



City Council Meeting Amended Agenda

Tuesday, June 10, 2025

11:00 AM

Council Chambers

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
PAMELA CAMPOS, DISTRICT 2
CARL SALAS, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
MICHAEL MULCAHY, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, VICE MAYOR, DISTRICT 9
GEORGE CASEY, 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

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- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430

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- 1) Cable Channel 26.
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- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 915 5718 2016. 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/91557182016>

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You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

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

Fill out a Yellow Speaker's Card and submit it to boxes at the bottom of the Chambers. Do this before the meeting or before the item is heard. This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner. You may remain anonymous, but please fill out a card so we may call you. You can put "anonymous speaker" or "no name" on the card. When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table. To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

- **Call to Order and Roll Call**

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

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

25-658 Closed Session Agenda

11:00 a.m. - Regular Session, Council Chambers, City Hall

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

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

- **Pledge of Allegiance**
- **Invocation (District 6) - TO BE HEARD AT 1:30 P.M.**

Vivace Chorus

- **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 - TO BE HEARD AT 1:30 P.M.

- 1.1 Presentation of a commendation honoring Voyager Craft Coffee for their ongoing dedication as a locally grown business that exemplifies San José's entrepreneurial spirit, craftsmanship, and commitment to community. (Mulcahy)
- 1.2 Presentation of a proclamation declaring June 2025 as Portuguese Heritage Month honoring the contributions of the Portuguese-American community to the City of San José. (Ortiz)
- 1.3 Presentation of a proclamation declaring June 12, 2025 as Philippines Independence Day honoring the rich cultural heritage, resilience, and contributions of the Filipino community in San José. (Candelas)

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 25-631 Amendment to the Lease of Airport Premises with MAC Cargo Handling, LLC for Air Cargo Operations.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the fourth amendment to the lease of the airport premises agreement between the City of San José and MAC Cargo Handling SJC, LLC retroactively to May 1, 2025, to extend the term for an additional three years through April 30, 2028, 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)

2.8 25-629 Amendment to the Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Tenth Amendment to the Agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term of the Agreement from June 30, 2025 to June 30, 2026, with no increase in the maximum amount of compensation.

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

2.9 25-630 Fifth Amendment to Legal Services Agreement with Ashurst LLP Related to the Mass Transit Airport Connector Project at the San José Mineta International Airport.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute:

(a) A Fifth Amendment to the Agreement with Ashurst LLP for legal services related to the mass transit airport connector project at the San José Mineta International Airport, extending the term of the Agreement from June 30, 2025 to June 30, 2026, with no increase in the maximum amount of compensation; and

(b) Future amendments to the Agreement to extend the term of the Agreement during the project implementation phase of the airport connector project.

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

2.10 25-660 City Manager's Travel to Austin, Texas.

Recommendation: Authorize travel for City Manager Jennifer Maguire to Austin, Texas, from July 24 - 26, 2025, to participate in the Large Cities Executive Forum.

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

2.11 25-632 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for Fiscal Year 2025-2026.

Recommendation: Adopt an annual resolution authorizing the City Manager or her designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act Program and projects:

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the Workforce Innovation and Opportunity Act Program and workforce programs funded by other sources, including, but not limited to, novation or assignments, case management contracts, and consultant contracts, for the period July 1, 2025 to June 30, 2026 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2022 to June 30, 2026 in accordance with Section 121 of the Workforce Innovation and Opportunity Act, including, but not limited to, memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement;
- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(d) All grant applications, grant agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2025, to June 30, 2026, subject to annual appropriation of funds by the Workforce Development Board;

(f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2026), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement; and

(g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2026).

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

2.12 25-633

Actions Related to the Purchase Order with Freon Free, Inc. for Appliance, Tire, and E-Waste Disposal Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to:
(a) Amend purchase order OP 65992 with Freon Free, Inc. (Fairfield, CA) for appliance, tire, and e-waste disposal services, to increase the total compensation by \$250,000 for a maximum compensation not-to-exceed \$550,000 for the one-year period ending November 12, 2025; 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 November 12, 2031, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP16-011, CEQA Guidelines Section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. (Finance)

2.13 25-634 Approval to Increase the Library Parcel Tax Rates for Fiscal Year 2025-2026.

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2025-2026 by 2.69% over the Fiscal Year 2024-2025 rates and approving the placement of the Library Parcel Tax on the Fiscal Year 2025-2026 Santa Clara County Property Tax Roll.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Library)

2.14 25-635 Fire Department First Responder Fee Program Ordinance.

Recommendation: Approve an ordinance amending Title 10 of the San José Municipal Code to add Chapter 10.44 to establish the First Responder Fee Program effective January 1, 2026, and provide procedures for its operation and management.
CEQA: Not a Project, File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment. (Fire)

2.15 25-636 Fire Hazard Severity Zone Map Ordinance and Community Wildfire Protection Plan.

