



City Council Meeting Amended Agenda

Tuesday, March 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.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 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.

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.

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, Council Chambers, City Hall

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Pledge of Allegiance
- Invocation (District 3)
- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation recognizing our Disaster Service Workers for their service in providing disaster relief for our communities during the series of storms in recent months. (Foley and Doan)

1.2 Presentation of a proclamation recognizing March 12 to March 18 as Americorps Week to recognize and give thanks to the millions of Americans who have chosen to serve their country through AmeriCorps and AmeriCorps Seniors, and encourage others to follow in their footsteps. (Mayor)

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.

23-399 Approval of City Council Minutes.

Recommendation: (a) City Council Study Session Minutes of February 14, 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.

23-395 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30887 - An Ordinance of the City of San José Rezoning Two Properties from the A Agriculture Zoning District to the CIC Combined Industrial/Commercial Zoning District, Seven Properties from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, Six Properties from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District, Ten Properties from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, 17 Properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 14 Properties from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, Two Properties from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District, Eight Properties from the HI Heavy Industrial Zoning District to the DC Downtown Primary Commercial Zoning District, One Property from the IP Industrial Park Zoning District to the DC Downtown Primary Commercial Zoning District, 10 Properties from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District, Three Properties from the PQP Public/Quasi-Public Zoning District to the DC Downtown Primary Commercial Zoning District, Two Properties from the R-1-8 Single-Family Residential Zoning District to the DC-NT1 Downtown Commercial - Neighborhood Transition 1 Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the DC Downtown Primary Commercial Zoning District, 39 Properties from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District, Three Properties from the CO Commercial Office Zoning District to the LI Light Industrial Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the LI Light Industrial Zoning District, 23 Properties from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, Four Properties from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District, Two Properties from the R-1-8 Single-Family Residential Zoning District to the LI Light Industrial Zoning District, 17 Properties from the R-2 Two-Family Residential Zoning District to the LI Light Industrial Zoning District, Two Properties from the R-M Multiple Residence Zoning District to the LI Light Industrial Zoning District, 30 Properties from the CN Commercial Neighborhood Zoning District to

the MUC Mixed Use Commercial Zoning District, 18 Properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, Four Properties from the LI Light Industrial Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, Six Properties from the R-2 Two-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the R-M Multiple Residence Zoning District to the MUC Mixed Use Commercial Zoning District, 25 Properties from the CN Commercial Neighborhood Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Properties from the CO Commercial Office Zoning District to the MUN Mixed Use Neighborhood Zoning District, Four Properties from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Properties from the LI Light Industrial Zoning District to the MUN Mixed Use Neighborhood Zoning District, One Property from the R-1-8 Single Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 35 Properties from the R-2 Two-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 66 Properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, Six Properties from the A Agriculture Zoning District to the OS Open Space Zoning District, One Property from the CIC Combined Industrial/Commercial Zoning District to the OS Open Space Zoning District, Seven Properties from the CO Commercial Office Zoning District to the OS Open Space Zoning District, Two Properties from the CO (PD) Planned Development Zoning District to the OS Open Space Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the OS Open Space Zoning District, 20 Properties from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District, Six Properties from the HI Heavy Industrial Zoning District to the OS Open Space Zoning District, 14 Properties from the IP Industrial Park Zoning District to the OS Open Space Zoning District, 19 Properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District, 12 Properties from the R-1-8 Single-Family Residential Zoning District to the Os Open Space Zoning District, 50 Properties from the R-2 Two-Family Residential Zoning District to the OS Open Space Zoning District, Seven Properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the PQP Public/Quasi-Public Zoning

District, 24 Properties from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District, 30 Properties from the HI Heavy Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, 20 Properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, Seven Properties from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, Two Properties from the R-M Multiple Residence Zoning District to the PQP Public/Quasi-Public Zoning District, Ten Properties from the CG Commercial General Zoning District to the R-1-8 Single-Family Residential Zoning District, 44 Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, 20 Properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residential Zoning District, 11 Properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, Seven Properties from the DC-NT1 Downtown Commercial - Neighborhood Transition 1 Zoning District to the R-1-8 Single-Family Residential Zoning District, 19 Properties from the LI Light Industrial Zoning District to the R-1-8 Single-Family Residential Zoning District, One Property from the CG Commercial General Zoning District to the TEC Transit Employment Center Zoning District, One Property from the CN Commercial Neighborhood Zoning District to the TEC Transit Employment Center Zoning District, 28 Properties from the HI Heavy Industrial Zoning District to the TEC Transit Employment Center Zoning District, Seven Properties from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District, Four Properties from the LI Light Industrial Zoning District to the TEC Transit Employment Center Zoning District, Five Properties from the CP Commercial Pedestrian Zoning District to the TR Transit Residential Zoning District, One Property from the CG Commercial General Zoning District to the UR Urban Village Zoning District, Three Properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, Four Properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, Two Properties from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, Two Properties from the IP Industrial Park Zoning District to the UV Urban Village Zoning District, Four Properties from the R-M Multiple

