



City Council Meeting SYNOPSIS

Tuesday, August 9, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

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



*** COVID-19 NOTICE ***

Consistent with AB 361, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session. Absent: Arenas, Esparza.

22-1124 Closed Session Agenda

1:30 p.m.- Regular Session: All Present.

6:00 p.m.- Evening Session: All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 7)**

Father Hugo Rojas - Our Lady of Refuge Parish provided the Invocation.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with the allowance to defer afternoon items which may exceed the 5:30 p.m. recess. Items 8.1 and 8.2 were later deferred to August 16, 2022.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Magdalena Carrasco presented a commendation to Mario Gonzalez for being appointed as a coach for the International Futsal Alliance and his continued dedication to East San José youth as their futsal coach. (Carrasco)
- 1.2 Councilmember Maya Esparza presented a proclamation recognizing August 2022 as Breastfeeding Awareness Month, honoring the Santa Clara Valley Breastfeeding Task Force for their advocacy, protection, and promotion of breastfeeding, ensuring that all families have the opportunity to breastfeed. Priyanka Kundu, Public Health Nutritionist and Breastfeeding Coordinator offered additional words of support. (Arenas)

2. CONSENT CALENDAR

The Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-1101 Final Adoption of Ordinances.

(a) Ordinance No. 30801 - An Ordinance of the City of San José Repealing Chapter 11.34 of Title 11 of the San José Municipal Code Relating to Regulation of Cruising.

[Passed for Publication on 6/28/2022 - Item 4.1 (22-1046)]

(b) Ordinance No. 30804 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.87 Gross Acre Situated on the Northwest Corner of the Intersection of Realm Drive and Bernal Road (APN: 706-01-016) from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District.

[Passed for Publication on 6/28/2022 - Item 10.1(a) (22-1037)]

Action: (a) Ordinance No. 30801 and (b) Ordinance No. 30804 were adopted. (11-0.)

2.3 22-1158 Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 22, 2022.

(b) Regular Smart Cities and Service Improvements Committee Minutes of June 2, 2022.

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

Action: The Council Committee Minutes were approved. (11-0.)

2.4 22-1102 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Esparza from the Regular Meeting for the Community and Economic Development Committee on June 27, 2022 due to illness.

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

Action: The excused absence request was approved. (11-0.)

2.5 City Council Travel Reports.

Mayor Sam Liccardo reported on his trip to France with the Open Space Authority, where they shared preserving open space concepts and explored ideas about ways to address climate change and serve local communities both in and around Coyote Valley and Plateau de Saclay.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 22-1122 Implementation of AB 361 to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures through September 8, 2022 during the Governor's Proclaimed COVID State of Emergency.

Adopt a resolution finding the need to implement AB 361 and amend 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.

[REQUIRES A MAJORITY VOTE TO PASS. Cal. Govt. Code Section 54953(e)(1)].

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

Action: **Resolution No. 80628** allowing Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures through September 8, 2022 was adopted. (11-0.)

2.8 22-1098 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments:

(a) Arts Commission:

(1) District 10 Seat: Appoint Shelby Taketa for a term ending June 30, 2026.

(b) Library Commission:

(1) District 4 Seat: Appoint Deniz Westphal for a term ending June 30, 2023.

(c) Youth Commission:

(1) District 4 Seat: Appoint Nuha Khan for a term ending May 31, 2023.

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

Action: The Boards and Commissions appointments were approved. (11-0.)

2.9 22-1123 Declaration and Recording a Statement of the Results of the June 7, 2022 Primary Municipal Election and Special Municipal Election.

Adopt a resolution declaring and recording a statement of the results of the June 7, 2022 Primary Municipal Election and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.

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

Action: **Resolution No. 80629** declaring and recording a statement of the results of the June 7, 2022 Primary Municipal Election and Special Municipal Election was adopted. (11-0.)

2.10 22-1125 Amendment to the Agreement with SHI International Corporation for the Information Technology Infrastructure Refresh Project.

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the First Amendment to the Agreement for an Infrastructure Refresh Project with SHI International Corporation (Somerset, NJ) to add hardware, software, licensing, support, and associated professional services to the scope of work to complete disaster recovery and high availability functionality for the City's existing information technology infrastructure and deploy a similar hyper converged infrastructure for the Emergency Operations Center for an increase in compensation of \$687,329, inclusive of applicable sales tax, and a revised maximum compensation of \$3,164,381 for the initial five-year term ending December 31, 2023; and
- (b) Add \$200,000 in contingency for any additional unanticipated changes for the remainder of the initial term, subject to the appropriation of funds.

