City Council Meeting
Amended Agenda

Tuesday, January 31, 2023
1:30 PM
Hybrid Meeting - Council Chambers and Virtually -
https://sanjoseca.zoom.us/j/88957084529

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
VACANT, DISTRICT 8
PAM FOLEY, DISTRICT 9
VACANT, 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:

- **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.
- 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.sanjose.legistar.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 many 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 Nos. 80628, 80659, 80685, 80724, 80758, 80809 and 80853, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

1) Cable Channel 26,
2) https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings, 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.

Interpretation is available in Spanish. In your webinar controls, select "Interpretation." Click the language you would like to hear.
Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, Seleccione "Interpretation" (Interpretación).

- Call to Order and Roll Call

9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

23-157 Closed Session Agenda

1:30 p.m. - Regular Session, Council Chambers, City Hall

- Pledge of Allegiance
- Invocation (District 1)
- 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 is adjourned in the memory of Barinder S. Ahluwalia who passed away on December 20, 2022. Barinder was a longtime Berryessa resident who was dedicated to public service, including serving on the City of San José's Planning Commission and Parks and Recreation Commission.

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation recognizing Cherrywood Chinese Immersion Program. (Cohen)

1.2 Presentation of a proclamation declaring January 21, 2023 as Almaden Quicksilver Mine Strike to recognize the local history of worker's rights. (Ortiz)

1.3 Presentation of a proclamation recognizing Victoria Thuy Vi McDowell as the Voice of Silicon Valley. (Kamei)

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 23-123 Amendment to the Joint Powers Agreement for the California Cities Gaming Authority.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Amendment to the California Cities Gaming Authority Joint Exercise of Powers Agreement to allow for the City of Bell, CA to join the Authority.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

2.8 23-124 Agreement with Cascadia Consulting Group, Inc. for Residential Solid Waste Characterization Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to approve a Master Agreement with Cascadia Consulting Group, Inc. for waste characterization services for a four-year term in an amount not to exceed $1,000,000 for the contract duration.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

2.9 23-125 Amendment to the Agreement with Econolite Systems, Inc. for an Automated Traffic Signal Performance Measures System.

Recommendation: Adopt a resolution authorizing the City Manager or designee to:
(a) Negotiate and execute the First Amendment to the Agreement with Econolite Systems, Inc. (Anaheim, CA) for an Automated Traffic Signal Performance Measures System to add professional services for mobility modifications and increase maximum compensation by $11,870 for a revised not to exceed amount of $248,637 for a three-year initial term ending September 30, 2023; and
(b) Negotiate and execute amendments and change orders as required for any unanticipated changes for an additional contingency of $50,000 during the initial 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)

2.10 23-126 **City Initiatives Roadmap - Emergency Fiscal Recovery and Planning: Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support Services.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Fourth Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City of San José in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by $260,000 for a revised amount not-to-exceed $1,500,000 and extend the contract term to June 30, 2023.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.11 23-127 **Approval of the 2022 Edward Byrne Memorial Justice Assistance Grant Spending Plan; and Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund in 2022-2023.**

Recommendation: (a) Approve the Spending Plan for the 2022 Edward Byrne Memorial Justice Assistance Grant in the amount of $367,516.
(b) Adopt a resolution accepting the 2022 Edward Byrne Memorial Justice Assistance Grant in the amount of $367,516 and authorizing the City Manager to negotiate and execute the Grant Agreement and all related documents for the grant award received from the U.S. Department of Justice without further City Council action.
(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
(1) Increase the estimate for Revenue from Federal Government by $367,516; and
(2) Establish an appropriation to the Police Department for the 2022 Justice Assistance Grant in the amount of $367,516.
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/City Manager)

2.12 23-128 Amendment to the Agreement with San José Downtown Association and San José Downtown Property Owners for Downtown Property-Based Business Improvement District Services.

Recommendation: Adopt a resolution to extend the existing agreement with the San José Downtown Association and the San José Downtown property owners for the management and delivery of services for the Downtown Property-Based Business Improvement District, retroactively from January 1, 2023 through June 30, 2023.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical change to the environment.
Council Districts 3 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 23-129 Annual Report on City Services 2021-2022.

Recommendation: Accept the Annual Report on City Services for 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. (City Auditor)

3.4 23-130 Report on Request for Proposal for Citywide Security Guard Services.

