



City Council Meeting Amended Agenda

Tuesday, November 16, 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.

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237 and 80266, Councilmembers may be teleconferencing from remote locations.

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.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

[21-2372](#)

Closed Session Agenda

1:30 p.m.- Regular Session

- **Pledge of Allegiance**

- **Invocation (District 10)**

Reverend Shelley Booth Denney, the Rector of The Episcopal Church in Almaden.

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Adjournment**

This meeting is adjourned in memory of Kent Greathouse who served as a strong voice and pillar of strength for the residents of the Winchester Ranch Mobile Home Park in District 1. He leaves behind a community that is grateful and better due to his tireless efforts.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to the Lairon Food Pantry for their tireless work in supporting the Seven Trees community during the unprecedented crisis caused by COVID-19. (Esparza)

1.2 Presentation of a Proclamation recognizing United Against Hate Week. (Arenas)

1.3 Presentation of a Proclamation recognizing Saturday, November 27, 2021 as Small Business Saturday in the City of San José. (Jones)

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.

[21-2416](#) Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30684 - An Ordinance of the City of San José Amending Chapter 9.10 of Title 9 of the San José Municipal Code to Implement the Requirements of SB 1383, California's Short-Lived Climate Pollutant Reduction Strategy Regulation, and to More Efficiently Implement Residential, Commercial, and Enforcement of Solid Waste Programs.

[Passed for Publication on 11/2/2021 - Item 2.8 (a) (21-2295)]

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 [21-2373](#) Amendment to the Ground Lease Agreement Between the City of San José and Our City Forest.

Recommendation: (a) Approve the Second Amendment to the Ground Lease Agreement with Our City Forest to retroactively extend the term for one year, from May 1, 2021 through April 30, 2022.

(b) Adopt a resolution authorizing the Director of Aviation to negotiate and execute up to five one-year options to extend the term of the Lease through April 30, 2027 on the same terms and conditions.

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

2.8 [21-2374](#) Actions Related to the Agreements for Leased Premises of Ancillary and Office Support Space for Food and Beverage Concessionaires at the Norman Y. Mineta San José International Airport.

Recommendation: (a) Approve the Lease of Airport Premises between the City of San José and SSP America SJC, LLC through June 30, 2035.
(b) Adopt a resolution authorizing the Director of Aviation to:
 (1) Negotiate and execute Lease of Airport Premises with Food and Beverage Concessionaires, not to exceed the term of the Concession Agreements;
 (2) Negotiate and execute amendments to extend Lease of Airport Premises with Food and Beverage Concessionaires to align the term with the Concession Agreement;
 (3) Terminate the Lease of Airport Premises in the event of default of the Concession Agreement; and
 (4) Negotiate and execute amendments to the Food and Beverage Concession Agreements to incorporate leased premises into the Food and Beverage Concession Agreements under the rates and charges as established by Resolution 79296.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

2.9 [21-2351](#) Settlement of Jean-Marie White, et. al. v. Santa Clara Valley Water District (SCVWD) and City of San José.

Recommendation: Approve a settlement in the case of Jean-Marie White, et.al. v. Santa Clara Valley Water District (SCVWD) and the City of San Jose (the 2017 Flood Cases) in the amount of \$750,000 and authorize the City Attorney to execute a Settlement Agreement.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.10 [21-2209](#) Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through December 16, 2021 During Governor's Proclaimed COVID State of Emergency.

Recommendation: Adopt a resolution of the Council of the City of San José finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.

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

2.11 [21-2375](#) Retroactive Approval of "Free Use" of City Hall Rotunda for a Community Vaccination Event.