(Item Continued on the Next Page)

2.10 (Cont'd.)

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

Action: **Resolution No. 80630** regarding an Amendment to the Agreement with SHI International Corporation was adopted. (11-0.)

2.11 22-1126 Report on Request for Proposal for a Centralized Transit Signal Priority Solution.

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an agreement with SinWaves, Inc. dba LYT (Santa Clara, CA) for a centralized transit signal priority solution, including related professional services such as implementation, testing, training, support, and maintenance, for a five-year term beginning on or about August 10, 2022 and ending on or about August 9, 2027 in alignment with the term of the software license and maximum compensation not to exceed \$500,000; and

(b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$62,500.

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

Action: The report on the Request for Proposal was accepted, and **Resolution No. 80631** regarding a centralized transit signal priority solution was adopted. (11-0.)

2.12 22-1127 Ordinance Regulating Taxicabs in San José. - DEFERRED

Maintain the permit fee schedule, increase the insurance requirements, and maintain the requirement for taxicabs to have distinguishing vehicle markings and colors but allow taxicab companies to select a new paint color if desired.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Police)

DEFERRED TO 8/23/2022 PER ADMINISTRATION

2.13 22-1128 City Initiatives Roadmap - Soft Story Retrofit: Agreement with David Bonowitz S.E., for Consultant and Professional Engineering Services for Soft Story Seismic Retrofit Program Project (DR-4344-212-106).

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement and all related amendments with David Bonowitz S.E., a sole proprietor, for engineering consultant services for the Soft Story Seismic Retrofit Program from the date of execution to June 30, 2026 with a maximum total compensation amount up to \$1,325,825. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

Action: **Resolution No. 80632** regarding the Soft Story Seismic Retrofit Program was adopted. (11-0.)

2.14 22-1129 Amendment to Americans with Disabilities Act Transition Plan Update for Sidewalks.

Adopt a resolution approving the amendment to the Americans with Disabilities Act Transition Plan Update for sidewalks. CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: **Resolution No. 80633** approving the amendment to the Americans with Disabilities Act Transition Plan Update for sidewalks was adopted. (11-0.)

2.15 22-1181 Settlement of Yuridia Ochoa v. City of San José.

Approve the settlement of a lawsuit brought by Plaintiff Yuridia Ochoa in the total amount of \$200,000 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)
[Rules Committee referral 8/3/2022 - Item A.1.a]

Action: The lawsuit settlement agreement was approved. (11-0.)

2.16 22-1214 Request for Travel Authorization for Councilmember Cohen.

As recommended by the Rules and Open Government Committee on August 3, 2022, authorize travel for Councilmember Cohen to Long Beach, CA from September 7 - 9, 2022 to attend the League of California Cities Annual Conference and Expo. Source of Funds: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 8/3/2022 - Item B.14]

Action: The Request for Travel Authorization was approved. (11-0.)

- 2.17 22-1182 Retroactive Approval of Berryessa Community Center Movie Night Sponsored by District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**
(a) Retroactively approve the Berryessa Community Center Movie Night scheduled on July 29, 2022 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.
(Cohen)

Action: The City Sponsored Special Event was approved. (11-0.)

- 2.18 22-1189 Retroactive Approval of Norwood Dumpster Day Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**
As recommended by the Rules and Open Government Committee on August 3, 2022:
(a) Retroactively approve the Norwood Dumpster Day scheduled on June 25, 2022 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.
(Arenas)

Action: The City Sponsored Special Event was approved. (11-0.)

- 2.19 22-1196 Approval of India Independence Day Flag Raising Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**
As recommended by the Rules and Open Government Committee on August 3, 2022:
(a) Approve the Indian Independence Day Flag Raising scheduled on August 18, 2022 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.
(Arenas)

Action: The City Sponsored Special Event was approved. (11-0.)

2.20 22-1203 Approval of City Hall Lighting Display Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on August 3, 2022, approve the City Hall Lighting Display Event for Eddie Gale scheduled on August 15 - August 19, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (Jones)

Action: The City Sponsored Special Event was approved. (11-0.)

2.21 22-1207 Approval of District 10 SAP Grant for Almaden Valley Women's Club.