Residence Zoning District to the UV Urban Village Zoning District, One Property from the Split Zoned HI Heavy Industrial and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, Two Properties from the HI Heavy Industrial Zoning District to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, Three Properties from the Split Zoned R-1-8 Single-Family Residential and R-M Multiple Residence Zoning Districts to the MUN Mixed Use Neighborhood Zoning District, One Property from the Split Zoned IP Industrial Park and CP Commercial Pedestrian Zoning Districts to the UV Urban Village Zoning District, One Property from the Split Zoned R-1-8 Single-Family Residential and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, Two Properties from the Split Zoned R-1-8 Single-Family Residential and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned R-1-8 Single-Family Residential and IP Industrial Park Zoning Districts to the Split Zoned LI Light Industrial and OS Open Space Zoning Districts, One Property from the Split Zoned R-1-8 Single-Family Residential and CO Commercial Office Zoning Districts to the OS Open Space Zoning District, Two Properties from the CO Commercial Office Zoning District to the Split Zoned LI Light Industrial and OS Open Space Zoning Districts, One Property from the Split Zoned R-1-8 Single-Family Residential and LI Light Industrial Zoning Districts to the OS Open Space Zoning District, Two Properties from the Split Zoned R-2 Two-Family Residential, CO Commercial Office, and CP Commercial Pedestrian Zoning Districts to the OS Open Space Zoning District, Five Properties from the Split Zoned R-2 Two-Family Residential and LI Light Industrial Zoning District to the OS Open Space Zoning District, Two Properties from the Split Zoned R-1-8 Single-Family Residential and CP Commercial Pedestrian Zoning Districts to the MUN Mixed Use Neighborhood Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and CO Commercial Office Zoning District to the OS Open Space Zoning District, Two Properties from the Split Zoned R-2 Two Family Residential and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family-Residential, and R-1-8 Single-Family Residential Zoning Districts to the Split Zoned LI Light Industrial and OS Open Space Zoning Districts, One Property from Split Zoned CO Commercial Office and R-1-8 Single-Family Residential to the PQP Public/Quasi-Public Zoning Districts, One Property from the Split

Zoned R-1-8 Single Family Residential, R-2 Two-Family Residential, CP Commercial Pedestrian, and A Agriculture Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and CP Commercial Pedestrian Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned R-2 Two-Family Residential, R-M Multiple Residence, and LI Light Industrial Zoning District to the OS Open Space Zoning District, Two Properties from the IP Industrial Park Zoning District to the DC Downtown Primary Commercial Zoning District, One Property from the HI Heavy Industrial Zoning District to the Split Zoned OS Open Space and TEC Transit Employment Center Zoning Districts, Two Properties from the Split Zoned HI Heavy Industrial and LI Light Industrial Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned HI Heavy Industrial and LI Light Industrial Zoning Districts to the DC Downtown Primary Commercial Zoning District, Two Properties from the Split Zoned LI Light Industrial and HI Heavy Industrial Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned CO (PD) Planned Development and LI Light Industrial Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned LI Light Industrial and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, Two Properties from the DC Downtown Primary Commercial to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, One Property from the Split Zoned R-2 Two-Family Residential and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, One Property from the Split Zoned R-M Multiple Residence and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the Split Zoned R-2 Two-Family Residential and CN Commercial Neighborhood Zoning Districts to the PQP Public/Quasi-Public Zoning District, Two Properties from the Split Zoned A Agriculture and IP Industrial Park Zoning Districts to the OS Open Space Zoning District, and One Property from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District, All on those Certain Real Properties Located throughout the Mineta Airport Influence Area, City of San José.

