



# **City Council Meeting Amended Agenda**

**Tuesday, December 6, 2022**

**11:00 AM**

**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](mailto: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](mailto: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 Nos. 80628, 80659, 80685, 80724 and 80758, 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](mailto: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](mailto: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

[22-1778](#)

Closed Session Agenda

11:00 a.m.- Regular Session

- Pledge of Allegiance

- Invocation (Mayor)

Pastor Danny Sanchez, Founder and Executive Director of the City Peace Project.

- 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 will be adjourned in honor and memory of Mary Jimenez Fierros, who was an East San José resident and was part of the “Rosie Riveters”. Rosie the Riveter was a cultural icon of World War II, representing the women who worked in factories and shipyards, many of whom produced munition.

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring December 8, 2022 as Latina Equal Pay Day to acknowledge the pay gap that Latina American women face. (Carrasco)

1.2 Presentation of a commendation recognizing the Small Business Advisory Task Force for their contributions and continued dedication to the small businesses in San José. (Jones)

1.3 Presentation of a commendation recognizing KRTY for over 25 years of providing live country shows to Downtown San Jose at the Rodeo Club and for being the number one Country station in the Bay Area for over 25 years and the number one Country station in the US during their last 3 months on the air. Over the years, they have brought various country stars to perform 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 requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

**2.1 Approval of City Council Minutes.**

**2.2 Final Adoption of Ordinances.**

**2.3 Approval of Council Committee Minutes.**

**2.4 Mayor and Council Excused Absence Requests.**

**2.5 City Council Travel Reports.**

**2.6 Report from the Council Liaison to the Retirement Boards.**

**2.7     [22-1779](#)           Resolution Ordering an Action in Superior Court to Foreclose Convention Center Facilities District Special Tax Lien on a Hotel Property Located at 1510 North First Street.**

**Recommendation:**     Adopt a resolution, pursuant to Government Code Section 53356.1, ordering delinquent Convention Center Facilities District No. 2008-1 (CCFD) taxes assessed against a hotel property located at 1510 North First Street, San José, CA 95112 (Comfort Suites), including any penalties, interests, and costs, be collected through an action brought in the Santa Clara County Superior Court to foreclose on the CCFD special tax lien.

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

**2.8     [22-1780](#)     Amendment to the Agreement with Sloan Sakai Yeung Wong, LLP for Labor Consulting Services.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Consultant Agreement with Sloan Sakai Yeung Wong, LLP (formerly Renne Sloan Holtzman & Sakai, LLP) (Emeryville, CA) for labor consulting services in connection with labor matters to extend the contract term for an additional year from December 31, 2022 through December 31, 2023 for a contract amount not to exceed \$424,500, 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. (City Manager)

**2.9     [22-1781](#)     2023-2024 Legislative Priorities and Legislative Program.**

**Recommendation:**     Adopt the 2023-2024 Legislative Priorities and Legislative Program.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

**2.10    [22-1782](#)     Fall Intergovernmental Relations Report.**

**Recommendation:**     (a) Accept the Fall Intergovernmental Relations Report; and  
                                      (b) Reaffirm all City positions summarized in the 2022 Intergovernmental Relations Priority Legislation Log (Attachment A to the staff memorandum).  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

**2.11    [22-1783](#)            Equipment Agreement and Annual Purchase Orders with Optistreams, Inc. for a Mobile Operations Satellite Emergency System, including Related Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Equipment Purchase Agreement for a Mobile Operations Satellite Emergency System with Optistreams, Inc. (Wilmington, DE), including base satellite service link, training, maintenance, support, and sales tax, beginning on or about December 7, 2022 with a total maximum compensation not to exceed \$2,187,600;
- (b) Negotiate and execute up to 10 annual purchase orders with Optistreams, Inc. for ongoing operational costs, including base satellite service link, signal boost, maintenance and support, training, equipment repairs, applicable sales tax, and other related services as required with the first annual purchase order beginning on or about December 7, 2022 with a maximum compensation of \$100,000 and an aggregate not-to-exceed of \$1,000,000 for all annual purchase orders over the 10-year period, subject to the appropriation of funds; and
- (c) Negotiate and execute amendments and change orders to the Equipment Purchase Agreement and annual purchase orders with Optistreams, Inc. for unanticipated changes as required for a contingency not to exceed \$300,000, subject to the appropriation of funds.

