



City Council Meeting Agenda

Tuesday, November 28, 2023

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88471470054>**

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



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

Welcome to the San José City Council meeting!

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

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

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

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,

- 2) <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 884 7147 0054. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88471470054>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

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

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). (Zoom solo)

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)

To request interpretation in other languages, please email city.clerk@sanjoseca.gov four days prior to the meeting.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

23-1602 Closed Session Agenda

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

6:00 p.m.- Evening Session, Council Chambers, City Hall - **RECOMMEND CANCELLATION**

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Pledge of Allegiance
- Invocation (District 10)

Leland High School Chamber Chorale

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring December 1, 2023 as World AIDS Day in the City of San José and urging all residents to remain steadfast in the campaign to end the HIV/AIDS epidemic. (Foley)

1.2 Presentation of a proclamation declaring November 25, 2023 as Small Business Saturday to promote San José's small businesses. (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.

23-1581 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30973 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.00 Gross Acre Situated on the West Side of Lincoln Avenue (1655 Lincoln Avenue) (APN 429-27-126) from the R-1-8 Single-Family Residential Zoning District and the R-2 Two-Family Residential Zoning District to the R-1-8(PD) Planned Development Zoning District.
[Passed for Publication on 11/7/2023 - Item 10.1(a)(2) (23-1500)]
(b) Ordinance No. 30977 - An Ordinance of the City of San José Amending Section 6.88.425 of Chapter 6.88 of Title 6 of the San José Municipal Code to Modify Identification Badge Requirements, and Make Other Technical, Non-Substantive or Formatting Changes.
[Passed for Publication on 11/14/2023 - Item 4.1(b) (23-1544)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

23-1638 Mayor and Council Excused Absence Requests.

Recommendation: Request for excused absences for Councilmember Davis from the Regular Meetings of City Council on November 14, 2023 and Rules and Open Government Committee and Committee of the Whole on November 15, 2023 due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 23-1639 Settlement of Andrea Ortega, et al v. City of San José, et al.

Recommendation: Approve the settlement of a lawsuit brought by Plaintiff Andrea Ortega, et al in the total amount of \$337,500 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)
[Deferred from 11/7/2023 - Item 2.7 (23-1503) and 11/14/2023 - Item 2.7 (23-1537)]

2.8 23-1613 Settlement of San José Spotlight, et al. v. City of San José, et al.

Recommendation: Approve the settlement of Petitioners San José Spotlight and First Amendment Coalition's claim for attorneys' fees and costs in the amount of \$500,000 and authorize the City Attorney to execute a settlement agreement.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.9 23-1644 Settlement of Claim by Daniels Family

Recommendation: Approve the settlement of a claim filed by the Daniels family for a maximum amount of \$126,615.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.10 23-1640 Fourth Amendment to the Agreement with Macias, Gini and O'Connell to Provide Annual Financial and Compliance Audits.

Recommendation: Approve the fourth amendment to the agreement with Macias, Gini & O'Connell LLP to extend the term from December 31, 2023 through April 30, 2024 and to add audit services related to the financial statements of the City regarding grant funds from the California Board of State and Community Corrections, increasing total compensation under the term of the agreement by an amount not to exceed \$25,000 with a revised maximum total compensation of \$4,271,091.
CEQA: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Auditor)

2.11 23-1615 Amendment to the Master Consultant Agreement with Ascend Analytics for Technical Consulting Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to:
(a) Execute a First Amendment to the Master Consultant Agreement with Ascend Analytics for technical consulting services including supporting load forecasting and portfolio management, energy risk management and analysis, electricity rates and cost of service studies, and California Independent System Operator and Market Operation Support, to increase the maximum compensation from \$320,000 to \$2,000,000 and give the City three one-year term extension options through June 30, 2029, subject to the appropriation of funds; and
(b) Exercise up to three one-year options to extend the term of the Master Consultant Agreement through June 30, 2029.