[Passed for Publication on 2/28/2023 - Item 10.1(a)(23-274)]

(b) Ordinance No. 30888 - An Ordinance of the City of San José Rezoning Two Properties from the A Agriculture Zoning District to the IP Industrial Park Zoning District, Two Properties from the LI Light Industrial Zoning District to the IP Industrial Park Zoning District, One Property from the R-1-2(PD) Planned Development Zoning District to the IP Industrial Park Zoning District, Five Properties from the A Agriculture Zoning District to the CG Commercial General Zoning District, Seven Properties from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District, Two Properties from the R-1-8 Single-Family Residential Zoning District to the UR Urban Residential Zoning District, 16 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, Three Properties from the A Agriculture Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, Nine Properties from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residential Zoning District, Seven Properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the A Agriculture Zoning District to the PQP Public/Quasi-Public Zoning District, Four Properties from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the CO Commercial Office Zoning District to the PQP Public/Quasi-Public Zoning District, 35 Properties from the IP Industrial Park Zoning District to the PQP Public/Quasi-Public Zoning District, 42 Properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 15 Properties from the A Agriculture Zoning District to the OS Open Space Zoning District, Three Properties from the CN Commercial Neighborhood Zoning District to the OS Open Space Zoning District, Two Properties from the R-1-5 Single-Family Residential Zoning District to the OS Open Space Zoning District, 34 Properties from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the OS Open Space Zoning District, Two Properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, 10 Properties from the R-1-8 Single-Family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, Five Properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, One Property from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian

Zoning District, Four Properties from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District, 11 Properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 16 Properties from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District, One Property from the Split Zoned CO Commercial Office, CP Commercial Pedestrian, R-1-8 Single-Family Residential, R-2 Two-Family Residential, and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, Two Properties from the Split Zoned A Agriculture and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, Two Properties from the Split Zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the OS Open Space Zoning District, Two Properties from the A Agriculture Zoning District to the Split Zoned CG Commercial General and IP Industrial Park Zoning Districts, One Property from the Split Zoned A Agriculture and R-1-8 Single-Family Residential Zoning Districts to the PQP Public/Quasi-Public Zoning District, One Property from the R-1-8 Single-Family Residential Zoning District to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, and One Property from the A Agriculture Zoning District to the Split Zoned OS Open Space and PQP Public/Quasi-Public Zoning Districts, All on those Certain Real Properties Located throughout the Reid-Hillview Airport Influence Area, City of San José.

[Passed for Publication on 2/28/2023 - Item 10.1(b)(23-275)]

(c) Ordinance No. 30889 - An Ordinance of the City of San José Prezoning Certain Real Property of Approximately 0.895 Gross Acres, Situated on the Northeast Corner of West an Carlos Street and Brooklyn Avenue (APNs 274-16-050, 052, 053, 069 & 070) from Unincorporated Territory within the County of Santa Clara County to the Mixed Use Commercial Zoning District.

[Passed for Publication on 2/28/2023 - Item 10.2(b)(23-276)]

2.3 Approval of Council Committee Minutes.

23-400 Approval of Council Committee Minutes.

Recommendation: (a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 8, 2023.
(b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 15, 2023.
(c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of February 22, 2023.
(d) Regular Neighborhood Services and Education Committee Minutes of February 9, 2023.
(e) Regular Community and Economic Development Committee Minutes of February 27, 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 23-347 City Manager's Travel to Phoenix, Arizona for the San José Chamber of Commerce Annual Study Mission.

Recommendation: Authorize travel for City Manager Jennifer Maguire to Phoenix, Arizona on April 18-21, 2023 to participate in the San José Chamber of Commerce Annual Study Mission.
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 23-348 Designation of Official Authorized to Apply for Disaster Assistance.

Recommendation: Adopt a resolution designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance)

2.9 23-355 Second Quarter Financial Reports for Fiscal Year 2022-2023.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2023:
(a) Accept the Second Quarter (period ending December 31, 2022) Financial Reports for Fiscal Year 2022-2023 for the following programs:
(1) Debt Management;
(2) Investment Management;
(3) Revenue Management;
(4) Purchasing & Risk Management.
(b) Adopt a resolution authorizing the Director of Finance to write off uncollectible debts in an amount up to \$619,047.71.
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
2/16/2023 - Item (d)1]

2.10 23-349 Actions Related to the Agreement with HomeFirst Services of Santa Clara County for Temporary Sheltering Operations and Support Services for 2023 Winter Storm Response and Appropriation Amendments.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with HomeFirst Services of Santa Clara County in an amount not to exceed \$1,900,000 to operate emergency Evacuee Transition Facilities, providing additional temporary sheltering and support services necessary for winter emergency response, retroactive to January 1, 2023 until June 30, 2023.
(b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the General Fund:
(1) Decrease the Measure E - 15% Homeless Support Programs Reserve by \$1,400,000; and
(2) Increase the Measure E - Storm Evacuee Transition Facilities (15% HSP) appropriation by \$1,400,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing/City Manager)

2.11 23-350 Actions Related to the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project.

