



# **City Council Meeting Amended Agenda**

**Tuesday, August 15, 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](mailto: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](mailto: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 ilegislare application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto: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](mailto: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)

- **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

[23-1034](#)      Closed Session Agenda

**Attachments**    [Closed Session Agenda](#)

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

- **Pledge of Allegiance**

- **Invocation (District 7)**

Viet Steps - San José-based Vietnamese American Youth Dance Group

- **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 will be adjourned in memory of former District 10 Councilmember Nancy Pyle, who passed away on July 14, 2023. Nancy was a beloved and award winning teacher, San José Evergreen Community College Trustee, and served two full terms on the San José City Council from 2004 to 2012. She helped bring numerous businesses to the Blossom Hill and Almaden Expressway corridor.

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a commendation to Ed Solis, Recreation Superintendent with the Parks, Recreation & Neighborhood Services' Department, for his incredible tenure at the City of San José and his immeasurable impact through fostering community relations, developing new and innovative programs, and rebuilding the lives of at-risk youth. (Torres)

1.2 Presentation of a proclamation declaring August 15, 2023, as the 76th year of Indian Independence Day to celebrate and recognize the contributions of Indian Americans to the cultural, social, and economic fabric of the City of San José. (Batra, Candelas, Kamei, and Doan)

1.3 Presentation of a proclamation declaring August 2023 as Clear the Shelter Month to raise awareness and encourage the adoption of shelter pets in San José. (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.**

**2.3 Approval of Council Committee Minutes.**

**2.4 Mayor and Council Excused Absence Requests.**

[23-1098](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for excused absences for:

(a) Vice Mayor Kamei from the Regular Meeting of Rules and Open Government Committee on August 2, 2023 due to Authorized City Business - attendance of the August 2, 2023 Santa Clara County Local Agency Formation Commission (LAFCO) meeting, located at the Santa Clara County Government Center, San José.

(b) Councilmember Davis from the Regular Meeting of Rules and Open Government Committee on August 2, 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. (Kamei and Davis)

[Rules Committee referral 8/9/2023 - Item A.1.a]

**Attachments** [Memorandum](#)

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [23-1018](#)**Amendment to the Self-Service Luggage Cart Agreement between the City of San José and Smarte Carte, Inc.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Self-Service Luggage Cart Agreement between the City of San José and Smarte Carte, Inc. to remove provisions for payments to Smarte Carte by the City for luggage cart services in the Federal Inspection Services Building at the San José Mineta International Airport.

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

(Airport)

**Attachments** [Memorandum](#)

**2.8**    [23-1019](#)            **Acceptance of the California Governor’s Office of Planning and Research Adaptation Planning Grant Award.**

**Recommendation:**    Adopt a resolution accepting the California Governor’s Office of Planning and Research Adaptation Planning Grant in the amount of \$649,970; and authorizing the City Manager, or designee, to negotiate and execute the Grant Agreement and Partnership Agreement, any additional amendments and all related documents, without further City Council action.

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)

**Attachments**    [Memorandum](#)  
[Resolution](#)

**2.9**    [23-1020](#)            **California Community Choice Association 2023-2024 Membership.**

**Recommendation:**    Adopt a resolution authorizing the Director of the Community Energy Department to continue the City’s annual membership with the California Community Choice Association for fiscal year 2023-2024 at a cost not to exceed \$600,000.

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

**Attachments**    [Memorandum](#)  
[Resolution](#)

**2.10**    [23-1021](#)            **Amendment to the Consultant Services Agreement with the San José Downtown Association.**

**Recommendation:**    Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to include marketing, promotional, placemaking, business development and parking-related services increasing consultant compensation from \$332,026 to \$1,330,249.

