



City Council Meeting Amended Agenda

Tuesday, April 11, 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.

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.

- **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

23-549 Closed Session Agenda

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

6:00 p.m.- Evening Session, Council Chambers, City Hall - Cancelled

*The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**

- **Invocation (District 4)**

Camille Kae Valerio, LEAD Filipino

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

- **Adjournment**

This meeting will be adjourned in memory of Raul Lozano who passed away on February 20, 2023. Raul Lozano lived on Virginia St. in the Gardner neighborhood, he was the founding executive director of Teatro Vision, co-founded the Multicultural Arts Leadership Initiative, and also founded Valley Verde. He was a long-time advocate of the multicultural arts community in San José and a local pioneer in healthy, organic food access for many residents in District 3 and beyond.

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing April 11-17, 2023 as Cambodian Genocide Remembrance Week in the City of San José to remember, honor and pay tribute to the over 2 million lives lost to the Cambodian Genocide and take a positive step towards healing and celebration for the Cambodian-American community in San José. (Ortiz)

1.2 Presentation of a commendation to Fox Tale Fermentation for their incredible small business and a staple in the City of San José. (Torres)

1.3 Presentation of a commendation to Kappa Alpha Psi Fraternity, Inc. San José Alumni Chapter and Delta Rho Chapter at San José State University in recognition of their great work in local communities and hosting the 76th Western Province Council Regional Conference in San José. (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.

2.2 Final Adoption of Ordinances.**23-523 Final Adoption of Ordinances.**

Recommendation: (a) Ordinance No. 30895 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.86 Gross Acres, Situated at the Northeast Corner of Ruby Avenue and Norwood Avenue (2740 Ruby Avenue) (APN: 652-29-014) from R-1-5 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District.
[Passed for Publication on 3/28/2023 - Item 10.4(b) (23-444)]

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 23-488 Amendments to All On-Airport Rental Car Operations Agreement and Lease at the San José Mineta International Airport.**

Recommendation: Adopt a resolution authorizing the Director of Aviation to negotiate and execute amendments for all On-Airport Rental Car (“Rental Cars”) concession agreements to:

- (a) Extend the term retroactive from July 1, 2020, to June 30, 2030;
- (b) Provide temporary financial relief to Rental Cars operating on the Airport premises retroactive from July 1, 2020, through June 30, 2021, to support operations that were directly impacted by Airport passenger activity declines as a result of the COVID-19 pandemic;
- (c) Revise and add certain Customer Facility Charge defined terms;
- (d) Revise and restate the definition of Gross Revenues to include alternative energy sources;
- (e) Modify certain “Reallocation of Tenant’s Premises” provisions concerning the ready return areas and quick turn-around areas;
- (f) Defer the reallocation date from 2020 to 2023;
- (g) Defer rent adjustment appraisals to a later date and allow the Director the authority to waive appraisals and adjust rent of leased premises by Consumer Price Index; and
- (h) Add provisions required under the City’s Municipal Code, California law, and federal law and regulations.

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

2.8 23-489 Authorization to Seek Grant Funding for the Airport.

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, for qualifying programs and projects 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)

2.9 23-490 Third Amendment to the Agreement with Macias, Gini and O’Connell to Provide Annual Financial and Compliance Audits.

Recommendation: Approve the third amendment to the agreement with Macias, Gini & O’Connell LLP to add audit services related to the financial statements for Wastewater Revenues, the annual Single Audit, and San José Clean Energy, and delete services related to the San José-Santa Clara Water Financing Authority Fund the Public Safety Bond audits, increasing total compensation under the term of the agreement by an amount not to exceed \$74,909 with a revised maximum total compensation of \$4,246,091.

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

2.10 23-491 Actions Related to the Memorandum of Agreement for the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Recommendation: Adopt a resolution:

- (a) Authorizing the City Manager to execute the Fourth Amendment to the Memorandum of Agreement providing for the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program, which will extend the term of the Memorandum of Agreement through one fiscal year beyond the five-year term of the current National Pollutant Discharge Elimination System stormwater permit, including any administrative extensions, with no change in the cost allocation formula for the City of San Jose’s participation; and
- (b) Authorizing the Director of Environmental Services to designate a City representative to serve on the Program Management Committee.

