



CITY COUNCIL MEETING

Amended Agenda

Tuesday, June 18, 2024
11:00 AM

LOCATION:
Council Chambers - 200 E. Santa Clara Street

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear. (Zoom only)

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Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

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Public Comment in Person Only

MATT MAHAN, MAYOR
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, DISTRICT 10

Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.

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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
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THE LEVINE ACT

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How to observe the Meeting (no public comment):

- 1) Cable Channel 26.
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>.
- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 94558095100. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: <https://sanjoseca.zoom.us/j/94558095100>
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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. 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.

Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor’s discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers. Do this before the meeting or before the item is heard. This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner. You may remain anonymous, but please fill out a card so we may call you. You can put "anonymous speaker" or "no name" on the card. 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. 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.

• Call to Order and Roll Call

9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda
11:00 a.m. - Regular Session, Council Chambers, City Hall

• Pledge of Allegiance

• Invocation (District 6)

• 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 Victor Garza, founder of La Raza Roundtable, who passed away on Thursday, June 6, 2024. He was a lifelong community champion for education and employment equity, affecting change across San José and Santa Clara County politics and government.

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to Hermelinda Sapien for 55 years of service and leadership in advocating for farmworkers and underserved populations at the San José's Center for Employment Training. (Torres)

1.2 Presentation of a proclamation declaring June 19, 2024 as Juneteenth in the City of San José to recognize and celebrate the emancipation of enslaved African Americans. (Candelas, Kamei and Torres)

1.3 Presentation of a proclamation declaring June 2024 as Immigrant Heritage Month to recognize the City of San José's diverse immigrant communities and their contributions and culture (Ortiz).

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 31081 - An Ordinance of the City of San José Amending Section 24.12.600 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code to Modify Provisions of the 2022 California Building Energy Efficiency Standards to Reduce Certain Requirements for Accessory Dwelling Units and Residential Buildings Smaller than 1,200 Square Feet.

[Passed for Publication on 6/4/2024 - Item 2.12(b) (24-92292)]

(b) Ordinance No. 31082 - An Ordinance of the City of San José Amending Section 5.09.500 of Chapter 5.09 of Title 5; Amending Chapter 15.14 of Title 15 to Add Sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, And 15.14.773; Amending Section 20.95.020 of Chapter 20.95 and Section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code Related to Compliance with the Municipal Regional Stormwater Permit.

[Passed for Publication on 6/4/2024 - Item 2.13(a) (24-92293)]

(c) Ordinance No. 31084 - An Uncodified Ordinance of the City of San José Approving the Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2024-2025 as Filed or Modified by the City Council, and Confirming and Levying the Individual Assessments as Proposed or Modified by the City Council Specified in the Resolution.

[Passed for Publication on 6/4/2024 - Item 2.30(b) (24-92313)]

(d) Ordinance No. 31085 - An Uncodified Ordinance of the City of San José Approving the Willow Glen Community Benefit Improvement District Annual Report for Fiscal Year 2024-2025 as Filed or Modified by the City Council, and Confirming and Levying the Individual Assessments, as Proposed or Modified by the City Council, Specified in the Resolution.

[Passed for Publication on 6/4/2024 - Item 3.3(e) (24-92314)]

(e) Ordinance No. 31086 - An Uncodified Ordinance of the City of San José Approving the Annual Budget Reports for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22 for Fiscal Year 2024-2025 as Filed or Modified by the City Council, and Confirming and Levying the Individual Assessments, as Filed or Modified by the City Council, Specified in the Resolutions.

[Passed for Publication on 6/4/2024 - Item 3.4(b) (24-92315)]

(f) Ordinance No. 31087 - An Uncodified Ordinance of the City of San José Affirming City Council Action, If Any, Taken on Sewer Service and Use Charge Rates Effective July 1, 2024.

[Passed for Publication on 6/4/2024 - Item 6.2(d) (24-92316)]

(g) Ordinance No. 31088 - An Uncodified Ordinance of the City of San José Adopting Service Rates for the Residential Garbage and Recycling Program Effective July 1, 2024, as Specified in Resolution No. RES2024-204.

[Passed for Publication on 6/4/2024 - Item 6.3(c) (24-92317)]

(h) Ordinance No. 31089 - An Uncodified Ordinance of the City of San José Establishing Charges for Potable Water Service and Recycled Water Service Effective July 1, 2024, Specified in the Resolutions.

[Passed for Publication on 6/4/2024 - Item 6.4(d) (24-92318)]

(i) Ordinance No. 31090 - An Uncodified Ordinance of the City of San José Approving the Downtown Business Improvement District Budget Report for Fiscal Year 2024-2025, as Filed or Modified by the City Council, and Levying the Downtown Business Improvement District Assessments for Fiscal Year 2024-2025 Specified in the Resolution.

[Passed for Publication on 6/4/2024 - Item 8.1(b) (24-92320)]

(j) Ordinance No. 31091 - An Uncodified Ordinance of the City of San José Approving the Japantown Business Improvement District Budget Report for Fiscal Year 2024-2025, as Filed or Modified by the City Council, and Levying the Japantown Business Improvement District Assessments for Fiscal Year 2024-2025 Specified in the Resolution.