Recommendation: Adopt a resolution authorizing retroactive "Free Use" of City Hall Rotunda for a community vaccination event held on Saturday, October 30, 2021.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services and Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Manager)

2.12 [21-2376](#) Actions Related to the Purchase Orders for Radio Communication System Upgrades at the Airport and Regional Wastewater Facility.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend the open purchase order with Motorola Solutions, Inc. (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority dated June 26, 2020, for radio communications system upgrade and related equipment and services for the Regional Wastewater Facility, to retroactively continue and extend the term of the purchase order from September 9, 2021 through March 30, 2023 and to increase compensation by a cumulative not-to-exceed amount of \$41,434, for a revised maximum compensation not to exceed \$1,603,375;
- (b) Execute a purchase order with Motorola Solutions, Inc. (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority dated June 26, 2020, for radio communications system upgrade and related equipment and services for the Airport in the amount not to exceed \$1,016,889 through March 30, 2023; and
- (c) Amend purchase orders as required for unanticipated changes in requirements, quantities and sales tax for a contingency amount not-to-exceed \$262,026, subject to the appropriation of funds.

CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report and Addenda thereto (Resolution Nos. 67380 and 71451), and the San José-Santa Clara Water Pollution Control Plan Master Plan Project Environmental Impact Report and Addenda thereto (Resolution No. 76858), File No. ER21-275. (Finance)

2.13 [21-2380](#) Actions Related to the Purchase Order with DFC, Inc. for Inspection, Maintenance and Repair Services for Police Helicopter.

Recommendation: (a) Adopt a resolution resuming the practice of placing items related to the Police Department on the consent calendar using the Administration's standard criteria of cost, significance, and public interest to determine whether an item is appropriate for the consent calendar and ending the practice of agendizing all Police Department items for the regular agenda instead of the consent calendar as directed by the City Council on June 12, 2020.

(b) Adopt a resolution authorizing the City Manager to:

(1) Execute a purchase order with DFC, Inc. dba Advanced Helicopter Services (Woodland, CA) for inspection, maintenance, and repair services for the Police Department helicopter for a twelve-month term starting on or about November 17, 2021 and ending on or November 16, 2022, in an amount not-to-exceed \$400,000; and

(2) Execute additional purchase orders for ongoing services as necessary, 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 [21-2377](#) Grant Agreement with San José Public Library Foundation for Library Programs.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in an amount not to exceed \$1,848,000 for the fiscal administration of San José Learns funds (\$1,500,000), fiscal administration of the San José Aspires (SJ Aspires) funds (\$298,000), and for fundraising activities to support Library programs (\$50,000).

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

(Library)

2.15 [21-2378](#) 2021 Santa Clara County Multi-Jurisdictional Program for Public Information.

Recommendation: Adopt a resolution approving the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information under the Community Rating System of the Federal Emergency Management Agency's National Flood Insurance Program.

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

(Public Works)

2.16 [21-2384](#) Amendment to Title 27 of the San José Municipal Code Related to the Issuance of Public Works Change Orders.

Recommendation: Approve a clean-up ordinance amending Section 27.30.080 of Chapter 27.30 of Title 27 of the San José Municipal Code to streamline the authority that the Directors of Public Works, Environmental Services, and Transportation must negotiate, execute, and issue change orders. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works)

2.17 [21-2407](#) Actions Related to the Construction Contract for 9700 - Police E-Lot Fencing Project Re-Bid at the Southwest Corner of West Mission Street and North San Pedro Street for the Police Department. - Recommend Deferral

Recommendation: (a) Retroactively approve the Director of Public Works establishing a 15 percent construction contingency in the amount of \$34,953 for the 9700 - Police E-Lot Fencing Re-bid Project; and
(b) Approve a \$55,260 increase to the contract contingency for a revised contingency amount of \$90,213, to pay for additional work completed by the Contractor for a total revised contract amount of \$323,232.

CEQA: Exempt, File No. PP19-014, CEQA Guidelines 15301, Existing Facilities. (Public Works)

[Deferred from 11/9/2021 - Item 2.7 (21-2342)]

RECOMMEND DEFERRAL TO 11/30/2021 PER ADMINISTRATION

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 [21-2406](#) Municipal Water Billing and Customer Service Audit Report.

Recommendation: As recommended by the Transportation and Environment Committee on November 1, 2021, accept the report on the Municipal Water Billing and Customer Service Audit.