As recommended by the Rules and Open Government Committee on August 3, 2022, approve a \$2,500 SAP grant from Council District 10 to support the efforts of the Almaden Valley Women's Club to provide recreational and cultural opportunities to the community.

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

[Rules Committee referral 8/3/2022 - Item B.12]

Action: The District 10 SAP Grant for Almaden Valley Women's Club was approved. (11-0.)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

3.2 Labor Negotiations Update.

None provided.

3.3 22-1130 Summer Intergovernmental Relation Report.

(a) Accept the Summer Intergovernmental Relations Report.

(b) Reaffirm all City positions summarized in the 2022

Intergovernmental Relations Priority Legislation Log (Attachment A to staff memorandum).

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

Action: The Summer Intergovernmental Relations Report was approved. (11-0.)

3.4 22-1131 November 8, 2022 Ballot Measures.

Adopt a resolution taking the following positions on five State ballot measures that are qualified for the California general election on November 8, 2022, and authorizing the City Manager’s Office of Administration, Policy and Intergovernmental Relations to issue letters of support or opposition in accordance with Council direction:

- (a) Proposition 1: SCA 10 - Reproductive Freedom - SUPPORT
 - (b) Proposition 26: Authorizing New Types of Gambling - OPPOSE
 - (c) Proposition 27: Allowing Online and Mobile Sports Wagering - OPPOSE
 - (d) Proposition 28: Providing Additional Funding for Arts and Music Education in Public Schools - SUPPORT
 - (e) Proposition 31: Referendum Challenging a 2020 Law Prohibiting Retail Sale of Certain Flavored Tobacco - OPPOSE
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. 80634** taking positions as noted on five State ballot measures that are qualified for the California general election on November 8, 2022 was adopted, including Councilmember David Cohen’s friendly amendment regarding Prop 31, rather than being a referendum challenging the 2020 law, note that is “upholding the law”. (11-0.)

3.5 22-1132 Fiscal Year 2022-23 Property Tax Levy for General Obligation Bonds.

Adopt a resolution establishing the Fiscal Year 2022-23 property tax levy on all taxable property within the City of San José for the purpose of funding the City’s general obligation bonded indebtedness and to pay the respective administration fee to the County of Santa Clara.

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. (Finance)

Action: **Resolution No. 80635** establishing the Fiscal Year 2022-23 property tax levy on all taxable property within the City of San José was adopted. (11-0.)

3.6 22-1133 Public Hearing for the Fiscal Year 2022-2023 Sanitary Sewer Service and Use Charge and Storm Sewer Services Charge Assessments to be Placed on the 2022-2023 Santa Clara County Secured Property Tax Roll.

Conduct a public hearing on the Fiscal Year 2022-2023 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk’s Office and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2022-2023 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

3.6 (Cont'd.)

Action: A public hearing was held, and **Resolution No. 80636** confirming the approval of the report and the placement of the charges as set forth therein on the 2022-2023 Santa Clara County Secured Property Tax Roll, was adopted. (11-0.)

3.7 22-1134 **Public Hearing for the Fiscal Year 2022-2023 Annual Residential Solid Waste Collection Service Charges to be Placed on the 2022-2023 Santa Clara County Secured Property Tax Roll.**

Conduct a public hearing on the Fiscal Year 2022-2023 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2022-2023 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

Action: A public hearing was held, and **Resolution No. 80637** confirming the approval of the report and the placement of the charges as set forth therein on the 2022-2023 Santa Clara County Secured Property Tax Roll was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 22-1135 **Move San José. (Heard concurrently with Item 5.2)**

Adopt a resolution approving the Citywide transportation plan, Move San José, to focus City efforts on achieving the City's safety, equity, and climate goals.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the above EIRs. (Transportation)

Action: **Resolution No. 80638** approving the Citywide transportation plan, Move San José, to focus City efforts on achieving the City's safety, equity, and climate goals was adopted, including joint memo from Mayor, Peralez, Davis & Foley dated August 5, 2022, to:

Adopt the Move San José plan, and Transit First Policy, affirming the City's commitment to prioritizing walking, cycling, and transit, with the additional direction:

1. Among the "Next Steps" for the Move San Jose Plan identified on pages 9-10 of the Staff memo, Staff should focus on those specific steps that are both (a) within the control and purview of City staff and the Council, and

5.1 (Cont'd.)

