



City Council Meeting Amended Agenda

Tuesday, October 3, 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.sanjose.legistar.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 ilegislare 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

[23-1313](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Evening Session, Council Chambers, City Hall – Cancelled

*The previously scheduled Evening Session has been cancelled.

• Pledge of Allegiance

• Invocation (District 9)

Ramya Ramakrishnan, Hindu American Foundation

• 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 October 2023 as Filipino-American History Month, a tribute to the rich history, achievements, endeavors, and enduring impact of the Filipino community within the City of San José. (Cohen and Ortiz)

1.2 Presentation of a proclamation declaring October 4, 2023 as National Walk & Roll to School Day in the City of San José to promote safer routes to school and encourage children to be more active. (Foley)

1.3 Presentation of a proclamation recognizing October 2023 as Italian American Heritage Month to recognize the vibrant history of the Italian American community and their tremendous contributions to the City of San José. (Mayor and Davis)

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.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [23-1265](#) **Calling for Municipal Elections on March 5, 2024 and November 5, 2024.**

Recommendation: Adopt a resolution calling for a Regular Municipal Election on March 5, 2024 and a Run-Off Municipal Election on November 5, 2024, if necessary, for the purpose of electing Council Members for Districts 2, 4, 6, 8, 10, and the Mayor and requesting consolidation with the County of Santa Clara.
CEQA: Not a Project, File No. PP17-008, General Procedures and Policy Making resulting in no changes to the physical environment.
(City Clerk)

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

2.8 [23-1314](#) **Withdrawal from the California Cities Gaming Authority.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to withdraw the City of San José from the California Cities Gaming Authority Joint Powers Authority.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

2.9 [23-1315](#) **Termination of Declaration of Conditions, Covenants and Restrictions for River Oaks Park.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Termination of Covenants, Conditions and Restrictions applicable to River Oaks Park.
CEQA: Not a Project, File No. PP17-008, General Procedure resulting in no changes to the physical environment. Council District 4.
(Economic Development and Cultural Affairs)

Attachments [Memorandum](#)

2.10 [23-1316](#) **California Department of Resources Recycling and Recovery Grant and Payment Program Applications.**

Recommendation: Adopt a resolution authorizing the City Manager or designee for a period of five years, beginning October 3, 2023 through October 3, 2028, to submit grant and payment applications to California Department of Resources Recycling and Recovery and enter into grant and payment agreements with California Department of Resources Recycling and Recovery if the agreements are within the City Manager's existing City Council-designated contracting authority. 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 and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

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

2.11 [23-1317](#) **Report on Request for Proposal for a Police Early Intervention Solution.**

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

- (a) Negotiate and execute an agreement with Benchmark Solutions, LLC (Chicago, IL) for a Police Early Intervention Solution with an initial three-year term beginning on or about November 10, 2023 and ending on or about November 9, 2026, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$479,090 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 \$50,000 during the initial three-year term, subject to the appropriation of funds; and
- (c) Exercise up to four one-year options to extend the term of the agreement through November 9, 2030, 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)

Attachments [Memorandum](#)

2.12 [23-1318](#) **Actions Related to the Purchase Order with Burr Plumbing and Pumping, Inc. for Grease Trap Maintenance.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to exercise up to four one-year options to extend the term of the purchase order with Burr Plumbing and Pumping, Inc. (San José, CA) for grease trap maintenance, with the last option ending on or about October 16, 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)

Attachments [Memorandum](#)

2.13 [23-1319](#) **Actions Related to the Agreement with Brycer, LLC for Fire Code and Administration Services.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to:
(a) Negotiate and execute an agreement with Brycer, LLC (Warrenville, IL) for fire code and administration services at no cost to the City for an initial one-year term beginning on the date of City's execution;
(b) Negotiate and execute amendments and change orders as required for unanticipated changes in requirements; and
(c) Exercise up to six additional one-year options to extend the term of the agreement.