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager or designee to:
(a) Negotiate and execute agreements with Good Guard Security, Inc. (Chatsworth, CA) for security guard services for the Airport, Transportation, Public Works, Parks, Recreation and Neighborhood Services, Library, and Environmental Services Departments with an initial 14-month term beginning on or about February 1, 2023 and ending March 31, 2024, with a total aggregate compensation for all agreements not to exceed $9,048,442 for the initial term, subject to the appropriation of funds;
(b) Negotiate and execute amendments and change orders as required to add, delete, or modify services, such as for special events, or to address seasonal variations, budgetary constraints, or unanticipated changes in demand, subject to the appropriation of funds;
(c) Exercise up to four one-year options to extend the terms of the agreements through March 31, 2028, subject to the appropriation of funds; and
(d) Negotiate and execute additional agreements or purchase orders with Good Guard Security, Inc. leveraging the same Request for Proposal to provide security guard services for other City departments as requested, subject to substantially the same material terms and conditions and 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)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 23-133 Municipal Regional Stormwater Permit Reissuance.

Recommendation: As recommended by the Transportation and Environment Committee on December 5, 2022, accept the report on the Municipal Regional Stormwater National Pollutant Discharge Elimination System permit reissuance.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)
[Transportation and Environment Committee referral 12/5/22 - Item (d)2]

7. NEIGHBORHOOD SERVICES

7.1 23-134 Mayor's Gang Prevention Task Force Plan - San José Youth Violence Prevention Strategy.

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 8, 2022:
(a) Accept the Mayor's Gang Prevention Task Force Strategic Plan.
(b) Adopt the following changes:
(1) San José Youth Empowerment Alliance as the new name of the Mayor's Gang Prevention Task Force as approved by the Policy Team on October 27, 2022; and
(2) Discontinue use of the term "Hot Spots" by the Administration to define areas of high youth and gang crime and replace it with the term Opportunity Neighborhoods.
CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 12/8/2022- Item (d)2]
[Deferred from 1/24/2023 - Item 7.1]

7.2 23-135 Actions Related to a Future Park Located at the Southwest Corner of Alma Avenue and Sanborn Avenue.

Recommendation: (a) Approve a Park Master Plan for a new public park at the southwest corner of Alma Avenue and Sanborn Avenue.
(b) Adopt the name "Elia Park" per City Council Policy 7-5 and the Donation Agreement.
(c) Adopt a resolution authorizing the City Manager to:
(1) Submit a grant application and, if awarded, negotiate, and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to $1,000,000 contributing to design and construction of the park, and all other actions necessary to effectuate the grant; and
(2) Negotiate and execute a Conservation Easement with the Santa Clara Valley Open Space Authority for perpetual use of the land for recreational park purposes only that requires a conservation easement for legally enforceable land preservation agreement.
(d) Adopt the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7:
(1) Decrease the Alma Avenue and Sanborn Avenue Park Reserve by $274,000; and
(2) Increase the Alma Park Master Plan and Design appropriation by $274,000.
CEQA: Categorically Exempt, File No. ER21-153, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.
Council District 7. (Parks, Recreation and Neighborhood Services/City Manager)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-136 First Substantial Amendment to the Fiscal Year 2022-2023 Annual Action Plan for Transfer of Neighborhood Stabilization Program Income Funds to Community Development Block Grant for Eligible Uses.

Recommendation: (a) Hold a public hearing to allow for public comment.
(b) Adopt a resolution relating to the following actions regarding a first amendment to the existing Fiscal Year 2022-2023 Annual Action Plan that includes changes to the federal Neighborhood Stabilization Program and the Community Development Block Grant to the City of San José:
(1) Approve the following changes relating to the Substantial Amendment to the Fiscal Year 2022-2023 Annual Action Plan to:
(i) Decrease Neighborhood Stabilization Program income funds by $584,220 and redirect funds to Community Development Block Grant eligible uses;
(ii) Increase Community Development Block Grant program income funds by $584,220 and apply funds to other Community Development Block Grant eligible uses;
(2) Authorize the Housing Department to submit the Substantial Amendment to the U.S, Department of Housing and Urban Development; and
(3) Authorize the City Manager or her designee to negotiate and execute agreements with grantees for the activities identified in these Annual Action Plan amendments and all related contract amendments, extensions, and changes.
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. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

8.2 23-137 Actions Related to the Loan Commitment for New Affordable Housing Development Located at 1510-1540 Parkmoor Avenue.

Recommendation: (a) Adopt a resolution:

(1) Approving a total commitment of up to $16,826,688 from the Low and Moderate Income Housing Asset Fund and the Affordable Housing Impact Fee Fund for a Construction-Permanent Loan to Allied Housing, Inc. or an affiliated development entity for the Parkmoor Community Apartments, located at 1510-1540 Parkmoor Ave., which is being developed to provide 79 affordable rent-restricted units, and two unrestricted manager units, which commitment includes an amount not to exceed $11,803,587 in the Low and Moderate Income Housing Asset Fund and $5,023,101 in the Affordable Housing Impact Fee Fund;

(2) Authorizing a loan-to-value ratio of greater than 100% to Allied Housing Inc. or an affiliated development entity;

(3) Authorizing the loan terms to allow an increase in the rents and income restrictions up to 60% of area median income for new tenants in project-based voucher subsidized units in the event of expiration or termination of project-based vouchers for the Parkmoor Community Apartments, or for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the development and allowed by other funds; and

(4) Authorizing the Director of Housing or the Director's designee to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Parkmoor Community Apartments.