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

2.12 23-1616 Actions Related to an Application for Energy Efficiency and Conservation Block Grant Program.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to:
(a) Submit an application to the US Department of Energy for the Energy Efficiency and Conservation Block Grant Program in the estimated amount of \$834,110; and
(b) Negotiate and execute any grant and payment agreements and any other documents necessary with the US Department of Energy to accept and receive the Energy Efficiency and Conservation Block Grant Program upon award.

CEQA: Not a Project, File No. PP17-006, Grant application with no commitment or obligation to enter into an agreement at the time of application. (Environmental Services)

2.13 23-1617 Actions Related to the Purchase Order with Reed & Graham, Inc. for Asphalt Concrete Material.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to three one-year options to extend the term of the purchase order with Reed & Graham, Inc. (San José, CA), for asphalt concrete material with the last option ending on or about December 16, 2026, subject to the appropriation of funds.

CEQA: ER23-009, Citywide Right of Way Maintenance. (Finance)

2.14 23-1618 Actions Related to the Purchase Order with Pump Repair Service Co. for Water Pump Motor and Well Services and Products.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to four one-year options to extend the term of the purchase order with Pump Repair Service Co. (San Francisco, CA), for water pump motor and well services and products with the last option ending on or about November 14, 2027, subject to the appropriation of funds.

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

2.15 23-1619 Actions Related to the Purchase Order with Telstar Instruments for the Maintenance, Repair and Programming of Logic Controllers.

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

- (a) Amend purchase order OP 63280 with Telstar Instruments (Concord, CA) for as-required maintenance, repair, and programming of logic controllers to increase the total compensation by \$250,000 for a maximum compensation not to exceed \$450,000 for the period ending on or about March 31, 2024; and
- (b) Exercise up to three one-year options to extend the term of the purchase order, with the last option ending on or about March 31, 2027, subject to the appropriation of funds.

CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302 Replace or Reconstruction. (Finance)

2.16 23-1620 Actions Related to the Purchase Orders and Amendment to the Agreements with Bayscape Management, Inc., Brightview Landscape Services, Inc., and Jensen Landscape Services, LLC for Landscaping Services.

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

- (a) Negotiate and execute purchase orders with Bayscape Management, Inc. (Alviso, CA), Brightview Landscape Services, Inc. (Blue Bell, PA), and Jensen Landscape Services, LLC (Los Angeles, CA) for landscape management and maintenance services in public right-of-way locations in special districts to extend services for up to two additional one-year option terms for a total of nine options through December 2, 2025, subject to the appropriation of funds;
- (b) Negotiate and execute purchase orders with Bayscape Management, Inc. (Alviso, CA) and Brightview Landscape Services, Inc. (Blue Bell, PA) for landscape management, maintenance, and irrigation services at various City locations to extend services for up to two additional one-year option terms for a total of six options through December 19, 2025, subject to the appropriation of funds;
- (c) Negotiate and execute the Second Amendment to the Agreement with Bayscape Management, Inc. (Alviso, CA) for landscape management and maintenance services for General Fund and Special District landscape areas to extend services for up to two additional one-year option terms for a total of nine options through December 3, 2025, subject to the appropriation of funds; and
- (d) Negotiate and execute the First Amendment to the Agreement with Bayscape Management, Inc. (Alviso, CA) for landscape maintenance services for civic grounds and small parks to extend services for up to one additional one-year option term for a total of six options through February 28, 2025, subject to the appropriation of funds.

CEQA: Categorically exempt, File No. ER23-151, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

2.17 23-1621 Amendment to the City Pay Plan.

Recommendation: Adopt a resolution amending the City of San José Pay Plan effective November 28, 2023, to:

- (a) Retitle the Animal Health Technician (3253/3260) classification to Animal Health Assistant (3253/3260) classification.
- (b) Create the following classifications:
 - (1) Animal Health Technician (3263/3264) with an annual pensionable salary range of \$65,894.40 - \$80,038.40; and
 - (2) Public Safety Communications Specialist (8536) with an annual pensionable salary range of \$80,454.40 - \$97,760.00.