(b) implementable within the next 24 months, namely the items listed under the following strategies:

- a. "Safer Streets"
 - b. "Maintain and Build Bicycle and Pedestrian Infrastructure"
 - c. "Encourage Electric Vehicles"
 - d. "Encourage and Allow Carshare"
 - e. "Transportation Demand Management"
 - f. "Smart Parking Policy"
2. Return in the upcoming budget process with near-term actions and funding recommendations that can advance the goals of the Move San José plan. Additionally, show how future internal budget decisions are aligned with the Move San José plan.
 3. Ensure that grant applications at the regional, state and federal level are crafted to align with the goals of the Move San José Plan, and Transit First Policy.
 4. Under the EV policy section of Move San José, include the following addition: Identify public-private partnership opportunities to increase EV equitability, affordability and accessibility.
 5. Either drop the exploration of any new transportation impact fees (TIF), or prior to consideration of any new fees, staff shall review, and return to Council with analysis of:
 - a. Experience of the \$13-to-15 per-square-foot TIF in North San Jose on development for the last two decades under the North San Jose Plan created in 2005. Specifically, staff should consult local land owners and builders, and our own OED and Planning staff, to understand the extent to which the TIF has inhibited the City from meeting even the very minimal office and industrial square footage threshold articulated in the first phase four-phase North San Jose plan, some 15 years later.
 - b. The impacts of the recently-imposed Vehicle-Miles-Traveled (VMT) fee on development in economically vital areas like North San Jose and Edenvale, and whether this TIF is intended to supplant or supplement that fee.
 - c. The "cost of development" studies performed by two independent consultants for the City in the last half-decade, and whether any new construction of housing or office is currently deemed financially feasible.
 - d. The City's failure to meet even its minimal housing construction goals since the Great Recession, and whether additional fees will help.
 - e. Given the current market reality that only heavily subsidized, affordable housing can get financing in today's market, provide feedback from affordable housing builders about whether the TIF fee will be borne by affordable housing.
 - f. The stark difference in much more robust industrial, commercial and office development over the last two decades in our smaller suburbs, such as Santa Clara, Sunnyvale, and Mountain View, relative to the paltry development in San José.
 6. Staff to report back on key performance indicators outlined in the Move San José Plan to the Transportation and Environment (T&E) Committee on an annual basis.
 7. Ensure and specifically reflect in the upcoming Downtown Transportation Plan how elements of the Move San José and Transit First Policy are integrated and implemented, where feasible.
 8. When implementing the Transit First Policy, focus "transit first" improvements on corridors with the highest transit use and service corridors, while also considering equity as a major prioritization factor.

5.1 (Cont'd.)

9. To help the Council better understand the concrete implications of the Transit First Policy, consult with VTA staff to identify any differences in how the two agencies view the (1) impact of the City's programming of the traffic signals along North First Street upon the operations of light rail, and (2) BRT operations in Downtown San José. Return to Council or the T&E committee with a clear description of those conflicts, and specifically describe whether, in light of this Transit First Policy, the City will alter either its (1) approach to signal prioritization along North First Street, or (2) its parking and roadway operations on Santa Clara Street.

10. Clarify that implementation of the Transit First Policy should:

- a. when possible, align with and advance the goals of Vision Zero,
- b. where appropriate and informed by our Vision Zero goals, the Department of Transportation (DOT) allocate and prioritize road space for walking, bicycling, and transit uses.

Also including Vice Mayor Chappie Jones memorandum dated August 9, 2022, to:

Adopt a resolution approving the Citywide transportation plan, Move San José, with the following additions to Strategy 17: Micro-transit and On-Demand Service:

1. Prioritize the development and implementation of a micro-transit program.
2. Direct staff to return with funding options for a micro-transit program.

With further direction to Staff to work with the Planning Department to include the Curtner-Tully review as a Grand Boulevard, offering a process clarification that would be an amendment to the General Plan.

(11-0.)

5.2 22-1136 Transit First Policy. (Heard concurrently with Item 5.1)

Adopt a resolution approving a new City Council Policy 5-8, entitled "Transit First Policy," to prioritize transit operations and access in plans and operational decision-making.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the above EIRs. (Transportation)

Action: **Resolution No. 80639** approving t new City Council Policy 5-8, entitled "Transit First Policy," was adopted. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1137 Community Stabilization and Opportunity Pathways Fund Commission.

Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to:

(a) Amend Section 2.08.080 authorizing the Community Stabilization and Opportunity Pathways Fund Commission to establish its own procedural rules and regulations; and

(b) Add a new Part 50 establishing the Community Stabilization and Opportunity Pathways Fund Commission.

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

DEFERRED TO AUGUST 16, 2022 PER ORDERS OF THE DAY

8.2 22-1140 Master Agreements for Community Engagement Consultants.

Adopt a resolution authorizing the City Manager or designee to:

(a) Negotiate and execute up to nine master agreements for on-call community engagement consultants for a total maximum compensation of up to \$4,000,000. The initial terms of the master agreements will be from July 1, 2022 to June 30, 2025 with City options to extend for two additional years for total contract terms of up to five years;

(b) Exercise options to extend the master agreements for up to an additional two years under the same terms and conditions; and

(c) Negotiate and execute amendments to the master agreements to shift funding between the master agreements provided the total maximum compensation does not exceed \$4,000,000, subject to appropriation of funds.

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

(Economic Development and Cultural Affairs)

[Deferred from 6/28/2022 - Item 8.2 (22-1027)]

DEFERRED TO AUGUST 16, 2022 PER ORDERS OF THE DAY

8.3 22-1141 Final Public Hearing on the Fiscal Year 2022-23 Annual Action Plan for the US Department of Housing and Urban Development.

(a) Adopt a resolution to:

- (1) Approve the Fiscal Year 2022-23 Annual Action Plan;
- (2) Authorize the Director of Housing to submit the Fiscal Year 2022-23 Annual Action Plan to US Department of Housing and Urban Development; and
- (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2022-23 Annual Action Plan and all related contract amendments, extensions, and changes.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:

- (1) Decrease Unrestricted Ending Fund Balance by \$42,754;
- (2) Decrease the Plaza Hotel Rehabilitation appropriation by \$1,000,000;
- (3) Decrease the Rental Support Case Management appropriation by \$211,224;
- (4) Decrease the Contractual Community Services appropriation by \$146,022; and
- (5) Establish a Haven Rehabilitation appropriation to the Housing Department in the amount of \$1,400,000.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager)
[Deferred from 6/21/2022 - Item 8.5 (22-982)]

Action: (a) **Resolution No. 80640** and (b) Appropriation **Ordinance No. 30805** were adopted. (8-0-3. Absent: Esparza, Jimenez, Peralez.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) 22-1142 **C22-032, C22-033, C22-034, C22-035, C22-036, C22-037, C22-038, C22-039 - Senate Bill 1333 Rezoning Certain Real Properties Throughout the Stevens Creek Boulevard and Saratoga Avenue Urban Villages.**

Approve an ordinance of the City of San José rezoning one property from the A(PD) Planned Development Zoning District to the UV Urban Village Zoning District, 23 properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, five properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, ten properties from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, one property from the R-1-2 Single-Family Residential Zoning District to the UV Urban Village Zoning District, 15 properties from the CG Commercial General Zoning District to the UVC Urban Village Commercial Zoning District, one property from the CN Commercial Neighborhood Zoning District to the UVC Urban Village Commercial Zoning District, one property from the CP Commercial Pedestrian Zoning District to the UVC Urban Village Commercial Zoning District, 85 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, two properties from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-2 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 14 properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, 12 properties from the CG Commercial General District Zoning District to the MUC Mixed Use Commercial Zoning District, 14 properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, six properties from the R-1-5 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, three properties from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 15 properties from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the split zoned CG Commercial General and CN Commercial Neighborhood Zoning Districts to the UV Urban Village Zoning District, one property from the split zoned CN Commercial Neighborhood and R-1-8 Single-Family Residential to the UV Urban Village Zoning

(Item Continued on the Next Page)

10.1 Land Use on Consent Calendar

- (a) (Cont'd.) District, one property from the split zoned CG Commercial General and A(PD) Planned Development Zoning Districts to the MUC Mixed Use Commercial Zoning District, one property from CN Commercial Neighborhood Zoning District to the split zoned MUC Mixed Use Commercial and R-1-8 Single-Family Residential Zoning Districts, on those certain real properties located within the Stevens Creek Boulevard and Saratoga Avenue Urban Villages.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

Action: **Ordinance No. 30806** Rezoning Certain Real Properties Throughout the Stevens Creek Boulevard and Saratoga Avenue Urban Villages was passed for publication. (11-0.)