(b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Affordable Housing Impact Fee Fund:

(1) Decrease the Housing Project Reserve appropriation by $4,400,000;

(2) Decrease the Unrestricted Ending Fund Balance by $623,101; and

(3) Increase the Housing Loans and Grants appropriation to the Housing Department by $5,023,101.

(c) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by $2,245,000;

(2) Decrease the Committed Projects Reserve by $9,558,587; and

(3) Increase the Housing Loans and Grants appropriation to the Housing Department by $11,803,587.

CEQA: Exempt; CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 6. (Housing/City Manager)

8.3 23-138 Actions Related to the Loan Commitment and Land Purchase for the Dry Creek Crossing Affordable Housing Development Located at 2388 S. Bascom Avenue.

Recommendation: (a) Adopt a resolution:

(1) Approving a total Construction-Permanent Loan commitment of up to $9,450,000 and a land acquisition loan or acquisition funding commitment of up to $5,200,000 in funds from Measure E Real Property Transfer Tax allocations (Measure E) for Pacific Southwest Community Development Corporation or an affiliated development entity in conjunction with CRP Affordable Housing and Community Development LLC or affiliated entities (collectively, Developer), for Dry Creek Crossing, located at 2388 S. Bascom Ave., which will provide 63 affordable rent-restricted apartments and one unrestricted manager's apartment (Development);

(2) Authorizing a loan-to-value ratio of greater than 100% for this Development;

(3) Authorizing the Director of Housing to acquire the 2388 S. Bascom Ave site from the Developer for a price not to exceed $5,200,000 and to ground lease the site to the Developer for the Development;

(4) Authorizing the Director of Housing or the Director's designee to negotiate and execute documents and document amendments related to the acquisition and development of the site, and the ground leasing of the site, including a deed acceptance and any riders to the ground leases required by government entities and to execute lender's consents to these lease riders;

(5) Authorizing the Director of Housing or the Director's designee to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Development; and

(6) Making a determination that, consistent with Government Code Section 37364, after acquisition, the 2388 S. Bascom Ave site is to be leased to the Developer without first offering the site to the public for any other use, since the site will be restricted so as to provide housing affordable to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code or as defined by the United States Department of Housing and Urban Development or its successors, and that this use is in the City's best interests.

(b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the General Fund:
(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by $4,185,714;
(2) Decrease the Measure E - 30% Low-Income Households Reserve by $7,906,349;
(3) Decrease the Measure E - 5% Moderate-Income Households Reserve by $2,557,937;
(4) Increase the Measure E - 40% Extremely Low-Income Households appropriation to the Housing Department by $4,185,714;
(5) Increase the Measure E - 30% Low-Income Households appropriation to the Housing Department by $7,906,349; and
(6) Establish the Measure E - 5% Moderate-Income Households appropriation to the Housing Department in the amount of $2,557,937.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 9. (Housing/City Manager)

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

10.2 23-139 Burbank 44 & C20-011 - Annexation and Prezoning for Certain Real Property Located at 1883-1887, 1891-1995, 1897-1899 West San Carlos Street and 13 Boston Avenue. - RENOTICED TO 2/14/2023 (Initiate Annexation)

Recommendation: (a) Adopt a resolution certifying the Environmental Impact Report for the 1881 West San Carlos Project (SCH #2020120059), make certain findings concerning significant impacts, mitigation measures, and alternatives, and adopt a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act.
(b) Approve an ordinance prezoning an approximately 0.895-gross-acre site in Santa Clara County unincorporated territory designated as Burbank No. 44 into the Mixed Use Commercial Zoning District.
(c) Adopt a resolution initiating proceedings and scheduling February 14, 2023, for City Council consideration of the reorganization of the territory designated as Burbank No. 44, which involves the annexation to the City of San José of approximately 0.895 gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts, excepting the Burbank Sanitary District.
CEQA: Environmental Impact Report for the 1881 West San Carlos Project (Burbank 44/C20-011/ CP20-020/T20-016), State Clearinghouse No. 2020120059. Planning Commission recommended approval 12/14/2022 - Item 5.a. (10-0-0). Council District 6. (Planning, Building and Code Enforcement)
RENOTICED TO 2/14/2023 (Initiate Annexation) PER ADMINISTRATION

- Open Forum

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

- Adjournment

This meeting is adjourned in the memory of Barinder S. Ahluwalia who passed away on December 20, 2022. Barinder was a longtime Berryessa resident who was dedicated to public service, including serving on the City of San José's Planning Commission and Parks and Recreation Commission.

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.