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

2.18 23-1622 Amendment to the Consultant Agreement with Alliant Insurance Services for Professional Benefits Consulting Services to the City.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the Consultant Agreement with Alliant Insurance Services to provide professional benefits consulting services to the City, extending the term of the Agreement from December 31, 2023 to December 31, 2029, and increasing the not-to-exceed Agreement amount from \$1,158,125 to a revised total not-to-exceed amount of \$2,365,375, subject to the appropriation of funds.

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

2.19 23-1623 Report on Bids and Award of Contract for the 10071 - Sanitary Sewer Condition Assessment Fiscal Year 2022-2023 Package I Project.

Recommendation: (a) Report on bids and award of a contract for the construction of 10071 - Sanitary Sewer Condition Assessment Fiscal Year 2022-2023 Package I Project to the lowest responsive, responsible bidder, Pipe and Plant Solutions, Inc., in the amount of \$1,977,001; and

(b) Approve a 10% contingency in the amount of \$197,001.

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

2.20 23-1624 Master Agreements with IMEG Corp., Salas O'Brien Engineers Inc., and PAE Consulting Inc., for Mechanical, Electrical, and Plumbing Consultant Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute master agreements with IMEG Corp., Salas O'Brien Engineers, Inc., and PAE Consulting, Inc. for the Citywide mechanical, electrical, and plumbing consultant services from the date of execution through December 31, 2026, in an amount not to exceed \$2,000,000 for each 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. (Public Works)

2.21 23-1625 Municipal Microgrids Program Funding Approval for Initial Studies to Develop a Power Purchase Agreement to Implement a Suite of Microgrids at Critical City Facilities.

Recommendation: (a) Adopt a resolution authorizing the use of up to \$1,000,000 from the San José Clean Energy Fund for the Public Works Department to hire a consultant(s) to conduct high-level studies and preliminary design plans for a suite of municipal microgrids at City facilities, in preparation for development of a power purchase agreement bid scope.

(b) Adopt the following 2023-2024 Appropriation Ordinance Amendments in the San José Clean Energy Fund:

(1) Establish the Municipal Microgrids Program appropriation to the Public Works Department in the amount of \$1,000,000; and

(2) Decrease the Unrestricted Ending Fund Balance by \$1,000,000.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works/Energy/City Manager)

2.22 23-1627 Fiscal Year 23 Traffic Impact Fee Report.

Recommendation: Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 1, 3, 4, 5, 6, 7, 8. (Transportation)

2.23 23-1628 Downtown San José Property-Based Improvement District Annual Financial Report.

Recommendation: Approve the Downtown San José Property-Based Improvement District Annual Financial Report for Fiscal Year 2022-2023.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 3 and 6. (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 23-1629 Fall Intergovernmental Relations Report.

Recommendation: (a) Accept the Fall Intergovernmental Relations Report.

(b) Reaffirm all City positions summarized in the 2023 Intergovernmental Relations Priority Federal Legislation Log.

(c) Reaffirm all City positions summarized in the 2023 Intergovernmental Relations Priority State Legislation Log.

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

3.4 23-1630 2024 Legislative Program and Legislative Priorities.

Recommendation: Adopt the 2024 Legislative Program and Legislative Priorities.

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

3.5 23-1631 Summary Vacation of a Portion of North San Pedro Street, Between Bassett Street and West Julia Street with the Reservation of a Public Service Easement and a Non-Vehicular Public Trail Easement.

Recommendation: Conduct a public hearing and adopt a resolution authorizing the following:

- (a) Approve the report of the Director of Public Works setting forth the facts justifying the summary vacation of approximately 23,372 square feet (0.54 acres +/-) of Public Street Easement on North San Pedro Street, between Bassett Street and West Julian Street (Subject Portion) with the reservation of a Public Service Easement and Non-vehicular Public Trail Easement over the area being vacated;
- (b) Summarily vacate the Subject Portion which is excess; and
- (c) Direct the City Clerk to record a certified copy of the resolution of vacation with the Office of the Clerk Recorder, County of Santa Clara.

