



City Council Meeting Amended Agenda

Tuesday, November 5, 2024

1:30 PM

Council Chambers

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

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

Public Comment in Person Only

For live translations in over 50 languages, please go to <https://attend.wordly.ai/join/FAYU-7105>

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.

- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430

THE LEVINE ACT

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution.

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 943 0203 7655. 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/94302037655>

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.

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

By email to city.clerk@sanjoseca.gov by 8:00 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 provide spoken Public Comment during the City Council Meeting:

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

24-2150 Closed Session Agenda

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

- **Pledge of Allegiance**

- **Invocation (District 10)**

Pastor Mario Cañas, Victory Outreach San José

- **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 Recognition**

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring November 17, 2024 as World Day of Remembrance in the City of San José to commemorate the victims of traffic violence and their families. (Foley & Doan)

1.2 Presentation of a proclamation declaring November 2024 as National Adoption Month in the City of San José to raise awareness of adoption issues, highlight the need for adoptive families for teens and youth in the foster care system, and emphasize the importance of youth engagement. (Davis)

1.3 Presentation of a proclamation declaring November 2024 as International Democracy Month to celebrate the legacy and work of San José activists for free and fair elections around the world. (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.

24-2162 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 31134 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.59 Gross Acres Situated on the South Side of Ambum Avenue, Approximately 250 Feet Westerly from Mitton Drive (3464 Ambum Avenue) (APN 654-55-015) from the R-1-5 Single-Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District.
[Passed for Publication on 10/22/2024 - Item 10.3 (24-2113)]

2.3 Approval of Council Committee Minutes.

24-2186 Approval of Council Committee Minutes.

Recommendation: (a) Regular Transportation and Environment Committee Minutes of October 2, 2023.
(b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 4, 2023.
(c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 11, 2023.
(d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 18, 2023.
(e) Regular Neighborhood Services and Education Committee Minutes of October 12, 2023.
(f) Regular Public Safety, Finance and Strategic Support Committee Minutes of October 19, 2023.
(g) Regular Community and Economic Development Committee Minutes of October 23, 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.

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 24-2152 Adoption of an Ordinance Ratifying Final Expenditures in Various Appropriations for 2023-2024 and Adoption of the Associated Appropriation Ordinance and Funding Sources Resolution Amendments in 2023-2024.

Recommendation: (a) Adopt an ordinance ratifying final 2023-2024 expenditures in various appropriations as detailed in the report.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Home Investment Partnership Program Fund:

(1) Increase the Housing Loans and Grants appropriation to the Housing Department by \$5,625,000; and

(2) Decrease the Ending Fund Balance by \$5,625,000.

(c) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

(1) Increase the Construction and Conveyance Tax revenue estimate by \$2,066,909;

(2) Increase the Revenue from the Use of Money/Property estimate by \$31,230;

(3) Increase the Needs-Based Allocation Transfer to District 1 by \$175,376;

(4) Increase the Needs-Based Allocation Transfer to District 2 by \$99,292;

(5) Increase the Needs-Based Allocation Transfer to District 3 by \$87,066;

(6) Increase the Needs-Based Allocation Transfer to District 4 by \$56,638;

(7) Increase the Needs-Based Allocation Transfer to District 5 by \$178,054;

(8) Increase the Needs-Based Allocation Transfer to District 6 by \$98,832;

(9) Increase the Needs-Based Allocation Transfer to District 7 by \$169,318;

(10) Increase the Needs-Based Allocation Transfer to District 8 by \$133,533;

(11) Increase the Needs-Based Allocation Transfer to District 9 by \$104,864;

(12) Increase the Needs-Based Allocation Transfer to District 10 by \$67,944;

(13) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$585,956;

(14) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$310,036; and

(15) Increase the Transfer to the General Fund - Interest Income appropriation by \$31,230.

(d) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Water Utility Fund:

(1) Increase the Non-Personal/Equipment appropriation to the Environmental Services Department by \$1,230,957; and

(2) Decrease Ending Fund Balance by \$1,230,957.