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



**2.12    [22-1784](#)            Amendment to the Agreement with SkiData, Inc. for a Parking Access and Revenue Control System for the Department of Transportation.**

**Recommendation:**    Adopt a resolution authorizing the City Manager to negotiate and execute the Fifth Amendment to the Agreement with SkiData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) for the purchase, implementation, and maintenance of a Parking Access and Revenue Control System, to extend the initial term for 12 months through December 31, 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 through December 31, 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/Transportation)

**2.13    [22-1775](#)            First Quarter Financial Reports for Fiscal Year 2022-2023.**

**Recommendation:**    As recommended by the Public Safety, Finance and Strategic Support Committee on November 17, 2022, accept the First Quarter (period ending September 30, 2022) Financial Reports for Fiscal Year 2022-2023 for the following programs:

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

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

[Public Safety, Finance and Strategic Support Committee referral 11/17/2022 - Item (c)1]

**2.14    [22-1785](#)            Amendment to the Agreement with HC Group, Incorporated for Federal, State and Local Grant and Contract Management.**

**Recommendation:**    Approve a retroactive amendment to the Agreement with HC Group, Incorporated to September 30, 2022 and to increase the maximum total compensation by \$42,260 from \$449,613 to \$491,873.

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

**2.15**    [22-1786](#)            **Amendment to the Agreement with the Pun Group, LLP. for Consultant Services.**

**Recommendation:**    Approve an amendment to the agreement with the Pun Group, LLP. to increase the maximum total compensation by \$400,000 from \$100,000 to \$500,000.

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

**2.16**    [22-1787](#)            **Affordable Housing Impact Fee Fiscal Year 2021-2022 Annual Report.**

**Recommendation:**    Accept the Fiscal Year 2021-2022 Annual Report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's Affordable Housing Impact Fee and to update the expenditure plan for the Affordable Housing Impact Fee.

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

**2.17**    [22-1788](#)**Actions Related to the City's Healthcare Program.****Recommendation:**

Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement that is related to the lump sum healthcare program between the City of San José and the bargaining units listed below and authorize the City Manager to execute the Side Letter agreement:

- (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- (2) Association of Engineers and Architects, IFPTE Local 21 (AEA)
- (3) Association of Legal Professionals (ALP)
- (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
- (5) City Association of Management Personnel, IFPTE Local 21 (CAMP)
- (6) San José Fire Fighters, IAFF Local 230 (IAFF)
- (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
- (8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF)
- (9) International Union of Operating Engineers, Local No. 3 (OE#3)
- (10) San José Police Officers' Association (POA)
- (11) Park Ranger Peace Officer Association (POPRA)
- (12) San José Police Dispatchers' Association (SJPDA)

(b) Approve the lump sum healthcare program for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units.

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

**2.18    [22-1804](#)            Signature Project Requirements Status Report.****Recommendation:**

As recommended by the Community and Economic Development Committee on October 24, 2022, accept staff's analysis of the effects of changing the minimum size criteria for interior parcels within the General Plan's Signature Project Policy, pursuant to City Council direction on December 7, 2021, as part of the Four-Year Review of the General Plan hearings.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building, and Code Enforcement)  
[Community and Economic Development Committee referral  
10/24/2022 - Item (d)2]

**2.19    [22-1789](#)            Actions Related to the Agreement with the City and County of San Francisco to Allocate 2022 Urban Areas Security Initiative (UASI) Grant Funds.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2022 UASI grant allocation in the amount of \$1,546,794 and to negotiate and execute additional amendments and related documents without further City Council action.  
(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish the Urban Areas Security Initiative Grant - Police 2022 City-Wide Expenses appropriation to the Police Department in the amount of \$853,156;

(2) Establish the Urban Areas Security Initiative Grant - Fire 2022 City-Wide Expenses appropriation to the Fire Department in the amount of \$312,244; and

(3) Increase the estimate for Revenue from Federal Government by \$1,165,400.

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. (Police/Fire/City Manager)

**2.20**    [22-1790](#)**Actions Related to the Proposed 2022-2024 Spending Plan for the Supplemental Law Enforcement Services Grant and Revised 2021-2023 Spending Plan for the Supplemental Law Enforcement Services Grant.****Recommendation:**

- (a) Approve the proposed 2022-2024 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,508,164 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in this memorandum to Council and in the event State SLES Grant payments are less or more than expected.
  - (b) Approve the revised 2021-2023 Spending Plan for the SLES Grant in the amount of \$2,607,295.
  - (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services fund:
    - (1) Increase the estimate for Revenue from State of California by \$1,779,710;
    - (2) Establish the SLES Grant 2022-2024 City-Wide Expenses appropriation to the Police Department in the amount of \$750,000; and
    - (3) Increase the SLES Grant 2021-2023 City-Wide Expenses appropriation to the Police Department by \$1,029,710.
- 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)

**2.21    [22-1791](#)            Amendment to City-Generated Zone Tow Services Agreements.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute a sixth amendment to the City-Generated Zone Tow Services Agreements with Alongi Brothers, Inc., Century Tow, City Towing, Courtesy Tow Services, Inc., Matos Auto Towing & Transport, and Motor Body Company, Inc. to:

(a) Revise the scope of services to include the Department of Parks, Recreation, and Neighborhood Services, Community Services Division, (BeautifySJ) abatement services that include the removal of junk vehicles.