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)

**Attachments**    [Memorandum](#)



**2.11**    [23-1022](#)            **Restatement of the Lease Agreement Between the City of San José and Jim Angelopoulos, Dba Campus Burgers, Inc., for the City-Owned Property Located at 108 Paseo de San Antonio.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or designee, to negotiate and execute:

(a) A first restatement of the lease dated December 1, 2015 between the City of San José and Jim Angelopoulos, an individual, for the use of approximately 930 square feet of space in the City-owned building located at 108 Paseo de San Antonio, San José, California allowing for an initial term of five years at a rate of \$2,790 per month for the first year with a 3% annual escalator each year thereafter, and two five-year options to extend at then-current fair market rent; and

(b) All other documents or amendments necessary to effectuate the first restatement of the lease.

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)

**Attachments**    [Memorandum](#)

**2.12**    [23-1023](#)            **Declaration of End of Citywide Water Supply Shortage.**

**Recommendation:**    Adopt a resolution declaring an end to the citywide water supply shortage and superseding Resolution No. 80749.

CEQA: Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

**Attachments**    [Memorandum](#)  
[Resolution](#)

**2.13**    [23-1024](#)            **Actions Related to the Purchase Orders with Bayscape Management, Inc. and Brightview Landscape Services, Inc. for Landscape Renovation and Repair Services.**

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

(a) Negotiate and execute purchase orders with Bayscape Management Inc. dba Bayscape Landscape Management (San José, CA) to extend services for up to two additional one-year option terms for a total of six options through August 20, 2025, subject to the appropriation of funds; and

(b) Negotiate and execute purchase orders with Brightview Landscape Services, Inc. (Blue Bell, PA) to extend services for up to two additional one-year option terms for a total of six options through August 20, 2025, subject to the appropriation of funds.

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

**Attachments**    [Memorandum](#)

**2.14**    [23-1025](#)            **Request for Proposal for City-Generated Tow Service Administration.**

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

(a) Negotiate and execute an agreement with AutoReturn US, LLC (Las Vegas, NV) for City-Generated Tow Service Administration, including tow management software and associated professional and tow operator services, with an initial term beginning on or about August 16, 2023 and ending August 31, 2025, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$1,139,000 for the initial term, subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$200,000 during the initial term, subject to the appropriation of funds; and

(c) Exercise up to eight one-year options to extend the term of the agreement through August 31, 2033, or as may be adjusted to align with the software renewal term, 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/Planning, Building and Code Enforcement/Police)

**Attachments**    [Memorandum](#)

**2.15**    [23-1026](#)            **2021 State Homeland Security Grant Program Training and Exercise Funding to the Fire Department.**

**Recommendation:**

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the Agreement between the County of Santa Clara and the City of San José for 2021 State Homeland Security Grant Program Funds to increase the maximum amount payable by \$36,000, from \$351,898 to \$387,898, for training to deliver advanced medical care for victims and rescuers in all-hazard disaster events.

(b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Increase the estimate for Revenue from Federal Government by \$36,000; and

(2) Establish a City-Wide Expense appropriation to the Fire Department for the State Homeland Security Grant - Fire 2021 in the amount of \$36,000.

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

**Attachments**    [Memorandum](#)  
[Resolution](#)

**2.16**    [23-1027](#)            **Amendment to Consulting Agreement with Safety Compliance Management for Citywide Regulatory/Program Specific Safety Training.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a First Amendment to the Consulting Agreement with Safety Compliance Management for Citywide regulatory/program specific safety training, increasing the amount of compensation by \$200,000 for a total compensation amount not to exceed \$575,000, subject to appropriation of funds.

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

**Attachments**    [Memorandum](#)  
[Resolution](#)

**2.17**    [23-1028](#)            **Amendment to the Contract Package 2 Specific Construction Transportation Management Plan for West Portal Early Works.**

**Recommendation:**

(a) Approve Santa Clara Valley Transportation Authority’s First Amendment to Contract Package 2 Construction Transportation Management Plan for West Portal Early Works.

(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute minor amendments to the Construction Transportation Management Plan to include minor but substantive edits, annual updates and supplemental plans including but not limited to Event Management, Trucker Management and Traffic Contingency plans.