(e) Adopt the following 2023-2024 Appropriation Ordinance amendments in the General Fund:

(1) Increase the Workers' Compensation Claims - Police appropriation to the Police Department by \$786,344;

(2) Increase the Workers' Compensation Claims - Fire appropriation to the Fire Department by \$217,969;

(3) Decrease the General Liability Claims appropriation to the Office of the City Attorney by \$813,633;

(4) Decrease the Workers' Compensation Claims - Other Departments appropriation to the Human Services Department by \$114,225;

(5) Decrease the Workers' Compensation Claims - PRNS appropriation to the Parks, Recreation, and Neighborhood Services Department by \$55,067;

(6) Decrease the Workers' Compensation Claims - Transportation appropriation to the Transportation Department by \$15,641; and

(7) Decrease the Workers' Compensation Claims - Public Works appropriation to the Public Works Department by \$5,747.

(f) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Benefit Fund:

(1) Increase the Health Plans appropriation to the Human Resources Department by \$93,418; and

(2) Increase Transfers and Reimbursements estimate by \$93,418.

(g) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:

(1) Increase the Revenue from the Use of Money/Property estimate by \$12,843; and

(2) Increase the Transfer to the General Fund - Interest Income appropriation by \$12,843.

(h) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

(1) Increase the Construction and Conveyance Tax revenue estimate by \$5,814; and

(2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$5,814.

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)

2.8 24-2153 Amendment to Chapter 6.88.840 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program.

Recommendation: 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 allow Notice of Completed Registration transfers.

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

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 24-2154 Retirement Plan’s Comprehensive Annual Investment Fee Reports for Calendar Year 2023.

Recommendation: Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2023.

(b) Federated City Employees’ Retirement System Comprehensive Annual Fee report for calendar year 2023.

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 24-2155 Consolidated Annual Homelessness Report and Implementation Plan Update.

Recommendation: As recommended by the Neighborhood Services and Education Committee on October 10, 2024, accept the Fiscal Year 2023-2024 City of San José’s Consolidated Annual Homelessness Report and the Annual Implementation Plan Update.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager/Economic Development and Cultural Affairs/Housing/Library/Parks, Recreation and Neighborhood Services) [Neighborhood Services and Education Committee referral 10/10/2024 - Item (d)1]

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 24-2156 Resolution of Intention to Establish a Pedestrian Mall on Post Street.

Recommendation: (a) Adopt a Resolution of Intention to establish a pedestrian mall on Post Street between South First Street and Lightston Alley pursuant to the Pedestrian Mall Law of 1960.
(b) Set a public hearing date for Tuesday, February 25, 2025, at 1:30 p.m. in accordance with the Pedestrian Mall Law of 1960.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(c) Existing Facilities, File No. ER24-259. Council District 3. (Economic Development and Cultural Affairs)

8.2 24-2157 Establishment of the Tully Road Eastridge Business Improvement District and Approval to Levy Assessments in the Tully Road Eastridge Business Improvement District for the Remainder of Fiscal Year 2024-2025.

Recommendation: (a) Conduct a public hearing and approve an ordinance to establish the Tully Road Eastridge Business Improvement District.
(b) Conduct a public hearing and adopt a resolution approving the budget and the levy of assessments for the Tully Road Eastridge Business Improvement District for the remainder of Fiscal Year 2024-2025.
(c) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement with Tully Road Eastridge Business Association for the administration of the Tully Road Eastridge Business Improvement District.
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 impact on the environment. Council Districts 7 and 8. (Economic Development and Cultural Affairs)

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

No Land Use items on Consent Calendar.

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. Members of the public may only speak at Open Forum once.

- **Adjournment**

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://sanjose.legistar.com/DepartmentDetail.aspx?ID=21676&GUID=ACCCFF5-F14A-4E1A-8540-9065F45A8A90> 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.