[Passed for Publication on 6/4/2024 - Item 8.2(b) (24-92321)]

(k) Ordinance No. 31092 - An Uncodified Ordinance of the City of San José (1) Approving the San José Hotel Business Improvement District Annual Report Prepared by San José Hotels, Inc. For Fiscal Year 2024-2025 as Filed or Modified by Council; and (2) Confirming the San José Hotel Business Improvement District Assessments as Proposed by San José Hotels, Inc., or as Modified by Council.

[Passed for Publication on 6/4/2024 - Item 8.3(b) (24-92322)]

(l) Ordinance No. 31093 - An Ordinance of the City of San José Rezoning 25 Properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 Properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 Properties from A(PD) Planned Development To IP Industrial Park Zoning District, Six Properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, Four Properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, Three Properties from CO(PD) Planned Development Zoning District To CP Commercial Pedestrian Zoning District, Two Properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, Two Properties From A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, Two Properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center, One Property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian, One Property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, and One Property from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, All Located on those Certain Real Properties Situated within the City of San José.

[Passed for Publication on 6/4/2024 - Item 10.1(a) (24-92323)]

- 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 **Amendment to Master Services Agreement between the City of San José and Faith Group, LLC for Airport On-call Information Technology Services.**

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Third Amendment to the Master Services Agreement between the City of San José and Faith Group, LLC for on-call Information Technology services, extending the expiration of the current term by one year to July 4, 2025, and increasing the maximum compensation by \$50,000 not to exceed a total of \$1,585,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 6. (Airport)

2.8 Master Consultant Agreement with Abadjis Systems, Ltd. for Project Management Support Services at San José Mineta International Airport.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Master Consultant Agreement with Abadjis Systems, Ltd. dba ASLPM for project management support services at San José Mineta International Airport for a period of five years from execution, for a total amount not to exceed \$4,000,000 over the term of the agreement.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 6. (Airport)

2.9 Lease Agreement with Scott's Park Avenue SJ, LLC for the Rotary Summit Center Located at 88 South Fourth Street.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute:

(a) A lease agreement between the City of San José, as Landlord, and Scott's Park Avenue SJ, LLC, doing business as Scott's Seafood, as Tenant, for use of the approximately 12,365 square feet of space, including a banquet hall, office space, lobby, and commercial kitchen at 88 South Fourth Street for a 120-month initial term at an annual rent equal to 8% of gross revenues per lease year, net of credit card discounts and certain expenses provided at cost, with a total minimum rent for the term of the agreement of \$3,680,000, inclusive of rent credits, over the 120-month term and including the 60-month option period; and

(b) All other necessary and/or ancillary documents to effectuate the lease of the property to the tenant.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

2.10 Council Policy 7-1 Lease Agreement Between the City of San José and New Beginnings Family Services for a Portion of City-Owned Property Located at 100-104 W. Alma Avenue.

Recommendation:

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute:

(1) A lease agreement under Council Policy 7-1 between the City of San José and New Beginnings Family Services, a California not for profit organization, for a portion of the City-owned real property located at 100-104 W. Alma Avenue, further identified as Assessor Parcel Number 434-23-133; and

(2) All other documents or agreements necessary to effectuate the lease agreement.

(b) Approve staff's recommendation to waive certain provisions of Council Policy 7-1 pursuant to Council Policy 0-1 of the Council Policy Manual.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 7. (Economic Development and Cultural Affairs)

2.11 Lease Agreement Between the City of San José and the County of Santa Clara for its Continued Use of City-Owned Property Located at 1608 Las Plumas Avenue as a Household Hazardous Waste Collection Facility.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a lease agreement, and all documents necessary to effectuate the lease, between the City of San José, a municipal corporation of the State of California, as Landlord, and the County of Santa Clara, a political subdivision of the State of California, as Tenant, for the continued use of approximately 10,000 square feet of space at the City-owned property located at 1608 Las Plumas Avenue, also known as the San José Environmental Innovation Center, allowing for an initial term of three years at a rental rate of \$314,000 per year plus operations and maintenance costs of \$78,000 for the first year, \$80,340 for the second year, and \$82,750.20 for the third year, totaling \$1,183,090.20 for the initial term, with four options to extend for an additional three years each at a rental rate of \$314,000 for each year of the option terms, exclusive of the operation and maintenance cost, which shall be determined upon the commencement of each option term.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs/Environmental Services)

2.12 First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for Engineering Services for the Support Building Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

Approve the First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for engineering services for the Support Building Improvements project at the San José-Santa Clara Regional Wastewater Facility increasing the amount of compensation by \$125,000, for a total agreement amount not to exceed \$4,925,000; and extending the term of the agreement from June 30, 2024 to June 30, 2025.

CEQA: Not a Project, File No. PP17-002, Consultant services for design/study/inspection, or other professional services with no commitment to future action. (Environmental Services)

2.13 Construction Contract Contingency Increase for the 8781 – Fire Life Safety Upgrades Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

(a) Approve a \$250,000 increase to the construction contingency amount of \$425,850 for a revised total contingency amount of \$675,850 for the 8781 – Fire Life Safety Upgrades Project; and

(b) Approve a 215 workday time extension to the substantial completion date for the contract with Blocka Construction, Inc. for the 8781 – Fire Life Safety Upgrades Project.