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

Attachments [Memorandum](#)

2.14 [23-1320](#) **Actions Related to the Purchase Order with JBT Aerotech Corporation for Festoon System Replacement for Jet Bridges.**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to:
(a) Execute a purchase order with JBT AeroTech Corporation (Chicago, IL) for festoon system replacement for jet bridges, for a one-year term beginning on or about October 4, 2023, and ending on or about October 3, 2024 for a not-to-exceed amount of \$1,200,000; and
(b) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about October 3, 2030, subject to the appropriation of funds.

CEQA: File No. ER22-279, Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497).
(Finance)

Attachments [Memorandum](#)

2.15 [23-1353](#) **Mayor and Council Excused Absence Requests.**

Recommendation:

Request for excused absences for Councilmember Foley from the Regular Meetings of Community and Economic Development Committee on September 25, 2023 and Transportation and Environment Committee on October 2, 2023 due to Jury Duty.

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

[Rules Committee referral 9/27/2023 - Item A.1.a]

Attachments [Memorandum](#)

2.16 [23-1357](#) **Approval of Holiday Event Series Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation:

As recommended by the Rules and Open Government Committee on September 27, 2023:

(a) Approve the Holiday Event Series at Evans Lane Interim Housing scheduled on October 26, 2023, November 17, 2023, and December 14, 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. (Davis)

[Rules Committee referral 9/27/2023 - Item B.2]

Attachments [Memorandum](#)

2.17 [23-1361](#) Retroactive Approval and Approval of the following Various 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 September 27, 2023:

- (a) Retroactively approve the Creekside Neighborhood Association Dumpster Day scheduled on August 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Town Hall with Congressman Panetta scheduled on August 21, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Community Coffee with Supervisor Arenas scheduled on August 25, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the Music in the Square scheduled on September 1, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Retroactively approve the Community Coffee with Assemblymember Kalra scheduled on September 23, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (f) Retroactively approve the Fire Safety Workshop at the Villages scheduled on September 28, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (g) Retroactively approve the Interfaith Breakfast scheduled on September 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (h) Approve the PAWS Vaccine Event scheduled on October 7, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (i) 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 9/27/2023 - Item B.3]

Attachments [Memorandum](#)

2.18 [23-1364](#) **Retroactive Approval of Fall Festival Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on September 27, 2023:

(a) Retroactively approve the District 2 Fall Festival scheduled on September 30, 2023, as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Retroactively approve the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed \$50 for a free raffle; and

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

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

[Rules Committee referral 9/27/2023 - Item B.4]

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 [23-1321](#) **Amendments to Title 4 of the San José Municipal Code Related to Procurement of Goods and Services.**

Recommendation:

Approve an ordinance amending Title 4 of the San José Municipal Code, Chapter 4.04 Contract Authority and adding to and amending Chapter 4.12 Procurements of Goods and Services as follows:

(a) Amend Section 4.04.080(A) titled Quarterly Reports to increase the Minimum Contract Values for “Sunshine” Reports to the Informal Procurement Threshold, as defined in Section 4.12.028 of the San José Municipal Code;

(b) Amend Section 4.04.085(B) titled Periodic Automatic Adjustments to Contract Authority Limitations and Related Figures to remove references where Section 4.04.085(B) is no longer applicable;

(c) Add Section 4.12.018 titled Competitive Procurement Threshold to define the "Competitive Procurement Threshold" to be \$10,000.00, as automatically adjusted to remain aligned with the Federal Micro-Purchase Threshold as defined in 48 CFR §2.101;

(d) Add Section 4.12.028 titled Informal Procurement Threshold to define the “Informal Procurement Threshold” to be \$250,000.00, as automatically adjusted to remain aligned with the Federal Simplified Acquisition Threshold as defined in 48 CFR §2.101;

(e) Amend Section 4.12.210(A) titled Selection of Procurement Method to align the upper limit of purchases that may be made without a competitive procurement to the Competitive Procurement Threshold;

