



City Council Meeting Amended Agenda

Tuesday, February 14, 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
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, 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, 80724, 80758, 80809, RES2023-1 and RES2023-22, 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 ilegislare 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.

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

- **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

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

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

*The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (District 2)

Reverend Dr. Bryan J. Franzen - Pastor of Westminster Presbyterian Church.

- Orders of the Day

To be heard after Ceremonial Items

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

- Adjournment

This meeting is adjourned in honor and memory of Bea Robinson Mendez, a local Chicana leader, whose work has been fundamental in serving the most vulnerable in our community. Her legacy is incredible, having co-founded Next Door Solutions to Domestic Violence in her garage. Her cultural understanding raised Next Door to become the second largest and first bi-lingual domestic violence shelter in the nation.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing February 4, 2023 as Saka Nakodar Day. (Mayor)
- 1.2 Presentation of a proclamation recognizing February 2023 as American Heart Month. (Davis)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

23-218 Approval of City Council Minutes.

Recommendation: (a) City Council Meeting Minutes of January 24, 2023.

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

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

23-225 Approval of Council Committee Minutes.

Recommendation: (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of January 11, 2023.
(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of January 18, 2023.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 23-181 Amendment to the Agreement with Guidehouse, Inc. for Customer Service Vision and Standards Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Master Consulting Agreement with Guidehouse, Inc. (Falls Church, VA) to extend the initial term for 12 months through June 30, 2024, and increase the compensation in the amount of \$400,000 for a maximum compensation not to exceed \$800,000, and with no change in options to extend the agreement, 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)

2.8 23-182 Amendment to Purchase Order with Jensen Landscape Services, LLC for Landscape and Irrigation Maintenance Services.

Recommendation: Adopt a resolution authorizing the City Manager or designee to amend purchase order OP 59024 with Jensen Landscape Services, LLC (Milpitas, CA) for landscape and irrigation maintenance services to increase the total compensation by \$90,000, for a maximum compensation not-to-exceed \$511,000 for the period ending June 30, 2023.

CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report, File No. ER22-279. (Finance)

2.9 23-183 Actions Related to the First Amendment to the Funding Agreement with Santa Clara Valley Water District for the Coyote Creek and Guadalupe River Trail Patrol Program.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a first amendment to the agreement for the Coyote Creek and Guadalupe River Trail Patrol Program with the Santa Clara Valley Water District in the amount of \$400,000 for the extension of six months (January 1, 2023 to June 30, 2023).

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

(1) Increase the Coyote Creek and Guadalupe River Trail Patrol City-Wide Expenses appropriation to the Police Department by \$400,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$400,000.

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

2.10 23-184 Actions Related to the 9387 - Park: Happy Hollow Park & Zoo Exhibit Poles Project.

Recommendation: Award a construction contract for the 9387 - Park: Happy Hollow Park & Zoo Exhibit Poles Project to Suarez & Munoz Construction, Inc. pursuant to City Charter Section 1217 (h), in the amount of \$1,712,600 and approve a ten percent contingency in the amount of \$171,260.

CEQA: Categorically Exempt, File No. ER21-115, CEQA Guidelines Section 15301. Existing Facilities. Council District 7. (Public Works/Parks, Recreation and Neighborhood Services)

2.11 23-185 Agreement Between the Santa Clara Valley Transportation Authority and the City of San José for the Eastridge to Bart Regional Connector Project.

Recommendation: (a) Adopt a resolution making certain findings as the responsible agency for purposes of and pursuant to the provisions of the California Environmental Quality Act (CEQA) in connection with the approval of discretionary actions by the City of San José deemed necessary for the construction and operation of the Eastridge to BART Regional Connector Project and adopting the related Mitigation Monitoring and Reporting Program.

(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute Amendment No. 1 of the Operations and Maintenance Agreement between the Santa Clara Valley Transportation Authority and the City for the Eastridge to BART Regional Connector Project.

CEQA: Santa Clara Valley Transportation Agency's Eastridge to BART Regional Connector Project Final Environmental Impact Report, Final Supplemental Environmental Impact Report and Second Supplemental Environmental Impact Report. File No. ER22-268. Council Districts 5 and 8. (Transportation)

2.12 23-207 Acceptance of the Retirement Plans' Annual Comprehensive Financial Reports for Fiscal Years Ending June 30, 2022 and June 30, 2021.

