



City Council Meeting Agenda

Tuesday, August 24, 2021

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/93052835954>**

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- 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 amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- 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/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the 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 930 5283 5954. 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/93052835954>
 - 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.

For Closed Captions, please visit the City’s YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-1820 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - **Recommend Cancellation**

- **Pledge of Allegiance**
- **Invocation (District 7)**

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Adjournment**

In memory of Bishop John “Jon Jon” E. Erwin Sr.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a Proclamation Recognizing August 28 and 29, 2021 as Silicon Valley Pride weekend.
(Foley)

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, staff, or public 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.

21-1830 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30625 - An Ordinance of the City of San José Amending Sections 3.49.025, 3.49.030, 3.49.040 3.49.050, 3.49.070 and 3.49.181 of Chapter 3.49 And Sections 3.50.020, 3.50.030 and 3.50.040 of Chapter 3.50 of Title 3 of the San José Municipal Code to Provide that Councilmembers Shall No Longer Actively Participate in the PTC Plan and Provide for Participation by Councilmembers in the City of San José, California Defined Contribution Plan for Unit 99 Employees.
[Passed for Publication on 8/10/2021- Item 2.10(a) (21-1705)]

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 21-1819 Approval of Flag Raisings, Lighting, and Proclamation Recognizing Silicon Valley Pride Sponsored by Council District 9 and Council District 6 as a City Council Sponsored Special Event to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on July 28, 2021:

(a) Approve the Rainbow and Bisexual Flag Raisings (August 24-31, 2021) as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve the 2021 Silicon Valley Pride lighting ceremony (August 24-31, 2021) as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the proclamation event scheduled on August 24, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) 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 and Davis) [Rules Committee referral 7/28/2021 - Item G.1.g]

2.8 21-1821 Adoption of the Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project and Approval of the Project's Status Report and Project Scope.

Recommendation: Adopt a resolution:

(a) Adopting the Initial Study/Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project (File No. ER20-015) and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act; and

(b) Approving the status report and project scope for the Trimble and Agnews Municipal Groundwater Wells Project.

CEQA: Trimble and Agnews Municipal Groundwater Wells Project Initial Study and Mitigated Negative Declaration, Planning File No. ER20-015. (Environmental Services)

[Deferred from 6/29/2021 - Item 2.14 (21-1527)]

- 2.9 21-1822 Approve an Ordinance Dedicating Additional Public Right-of-Way as part of Coleman Avenue, Champions Way, Wondo Way, Earthquakes Way, and Aviation Avenue.**

Recommendation: Approve an ordinance dedicating as public right-of-way approximately 299,336 square feet of City-owned property along the south side of Coleman Avenue and the newly constructed streets named Champions Way, Wondo Way, Aviation Avenue, and Earthquakes Way and accepting the newly dedicated rights-of-way into the City's street system as named above in conjunction with the PayPal Stadium and the Coleman Highline Development Projects.

CEQA: Determination of Consistency with the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (Resolution No. 75309), File No. PDC09-004. Council District 3. (Public Works)

3. STRATEGIC SUPPORT

- 3.1 Report of the Acting 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 21-1823 Recognition of Juneteenth as a City-Observed Holiday Effective June 19, 2022.**

Recommendation: Adopt a resolution recognizing Juneteenth as a City-observed holiday effective June 19, 2022, which will result in a 15th paid City holiday for eligible City employees.

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

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, staff, or public 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) 21-1824 C20-002 & SP21-021 - Conforming Rezoning and Special Use Permit for the Property Located at 2586 Seaboard Avenue. - DEFERRED**

Recommendation: (1) Approve an ordinance rezoning certain real property of approximately 0.78 acres located on the east side of Seaboard Avenue, approximately 200 feet southeast of West Trimble Road (2586 Seaboard Avenue) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow a day care center for a maximum of 120 children in an existing building, approval of an alternating use parking arrangement, and construction of on-site circulation improvements and two outdoor play areas.

CEQA: Exempt per CEQA Guidelines Section 15303(c) and 15303(e) for New Construction or Conversion of Small Structures. Council District 4. (Planning, Building and Code Enforcement)

DEFERRED TO 9/14/2021

- (b) 21-1825 HL21-001 & MA21-001 - Application for City Landmark Designation and Historical Property (Mills Act) Contract for the Property Located at 285 South 12 Street (Doobie Brothers House).**

Recommendation: (1) Adopt a resolution designating 285 South 12th Street (Doobie Brothers House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

(2) Adopt a resolution approving the Historical Property Contract (Mills Act Contract) between the City of San José and property owners John and Lauren White for the property located at 285 South 12th Street.

CEQA: Exempt per CEQA Guidelines Section 15331. Council District 3. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 21-1826 SP20-004 - Special Use Permit for 1530-1544 West San Carlos Street Mixed-Use Project.

Recommendation: (a) Adopt a resolution certifying the West San Carlos Street Mixed-Use Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
(b) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of three existing commercial buildings, eight residential buildings, and associated service structures totaling approximately 14,131 square feet, the removal of 15 trees (11 ordinance-size, four non-ordinance-size) for the construction of two seven-story residential mixed-use buildings, including 173 residential units and 17,836 square feet of commercial retail space with a 42 percent parking reduction on an approximately 1.34-gross acre site. CEQA: West San Carlos Street Mixed-Use Project Environmental Impact Report. Planning Commission recommends approval (9-0-1-1; Cantrell abstain; Ornelas-Wise absent). Council District 6. (Planning, Building and Code Enforcement)

10.3 21-1827 H19-053 & T20-004 - Site Development Permit and Vesting Tentative Map for Marriott Townplace Suites on the Northeast Corner of West San Carlos Street and Josefa Street Intersection.

Recommendation: (a) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report for the Marriott Townplace Suites on West San Carlos Street and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).
(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge four parcels into one parcel on an approximately 0.60-gross acre site.
(c) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of three residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction of a building with an up to 175-room hotel on an approximately 0.60-gross acre site.

CEQA: Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report (EIR) for the Marriott Townplace Suites. Council District 3. (Planning, Building and Code Enforcement)

10.4 21-1828 SP20-005 & T21-015 - Vesting Tentative Map and Special Use Permit for Property Located on the Northwest Corner of South Almaden Boulevard and Woz Way. - RENOTICED

Recommendation: (a) Adopt a resolution certifying the Woz Way Project Supplemental Environmental Impact Report (SCH No. 2003042127) to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and making certain findings concerning significant impacts, mitigation measures, alternatives, Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).
(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map, to merge existing five lots to one lot for up to 15-commercial condominium units on this 3.57-gross acre site.
(c) Adopt a resolution approving, subject to conditions, a Special Use Permit, to allow the construction of a 16-story office building with two towers totaling approximately 2.1 million square feet, including 37,603 gross square feet of ground floor retail and amenity space and 1,433,301 gross square feet of commercial office space with an alternative parking design (three levels of underground parking including stackers, tandem and valet parking) on a 3.57-gross acre site; and to allow up to 15 commercial condominium units and extended construction hours to include Saturday work from 7:00 AM to 7:00 PM and 24-hour concrete pours for up to 12 days per year over the course of construction.

CEQA: Woz Way Project Supplement Environmental Impact Report (SEIR) to the Downtown Strategy 2040 EIR. Council District 3. (Planning, Building and Code Enforcement)
RENOTICED TO 9/14/2021

- **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**

In memory of Bishop John "Jon Jon" E. Erwin Sr.

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 time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. 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 topics related to City business 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.