CEQA: Exempt, File No. ER22-161, CEQA Guidelines Section 15061(b)(3). (Environmental Services/Public Works)

2.14 Report on Request for Proposal and Actions Related to the Purchase Order for a Youth Services Data Management Solution.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

(a) Negotiate and execute an agreement and purchase order with Hasler Enterprise Solutions, LLC (Irvine, CA) for a Youth Services Data Management Solution for the City's Parks, Recreation and Neighborhood Services Department, with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$529,372;

(b) Approve a contingency of \$52,937 for unanticipated and related services, subject to the appropriation of funds; and

(c) Exercise up to four one-year options to extend the term of the agreement for a possible maximum term of seven years, subject to the appropriation of funds.

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

2.15 Actions Related to the Purchase Order with National Aquatics Services Inc. for Pool Repairs, Preventative Maintenance, and Replacement Parts.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to three additional one-year options to extend the term of the purchase order with National Aquatics Services, Inc. (Brentwood, CA) for pool repairs, preventative maintenance, and replacement parts, with the last option ending on or about June 28, 2027, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER24-127, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

2.16 Set a Public Hearing for the Fiscal Year 2024-2025 Annual Residential Solid Waste Collection Service Charges.

Recommendation:

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Residential Solid Waste Collection Service Charges on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

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

2.17 Set a Public Hearing for the Fiscal Year 2024-2025 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation:

Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 13, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2024-2025 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2024-2025 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;

(b) Direct the Director of Finance to file the Fiscal Year 2024-2025 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2024, instead of July 5, 2024; and

(c) Direct the City Clerk to publish notice of the filing of the Director of Finance Reports, and the time and place of the Public Hearing.

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

2.18 Report on Request for Proposal for a Unified Communications and Contact Center System.

Recommendation:

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

(a) Negotiate and execute an agreement with Total Communication Solutions (Manasquan, NJ) for a Unified Communications and Contact Center System with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$1,869,944;

(b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$186,994 during the initial term; and

(c) Exercise up to three three-year options to extend the term of the agreement for a possible maximum term of 12 years, 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)

2.19 Actions Related to the Purchase Order with Golden Bay Construction, Inc. for Speed Hump Installations.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

(a) Execute a purchase order with Golden Bay Construction, Inc. (Hayward, CA) for speed hump installations for a one-year term beginning on or about July 1, 2024, and ending on or about June 30, 2025, for a not-to-exceed amount of \$400,000; and

(b) Exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about June 30, 2031, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER23-136, CEQA Guideline Section 15301(c) Existing Facilities. (Finance)

2.20 Amendment to the Agreement with DR Associates, International for Background Investigation Services for Fire Department.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the agreement with DR Associates, International to increase the total maximum compensation to \$432,686 (\$198,686 for the initial three-year term, plus \$117,000 for each Option year).

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Fire)

2.21 Extension of the Declaration and Proclamation of a Local Emergency for the Shelter Crisis.

Recommendation:

Adopt a resolution finding the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of the California Government Code section 8698 et seq. renewing the proclamation of a local emergency pursuant to, and in accordance with, the provisions of California Government Code sections 8558 and 8630, the San José City Charter, and San José Municipal Code caused by conditions and threatened conditions of homelessness in the City of San José.

CEQA: Mitigated Negative Declaration for Emergency Interim Housing Programs, File No. ER 22-198. (Housing/City Manager)

2.22 Second Amendment to the Agreement with The PUN Group, LLP for Grant Fund Monitoring Services.

Recommendation:

Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to an agreement with The PUN Group, LLP, for grant fund monitoring services to increase the maximum total compensation by \$150,000 from \$551,500 to \$701,500 and extend the term retroactively from July 1, 2024, through June 30, 2025.

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

2.23 **Actions Related to Grant Agreements for Multiple Programs Serving Households Experiencing Homelessness in Fiscal Year 2024-2025.**

Recommendation:

Adopt a resolution authorizing the Director of Housing or designee to negotiate and execute the following agreements and amendments for programs (categorized by service type) serving individuals and families experiencing homelessness, with up to three one-year options to extend, subject to the appropriation of funds, or termination for convenience:

(a) Crisis Interventions

(1) WeHope (Dignity on Wheels) in an amount not to exceed \$1,100,000 from January 1, 2025, through December 31, 2025; and

(2) LifeMoves (Supportive Parking) in an amount not to exceed \$1,500,000 retroactively from July 1, 2024, through June 30, 2025.

(b) Housing and Shelter Opportunities

(1) County of Santa Clara (Homelessness Prevention) in an amount not to exceed \$4,500,000 retroactively from July 1, 2024, through June 30, 2025;

(2) HomeFirst (Rapid Rehousing) in an amount not to exceed \$1,250,000 retroactively from July 1, 2024 through June 30, 2025;

(3) Bill Wilson Center (Rapid Rehousing) in an amount not to exceed \$1,000,000 retroactively from July 1, 2024, through June 30, 2025;

(4) LifeMoves (Rapid Rehousing) in an amount not to exceed \$1,200,000 retroactively from July 1, 2024, through June 30, 2025;

(5) LifeMoves (Motel Voucher Program) in an amount not to exceed \$2,834,637 retroactively from July 1, 2024, through December 31, 2024;