(b) Provide a framework for reimbursement of junk vehicle disposal costs incurred by operators for BeautifySJ abatement tows for fiscal year 2021-2022 (retroactively) and fiscal year 2022-2023 up to a total of \$350,000.

(c) Allow the City to continue to provide reimbursement of qualified junk vehicle disposal costs to tow operators for BeautifySJ abatement services above \$350,000 at the discretion of the City Manager, subject to appropriation of funding, through the duration of the agreements as amended and/or extended.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)

**2.22    [22-1792](#)            West San José Multimodal Transportation Improvement Plan.****Recommendation:**

Adopt a resolution approving the West San José Multimodal Transportation Improvement Plan.

CEQA: File No. ER22-247, Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution no. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution no. 77617), and addenda thereto. Council Districts 1 and 6. (Transportation)

**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 [22-1793](#) Statement of Policy and Questions for the Prospective Director of Finance.

**Recommendation:** Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Finance as described in the memorandum to Council, in compliance with City Charter Section 411.1.

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

### 3.4 [22-1794](#) City Initiatives Roadmap: COVID-19 Recovery Task Force Status Report.

**Recommendation:** (a) Accept the COVID-19 Recovery Task Force Report.  
(b) Accept the COVID-19 Recovery Task Force recommendation to advance implementation of the COVID-19 Task Force Report:  
(1) Authorize expenditure from the \$2.0 million COVID-19 Recovery Task Force appropriation in the American Rescue Plan Fund to implement the 10 recommendations listed in Figure 4;  
(2) Direct staff to provide semi-annual status reports to the Community and Economic Development Committee on implementation of the COVID-19 Recovery Task Force Report; and  
(3) Incorporate relevant recommendations into the City's Children and Youth Services Master Plan process.  
(c) Direct staff to evaluate and consider other COVID-19 Recovery Task Force recommendations as part of future annual budget processes.  
(d) Determine that Fiscal Year 2022-2023 City Initiatives Roadmap item "COVID-19 Recovery Task Force" is completed.

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

- 3.5**     [22-1795](#)     **Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2022.  
- TO BE HEARD CONCURRENTLY WITH ITEMS 3.6 AND 9.1**

**Recommendation:**     Accept the Fiscal Year 2021-2022 Annual Comprehensive Financial Report for the City of San José.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)  
TO BE HEARD CONCURRENTLY WITH ITEMS 3.6 AND 9.1

- 3.6**     [22-1796](#)     **External Auditor's Report: Report to Those Charged with Governance for Fiscal Year Ended June 30, 2022. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1**

**Recommendation:**     Accept the Report to Those Charged with Governance for the fiscal year ended June 30, 2022 as issued by Macias Gini & O'Connell LLP, the City of San José external auditor.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)  
TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1

- 3.7**     [22-1797](#)     **Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2022.**

**Recommendation:**     Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2021-2022.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**



**6.1     [22-1798](#)     2023 Power Rates, Service Options and Financial Reserve Policy.****Recommendation:**

(a) Adopt a resolution amending San José Clean Energy's rate-setting methodology and service options as follows:

(1) Maintaining the renewable energy content of GreenSource at 60 percent renewable and setting rates, inclusive of the Power Charge Indifference Adjustment and Franchise Fee Surcharge, according to the rate schedule in Attachment A to the staff memorandum, effective the later of January 1, 2023, or when Pacific Gas & Electric Company's 2023 generation rates and Power Charge Indifference Adjustment rate become effective;

(2) Suspending GreenValue service and transferring customers from GreenValue to GreenSource service, effective the later of January 1, 2023, or when Pacific Gas & Electric Company's 2023 generation rates and Power Charge Indifference Adjustment rate become effective;

(3) Continuing to set rates for TotalGreen at \$0.005 or \$0.01 per kilowatt-hour above GreenSource, depending on rate class, according to the rate schedule in Attachment B to the staff memorandum, effective the later of January 1, 2023, or when Pacific Gas & Electric Company's 2023 generation rates and Power Charge Indifference Adjustment rate become effective; and

(4) Amending the discount for the SJ Cares program, which is open to California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) customers, to 10 percent below GreenSource rates while continuing to provide SJ Cares customers with GreenSource renewable content, according to the rate schedule in Attachment C to the staff memorandum, effective the later of January 1, 2023, or when Pacific Gas & Electric Company's 2023 generation rates and Power Charge Indifference Adjustment rate become effective.