(f) Amend Section 4.12.210(B) titled Selection of Procurement Method to increase the lower and upper limits for using the request for quotes process to the Competitive Procurement Threshold and the Informal Procurement Threshold, respectively;

(g) Amend Section 4.12.210(C, D) titled Selection of Procurement Method to increase the threshold for using the request for proposals and formal bid processes for services and goods, respectively, to those purchases estimated to exceed the Informal Procurement Threshold;

(h) Amend Section 4.12.225(B)(3) titled Public Agencies Purchases to allow the City to leverage the results of other public entities’ solicitations which substantially comply with the City's procurement procedures if the respective solicitation gives notice to the bidders that the procurement may be leveraged by other public agencies, which is satisfied if either the solicitation documents or the executed contract resulting from the procurement includes language allowing other entities to use said procurement, procedure, or contract;

(i) Amend Section 4.12.350(B1, B2) titled Rejection of Responses to increase the threshold to the Informal Procurement Threshold for when the Procurement Authority may negotiate and execute contracts after all responses have been rejected;

(j) Amend Section 4.12.415 titled Formal and Informal Protest Procedures to increase the threshold for using formal protest procedures to procurements having a value greater than the Informal Procurement Threshold; and

(k) Amend Section 4.12.420 titled Notice of Decision to increase the threshold for sending a notice of intended award to procurements valued over the Informal Procurement Threshold.

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

Attachments [Memorandum](#)
[Ordinance](#)

3.4 [23-1322](#) **Report on Request for Bid for Citywide Desktops, Laptops, Tablets and Servers.**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute Citywide purchase orders with CCT Technologies, Inc. dba ComputerLand of Silicon Valley (San José, CA) for desktops, laptops, Chromebook laptops, Apple MacBook Pro laptops, Apple iOS tablets, and servers and Bluum of Minnesota, LLC (St. Paul, MN) for rugged laptops for a combined maximum compensation of \$8,250,000 for the initial term beginning on or about October 10, 2023 and ending September 30, 2024, subject to the appropriation of funds;
- (b) Amend the Citywide purchase orders with CCT Technologies, Inc. dba ComputerLand of Silicon Valley and Bluum of Minnesota, LLC, as required, including moving funds between them, to meet unanticipated changes in demand for desktops, laptops, tablets, and servers for a total combined contingency of \$850,000 during the initial term, subject to the appropriation of funds;
- (c) Exercise up to six one-year options to extend the terms of each of the purchase orders through September 30, 2030, subject to the appropriation of funds; and
- (d) Amend purchase order OP 62602 with Saitech, Inc. (Fremont, CA) for Android tablets to add four additional one-year options terms to extend the purchase order through September 30, 2030 after the remaining two original options are exhausted, 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)

Attachments [Memorandum](#)

3.5 [23-1332](#) **Resolution Affirming Support of the Transgender and Broader LGBTQ+ Communities. - DEFERRED**

Recommendation: As recommended by the Rules and Open Government Committee on September 20, 2023, adopt a resolution affirming the City of San José’s support of the transgender and broader LGBTQ+ communities.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Foley and Torres)
[Rules Committee referral 9/20/2023 - Item C.1]
DEFERRED TO 10/17/2023

Attachments [Memorandum](#)
[Resolution, 9/20/2023, Rules](#)
[Resolution](#)

4. PUBLIC SAFETY SERVICES

4.1 [23-1325](#) **Re-Arrest of High-Risk Individuals and Interagency Coordination on Pretrial Release Status Report.**

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on June 15, 2023, accept the status report on the utilization of funds for re-arresting high-risk individuals and interagency coordination on pretrial release.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
[Public Safety, Finance, and Strategic Support Committee referral 6/15/2023 - Item (d)3]

Attachments [Memorandum](#)
[Memorandum from Mayor, Jimenez, Torres & Foley, 9/29/2023](#)
[Presentation - est. 10 minutes](#)