(6) YWCA (Interpersonal Violence Support Program) in an amount not to exceed \$250,000 retroactively from July 1, 2024, through June 30, 2025;

(7) Abode (Plaza Hotel) in an amount not to exceed \$1,566,117 retroactively from July 1, 2024, through June 30, 2025;

(8) PATH (Evans Lane Emergency Interim Housing) in an amount not to exceed \$2,080,000 retroactively from July 1, 2024, through December 31, 2024;

(9) HomeFirst (Monterey Bernal and Rue Ferrari Emergency Interim Housing) in an amount not to exceed \$4,119,175 retroactively from July 1, 2024, through December 31, 2024;

(10) HomeFirst (Mabury and Felipe Bridge Housing Communities) in an amount not to exceed \$2,552,889 retroactively from July 1, 2024, through December 31, 2024; and

(11) LifeMoves (Guadalupe Emergency Interim Housing) is an amount not to exceed \$1,911,667 retroactively from July 1, 2024, through December 31, 2024.

(c) Supportive Service Programs

(1) County of Santa Clara (Care Coordination Project) in an amount not to exceed \$2,000,000 retroactively from July 1, 2024, through June 30, 2026;

(2) Destination: Home for the Lived Experience of Homelessness Advisory Project in an amount not to exceed \$200,000 from November 1, 2024, through November 30, 2026;

(3) County of Santa Clara (United Pass for Life Improvement from Transportation) in an amount not to exceed \$250,000 retroactively from July 1, 2024, through June 30, 2026;

(4) Goodwill of Silicon Valley (San José Bridge) in an amount not to exceed \$2,000,000 retroactively from July 1, 2024, through June 30, 2025;

(5) Portuguese Organization for Social Services and Opportunities (Senior Nutrition) in an amount not to exceed \$300,000 retroactively from July 1, 2024, through June 30, 2025; and

(6) Sacred Heart Community Service (Eviction Diversion and Settlement Program) in an amount not to exceed \$1,000,000 retroactively from July 1, 2024, through June 30, 2025.

(d) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the Real Property Transfer Tax Fund:

(1) Decrease the Measure E –10% Homeless Prevention and Rental Assistance Reserve by \$4,500,000; and

(2) Increase the Measure E – Rental Assistance (10% Homeless Prevention and Rental Assistance) appropriation to Housing Department by \$4,500,000.

CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing/City Manager)

2.24 Approval of “Free Use” of City Hall Rotunda for the 2024 Career Online High School Graduation Ceremony.

Recommendation:

Adopt a resolution authorizing “Free Use” for the private 2024 Career Online High School Graduation Ceremony Event held at City Hall Rotunda on August 9, 2024, co-hosted by the Library Department and the San José Public Library Foundation.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to physical environment. (Library)

2.25 Actions Related to the Grant Agreement Between the City of San José and the San José Public Library Foundation.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$1,615,500 for the fiscal administration of the San José Learns funds (\$1,000,000), administration of the San José Learns Tutoring Expansion, fiscal administration of the Equity, Diversity and Inclusion programs and workshops in the amount not to exceed \$55,500, fiscal administration of the Digital Inclusion Grant Program (\$460,000), and for fundraising activities to support Library programs (\$100,000).

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

2.26 Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services Fiscal Year 2024-2025.**Recommendation:**

Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager, authorizing the Director of Parks, Recreation, and Neighborhood Services to apply for, accept funds, negotiate, and execute Fiscal Year 2024-2025 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment to the staff memorandum) consistent with Adopted Budget amounts for the following City programs and/or services:

- (a) Afterschool Education and Safety;
- (b) BeautifySJ Grant Program Fiscal Agent Agreement;
- (c) BeautifySJ Initiative;
 - (1) Encampment Trash Program;
 - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
 - (3) Interagency Agreements;
 - (4) Memoranda of Understanding;
- (d) Capital Improvement Program Master Consultant Projects;
- (e) Citywide Aquatics Program;
- (f) Community Beautification & Park Maintenance Services Agreements;
- (g) Facility Use Agreements;
 - (1) Leisure and Recreation Fee Class Vendor Agreements;
 - (2) Family Camp;
 - (3) Neighborhood Center Partner Program;
 - (4) Recreation of City Kids (R.O.C.K.) Program;
 - (5) San José Youth Empowerment Alliance;
 - (6) Therapeutic Services;
 - (7) Training and Development Programs
- (h) "Friends of" PRNS Non-Profit Organization Partners;
- (i) Golf Course Agreement;
- (j) Grantmaking Programs;
 - (1) Bringing Everyone's Strengths Together;
 - (2) BeautifySJ Neighborhood Associations Grant Program;
 - (3) Franklin-McKinley Children's Initiative;
 - (4) Safe Summer Initiative Grant;
 - (5) Saint James/Urban Park Activation;
 - (6) Older Adult Health and Wellness (formerly Senior Health and Wellness);
 - (7) Spartan-Keyes Neighborhood Action Center;
 - (8) Opioid Overdose Prevention Grant Program;
- (k) Grant Revenue Agreements;
- (l) Happy Hollow Park & Zoo;
 - (1) Education Programs;
 - (2) Private Events;
- (m) Leisure and Recreation Fee Class Vendor Service Agreements;
- (n) Little League Agreements;
- (o) Mitigation Monitoring and Maintenance Support Services;
- (p) Neighborhood Center Partner Program;
- (q) Park Concessionaires Agreements;
- (r) Reimbursement Agreements;