Recommendation: (a) Approve an ordinance amending Section 17.12.875 of Chapter 17.12 of Title 17 of the San José Municipal Code to adopt the updated Fire Hazard Severity Zone maps as established by the California Department of Forestry and Fire Protection (CAL FIRE) State Fire Marshal, as mandated by Senate Bill 63.
(b) Accept the 2024 Santa Clara County Community Wildfire Protection Plan: Annex 10 City of San José.
CEQA: Not a Project, File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment. (Fire)

2.16 25-637 Amendment to the Mobilehome Rent Ordinance.

Recommendation: Approve an ordinance amending the Mobilehome Rent Ordinance Sections 17.22.160 and 17.22.270, add a new Section 17.22.235, and add a new Part 10 to Chapter 17.22 of Title 17 of the San José Municipal Code to make technical clarifying revisions to the definitions of the Mobilehome Rent Ordinance.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

2.17 25-638 Actions Related to the Approval of a Grant Award to Habitat for Humanity East Bay/Silicon Valley for Sale of Four Affordable Units.

Recommendation: (a) Adopt a resolution:

- (1) Approving a grant award to Habitat for Humanity East Bay/Silicon Valley Inc. in an amount of \$250,000 in Measure E Funds for downpayment assistance to decrease the sale price of four very-low to low-income for-sale affordable units located at the corner of East Reed Street and South 4th Street; and
- (2) Authorizing the Housing Director, or his designee, to negotiate and execute grant documents, any amendments thereto, and all other documents related to the sale of the four affordable units and any underlying documents required for the closing of the construction financing.

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

- (1) Increase the Measure E - 5% Moderate-Income Households appropriation to the Housing Department by \$250,000; and
- (2) Decrease the Measure E - 5% Moderate-Income Households Reserve by \$250,000.

(c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Affordable Housing Impact Fee Fund:

- (1) Decrease the Housing Loans and Grants appropriation to the Housing Department by \$250,000; and
- (2) Increase the Unrestricted Ending Fund Balance appropriation by \$250,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Housing/City Manager)

2.18 25-639 Amendment to the Joint Use Agreement with Archbishop Mitty High School for Use and Maintenance of John Mise Park.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the existing joint use agreement with the Roman Catholic Welfare Corporation of San José (operating as Archbishop Mitty High School) for the continued shared use and maintenance of John Mise Park.

CEQA: Categorically Exempt, File No. ER25-100, CEQA Guidelines Section 15301, Existing Facilities. Council District 1. (Parks, Recreation and Neighborhood Services)

2.19 25-640 Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services Fiscal Year 2025-2026 Agreements.

Recommendation: Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager authorizing the Director of Parks, Recreation, and Neighborhood Services, or his designee, to apply for, accept funds, negotiate, and execute Fiscal Year 2025-2026 agreements and amendments as identified in “Delegation of Contract Authority to Department of Parks, Recreation, and Neighborhood Services Director” consistent with Adopted Budget amounts for the following programs and/or services:

- (a) Afterschool Education and Safety;
- (b) BeautifySJ Grant Program Fiscal Agent Agreement;
- (c) BeautifySJ Initiative:
 - (1) Encampment Trash Program
 - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
 - (3) Interagency Agreements;
 - (4) Memoranda of Understanding;
- (d) Capital Improvement Program Master Consultant Projects;
- (e) Citywide Aquatics Program;
- (f) Community Beautification and Park Maintenance Services Provider Agreements;
- (g) Facility Rental Agreements at Non-City Owned Sites for Department or Staff Needs;
- (h) Facility Use Agreements:
 - (1) Leisure and Recreation Fee Class Vendor Agreements;
 - (2) Family Camp;
 - (3) Neighborhood Center Partner Program;
 - (4) Recreation of City Kids (R.O.C.K.) Program;
 - (5) San José Youth Empowerment Alliance;
 - (6) Therapeutic Services; and
 - (7) Training and Development Program;
- (i) “Friends of” PRNS Non-Profit Organization Partners;
- (j) Golf Course Agreement;
- (k) Grantmaking Programs:
 - (1) Bringing Everyone’s Strengths Together;
 - (2) BeautifySJ Neighborhood Associations Grants Program;
 - (3) Franklin-McKinley Children’s Initiative
 - (4) Safe Summer Initiative Grant;
 - (5) Saint James/Urban Park Activation;