CEQA: Categorically Exempt, File No. ER23-222. CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations. Council District 3. (Public Works)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-1626 Grant Agreements and Resolutions for One Bay Area Grant (Cycle 3) Grant Acceptance.

Recommendation: (a) Accept and receive One Bay Area Grant Funds (Cycle 3).
(b) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with the Metropolitan Transportation Commission in an amount not to exceed \$58,686,000 in One Bay Area Grant funds (Cycle 3) for the following projects:
(1) \$3,300,000 for the Jackson Avenue Complete Streets with a local match of \$825,000;
(2) \$12,974,000 for the Julian and St. James Livable Streets Couplet Conversion with a local match of \$3,243,500;
(3) \$6,300,000 for the Signalized Intersections Pedestrian Safety Improvements with a local match of \$1,575,000;
(4) \$32,730,000 for the Story-Keyes Complete Streets with a local match of \$8,182,500; and
(5) \$3,382,000 for the White Road Pedestrian Safety Improvements with a local match of \$845,000.
(c) Adopt a Resolution of Local Support that demonstrates the necessary assurances that each of the projects will be completed in compliance with the submitted applications, Metropolitan Transportation Commission Funding Delivery Policy, and the grant program requirements.
(d) Adopt a Metropolitan Transportation Commission State Housing Law Resolution that demonstrates the City's intent to comply with the following State Housing Laws: Surplus Lands Act, Accessory Dwelling Units, and Density Bonus laws.
CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 3, 4, 5, 6, 7, 8.
(Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 23-1614 Amendment to the Agreement with West Tambo for Long Term Renewable Energy.

Recommendation: Adopt a resolution authorizing the Director of the Energy Department or designee to execute a second amendment to the June 8, 2022 agreement with West Tambo Clean Power II, LLC, a subsidiary of Renewable America, LLC, to buy renewable energy, renewable energy credits, and attributes associated with a solar photovoltaic facility, in order to increase the term from 15 years to 20 years; delay the in-service date from April 30, 2023 to June 1, 2024; increase the development security and the commercial operation date delay damages; reduce the price by 15.7% if West Tambo obtains a 50% investment tax credit instead of the 40% investment tax credit it had expected; and make other conforming changes in consultation with the City Attorney, and resulting in an agreement with an estimated annual amount of \$409,000 and a not-to-exceed amount of \$8,200,000, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds.

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

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-1632 Agreements with Santa Clara County Housing Authority for Services at First Street Interim Housing and Assumption of Homekey Obligations.

Recommendation: (a) Adopt a resolution:

(1) Approving the sale of the City-owned property First Street Interim Housing, located at 1488 North First Street, to the Santa Clara County Housing Authority, or its affiliated entity North First Gish Holding LLC for \$1;

(2) Authorizing the City Manager, or her designee, to negotiate and execute the Purchase and Sale Agreement, the deed, and all other documents necessary to complete the transaction;

(3) Authorizing the Director of Housing or designee to negotiate and execute a performance based conditional rehabilitation grant agreement and related documents with Santa Clara County Housing Authority or a related entity in an amount of up to \$4,000,000 of Measure E funds for capital repair needs for 72 interim housing units at First Street Interim Housing, located at 1488 North First Street, and also renovations for 57 interim housing units at the Comfort Suites located at 1510 North First Street, to be purchased and owned by the Santa Clara County Housing Authority;