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

[Transportation and Environment Committee referral 11/1/2021 - Item (d)3]

3.4 [21-2331](#) Appeals Hearing Board Interview.

Recommendation: Interview applicant for appointment to the Appeals Hearing Board:
(a) Appoint Brett Williamson to the Public Member Seat on the Appeals Hearing Board for a full term from January 1, 2022 to December 31, 2025;
(b) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

3.5 [21-2420](#) An Ordinance to Amend San José Municipal Code Chapter 12.06 Related to Disclosures on Campaign Advertisements.

Recommendation: Approve an ordinance amending Chapter 12.06 of Title 12 of the San José Municipal Code to:
(a) Align the City's disclaimer requirements for campaign advertisements with State law, but with stricter requirements for the disclosures of "top contributors";
(b) Require campaign committees making independent expenditures to file any printed campaign advertisements, with a distribution of 200 or more, with the City Clerk; and
(c) Make other technical changes, including aligning the definition and use of Surplus Funds in the Municipal Code with the meaning under State law.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

3.6 [21-2421](#) Options for Campaign Finance Regulations Related to Public Financing, Foreign Influence in Elections, and Other Limits on Corporations and Other Entities.

Recommendation: (a) Accept the memorandum to Council discussing options for regulations related to public campaign financing, prohibitions on campaign contributions from foreign-influenced business entities, and other limits on corporations and entities with conflicts of interest donating to candidates for office.
(b) Provide direction to staff to further develop or implement the options discussed in the memorandum to Council.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

3.7 [21-2379](#) City Roadmap First Quarter 2021 Update.

Recommendation: Accept the quarterly status report on the implementation of the Fiscal Year 2021-2022 City Roadmap.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (City Manager)

3.8 [21-2381](#) Agreement with Standard Insurance Company for Group Basic Life and Accidental Death and Dismemberment, Supplemental Life, Dependent Life and Matching Accidental Death and Dismemberment Insurance.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Standard Insurance Company to provide group basic life and accidental death and dismemberment insurance, supplemental life insurance, dependent life insurance, and matching accidental death and dismemberment insurance as applicable, to employees and retirees, extending the term of the Agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed Agreement amount from \$5,683,418 to a revised not to exceed amount of \$13,427,595, 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. (Human Resources)

3.9 [21-2382](#) Agreement with Standard Insurance Company for Long-Term Disability Insurance.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Standard Insurance Company to provide long-term disability insurance to employees, extending the term of the Agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed Agreement amount from \$10,689,928 to a revised not to exceed amount of \$21,141,181, 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. (Human Resources)

3.10 [21-2383](#) Agreement with New York Life Group Benefit Solutions for Accidental Death and Dismemberment Voluntary Insurance.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the vendor agreement with New York Life Group Benefit Solutions, formerly Life Insurance Company of North America, an affiliated Cigna company, to provide voluntary accidental death and dismemberment insurance to employees and retirees extending the term of the agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed amount from \$4,185,000 to a revised not to exceed amount of \$7,100,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Human Resources)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 [21-2385](#) Actions Related to the Direct Lease Concession Loan Policy and Amendments to the Agreements with Elevate Gourmet Brands-SFO Group and WSE Group, Inc. - RECOMMEND DEFERRAL

Recommendation: (a) Adopt a resolution approving the Direct Lease Concession Loan Policy.
(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the food and beverage concession agreement, to incorporate direct lease business loan terms into the agreement in accordance with the Direct Lease Concession Loan Policy, in an amount not to exceed \$3,000,000 per agreement with Elevate Gourmet Brands-SFO Group, and WSE Group, Inc.
(c) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Airport Revenue Fund:
 (1) Increase the Transfer to the Airport Maintenance and Operation Fund in the amount of \$6,000,000; and
 (2) Decrease the Airline Agreement Reserve in the amount of \$6,000,000.
(d) Adopt the following 2021-2022 Funding Sources Resolution and Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund:
 (1) Increase the estimate for Transfers and Reimbursements by \$6,000,000; and
 (2) Establish the Tenant Business Loan Program appropriation to the Airport Department in the amount of \$6,000,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport/City Manager)

RECOMMEND DEFERRAL TO 11/30/2021 PER ADMINISTRATION

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

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [21-2386](#) CP19-031 & SP20-016 - Conforming Rezoning and Special Use Permit for Property Located at 1212 South Winchester Boulevard.