- (s) Right-of-Entry Agreements;
 - (t) San José Police Activities League Agreement;
 - (u) San José Youth Empowerment Alliance;
 - (1) Agreements with subcontracted agencies to implement Alliance programs;
 - (2) Memoranda of Understanding;
 - (3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph);
 - (v) County of Santa Clara Agreement for Senior Nutrition Program;
 - (w) Sponsorship Agreements;
 - (x) Standard Consultant Agreements for Non-Capital Projects;
 - (y) Summer Food Service Program;
 - (z) Trail Program Joint Use Agreement;
 - (aa) Revenue Agreements;
 - (ab) Agreements as Directed in the Mayor's Budget Messages;
 - (ac) Memoranda of Understanding at Community Centers, Regional Parks, and Other Facilities; and
 - (ad) Agreements Related to Employment Training and Fieldwork Opportunities.
- CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions; File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment; and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Parks, Recreation and Neighborhood Services)

2.27 Actions Related to the 10248 – Park: All-Inclusive Playground – Almaden Lake Park Project from the Almaden Valley Rotary Club Endowment.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or her designee to accept a donation in the amount of \$36,157 from Almaden Valley Rotary Club Endowment, a 501(c)(3) organization to the City Gift Trust Fund to support project development for the All-Inclusive Playground at Almaden Lake Park and execute any necessary documents to accept the donation.
 - (b) Adopt the following 2024-2025 Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:
 - (1) Re-establish the Almaden Lake Park appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$36,157; and
 - (2) Increase the estimate for Other Revenue by \$36,157.
- CEQA: Categorically Exempt, File No. PP19-001. CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Parks, Recreation, and Neighborhood Services/City Manager)

2.28 Agreement with Epic Productions of Phoenix, LLC for Marketing and Communications Services for the Recruitment of Candidates for the San José Police Department.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

(a) Execute an agreement between the City of San José and Epic Productions of Phoenix, LLC for the cost of services relating to marketing and communications focusing on the recruitment of candidates for the San José Police Department, in an amount not to exceed \$300,000 for the period of June 1, 2024, to May 31, 2025;

(b) Exercise up to four one-year options to extend the term of the agreement through May 31, 2029, with the total amount of compensation for the entire contract not to exceed \$1,100,000 subject to the appropriation of funds; and

(c) Negotiate and execute additional amendments as required for any unanticipated changes, consistent with the procurement and the City's standard terms and conditions, without further City Council action, 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. (Police)

2.29 Amendment to Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program.

Recommendation:

(a) Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to:

(1) Remove the delivery zone restriction;

(2) Increase the registration allowance from five retail storefronts/dispensaries to 10 for equity business owners;

(3) Approve other changes to update the San José Municipal Code to better align with State regulations; and

(4) Make other technical, non-substantive, or formatting changes.

(b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code related to the City's Cannabis Regulatory Program, and repealing Resolution No. RES2024-169.

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

2.30 Sixth Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, LTD. for the 8728 – Alum Rock Park Service Road Slide Repair Project.

Recommendation:

Approve the Sixth Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the 8728 - Alum Rock Park Service Road Slide Repair Project and extend the term of the Agreement from July 31, 2024, to July 31, 2025, with no change in maximum compensation.

CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. Council District 4. (Public Works)

2.31 Actions Related to the 9787 – Cast Iron Sewer Replacement Fiscal Year 2021-2022 Package III Project.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 9787 – Cast Iron Sewer Replacement FY 2021-2022 Package III Project to the lowest responsive, responsible bidder in an amount not to exceed \$1,900,000;

(b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and

(c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER23-189. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 1, 2, 3, 5, 6, 7. (Public Works)

2.32 Report on Bids and Award of Contract for the 10095 – Coleman Road Sanitary Improvement Phase III Project.

Recommendation:

(a) Report on bids and award of a contract for the construction of 10095 - Coleman Road Sanitary Sewer Improvement Phase III Project to the lowest responsive, responsible bidder, SubTerra Construction, Inc., in the amount of \$1,312,840; and

(b) Approve a 10% contingency in the amount of \$131,284.

CEQA: Categorically Exempt, File No. ER24-034, CEQA Guidelines Section 15302(c) for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. Council District 10. (Public Works)

2.33 Actions Related to the 10290 – Sanitary Sewer Repairs FY 2023-2024 Package V Project.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 10290 – Sanitary Sewer Repairs FY 2023-2024 Package V Project to the lowest responsive, responsible bidder in an amount not to exceed \$2,000,000.

(b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and

(c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER23-189. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council District 9. (Public Works)

2.34 Report on Bids and Award of Contract for the 10082 – Sanitary Sewer Repairs FY 2022-2023 Package II Project.

Recommendation:

(a) Report on bids and award of a contract for the 10082 – Sanitary Sewer Repairs FY 2022-2023 Package II Project to the lowest responsive, responsible bidder, Express Sewer and Drain, Inc., in the amount of \$1,348,830; and

(b) Approve a 10% contingency in the amount of \$134,883.