CEQA: File No. ER21-065, Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report for the Santa Clara Valley Transportation Authority’s BART Silicon Valley Phase II Extension Project. Council District 6. (Public Works)

**Attachments**    [Memorandum](#)  
[Agreement](#)

**2.18**    [23-1029](#)            **Amendment to Master Agreements with Professional Service Industries, Inc., CTE Cal, Inc., and Signet Testing Labs, Inc. for Special Inspection Services for Various City Projects.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the first amendment to the Master Agreements for consultant services with Professional Service Industries, Inc. (CPMS Contract No. 9468-C), CTE Cal, Inc. (CPMS Contract No. 9468-B), and Signet Testing Labs, Inc. (CPMS Contract No. 9468-A) for special inspection services for City funded projects in 2024 and 2025 to revise the following two items in each of the master agreements: (1) extend the term from December 31, 2023, to December 31, 2025, with no increases to the maximum compensation; and (2) revise hourly rate of field inspections.

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)

**Attachments**    [Memorandum](#)

**2.19** [23-1102](#) **Request for Travel Authorization for Councilmember Cohen.****Recommendation:**

As recommended by the Rules and Open Government Committee on August 9, 2023, authorize travel for Councilmember Cohen to Sacramento, CA from September 20 to 22, 2023 to attend the League of California Cities - Annual Conference and Expo. Source of Fund: Mayor/Council Travel Budget  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen)  
[Rules Committee referral 8/9/2023 - Item B.4]

**Attachments**[Memorandum](#)[Supplemental Memorandum](#)

**2.20**    [23-1106](#)    **Retroactive Approval of Multiple Special Events Sponsored by Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

**Recommendation:**

As recommended by the Rules and Open Government Committee on August 9, 2023:

- (a) Retroactively approve the CERT Community Meeting at Evergreen Branch Library scheduled on May 11, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Community Cleanup at Lake Cunningham scheduled on May 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the District 8 Community Budget Meeting at East Valley Family YMCA scheduled on June 8, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the Meadowfair Neighborhood Association Meeting at Meadowfair Park scheduled on June 15, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Retroactively approve the Health Fair and Wellness Walk at Eastridge Mall scheduled on June 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (f) Retroactively approve the Music in the Park at Evergreen Village Square scheduled on July 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (g) Retroactively approve the Movie Night at Evergreen Village Square scheduled on August 11, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (h) Approve and accept donations from various individuals, businesses, or community groups to support the events.

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

[Rules Committee referral 8/9/2023 - Item B.5]

**Attachments**    [Memorandum](#)

**2.21 [23-1109](#) Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

**Recommendation:** As recommended by the Rules and Open Government Committee on August 9, 2023:

(a) Retroactively approve the District 4 Litter Pick-Up scheduled on August 5, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the District 4 Vietnamese Mid-Autumn Festival scheduled on September 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and

(c) Approve and accept donations from various individuals, businesses, or community groups to support the events.

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

[Rules Committee referral 8/9/2023 - Item B.6]

**Attachments** [Memorandum](#)

**2.22 [23-1097](#) Approval of Progressive Pride and Transgender Flag Raisings and 2023 Silicon Valley Pride Lighting Sponsored by Council District 9, Council District 6, and Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

**Recommendation:** (a) Approve the Progressive Pride and Transgender flag raisings and the 2023 Silicon Valley Pride lighting ceremony scheduled from August 21 to 27, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the events.

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

[Rules Committee referral 8/9/2023 - Item A.1.a]

**Attachments** [Memorandum](#)

### **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 [23-1030](#) **Actions Related to the 9157 - Fire Station No. 8 - Relocation (2018 Measure T) Project.**

#### **Recommendation:**

(a) Adopt a resolution adopting the Fire Station No. 8 Relocation Project Initial Study/Negative Mitigated Negative Declaration (File No. ER 22-063) and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA).