- (b) 22-1143 **C19-027, T19-028, H19-031 - Conventional Rezoning, Vesting Tentative Map, and a Site Development Permit for Certain Real Property Located at 101 South Jackson Avenue.**
(1) Adopt a resolution adopting the Mitigated Negative Declaration for the 101 South Jackson Avenue Townhomes Project, for which an Initial Study was prepared, and adopting an associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA), as amended;
(2) Approve an ordinance rezoning certain real property from the R-1- 8 Zoning District to the MUN Mixed Use Neighborhood Zoning District, located at 101 South Jackson Avenue on an approximately 0.86-gross acre site;
(3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one parcel to up to 16 parcels (14 residential parcels, 2 common parcels), on an approximately 0.86-gross acre site; and
(4) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the removal of two ordinance-size trees and the construction of 14 townhouses with State Density Bonus concessions for a reduction in the side setback and setback to the public right-of-way, and a waiver for a reduction in private open space on an approximately 0.86-gross acre site.
CEQA: 101 South Jackson Avenue Townhomes Project Initial Study/Mitigated Negative Declaration. Council District 5. Planning Commission recommends approval (8-0-3; Caballero, Garcia, and Ornelas-Wise absent). (Planning, Building and Code Enforcement)

Action: (1) **Resolution No. 80641** adopting the Mitigated Negative Declaration was adopted. (2) **Ordinance No. 30807** rezoning certain real property from the R-1- 8 Zoning District to the MUN Mixed Use Neighborhood Zoning District, was passed for publication; and (3) **Resolution No. 80642** approving a Vesting Tentative Map; and (4) **Resolution No. 80643** approving, subject to conditions, a Site Development Permit, were adopted. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-1144 PD22-011 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 350 Barack Obama Boulevard. - DROP - TO BE RENOTICED

Adopt a resolution approving a Planned Development Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,265-square foot retail store on an approximately 0.8-gross acre site located on the southeast corner of Barack Obama Boulevard and West San Carlos Street (350 Barack Obama Boulevard, Suite 10).

CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (10-0-1; Cantrell absent). Council District 6. (Planning, Building and Code Enforcement) [Deferred from 6/21/2022 and 6/28/2022 - Item 10.2 (22-1080)]

DROPPED - TO BE RENOTICED

10.3 22-1145 SP20-012/ER20-082 & T20-012 - Special Use Permit and Vesting Tentative Map for a Project Site Located at 605 Blossom Hill Road.

(a) Adopt a resolution certifying the Blossom Hill Station Project Environmental Impact Report, and make certain findings concerning significant impacts, mitigation measures, and adopt a statement of overriding consideration and a related mitigation monitoring program, all in accordance with the California Environmental Quality Act, as amended.

(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge the existing two parcels on the approximately 7.42-gross acre Project Site to one parcel and subdivide the one parcel into five parcels.

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of existing surface parking, the removal of 55 ordinance-size trees and 14 non-ordinance trees, and the construction of one six-story mixed use building with 13,590 square feet of commercial space and 239 market-rate multi-family residential units and one five-story multifamily residential building with 89 affordable housing units, with trail improvements to Canoas Creek, and extended construction hours to include Saturdays from 8:00 a.m. to 5:00 p.m. on a 5.39-gross acre portion of the Project Site.

CEQA: Blossom Hill Station Project Environmental Impact Report (EIR). Council District 10. Planning Commission recommends approval (8-0-1, Young absent). (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 80644** certifying the Blossom Hill Station Project Environmental Impact Report; (b) **Resolution No. 80645** approving, subject to conditions, a Vesting Tentative Map; (c) **Resolution No. 80646** approving, subject to conditions, a Special Use Permit, were adopted. (11-0.)

10.4 22-1146

Cambrian No. 37 & PDC17-040 & ER20-189 - Annexation and Planned Development Zoning for Property Located at 14200 Union Avenue.

(a) Adopt a resolution certifying the Environmental Impact Report (EIR) for the Cambrian Park Mixed-Use Village Project, and making certain findings concerning mitigation measures and alternatives, and adopting a related mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Approve an ordinance pre-zoning an approximately 18.13-gross acre site in Santa Clara County unincorporated territory designated as Cambrian No. 37 into the CP(PD) Planned Development Zoning District.