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

2.11 23-492 Actions Related to Purchase Orders with NewsBank, Inc. for San Jose Mercury News Digital Archives.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend purchase order OP 63124 with NewsBank, Inc. (Naples, FL) to add San José Mercury News digital archives prior to 1985 and increase compensation by \$768,257 for a revised maximum compensation of \$807,005 for the current term ending December 31, 2023;
- (b) Negotiate and execute amendments as required for any unanticipated changes during the current term ending December 31, 2023, subject to the appropriation of funds; and
- (c) Negotiate and execute annual purchase orders with NewsBank, Inc. for subscription renewals as required, 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)

2.12 23-493 Actions Related to the Purchase Order with Accel Air Systems, Inc. for HVAC Mechanical Systems Maintenance, Repairs, Replacement, and Installation Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Accel Air Systems, Inc. (Santa Clara, CA) for HVAC mechanical systems maintenance, repairs, replacement, and installation services for a one-year term, beginning on or about April 12, 2023, and ending on April 11, 2024, for a not-to-exceed amount of \$1,200,000; and
- (b) Exercise up to four additional one-year options to extend the term of the purchase order, with the last option ending on or about April 11, 2028, 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)

2.13 23-494 Actions Related to Purchase Orders with Maher Accountancy for Financial and Reconciliation Reporting Services and Solution.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a purchase order with Maher Accountancy (San Rafael, CA) for financial and reconciliation reporting services and solution for a maximum compensation of \$75,000 for the one-year option term beginning June 1, 2023 and ending May 31, 2024, or as may be adjusted to align with the software renewal term.
- (b) Negotiate and execute amendments as-required for any unanticipated changes during the one-year option term beginning June 1, 2023 and ending May 31, 2024, subject to the appropriation of funds.
- (c) Exercise up to three additional one-year options to extend the term of the purchase order through May 31, 2027, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds.

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

2.14 23-495 Actions Related to Purchase Orders with Sacramento Computer Power, Inc. for Uninterruptible Power Supply Monitoring, On-Site Services, and As-Required Battery and Network Management Card Replacements.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a purchase order with Sacramento Computer Power, Inc. (Sacramento, CA) for uninterruptible power supply monitoring, on-site services, and as-required battery and network management card replacement for the San José Mineta International Airport for a maximum compensation of \$100,000 for the option term beginning June 1, 2023 and ending August 31, 2024;
- (b) Negotiate and execute amendments as required for any unanticipated changes during the option term beginning June 1, 2023 and ending August 31, 2024, subject to the appropriation of funds; and
- (c) Exercise up to three additional one-year options to extend the term of the purchase order through August 31, 2027, 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)

2.15 23-496 On-Call Engineering Services for Bridge Maintenance and Asset Management.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute individual consulting service agreements with CSG Consultants, Biggs Cardosa Associates Inc., and Quincy Engineering to provide engineering and technical support services from the date of execution with an initial year term, and two additional one-year options to extend, for an amount not to exceed \$740,000 per consultant. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

2.16 23-513 Approval of Tower Lighting for the Western Province Council of Kappa Alpha Psi Fraternity Regional Conference Sponsored by Mayor's Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 29, 2023:
(a) Approve the Tower Lighting for the 76th Western Province Council of Kappa Alpha Psi Fraternity Regional Conference scheduled from April 12, 2023 to April 16, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 3/29/2023- Item B.3]

2.17 23-519 Retroactive Approval of Mayor's D9 Budget Town Hall Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 29, 2023:
(a) Retroactively approve the D9 Budget Town Hall scheduled on March 20, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 3/29/2023 - Item B.5]

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 23-506 Wage Theft Prevention Policy Revision.

Recommendation: Adopt a resolution approving amendments to Council Policy 0-44, Wage Theft Prevention Policy, revising mandatory disqualification from procurement, removing the exemption for City of San José public works projects, evaluating wage theft history and impact in lieu of disqualification for certain services, and exempting from mandatory disqualification future procurements for janitorial services or security guard services if the proposer can demonstrate the ability to comply with certain labor requirements including wages, hours, working conditions, and a grievance process to address wage claims, and make other clarifying changes.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Public Works)
[Deferred from 3/28/2023 - Item 3.6 (23-435)]

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-497 Extension of Temporary Closure of Spring Street, Asbury Street and Irene Street.

Recommendation: (a) Adopt a resolution to extend the temporary closure of the following streets within the Guadalupe Gardens for 18 months, from April 19, 2023 to October 19, 2024:
(1) Spring Street between Hedding Street and Asbury Street,
(2) Asbury Street between Walnut Street and Irene Street, and
(3) Irene Street between Taylor Street and Asbury Street.
(b) Conduct a public hearing on the proposed temporary closure of Spring Street between Asbury and Taylor Street.
(c) Adopt a resolution for the temporary closure of Spring Street between Asbury Street and Taylor Street, within the Guadalupe Gardens.