Recommendation: Accept the following annual reports:

(a) Police and Fire Department Retirement Plan Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2022 and June 30, 2021; and

(b) Federated City Employees' Retirement System Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2022 and June 30, 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)

[Deferred from 2/7/2023 - Item 2.8 (23-160)]

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 23-186 Approval of the 2022-2023 Mid-Year Budget Review Report.

Recommendation: (a) Approve the 2022-2023 Mid-Year Budget Review Report.
(b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2022-2023 Mid-Year Budget Review Report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and 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. (City Manager)

3.4 23-188 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)
[Deferred from 1/31/2023 - Item 3.4 (23-130)]

3.5 23-243 City Council Appointments of Standing Committees and Boards, Commissions and Committees and Assignments.

Recommendation: (a) Discuss, amend and/or approve the 2023 City Council Standing Committee Appointments.
(b) Discuss, amend and/or approve Councilmember appointments to Boards, Commissions or Committees and assignments.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 2/1/2023 - Item A.1.a]
[Referred from 2/7/2023 - Item 3.3]

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-189 Agreement with Jacobs Engineering Group for Program Management Support Services at San José Mineta International Airport.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Master Consultant Agreement with Jacobs Engineering Group for Program Management Support Services at San José Mineta International Airport, for a period of seven years from execution, in a total amount not to exceed \$71,000,000 over the term of the agreement.
CEQA: Not a Project, File No. PP17-002, Consultant services for design/study/inspection, or other professional services with no commitment to future action. Council District 6. (Airport)

5.2 23-190 Authorization to Seek Funding from United States Department of Transportation's National Infrastructure Investments under the Infrastructure Investment and Jobs Act Grant.

Recommendation: Adopt a resolution authorizing the City Manager or designee to apply for, execute, and accept upon receipt, grants from the United States Department of Transportation's National Infrastructure Investments (i.e., Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program) under the Infrastructure Investment and Jobs Act, (also referred to as the Bipartisan Infrastructure Law), in a total amount not to exceed \$25 million, for the Terminal A Ground Transportation Island Project at the San José Mineta International Airport.

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

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 23-193 City Initiatives Roadmap: Digital Equity and Empowerment Program Status Report. - DEFERRED

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 8, 2022, accept a report on preliminary findings and recommendations related to the Digital Inclusion and Broadband strategy, Digital Inclusion Fund grant program, and Digital Equity program outcomes as part of the approved City Initiatives Roadmap for 2022-2023.

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

[Neighborhood Services and Education Committee referral 12/8/2022 - Item (d)4]

DEFERRED TO 3/14/2023 PER ADMINISTRATION

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-194 Sixth Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan for the Reallocation of Coronavirus Aid Relief and Economic Security Act Funds Awarded by the U.S. Department of Housing and Urban Development for Eligible Use.

Recommendation: (a) Hold a public hearing to allow for public comment.
(b) Adopt a resolution relating to the following actions regarding a sixth amendment to the existing Fiscal Year 2019-2020 Annual Action Plan that includes changes to the federal Coronavirus Aid Relief and Economic Security Act (CARES Act) funds awarded by the United States Department of Housing and Urban Development (HUD) to the City of San José:
(1) Approve the changes relating to the Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan to reallocate Community Development Block Grant CARES Act balance of \$6,770,616 and apply funds to Community Development Block Grant CARES Act 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 their 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 23-208 Overruling Objections to the 2023-2024 Weed Abatement Commencement Report and Directing the Removal of Weeds or Refuse. - RECOMMEND DEFERRAL TO 2/28/2023

Recommendation: Conduct a Public Hearing and adopt a resolution:
(a) Overruling any and all objections to the 2023-2024 Weed Abatement Commencement Report (Report); and
(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h)
Existing Facilities, File No. PP18-094. (Planning, Building and Code
Enforcement)

[Deferred from 2/7/2023 - Item 8.1 (23-165)]

RECOMMEND DEFERRAL TO 2/28/2023 PER ADMINISTRATION

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

- (a) **23-195** **Burbank 47 Annexation, C22-040 & ER22-042 - Annexation, Conforming Pre-Zoning, and Determination of Consistency with Envision San Jose 2040 General Plan Environmental Impact Report for the for Property Located at 560 South Bascom Avenue. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: (1) Approve an ordinance pre-zoning two parcels on certain real property within Santa Clara County unincorporated territory totaling 0.51-gross acre, including an area of approximately 0.47 gross acre (APN No. 277-29-045) to the City of San José CP Commercial Pedestrian Zoning District and an area of approximately 0.04 gross acre (APN No. 277-29-044) to the City of San José R-1-8 Single-Family Residence Zoning District.