(b) Adopt a resolution approving the San José Clean Energy Financial Reserves Policy (Attachment D to the staff memorandum) that establishes a framework to build reserves to at least 180 days of operating expenses.

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

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

**8.1**     [22-1799](#)**Actions Related to the San José Hotel Business Improvement District Beginning Fiscal Year 2023-2024.****Recommendation:**

- (a) Public hearing to consider the renewal of the San José Hotel Business Improvement District for an additional ten years from its current expiration date of June 30, 2023 to June 30, 2033.
- (b) Public hearing to approve the budget and the levy of assessments for the renewed San José Hotel Business Improvement District beginning Fiscal Year 2023-2024.
- (c) Adopt a resolution of formation renewing the San José Hotel Business Improvement District, approving the assessment rate and budget, and authorizing the levy of assessments beginning Fiscal Year 2023-2024.
- (d) Approve an uncodified ordinance renewing the San José Hotel Business Improvement District, approving the assessment rate and budget, and authorizing the levy of assessments beginning Fiscal Year 2023-2024.

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. (Economic Development and Cultural Affairs)

**8.2**     [22-1805](#)**Affordable Housing Siting Policy Status Report. - NOT TO BE HEARD BEFORE 6:00 P.M.****Recommendation:**

As recommended by the Community and Economic Development Committee on November 28, 2022:

- (a) Accept the status report on the proposed Affordable Housing Siting Policy that includes research addressing City Council direction from the August 31, 2021 City Council meeting.

- (b) Adopt a resolution approving the Affordable Housing Siting Policy and repealing the former Dispersion Policy under Resolution 67604.

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

[Community and Economic Development Committee referral  
11/28/2022 - Item (d)4]

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

**8.3      [22-1876](#)      PP22-015 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code for the Parking and Transportation Demand Management Policy Ordinance.**

**Recommendation:**

- (a) Approve an ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to:
- (1) Add Part 9 Transportation Demand Management (TDM) to the retitled Chapter 20.90 Parking, Loading and Transportation Demand Management;
  - (2) Revise tables and text for in Chapter 20.90 to remove parking minimums, modify parking space design standards, and modify parking requirements for bicycle and two-wheeled motorized vehicle parking and remove parking reduction exceptions;
  - (3) Revise tables and text in 20.70 Downtown Zoning Regulations to remove requirements and references to mandatory minimum off-street parking;
  - (4) Remove references to parking requirements in Chapters 20.55, 20.80, 20.150, 20.180, 20.190 and 20.195;
  - (5) Revise and add text to expand/modify processes for issuing outdoor event permits, outdoor vending permits and conversion of existing parking to outdoor use in Chapter 20.80 Specific Use Regulations; and
  - (6) Make other technical, non-substantive, or formatting changes within those section of Title 20 of the San José Municipal Code.
- (b) Direct staff to continue suspending enforcement until June 30, 2023, of land use permits and provisions of the San José Municipal Code to continue to allow outdoor business operations on private property that have previously registered under and been in compliance with the San José Al Fresco program.
- 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 Commission recommended approval 11/16/2022 Item 5.b. (9-0-1, Ahluwalia absent). (Planning, Building and Code Enforcement)
- [Deferred from 11/29/2022 - Item 8.4 (22-1749)]

**8.4     [22-1877](#)     GPT22-006 - Amendment to the City Council Policy 5-1 Transportation Analysis for Affordable Housing Projects.**

**Recommendation:** Adopt a resolution amending City Council Policy 5-1 entitled “Transportation Analysis Policy” to streamline environmental review under Vehicle Miles Traveled (VMT) for affordable housing projects and market rate projects in designated City Planed Growth Areas, and to provide a process for City Council to consider adopting a Statement of Overriding Consideration under the California Environmental Quality Act (CEQA) for housing projects meeting the land use policies of the General Plan with Significant and Unavoidable Impacts in high VMT areas.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommended approval for staff's Recommendation and rejection of the Alternative Recommendation from Transportation and Environment Committee, 11/16/2022 Item 5.c. (7-2-1, Casey and Ornelas-Wise opposed, Ahluwalia absent). (Planning, Building and Code Enforcement)  
[Deferred from 11/29/2022 - Item 8.5)]

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

**CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

**9.1     [22-1806](#)     Successor Agency to the Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2022. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 3.6**

**Recommendation:** Accept the Fiscal Year 2021-2022 Independent Auditor's Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.

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

TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 3.6

**ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

## **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 honor and memory of Mary Jimenez Fierros, who was an East San José resident and was part of the "Rosie Riveters". Rosie the Riveter was a cultural icon of World War II, representing the women who worked in factories and shipyards, many of whom produced munition.

## 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.