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

5.2 23-498 Air Service Support Program for Spirit Airlines.

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration, to Spirit Airlines.

(b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in the table of the staff memorandum to City Council.

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

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 23-499 City Initiatives Roadmap: Digital Equity and Empowerment Program Status Report.

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

- (a) 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.
- (b) Transfer fiscal management of the San José Digital Inclusion Fund Grant Program (Grant Program) from the California Emerging Technology Fund (CETF) to the San Jose Public Library Foundation (SJPLF).
- (c) Adopt a resolution:
 - (1) Authorizing the City Manager to negotiate and execute an agreement between the City and the SJPLF to manage small cell usage fee revenue allocations (from City to SJPLF), subject to appropriation of funds, and matching fundraising revenue to administer the funding of the Grant Program as fiscal agent from July 1, 2023, through June 30, 2029.
 - (2) Authorizing a \$500,000 payment from the Digital Inclusion Fund (DIF) to SJPLF to distribute grant awards pursuant to the City's agreement with SJPLF.

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), 3/14/2023 - Item 7.1 (23-366) and 4/4/2023 - Item 7.1 (23-465)]

8. COMMUNITY & ECONOMIC DEVELOPMENT

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.

OPEN THE GENERAL PLAN HEARING (2023 CYCLE 1)**10.1 Land Use on Consent Calendar**

- (a) **23-501** **GP22-001, C22-014 & ER22-150 - General Plan Amendment and Conforming Rezoning of Certain Real Property Located on the West Side of Interstate 680 and the East Side of Pecten Court (0 Pecten Ct.).**

Recommendation: (1) Adopt a resolution adopting the Initial Study/Negative Declaration for the Pecten Industrial Project, in accordance with California Environmental Quality Act (CEQA).
(2) Adopt a resolution approving the privately-initiated General Plan Amendment to change the Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation from Public/Quasi-Public to Heavy Industrial.
(3) Approve an ordinance rezoning certain real property of approximately 3.36 gross acres located on the west side of Interstate 680 and the east side of Pecten Court (0 Pecten Court) from R-1-8 Single Family Residence Zoning District to HI- Heavy Industrial Zoning District.
CEQA: Initial Study/Negative Declaration for the Pecten Industrial Project, File Nos. GP22-001; ER22-150.
Planning Commission recommended approval [Item 7.a Planning Commission Agenda (8-0-1; Casey absent)]. Council District 4.
(Planning, Building and Code Enforcement)

- (b) 23-502 GP22-007, C22-022, SP22-014 & ER22-139 - General Plan Amendment, Conforming Rezoning, and a Special Use Permit for Certain Real Property Located at 2667 Plummer Avenue.

Recommendation: (1) Adopt a resolution adopting the Addendum to the Presentation High School Master Plan Mitigated Negative Declaration and addenda thereto, in accordance with CEQA.

(2) Adopt a resolution approving the General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Public/Quasi-Public.

(3) Approve an ordinance rezoning certain real property of approximately 0.39 gross acre located on the west side of Plummer Avenue approximately 360 feet southeast of Curtner Avenue (2267 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District.

(4) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the conversion of an existing single-family residence and detached garage for administrative office use and workshop use by a private secondary school.

CEQA: Addendum to Initial Study/Mitigated Negative Declaration for the Presentation High School Master, File No. ER22-062. Planning Commission recommended approval [Item 7.b., Planning Commission Agenda 3/22/2023 (8-0-1; Casey absent)]. Council District 6. (Planning, Building and Code Enforcement)

- (c) **23-503** **GP22-008, GPT22-005, C22-023 & ER22-062 - General Plan Amendment, General Plan Text Amendment, and a Conforming Rezoning on Certain Real Property Located at 945 W. Julian Street and 379 N. Morrison Avenue.**