(b) Report on bids and award of a contract for the construction of 9157 - Fire Station No. 8 Relocation Project to the lowest responsive, responsible bidder D.L. Falk Construction, Inc., for the base bid in the amount of \$10,526,000 and approve a 10% contingency in the amount of \$1,052,600.

(c) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund (498):

(1) Increase the Measure T - Fire Station 8 Relocation appropriation in the amount of \$1,687,000; and

(2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$1,687,000.

(d) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for Fire Station 8, which is estimated to exceed \$100,000 annually in the General Fund once the project is complete, will not require a decrease in existing basic neighborhood services.

CEQA: Fire Station No. 8 Relocation Project Initial Study/Mitigated Negative Declaration, File No. ER22-063. Council District 3. (Public Works/City Manager)

**Attachments** [Memorandum](#)  
[Resolution](#)



**3.4**     [23-1031](#)     **Soft Story Seismic Retrofit Program Application for the Federal Emergency Management Hazard Mitigation Grant Program Funds.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Submit an application and all required documentation to the California Office of Emergency Services Hazard Mitigation Program Grant for a grant award in an amount not to exceed \$25,000,000 with the following scope to implement the Soft Story Seismic Retrofit program and fund partially the seismic retrofitting of selected soft story multifamily buildings in San José as determined by the Notice of Intent submitted by staff on May 10, 2023;
- (b) Allocate an amount not to exceed \$6,250,000 per year for the duration of the grant, subject to the appropriation of funds, as local matching funds required for the Hazard Mitigation Program Grant; and
- (c) Negotiate and execute the Hazard Mitigation Program Grant application package, including a State of California Standard Agreement in a total amount not to exceed \$25,000,000, as well as all other documents required or deemed necessary or appropriate to procure and accept a Hazard Mitigation Program Grant award as required by the State of California.

CEQA: Not a Project, File No. PP17-006, Grant application with no commitment obligation to enter into an agreement at the time of application (Planning, Building and Code Enforcement/Housing/City Manager)

**Attachments**     [Memorandum](#)  
                          [Resolution](#)  
                          [Presentation - est. 10 minutes](#)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1**     [23-1032](#)     **Ordinance Amending Titles 2, 4, and 26 and Adding Title 28 to the San José Municipal Code to Establish a Municipal Utility for Electric Service.**

**Recommendation:**

(a) Approve an ordinance amending Titles 2, 4, and 26 of, and adding Title 28 to the San José Municipal Code to establish a municipal utility called “San José Power” with the ability to provide retail electric service in selected areas of the city.

(b) Authorize the City Manager to submit an Interconnection Application(s) to LS Power as a Participating Transmission Owner of the California Independent System Operator for wholesale access to the California Independent System Operator Transmission grid at new LS Power- owned facilities to potentially allow retail service at Substation B at Guadalupe Parkway and Coleman Avenue to serve new load in a swath of territory along the rail right of way between Diridon Station and the San José Mineta International Airport; and in North San José Alviso region to serve load for planned development and future City or Valley Water facilities.

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

**Attachments**

[Memorandum](#)

[Supplemental Memorandum, 8/14/2023](#)

[Memorandum from Cohen & Davis, 8/11/2023](#)

[Memorandum from Ortiz & Torres, 8/11/2023](#)

[Memorandum from Batra, 8/14/2023](#)

[Ordinance](#)

[Letters from the Public](#)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council 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

### 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 will be adjourned in memory of former District 10 Councilmember Nancy Pyle, who passed away on July 14, 2023. Nancy was a beloved and award winning teacher, San José Evergreen Community College Trustee, and served two full terms on the San José City Council from 2004 to 2012. She helped bring numerous businesses to the Blossom Hill and Almaden Expressway corridor.

- Notice of City Engineer's Pending Decision on Final Maps

FOR APPROVAL:

Tract: 10612

Location: South side of Glen Eyrie Avenue, approximately 570 feet westerly of Lincoln Avenue

District:

Lots/Units: 1/1

Type: MF

Proposed Decision: Approve

Developer: GEC Properties LLC

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## 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.