CEQA: Exempt, File No. ER22-048. CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 1 and 6. (Public Works)

2.35 Actions Related to 10347 – Master Agreements for Architectural Consulting Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute master agreements for architectural consulting services, effective from the date of execution to December 31, 2029, with each of the following entities in an amount not to exceed \$3,000,000 per firm: (1) Ten Over Studio, Inc., (2) Mar Jang Design, (3) Anderson Brulé Architects, Inc., (4) M. Arthur Gensler, Jr. & Associates, Inc. (5) ELS Architecture and Urban Design, (6) Group 4 Architecture, Research + Planning, Inc., (7) Dreyfuss & Blackford Architecture.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

2.36 Report on Bids and Award of Contract for the 9414 – Camden Community Center Improvements Project.

Recommendation:

(a) Report on bids and award of a contract for the construction of 9414 – Camden Community Center Improvements Project to the lowest responsive, responsible bidder, City Building, Inc., for the base bid and Bid Alternate Nos. 1, 2, and 3 in the amount of \$4,599,178; and

(b) Approve a 15% contingency in the amount of \$689,877.

CEQA: Categorically Exempt, File No. ER24-070. CEQA Guidelines Section 15301, Existing Facilities. Council District 9. (Public Works)

2.37 Report on Bids and Award of Contract for the 9970 - New Singleton Landfill Gas Collection System and Flare Project.

Recommendation:

(a) Report on bids and award a contract for the construction of 9970 - New Singleton Landfill Gas Collection System and Flare Project to the lowest responsive, responsible bidder, Blue Light Flame West LLC, in the amount of \$2,978,321; and

(b) Approve a 15% contingency in the amount of \$446,748.

CEQA: Categorically Exempt, File No. ER23-022, CEQA Guidelines Sections 15301(d), Existing Facilities, and 15302(c), Replacement or Reconstruction. Council District 7. (Public Works)

2.38 Report on Bids and Award of Contract for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project.

Recommendation:

(a) Report on bids and award of contract for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project to the low bidder, K.J. Woods Construction, Inc., in the amount of \$4,228,000; and

(b) Approve a 10% contingency in the amount of \$422,800.

CEQA: Exempt, File No. ER24-073, Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR to Envision San José General Plan EIR Resolution No. 77617, and Addendum thereto. Council District 9. (Public Works) [Deferred from 6/11/2024 – Item 2.23 (24-120623)]

2.39 Amendment to Title 24 of the San José Municipal Code to Regulate Responsible Private Construction.

Recommendation:

Approve an ordinance of the City of San José amending Title 24 of the San José Municipal Code to add a new Part 8 of Chapter 24.02 to regulate certain private development projects of more than 10,000 square feet by withholding the certificate of occupancy when an owner or contractor has unpaid final wage theft judgments issued by the State of California, Department of Industrial Relations.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works/Economic Development and Cultural Affairs/Planning, Building, and Code Enforcement) [Continued from 12/12/2023 – Item 3.7 (23-1695) and 1/23/2024 – Item 3.4 (24-68245)]

2.40 Actions Related to the Schedule of Parking Penalties.

Recommendation:

Adopt a resolution to repeal Resolution 79710 and set forth the Schedule of Parking Penalties which increases the following parking violation amounts by a range of \$5-\$15 effective July 1, 2024:

- (a) Street sweeping;
- (b) Parked out of space – metered;
- (c) Expired/unpaid meter;
- (d) Failure to pay at lot;
- (e) Residential parking permit required; and
- (f) Parked in bike path/lane.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Transportation)

2.41 Acceptance of California Air Resources Board’s Fiscal Year 2023-2024 State Grant Funds for the East San José Mobility Project.

Recommendation:

Adopt a Resolution of Local Support to receive state grant funds from California Air Resources Board Clean Mobility in Schools, and Sustainable Transportation Equity Project that indicates the City will:

- (a) Follow all grant program requirements; and
- (b) Authorize the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements administered by the California Air Resources Board, in an amount not to exceed \$5,220,663 for reimbursement for the East San José Mobility Equity Project.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 5 and 8. (Transportation)

2.42 Amendment to Council Policy 5-6, Traffic Calming for Residential Neighborhoods.

Recommendation:

Adopt a resolution approving a revised Council Policy 5-6 entitled “Traffic Calming Policy for Residential Neighborhoods”.

CEQA: Not a Project, File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment. (Transportation)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

**Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.**

3.3 Approval of Various Budget Actions for Fiscal Year 2023-2024. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation:

Adopt 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the staff memorandum to City Council.

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. (City Manager)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2024-2025 Budget, and Resolution Establishing the Fiscal Year 2024-2025 Appropriation Limit. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation:

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2024-2025 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2024-2025 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2024-2025 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2024-2025 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;

(2) Elect the County of Santa Clara population growth index as the population factor for 2024-2025; and

(3) Establish the Fiscal Year 2024-2025 Appropriation Limit at \$1,515,887,987 in compliance with Article XIII B of the State of California Constitution.

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. (City Manager)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

3.5 Potential November 2024 Ballot Measure Polling.

Recommendation:

(a) Review survey results for potential ballot measures for the November 5, 2024 General Election, including two parcel tax measures, a bond measure, and a charter amendment pertaining to long-term leases in City parks.

(b) Set a City Council Special Meeting entitled "November 5, 2024 General Election Ballot Measure" for Tuesday, August 6, 2024 starting at 1:30 p.m.