(4) Authorizing the Director of Housing or designee to negotiate and execute an operations grant agreement and all necessary amendments for support services, asset and property management services beginning retroactively October 1, 2023 through June 30, 2024 for the Fiscal Year 2023-2024 with two one-year options to extend, subject to the appropriation of funds, for a total grant award in an amount up to \$9,000,000 with Santa Clara County Housing Authority or a related entity for First Street Interim Housing, and support services, asset and property management for 57 interim housing units at the Santa Clara County Housing Authority-owned property Comfort Suites located at 1510 North First Street;

(5) Authorizing the Director of Housing or designee to negotiate and execute an amendment to the agreement with the State Department of Housing and Community Development to add Santa Clara County Housing Authority or its affiliated entity North First Gish Holding LLC, to the standard agreement; and

(6) Authorizing the Director of Housing or designee to negotiate and execute an agreement with Santa Clara County Housing Authority or a related entity to clarify roles and responsibilities related to First Street Interim Housing and the Santa Clara County Housing Authority-owned property Comfort Suites, and authority to negotiate and enter into any other related amendments or agreements necessary to complete the transfer of the project.

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

(1) Decrease the Measure E - Interim Housing Construction and Operations Reserve (15%) by \$2,500,000; and

(2) Increase the Measure E - Interim Housing Construction and Operations - SureStay Operations (15% ELI) appropriation to the Housing Department by \$2,500,000.

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)

8.2 23-1633 Actions Related to Grant Agreements for Multiple Programs Serving Households Experiencing Homelessness for Fiscal Year 2023-2024.

- Recommendation:** (a) Adopt a resolution authorizing the Acting Director of Housing or designee to negotiate and execute the following agreements and amendments for programs serving individuals and families experiencing homelessness beginning in Fiscal Year 2023 - 2024 with up to three one-year options to extend, subject to the appropriation of funds and termination for convenience:
- (1) Bill Wilson Center for the Financial Assistance Program for Homeless and At-Risk Youth in the amount of \$2,041,499 retroactive from November 1, 2023 - December 31, 2025;
 - (2) Unity Care for the Financial Assistance Program for Homeless and At-Risk Youth in the amount of \$2,000,000 retroactive from November 1, 2023 - December 31, 2025;
 - (3) WeHope for the Dignity on Wheels program in the amount of \$1,000,000 from January 1, 2024 - December 31, 2024;
 - (4) County of Santa Clara for the Centralized Shelter Hotline in the amount of \$1,500,000 retroactive from July 1, 2023 - June 30, 2025;
 - (5) HomeFirst of Santa Clara County of Santa Clara County for the Citywide Outreach Program in the amount of \$42,000 from January 1, 2024 - June 30, 2024;
 - (6) LifeMoves for the Guadalupe Emergency Interim Housing program in the amount of \$600,000 from January 1, 2024 - June 30, 2024;
 - (7) LifeMoves for the Temporary Housing Access Program in the amount of \$4,500,000 retroactive from July 1, 2023 - June 30, 2024;
 - (8) Sacred Heart Community Service for the Eviction Diversion and Settlement Program in the amount of \$2,712,628 retroactive from October 31, 2023 - June 30, 2024; and
 - (9) LifeMoves for the Supportive Parking for Recreational Vehicles program in the amount of \$200,000 from March 1, 2024 - June 30, 2024.
- (b) Adopt the following Fiscal Year 2023-2024 Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund:
- (1) Decrease the Emergency Shelters appropriation to the Housing Department by \$400,000; and
 - (2) Increase the Homeless Youth appropriation to the Housing Department by \$400,000.

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

(1) Decrease the Measure E - 10% Homeless Prevention and Rental Assistance Reserve by \$2,712,628; and

(2) Increase the Measure E - Rental Assistance (10% HPRA) appropriation to the Housing Department by \$2,712,628.