Recommendation: (1) Adopt a resolution adopting the Initial Study/Negative Declaration for 945 W. Julian St & 379 N. Morrison Ave General Plan Amendment Project, in accordance with CEQA.
(2) Adopt a resolution approving the General Plan Amendment to modify the Land Use/Transportation Diagram from Mixed Use Commercial to Transit Residential and modify The Alameda Urban Village Plan to add the Transit Residential land use designation to the land use designations section with a 0.50 commercial floor area ratio and to increase the maximum height in the height diagram from 55 feet to 85 feet, on an approximately 0.48-gross acre site.
(3) Approve an ordinance rezoning certain real properties of approximately 0.48 gross acre situated on the northwest corner of the intersection of West Julian Street and North Morrison Avenue (APN 261-02-053, 261-02-009) from the LI Light Industrial Zoning District to the TR Transit Residential Zoning District.
CEQA: Initial Study/Mitigated Negative Declaration for the 945 W. Julian St & 379 N. Morrison Ave General Plan Amendment Project, File No. ER22-062. Planning Commission recommended approval [Item 7.c., Planning Commission Agenda 3/22/2023 (8-0-1; Casey absent)]. Council District 6. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 23-500** **Envision San José 2040 General Plan 2022 Annual Performance Review Report. - TO BE HEARD BEFORE ITEM 10.1**

Recommendation: Accept the Envision San José 2040 General Plan 2022 Annual Performance review report.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. Planning Commission recommended acceptance [Item 8.a., Planning Commission Agenda 3/22/23 (8-0-1; Casey absent)]. (Planning, Building and Code Enforcement)
TO BE HEARD BEFORE ITEM 10.1

10.3 23-504 GP19-010, PDC20-023, PD20-013 & ER20-236 - General Plan Amendment, Planned Development Zoning and a Planned Development Permit on Certain Real Property Located at 120 Granite Rock Way.

Recommendation: (a) Adopt a resolution certifying the Graniterock Capitol Site Modernization Project Environmental Impact Report, and making certain findings related to significant impacts, mitigation measures, alternatives, and adopt a Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA). (b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Combined Industrial Commercial to Heavy Industrial on an approximately 22.36-gross acre site. (c) Approve an ordinance rezoning certain real property of approximately 22.36-gross acres located at 120 Granite Rock Way from the IP Industrial Park and IP(PD) Zoning Districts to a HI(PD) Planned Development Zoning District. (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of four buildings totaling approximately 15,072 square feet and the removal of 30 trees (nine ordinance-size, 21 non-ordinance-size, and 35 replacement trees) to allow the expansion and modernization of the existing Graniterock facility, including lengthening the existing on-site rail infrastructure, continuation of the concrete and aggregate recycling use, installation of a concrete truck washout and reclaiming system, installation of a truck wash system to abate truck traffic dusting, vehicle and truck parking to accommodate site operations, relocation of an existing maintenance shop and construction equipment storage facility, and construction of the following on an approximately 22.36-gross acre site:

- (1) A new rail car offloading system;
- (2) Nine 120-foot-high aggregate silos;
- (3) A new concrete facility;
- (4) A cementitious rail car unloading, storage and distribution facility;
- (5) A new asphalt facility;
- (6) A new warehouse and storage facility; and
- (7) A quality assurance/quality control facility with office space.

CEQA: Graniterock Capitol Site Modernization Project Environmental Impact Report. Planning Commission recommended approval [Item 8.b., Planning Commission Agenda 3/22/2023 (8-0-1; Casey absent)]. Council District 7. (Planning, Building and Code Enforcement)

CLOSE GENERAL PLAN HEARING (2023 CYCLE 1)

- Open Forum

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

- Adjournment

This meeting will be adjourned in memory of Raul Lozano who passed away on February 20, 2023. Raul Lozano lived on Virginia St. in the Gardner neighborhood, he was the founding executive director of Teatro Vision, co-founded the Multicultural Arts Leadership Initiative, and also founded Valley Verde. He was a long-time advocate of the multicultural arts community in San José and a local pioneer in healthy, organic food access for many residents in District 3 and beyond.

JOINT CITY OF SAN JOSE CITY COUNCIL/HOUSING AUTHORITY AGENDA

1:30 p.m.

April 11, 2023

Hybrid Meeting

- Call to Order and Roll Call

- 1. **23-505 Support for the 2024 Moving to Work Annual Plan.**

Recommendation: Board of Commissioners of the City of San José Housing Authority (City Housing Authority) adopt a resolution authorizing the:

- (a) City Housing Authority Board's Executive Director to submit a letter to the Santa Clara County Housing Authority (SCCHA) Board to support the 2024 Moving to Work (MTW Plan) Annual Plan; and
- (b) Executive Director of the SCCHA Board and the Chair of the SCCHA Board of Commissioners to execute documents required in connection with the 2024 MTW Plan submittal in the name of the City Housing Authority.

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. (Housing)

- Open Forum
- 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.