(c) Direct the City Manager and City Attorney to draft ballot language and return to City Council at the August 6, 2024 Special Meeting for consideration of placing on the November 5, 2024 ballot a measure levying a parcel tax for the purpose of funding City services to clean, maintain, and improve San José's parks, playgrounds, trails, restrooms, and recreation facilities and fund other City services.

(d) Direct the City Manager to conduct additional polling to refine the tax rate and ballot language.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (City Manager)

3.6 Potential City Charter Amendment Related to Retirement Board Contracting for Legal Services and Appointing Authority.

Recommendation:

Direct the City Manager and City Attorney to draft ballot language and return to City Council at the August 6, 2024 Special Meeting, for consideration of placing on the November 5, 2024 ballot a measure amending the City Charter to change the contracting for legal services by the Retirement Boards and appointing authority of the Chief Executive Officer of the Office of Retirement Services.

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

3.7 Report on Bids and Award of Contract for Construction of the 9162 – Fire Station No. 32 New (2018 Measure T) Re-Bid III Project.

Recommendation:

(a) Adopt a resolution adopting the Initial Study/Mitigated Declaration for the Fire Station No. 32 Project, File No. ER-22-068, and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.

(b) Report on bids and award of the contract for the construction of 9162 - Fire Station No. 32 New (2018 Measure T) Re-Bid III Project to the lowest responsive bidder Gonsalves & Stronck Construction Company, Inc., for the base bid and the Bid Alternate No. 2 in the amount of \$12,867,777 and approval of a 10% contingency in the amount of \$1,286,778.

(c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:

(1) Increase the Measure T – New Fire Station 32 appropriation to the Public Works Department by \$3,016,000; and

(2) Decrease the Measure T – Program Reserve (Public Safety) appropriation by \$3,016,000.

(d) In accordance with City Council approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station No. 32, which is estimated to exceed \$100,000 annually in the General Fund shall be made available in the applicable year of the cost impact.

CEQA: Mitigated Negative Declaration for the Fire Station No. 32 Project. File No. ER-22-068. Council District 7. (Public Works/City Manager)

3.8 Report on Bids and Award of Contract for 9220 – Charcot Area Storm Drain Improvements – Measure T (Package I) Project.

Recommendation:

(a) Report on bids and award of a contract for the construction of 9220 – Charcot Area Storm Drain Improvements – Measure T (Package I) Project to the lowest responsive, responsible bidder, JMB Construction, Inc., in the amount of \$18,180,425; and

(b) Approve a 10% contingency in the amount of \$1,818,043.

CEQA: Categorically Exempt, File No. ER24-097, CEQA Guidelines Section 15301, Existing Facilities; CEQA Guidelines Section 15302, Replacement or Reconstruction; and CEQA Guidelines Section 15304, Minor Alteration to Land. Council District 4. (Public Works)

3.9 Action Related to the 10179 – SJC New Taxiway V-Phase 2 Project Re-Bid.**Recommendation:**

(a) Report on bids and award of a contract for the construction of 10179- SJC New Taxiway V-Phase 2 Project Re-Bid to the lowest responsive, responsible bidder, A. Teichert & Son, Inc. dba Teichert Construction, for the base bid and Bid Alternate No. 1 in an amount of \$21,483,490.

(b) Approve a 10% contingency in the amount of \$2,148,349.

(c) Adopt the following 2024-2025 Funding Sources Resolution and Appropriation Ordinance amendments in the Airport Capital Improvement Fund:

(1) Increase the estimate for Revenue from Federal Government by \$1,793,000; and

(2) Increase the Airfield Configuration Updates appropriation to the Airport Department by \$1,793,000.

(d) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:

(1) Decrease the Unrestricted Ending Fund Balance by \$2,808,000; and

(2) Increase the Airfield Configuration Updates appropriation to the Airport Department by \$2,808,000.

CEQA: Determination of Consistency with the San José Mineta International Airport Master Plan Amendment Environmental Impact Report, File No. ER22-021, New Taxiway Victor Project at the San José Mineta International Airport. (Public Works/Airport/City Manager)

4. PUBLIC SAFETY**5. TRANSPORTATION & AVIATION SERVICES****5.1 Report on Bids and Award of Contract for the Construction of 10383 – 2024 Major Streets Resurfacing Project #2.****Recommendation:**

(a) Report on bids and award a contract for the construction of 10383 – 2024 Major Streets Resurfacing Project #2 to the lowest responsive, responsible bidder, DeSilva Gates Construction, Inc., in the amount of \$10,291,291; and

(b) Approve a 10% contingency in the amount of \$1,029,129.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3, 4, 6, 8, 10. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 Amendment to the Agreements with Team San José.**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the Third Amendment to an agreement with Team San José to operate the convention center and four cultural facilities and the Second Amendment to an agreement with Team San José to operate as the convention and visitor bureau, for the final five-year option term for the period of July 1, 2024, to June 30, 2029.