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)

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

OPEN GENERAL PLAN FOURTH REVIEW CYCLE FOR 2023 HEARING

- (a) **23-1634** **HL23-001 & MA23-001 - Applications for the Designation of 909 Schiele Avenue (Yoell House) as a City Landmark and for a Historical Property (Mills Act) Contract Between the City of San José and the Property Owners (Yah Yah Cason and Wendy Needham).**

Recommendation: (1) Adopt a resolution designating 909 Schiele Avenue (Yoell House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
(2) Adopt a resolution approving the Historical Property (Mills Act) Contract between the City of San José and property owners Yah Yah Cason and Wendy Needham for the property located at 909 Schiele Avenue.
CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation.(11/1/2023 Historical Landmarks Commission agenda, item 3.a) Council District 6.
(Planning, Building and Code Enforcement)

- (b) **23-1635** **HL23-002 & MA23-002 - Applications for the Designation of 340 North 3rd Street (Chase House) as a City Landmark and for a Historical Property (Mills Act) Contract Between the City of San José and the Property Owners (David Tam and Sunny Wang).**

Recommendation: (1) Adopt a resolution designating 340 North 3rd Street (Chase House) as a City Landmark of special historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature.
(2) Adopt a resolution approving the Historical Property (Mills Act) Contract between the City of San José and property owners David Tam and Sunny Wang for the property located at 340 North 3rd Street.
CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation. (11/1/2023 Historical Landmarks Commission agenda, item 3.b) Council District 3.
(Planning, Building and Code Enforcement)

- (c) **23-1636** **MA23-003 - Application for a Historical Property (Mills Act) Contract Between the City of San José and the Property Owner (200 Edenvale Avenue Hotel Owner LLC) for the Property Located at 200 Edenvale Avenue (Hayes Mansion).**

Recommendation: Adopt a resolution approving the Historical Property (Mills Act) Contract between the City of San José and property owner 200 Edenvale Avenue Hotel Owner LLC for the property located at 200 Edenvale Avenue.
CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation. (11/1/2023 Historical Landmarks Commission agenda, item 3.c) Council District 2.
(Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 23-1637 GP23-008, C23-109 & C23-110 - A City-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use Designation of Nine Properties Associated with the Capitol Caltrain Station Area Plan.

- Recommendation:** (a) Adopt a resolution adopting the Capitol Caltrain Station Area Plan Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution 77617), and Addenda thereto in accordance with CEQA.
- (b) Adopt a resolution approving the following:
- (1) Adoption of the Capitol Caltrain Urban Village Plan as the guiding policy document for new development and identified public improvements within the urban village area; and
 - (2) General Plan Amendment (File No. GP23-008) to the Envision San José 2040 General Plan to make changes to the Land Use/Transportation Diagram for properties within the boundaries of the Urban Village planning area as shown on the Capitol Caltrain Urban Village Land Use Diagram; and
- (c) Approve an ordinance rezoning the following of a cumulative 10.3 acres:
- (1) Certain real property of approximately 3.4 gross acres (File No. C23-109) located in the Mid Block area of the Capitol Caltrain Urban Village Plan area generally bounded by Monterey Road to the west; Rancho Drive to the south, Fehren Drive to the north, and Pfieffe Avenue to the east from the CG Commercial General zoning district to the UR Urban Residential zoning district (APNs 497-07-028 and 497-07-029); and
 - (2) Certain real property of approximately 7.0 gross acres (File No. C23-110) located in the Mid Block and North Block area of the Capitol Caltrain Urban Village Plan area from the CP Commercial Pedestrian zoning district, CG Commercial General zoning district, and the CN Commercial Neighborhood zoning district to the UV Urban Village zoning district (APNs 497-07-030, 497-08-019, 497-08-020, 497-08-022, 497-08-023, 497-08-024, and 497-08-025).

CEQA: Capitol Caltrain Station Area Plan Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto, File No. ER23-225. Planning Commission recommends __ (X-X-X) (Item 8.a. on the 11/8/2023 Planning Commission agenda). Council District 7. (Planning, Building and Code Enforcement)

**CONTINUE GENERAL PLAN FOURTH REVIEW CYCLE FOR 2023 HEARING TO
DECEMBER 5, 2023**

- 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

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

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