Recommendation: Approve an increase in the project construction contingency for the new Fire Department Training Center and the Emergency Operations Center Relocation project located at 1591 Senter Road from 10% of the construction contract amount to 12%, resulting in a new contingency amount of \$6,492,600, an increase of \$1,082,100.

CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. Council District 7. (Public Works)

2.12 23-351 2023 Major Streets Remove and Replace Pavement Project.

Recommendation: (a) Approve award of a construction contract for the 2023 Major Streets Remove and Replace Pavement Project, to the low bidder, G. Bortolotto & Company, Inc., in the amount of \$1,815,463.

(b) Approve an approximate 10% contingency in the amount of \$181,500.

CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (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 23-361 City of San José Investment Policy Annual Review.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2023:

(a) Accept the annual review of the City of San José Investment Policy, as amended.

(b) Adopt a resolution amending Council Policy 1-12, City of San José Investment Policy to reduce the combined issuer/institution limits from 10% to 5%, reflect the updated version of the Federal Reserve Bank's Primary Dealer List, and various technical clean-ups.

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

[Public Safety, Finance and Strategic Support Committee referral 2/16/2023 - Item (d)3]

3.4 23-364 Amendments to Title 4 of the San José Municipal Code Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on February 16, 2023:

(a) Accept the status report on amendments to Title 4 of the San José Municipal Code Chapter 4.04 Contract Authority and Chapter 4.12 Procurements of Goods and Services to help streamline the City's procurement process for goods and services.

(b) Direct the Administration to work with the City Attorney's Office to prepare the necessary ordinance to amend the San José Municipal Code and report back to City Council in fall 2023.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 2/16/2023 - Item (d)4]

3.5 23-365 Status Report on the November 2018 Ballot Measure T - The Disaster Preparedness, Public Safety, and Infrastructure General Obligation Bond.

Recommendation: (a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond Measure.

(b) Approve the proposed funding of projects identified in Table 3 of the staff memorandum to:

(1) Reallocate the remaining Environmental Protection Funds;

(2) Rescope the Fire Station 23 Project; and

(3) Allocate \$7.1 million that had been previously set aside for the cost of bond issuance.

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 23-366 City Initiatives Roadmap: Digital Equity and Empowerment Program Status Report. - RECOMMEND DEFERRAL

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 from 2/14/2023 - Item 7.1 (23-193)]

RECOMMEND DEFERRAL TO 4/4/2023 PER ADMINISTRATION

7.2 23-367 Actions Related to the Lake Cunningham Shoreline and Water Quality Report and Prototype Wetland Restoration Project. - TO BE HEARD BEFORE ITEM 3.5

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 8, 2022:

(a) Accept the report on the Lake Cunningham Shoreline and Water Quality Report.

(b) Adopt a resolution authorizing the City Manager to submit a grant application and negotiate and execute a grant agreement with the Santa Clara Valley Open Space Authority for an amount up to \$250,000 for Design and Environmental Review of a 1-acre Prototype Wetland Restoration Project.

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. (Parks, Recreation and Neighborhood Services/Public Works)

[Neighborhood Services and Education Committee referral 12/8/2022 - Item (d)6]

[Deferred from 2/7/2023 - Item 7.1 (23-164)]

TO BE HEARD BEFORE ITEM 3.5

7.3 23-373 Long-Term Lease of Municipal Golf Courses.

Recommendation: (a) Accept the report on the Golf Course Management, Operations and Maintenance Services Request for Proposal process and results.
(b) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a lease agreement, and all other necessary and/or ancillary documents, with CourseCo, Inc. for the three City-owned golf courses (Los Lagos, Rancho del Pueblo, and San José Municipal) that substantively conforms to the key terms negotiated by staff, which include ensuring and expanding community use, as described in the staff memorandum to Council.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no significant physical changes to the environment. Council Districts 3, 5, and 7. (Parks, Recreation and Neighborhood Services)

[Deferred from 3/7/2023 - Item 7.1 (23-319)]

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-368 Actions Related to the Loan Commitment and Land Purchase for 797 Almaden, a New Affordable Housing Development.