(2) Adopt a resolution initiating proceedings and setting March 14, 2023, for City Council consideration of the reorganization of territory designated as Burbank No. 47, which involves the annexation to the City of San José of approximately 1.31-gross acre of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Determination of Consistency with Envision San Jose 2040 General Plan Final Program EIR, Resolution No. 76041, and Addendum thereto. Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 23-196 Burbank 44 Annexation C20-011 & ER20-146 - Annexation and Pre-Zoning of Five Unincorporated Parcels from the County of Santa Clara to the City of San José (APNs: 274-16-050, 052, 053, 069 & 070) - RENOTICED

Recommendation: (a) Adopt a resolution certifying the Environmental Impact Report for the 1881 West San Carlos Project, making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting 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 pre-zoning certain real property an approximately 0.895-gross-acre site in Santa Clara County unincorporated territory designated as Burbank No. 44 to the Mixed-Use Commercial Zoning District.

(c) Adopt a resolution initiating proceedings and scheduling March 28, 2023 for City Council consideration of the reorganization of 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 (File Nos. Burbank 44/C20-011/ CP20- 020/T20-016). Council District 6. (Planning, Building and Code Enforcement)

RENOTICED TO 2/28/2023

10.3 23-197 H21-005/ER21-018 & T21-005 - Site Development Permit and Vesting Tentative Map for Certain Real Property Located at 550 East Brokaw Road. - RENOTICED

Recommendation: (a) Adopt a resolution certifying the 550 E. Brokaw Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one lot into four lots on an approximately 19.70-gross acre site.
(c) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 213,626-square foot commercial building and the removal of 274 trees (210 ordinance-size, 64 non-ordinance-size) for the construction of seven office buildings totaling approximately 1,924,110 square feet and two parking structures totaling approximately 1,647,920 square feet on an approximately 19.70-gross acre site.
CEQA: 550 E. Brokaw Project Environmental Impact Report (ER21018). Planning Commission recommended approval (Item 5.a, 1/11/2023 Planning Commission agenda) (8-0-2, Ahluwalia and Young absent). Council District 3. (Planning, Building and Code Enforcement)
RENOTICED TO 2/28/2023

10.4 23-198 H21-048/ER21-276 & T21-043 - Administrative Hearing on the Environmental Appeal for the Apollo Residential Project. - RENOTICED

Recommendation: (a) Conduct an Administrative Hearing to consider the environmental appeal of the Planning Director's reliance on the Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA) for a Site Development Permit and Vesting Tentative Map (File Nos. H21-048 and T21-043), to allow the demolition of the existing buildings on-site (totaling approximately 15,908 square feet) and construct a 20-story residential tower with up to 471 units and 7,661 square feet of ground floor retail, on an approximately 1.1-acre site.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act, as amended, and finding that:

(1) The City Council has independently reviewed and analyzed the Addendum for the Apollo Residential Project, and related administrative record related to Site Development Permit No. H21-048; and

(2) The Addendum for the Apollo Residential Project was prepared and completed in full compliance with the CEQA of 1970, as amended, together with State and local implementation guidelines; and

(3) Reliance on the Addendum for the Apollo Residential Project reflects the independent judgment and analysis of the City of San José, as lead agency for the Project; and

(4) Preparation of a new, subsequent, or supplemental environmental document is not required because the appeal does not raise any new significant impacts that have not already been analyzed or addressed in the Apollo Residential Project Addendum and none of the following events occurred as outlined in Section 21166 of Public Resources Code (PRC): (i) substantial changes are proposed in the project which will require major revisions of the environmental report; (ii) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or (iii) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. Further, a new, subsequent, or supplemental environmental impact report is not required because no impacts outside the scope of the Downtown Strategy 2040 EIR were identified in Section 15168 of the CEQA Guidelines.

CEQA: Apollo Residential Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report. Council District 6. (Planning, Building and Code Enforcement)

RENOTICED TO 2/28/2023

- **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 honor and memory of Bea Robinson Mendez, a local Chicana leader, whose work has been fundamental in serving the most vulnerable in our community. Her legacy is incredible, having co-founded Next Door Solutions to Domestic Violence in her garage. Her cultural understanding raised Next Door to become the second largest and first bi-lingual domestic violence shelter in the nation.

**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.