4.2 [23-1286](#) **Community Outreach on Operational Plans for Large Crowd Events. - DEFERRED**

Recommendation: Accept the San José Police Department's plan for community outreach regarding its operational plans for planned and unplanned large crowd events that include possible traffic diversions and street closures.
CEQA: Not a Project, File No. PP17-009, Staff reports, assessments, annual reports, and informational memos that involve no approvals of any City action. (Police)
[Deferred from 9/19/2023 - Item 4.3 (23-1245)]
DEFERRED TO 10/17/2023 PER ADMINISTRATION

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [23-1326](#) **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)

[Deferred from 8/15/2023 - Item 6.1 (23-1032)]

Attachments

[Memorandum](#)

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

[Supplemental Memorandum, 9/29/2023](#)

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

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

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

[Memorandum from Mayor, 10/2/2023](#)

[Ordinance](#)

[Presentation - est. 25 minutes](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

[Memorandum from Ortiz, 10/3/2023](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-1327](#) **Resolution of Intention to Establish a Pedestrian Mall on North San Pedro Street.**

Recommendation:

(a) Adopt a Resolution of Intention to establish a pedestrian mall on North San Pedro Street between West Santa Clara Street and West St. John Street pursuant to the Pedestrian Mall Law of 1960.

(b) Set a public hearing for Tuesday, January 23, 2024, at 1:30 p.m. in accordance with the Pedestrian Mall Law of 1960.

CEQA: File No. ER23-200, Categorical Exempt, CEQA Guidelines Section 15301(c) Existing Facilities and Section 15304(e)(f) Minor Alterations to Land. Council District 3. (Economic Development and Cultural Affairs)

Attachments

[Memorandum](#)

[Resolution](#)

[Presentation - est. 10 minutes](#)

[Letters from the Public](#)

8.2 [23-1328](#) **Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and the Loan of the Proceeds Thereof for the Financing of the Parkmoor Community Apartments and Approving Related Documents. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Adopt a resolution:

- (a) Authorizing the issuance of a: (1) tax-exempt multifamily housing revenue bond to be designated as “City of San José Multifamily Housing Mortgage-Backed Bonds (Parkmoor), Series 2023F-1 (M-TEMS) (FN)” and (2) cash collateralized multifamily housing revenue bond to be designated as “City of San José Multifamily Housing Revenue Bonds (Parkmoor), Series 2023F-2 (Cash Collateralized)”, collectively referred to as the “2023F Bonds”, in an aggregate principal amount not to exceed \$39,807,713;
- (b) Approving the loan of 2023F Bonds proceeds to Allied 1510 Parkmoor, L.P., a California limited partnership, to finance the construction and development of an 81-unit multifamily development known as Parkmoor Community Apartments located at 1510 Parkmoor Avenue in San José;
- (c) Approving in substantially final form the Trust Indenture, the Financing Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement, and the Preliminary Official Statement; collectively referred to as 2023F Bonds Documents; and
- (d) Authorizing and directing the City Manager, Director of Housing, Acting Director of Housing, Assistant Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director of Finance - Debt & Treasury Management or their designees, to execute, as appropriate, negotiate, and deliver the 2023F Bonds Documents together with any documents ancillary to the 2023F Bonds Documents or necessary or convenient for issuance, and sale of the 2023F Bonds and loan of the proceeds thereof.

CEQA: Exempt, File No. ER20-109, 1510-1540 Parkmoor Avenue, Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4. Council District 6. (Housing/Finance)

TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[Supplemental Memorandum, 10/2/2023](#)
[Agreement - Indenture of Trust](#)
[Agreement - Bond Purchase](#)
[Agreement - Financing](#)
[Agreement - Preliminary Official Statement](#)
[Agreement - Regulatory](#)
[Resolution](#)
[Presentation - est. 5 minutes](#)

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.

- **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.