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)

8.2 Downtown Residential High-Rise Incentive Program Extension.**Recommendation:**

(a) Adopt a resolution authorizing an extension of the Downtown Residential High-Rise Program applicable to projects located in the Downtown Planned Growth Area as described in the Envision San José 2040 General Plan, that are ten or more floors or stories in height (not including any nonresidential uses) where the highest occupied floor has a floor level elevation that is at least 150 feet above street level, and reducing the in lieu fees due for those projects under the Inclusionary Housing Ordinance to the amount of \$0 for up to 4,078 units that obtain a building permit by December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(b) Approve an ordinance waiving the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain a building permit by December 31, 2025 and pass first inspection within 12 months of obtain a building permit and providing a 50% reduction of the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 3,078 units in qualified residential high-rise projects that obtain a building permit between January 1, 2026 and December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(c) Adopt a resolution providing a 50% reduction in the Parkland In-Lieu Fee for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain building permits by December 31, 2025 and pass first inspection within 12 months of obtaining a building permit and providing a 30% reduction in the Parkland In-Lieu Fee for up to 3,078 units in qualified residential high-rise projects that obtain building permits between January 1, 2026 and December 31, 2026.

(d) Direct staff to analyze options and study potential impacts of a temporary multifamily residential fee reduction program to support housing production outside of Downtown and return to City Council by December 2024 with the analysis and recommendations for Council consideration, including public financing mechanisms for public infrastructure. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development and Cultural Affairs/Parks, Recreation, and Neighborhood Services/Planning, Building, and Code Enforcement/Housing/Transportation)

[Deferred from 6/11/2024 – Item 8.1 (24-120632)]

8.3 Actions Related to a Loan Commitment for Santa Teresa Multifamily Located at 5885 Santa Teresa Boulevard for the Development of a New Affordable Rental Housing Development.

Recommendation:

(a) Adopt a resolution:

(1) Approving a Construction-Permanent Loan commitment of up to \$7,250,000 in Measure E Funds, or such other special funds as the City may designate to Charities Housing Development Corporation of Santa Clara County or an affiliated development entity for the Santa Teresa Multifamily affordable housing development located at 5885 Santa Teresa Boulevard, which is being developed to provide 48 affordable rent-restricted apartments, and one unrestricted manager's homes;

(2) Authorizing a loan-to-value ratio of greater than 100% for the Santa Teresa Multifamily development;

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

(4) Authorizing the Director of Housing or their designee to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for Santa Teresa Multifamily development.

(b) Adopt the following Fiscal Year 2023-2024 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E – 40% Extremely Low-Income Households Reserve by \$3,650,000;

(2) Decrease the Measure E – 30% Low-Income Households Reserve by \$3,600,000;

(3) Increase the Measure E – 40% Extremely Low-Income Households appropriation to the Housing Department by \$3,650,000; and

(4) Increase the Measure E – 30% Low-Income Households appropriation to the Housing Department by \$3,600,000.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 10. (Housing/City Manager)

8.4 **Potential Supportive Outdoor Sleeping/Temporary Alternative Sleeping Sites and Related Implementation Actions.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager, or her designee, to proceed with necessary feasibility studies, development, and construction of the potential sites as identified in Table of the staff memorandum that are determined feasible for Supportive Outdoor Sleeping, Basic Needs Sites, or other temporary housing options without further action from the City Council, subject to any further additional environmental review or other approvals.

(b) Adopt a resolution granting authority to the Director of Public Works through June 30, 2025, unless removed by the City Council prior to that date, to:

(1) Review and approve CEQA documentation for selected sites for supportive outdoor sleeping and/or basic needs sites;

(2) Review and approve CEQA documentation for the Cerone Yard Interim Housing Project site;

(3) Award and execute contract(s) for the construction of project(s) for the purpose of supportive outdoor sleeping and/or basic needs sites at various locations to the lowest responsive, responsible bidder in an amount not to exceed \$5,000,000 for each site;

(4) Award and execute contract(s) for the construction of interim housing projects at Cerone and/or Cherry sites to the lowest responsive, responsible bidder in an amount not to exceed \$25,000,000 each;

(5) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract(s); and

(6) Approve contingency in the amount of 10% of the contract amount for each contract. CEQA: Determination of Consistency with the Mitigated Negative Declaration for the Emergency Interim Housing Programs project (Resolution No. RES2023-380), File Nos. ER22-198 and ER24-015. (Public Works/Housing/City Manager)

9. **REDEVELOPMENT – SUCCESSOR AGENCY**

10. **LAND USE**

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 **Land Use on Consent Calendar**

- (a) **C24-035 & ER24-055 – Conforming Rezoning Certain Real Property Located at 0 Wabash Street (APN 015-05-079). – TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Approve an ordinance rezoning that certain real property of an approximately 0.13-gross-acre site located on the east side of Wabash Street, approximately 350 feet southwest of Archer Street (0 Wabash Street) from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• 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 Victor Garza, founder of La Raza Roundtable, who passed away on Thursday, June 6, 2024. He was a lifelong community champion for education and employment equity, affecting change across San José and Santa Clara County politics and government.

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 online at <https://sanjoseca.primegov.com/public/portal?fromiframe=1> or 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.

ABOUT THE AGENDA

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.

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://sanjoseca.primegov.com/public/portal?fromiframe=1>. Council Meetings are televised live and rebroadcast on Channel 26.

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.

3. Addressing the Council, Committee, Board or Commission:

- (a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- (b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate.

(California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.

- (c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- (d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- (e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- (f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- (g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.