineta San José International Airport (Resolution No. 79497), File No. ER22-262. (Public Works/Airport/City Manager)

3.7 22-1624 Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2021.

Recommendation: Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2021.

(b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2021.

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1625 Approve the Santa Clara Valley Transportation Authority License Agreement for the Safe Parking Program.

Recommendation: (a) Adopt a resolution adopting the addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration, all in accordance with the California Environmental Quality Act, as amended.
(b) Approve a License Agreement with the Santa Clara Valley Transportation Authority for recreational vehicles safe parking at the Santa Teresa Light Rail Station, north parking lot, for a four-year term.
CEQA: Addendum to the Incidental Safe Parking Use Municipal Code Amendments Project Negative Declaration (Resolution No. 78990), File No. ER22-220. Council District 10. (Housing)

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 will be adjourned in the memory of Robert "Bob" Stewart who passed away on September 18, 2022. Bob was a longtime business owner in Berryessa and supported many community groups, including the Berryessa Business Association and the Berryessa Art and Wine Festival Committee.

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.