(c) Adopt a resolution initiating proceedings and scheduling September 13, 2022 for City Council consideration of the reorganization of territory designated as Cambrian No. 37, which involves the annexation to the City of San José of approximately 19.92-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Cambrian Park Mixed-Use Village Project Environmental Impact Report (PD20-007, PDC17-040, ER20-189) Council District 9. Planning Commission recommends approval (8-0-1, Young absent). (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 80647** certifying the Cambrian Park Mixed-Use Village Project Environmental Impact Report was adopted; (b) **Ordinance No. 30808** pre-zoning Santa Clara County unincorporated territory (Cambrian No. 37) was passed for publication; and (c) **Resolution No. 80648** initiating proceeding for the reorganization of Cambrian No. 37, was adopted. (11-0.)

10.5 22-1147

Administrative Hearing on the Environmental Appeal of the Planning Director's Adoption of the Initial Study and Mitigated Negative Declaration for the Alviso Hotel Project (Planned Development Permit No. PD19-031).

(a) Conduct an Administrative Hearing to consider the appeal of the Planning Director's adoption of the Initial Study and Mitigated Negative Declaration for the Alviso Hotel Project in accordance with the California Environmental Quality Act (CEQA) for Planned Development Permit, File No. PD19-031, to allow the construction of an approximately 112,463-square-foot, 214-room hotel in a five-story building, including surface parking and a four-story parking garage on an approximately 6.23-acre project site located south of North First Street and north of Highway 237 in the Alviso area of San José.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's adoption of the Alviso Hotel Project Initial Study/Mitigated Negative Declaration, associated Mitigation Monitoring and Reporting Program, and Planned Development Permit, and finding that:

(1) The City Council has independently read and considered the Initial Study and Mitigated Negative Declaration (IS/MND) for the Alviso Hotel Project and related administrative record related to Planned Development Permit No. PD19-031; and

(2) The IS/MND for the Alviso Hotel Project was prepared and completed in full compliance with the California Environmental Quality Act of 1970, as amended, together with state and local implementation guidelines; and

(3) The adoption of the IS/MND reflects the independent judgment and analysis of the City of San José; and

(4) Preparation of a new environmental document is not required because the IS/MND thoroughly and adequately analyzed the project, and the environmental appeal does not raise any new significant impacts that have not already been analyzed or addressed in the IS/MND in accordance with Public Resources Code (PRC) Section 21083 or CEQA Guidelines Sections 15073 and 15185.

CEQA: Initial Study/Mitigated Negative Declaration for the Alviso Hotel Project. Council District 4. (Planning, Building and Code Enforcement)

Action: An Administrative Hearing was held, and (b) **Resolution No. 80649** denying the environmental appeal was adopted. (11-0.)

OPEN FORUM

Sean Reese (Nor Cal Carpenters Union), Rebecca Pro-Compton and Kenneth Do urged adding Area Standard Language, with the elevation of living standards for citizens, by ensuring a prevailing wage so that contractors pay fair wages.

(Item Continued on the Next Page)

OPEN FORUM (Cont'd.)

Speaking in opposition to the proposed Interim Housing Project “Tiny Homes” near Noble Park, were Kansen Chu (Berryessa Union School District Board of Trustees); Jasmine, Zhulin Peng, Hana Wang, Ty Greaves (BCAC), Caroline Ding, Robert Mickanen, Tom Wilson, Sandra Harrison Kay, Yadira Tejada, Jennifer Bullock, Yi Liao, Hai Yu Mao, Emily, Zhihua Wang, Xiao Zhang, Evan, Christina, Jessica Yang, Tina, Mark Comfort, Richard George, Paul Tuttle, Sue Lin, Amy Chou, Zhijun, Jay O’Sea, Vladimir Lozano, Ryan Lee, Yangzi, Sara, and Vivian, citing it is not a viable site and exhibits poor planning due to its proximity to a school, park and library and noted concerns that it is not a good fit for unhoused community due to lack of services and transportation in the area.

ADJOURNMENT

The Council of the City of San José adjourned at 9:07 p.m. in memory of Italo Mario Franco Oliverio who passed away just short of his 93rd birthday. He was born in the Calabria, Italy and laid to rest on July 22,2022. Italo and his wife Matilde were married just short of 60 years, and are survived by two sons, Sergio and Pierluigi. Italo will be remembered as a devoted husband, dedicated father, and an all-around kind-hearted soul to those who were fortunate enough to know him.