Recommendation: (a) Adopt a resolution adopting the 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).
(b) Approve an ordinance rezoning certain real property located on the east side of South Winchester Boulevard approximately 270 feet south of Fireside Drive from the R-1-8 Single-Family Residence Zoning approximately 0.69-gross acre site.
(c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance-size) and to allow the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49% parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site.
CEQA: Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project. (Planning, Building, and Code Enforcement)
[Deferred from 10/26/2021 - Item 10.2 (21-2263)]

OPEN GENERAL PLAN HEARING (2021 SECOND CYCLE)

10.3 [21-2387](#) GP21-012, GPT21-002, C21-031, PDC21-033, PP21-012 - Changes to the General Plan Land Use Transportation Diagram, Zoning Map and Municipal Code for properties within North, Mid- and South Coyote Valley associated with the Envision San José 2040 General Plan Four-Year Review.

Recommendation: (a) Adopt a resolution adopting an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto in conformance with CEQA; and

(b) Adopt a resolution amending the Envision San José 2040 General Plan pursuant to Title 18 of the San José Municipal Code to modify the General Plan Land Use/Transportation Diagram Amendment for properties within North, Mid- and South Coyote Valley and make text revisions to the General Plan Four-Year Review.

(c) Approve an ordinance rezoning 63 certain real properties from the R-1-5 Single Family Residence Zoning District to the A Agricultural Zoning District; 33 certain real properties from the R-1-1 Single Family Residence Zoning District to the A Agriculture Zoning District; 60 certain real properties from the R-1-5 Single Family Zoning District to the A Agriculture Zoning District; 11 certain real properties from the R-MH Mobilehome Park Zoning District to the A Agriculture Zoning District; 2 certain real properties from the HI Heavy Industrial Zoning District to the A Agriculture Zoning District; 2 certain real properties from the A Agriculture Zoning District to the OS Open Space Zoning District; 22 certain real properties from the A(PD) Planned Development Zoning District to the OS Open Space Zoning District; 1 certain real property from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District; 1 certain real property from the R-1-5 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District; 1 certain real property from the R-1-5 Single Family Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District; 1 certain real property from the CP Commercial Pedestrian Zoning District to the A Agriculture Zoning District; 4 certain real properties from the A Agriculture Zoning District to the IP Industrial Park Zoning District; and 1 certain real property from the A(PD) Planned Development Zoning District to the A Agriculture Zoning District, all located within the North, Mid- and South Coyote Valley in the City of San José.

(d) Approve an ordinance of the City of San José rezoning certain real property of approximately 214.5 gross acres situated on the east side of Monterey Road between Metcalf Road and 1,400 feet south of Palm Avenue from the A Agriculture Zoning District to the A(P)D Planned Development Zoning District.

(e) Approve an ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance) to revise Table 20-40 in Section 20.20.200 OS Open Space and A Agriculture Zoning District Development Standards to be consistent with the General Plan Coyote Valley Agriculture Overlay.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR and Supplemental EIR to the Envision San José General Plan Final Program EIR. Planning Director recommends approval. Planning Commission recommends denial (5-4-1-1; Caballero, Cantrell, Lardinois, and Torrens opposed; Montañez absent; Ornelas-Wise abstained). (Planning, Building and Code Enforcement)

CONTINUE GENERAL PLAN HEARING (2021 SECOND CYCLE) TO 11/30/2021

- **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**

This meeting is adjourned in memory of Kent Greathouse who served as a strong voice and pillar of strength for the residents of the Winchester Ranch Mobile Home Park in District 1. He leaves behind a community that is grateful and better due to his tireless efforts.

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.