Recommendation: (a) Adopt a resolution:

(1) Approving a total Construction-Permanent Loan commitment of up to \$21,350,000 and a land acquisition loan or acquisition funding commitment of up to \$3,590,000 in funds from Measure E Real Property Transfer Tax allocations (Measure E) for Resources for Community Development (RCD) and Almaden Affordable Housing, L.P. or another affiliate formed by RCD (Developer) for the 797 Almaden, a new affordable housing development to be located at 771, 777, 787, 797 South Almaden Avenue (Site), which is being developed to offer 98 rent-and income-restricted apartments for extremely low income, very low income, and low income households, and one unrestricted manager's apartment (Development);

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

(3) Authorizing the Director of Housing to acquire the site from the Developer for a price not to exceed \$3,590,000 at the time of transfer, to accept the grant deed, and to enter into a long-term ground lease of 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, the ground leasing of the Site and any riders to the ground leases required by government entities;

(5) Authorizing the loan terms to allow an increase in the rents and income restrictions up to 60% of Area Median Income (AMI) (low-income) for new tenants in Project-Based Voucher (PBV) subsidized apartments in the event of expiration or termination of Project-Based Vouchers and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the above Development and allowed by other funds;

(6) 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;

(7) Authorizing the Mayor to execute on behalf of the City Council those letters of support as may be required by the California Housing and Community Development Department in connection with the Developer's applications for Infill Infrastructure Grants or other grants that require no grant participation or commitment by the City; and

(8) Making a determination that, consistent with Government Code Section 37364, after acquisition, the Site is to be leased by the City 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 (HUD) or its successors, and that this use is in the City's best interests.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E - 30% Low-Income Households Reserve by \$12,215,510;

(2) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$12,724,490;

(3) Increase the Measure E - 30% Low-Income Households appropriation to the Housing Department by \$12,215,510; and

(4) Increase the Measure E - 40% Extremely Low-Income Households appropriation to the Housing Department by \$12,724,490.

CEQA: Exempt, 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 3. (Housing/City Manager)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**

If the Regular Session agenda items end after 6:00 p.m., this Open Forum will be held at the end of the full meeting concurrently with the Evening Session Open Forum. Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

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

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council 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) **23-369 Burbank No. 47 - Ordering the Annexation of Certain Real Property Located at 560 Bascom Avenue. RECOMMEND DEFERRAL**

Recommendation: Adopt a resolution ordering the annexation of the territory designated as Burbank No. 47, which involves the annexation to the City of San José of approximately 1.31 gross acres from Santa Clara County unincorporated territory located on the east side of South Bascom Avenue between Basile Avenue and Parkmoor Avenue (APNs 277-29-044 and 277-29-044) and portions of Basile Avenue and South Bascom Avenue, and the detachment of the same from the appropriate special districts, including Central Fire Protection District, Santa Clara Valley Water District, Santa Clara County Lighting District, and Santa Clara County Library District.
CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041, and Addendum thereto. Council District 6. (Planning, Building and Code Enforcement)
RECOMMEND DEFERRAL TO 3/28/2023 PER ADMINISTRATION

(b) **23-370 C19-011, H19-020 & ET19-003 - Conforming Rezoning, Site Development Permit, and Release of the Covenant of Easement on Certain Real Property Located on the Southeastern Corner of Berryessa Road and Jackson Avenue to Allow a Future Parcel Merger. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: (a) Adopt a resolution adopting the Berryessa-Jackson Commercial Project Initial Study/Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program;
(b) Approve an ordinance rezoning the approximately 2.7-gross acre site located on the southeastern corner of Berryessa Road and Jackson Avenue from the PD Planned Development Zoning District to the CP Commercial Pedestrian Zoning District;
(c) Approve a Site Development Permit allowing the construction of a commercial plaza consisting of two buildings totaling approximately 47,000 square feet on an approximately 2.7-gross acre site; and
(d) Approve the requested Release of the Covenant of Easement to facilitate the development of the subject site.

CEQA: Berryessa-Jackson Commercial Project Initial Study/Mitigated Negative Declaration. Council District 4. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 23-371 Burbank No. 44 - Annexation of Property Located at 1883-1887, 1891-1995, 1897-1899 West San Carlos Street and 13 Boston Avenue. - RENOTICED TO 3/28/2023

Recommendation: Adopt a resolution ordering the annexation of territory designated as Burbank No. 44, which involves the annexation to the City of San José of approximately 0.895 gross acre of land located on the northeast corner of West San Carlos Street and Brooklyn Avenue (APNs: 274-16-050, 052, 053, 069 & 070), and the detachment of the same from the appropriate special districts, including Central Fire Protection District, Santa Clara Valley Water District, Santa Clara County Lighting District, and Santa Clara County Library District.
CEQA: Environmental Impact Report for the 1881 West San Carlos Project (Burbank 44/C20-011/ CP20- 020/T20-016) (Resolution No. RES2023-49). Council District 6. (Planning, Building and Code Enforcement)
[Renoticed from 3/14/2023 - Item 10.2 (23-320)]
RENOTICED TO 3/28/2023

- **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**

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.