- (6) Older Adult Health and Wellness (formerly Senior Health and Wellness);
- (7) Opioid Overdose Prevention Grant Program; and
- (8) Trauma to Triumph;
- (l) Grant Revenue Agreements;
- (m) Happy Hollow Park & Zoo:
 - (1) Education Programs; and
 - (2) Private Events;
- (n) Joint Use Agreements with School Districts
- (o) Leisure and Recreation Fee Class Vendor Service Agreements;
- (p) Little League Agreements;
- (q) Mitigation Monitoring and Maintenance Support Services;
- (r) Neighborhood Center Partner Program;
- (s) Park Concessionaires Agreements;
- (t) Reimbursement Agreements;
- (u) Right-of-Entry Agreements;
- (v) San José Police Activities League Agreement;
- (w) San José Youth Empowerment Alliance:
 - (1) Agreements with subcontracted agencies to implement Alliance programs;
 - (2) Memoranda of Understanding; and
 - (3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph);
- (x) County of Santa Clara Agreement for Senior Nutrition Program;
- (y) Sponsorship Agreements;
- (z) Standard Consultant Agreements for Non-Capital Projects;
- (aa) Summer Food Service Program;
- (ab) Revenue Agreements;
- (ac) Agreements as Directed and approved in the Mayor's Budget Messages;
- (ad) Memoranda of Understanding at Community Centers, Regional Parks, and Other Facilities;
- (ae) Agreements Related to Employment Training and Fieldwork Opportunities; and
- (af) Outdoor Recreation Legacy Partnership Grant Agreement for the Brickyard Park Project.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions; File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment; File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application; and Categorically Exempt, File No. ER22-245. CEQA Guidelines Section 15332, Infill Development Projects. (Parks, Recreation and Neighborhood Services)

2.20 25-641 Report on Bids and Award of Contract for the 5983 - Almaden Supplement Sewer Rehabilitation (North) Project.

Recommendation: (a) Report on bids and award of contract for the construction of 5983 - Almaden Supplement Sewer Rehabilitation (North) Project to the lowest responsive, responsible bidder, Insituform Technologies, Inc., in the amount of \$4,444,845; and
(b) Approve a 10% contingency in the amount of \$444,485.
CEQA: Exempt, File No. ER24-261, CEQA Guidelines Sections 15301(b) Existing Facilities. Council District 3 and 7. (Public Works)

2.21 25-642 Report on Bids and Award of Contract for the 10505 - Sanitary Sewer Repairs Fiscal Year 2024-2025 Package VI Project.

Recommendation: (a) Report on bids and award of contract for the construction of 10505 - Sanitary Sewer Repairs Fiscal Year 2024-2025 Package VI Project to the lowest responsive, responsible bidder, SubTerra Construction, Inc., in the amount of \$1,338,796; and
(b) Approve a 10% contingency in the amount of \$133,880.
CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. (Public Works)

2.22 25-643 Willow Glen Community Benefit Improvement District Annual Report for Fiscal Year 2025-2026.

Recommendation: Adopt a resolution:

(a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2025-2026 as filed or modified by City Council; and to confirm and levy the individual assessments as filed or modified by the City Council; and

(b) Directing the Director of Public Works to deliver the assessment roll to County of Santa Clara for collection with the property taxes.

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 District 6. (Public Works)

2.23 25-644 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.

Recommendation: Approve the proposed Fiscal Year 2024/2025 - 2029/2030 Work Plan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.

CEQA: Not a Project, File No. PP17-009, Staff reports, assessments, annual reports, and informational memos that involve no approvals of any City action. (Public Works)

2.24 25-645 Amendment to the Cooperative Agreement with Santa Clara Valley Transportation Authority for the I-880/Montague Expressway Interchange and McCarthy/O'Toole Intersection Improvement Projects.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority to initiate preliminary engineering and obtain environmental clearance for the I-880/Montague Expressway Interchange and McCarthy/O'Toole Intersection Improvement Project, with an increase of the total not to exceed amount by \$7,500,000 from \$2,000,000 to \$9,500,000 and an extension term of the agreement to December 31, 2027.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. Council District 4. (Transportation)

2.25 25-646 Delegation of Authority to Award 10491 - 2025 Local Streets Resurfacing East Pavement Project (Measure T).

Recommendation: Adopt a resolution authorizing the Director of Public Works or his designee to:

- (a) Award and execute a contract for the construction of the 10491 - 2025 Local Streets Resurfacing East Pavement Project (Measure T) to the lowest responsive, responsible bidder in an amount not to exceed \$13,500,000;
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the projects; and
- (c) Approve a construction contingency of 10% of the amount of the construction contract for the project.

CEQA: Categorically Exempt, File No. ER24-313, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 3, 4, 5, 10.
(Transportation/Public Works)

2.26 25-673 Option Agreement for Amendment to Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility. - RENUMBERED

Recommendation: Adopt a resolution:

(a) Declaring the City-owned property located on the east side of Zanker Road, north of State Route 237 in San José, consisting of 1 parcel of land totaling approximately 2 acres, further identified as Assessor's Parcel Number 015-31-063 as "exempt surplus land" pursuant to California Government Code Section 54221(f)(1)(D) and in accordance with San José Municipal Code Section 4.20.080(B)(2) as a transfer of surplus property to another local, state, or federal agency for that agency's use; and

(b) Authorizing the City Manager or her designee to:

(1) Negotiate and execute the Option Agreement for First Amendment to Ground Lease and Property Use Agreement; and

(2) Negotiate and execute the First Amended Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility between City of San José, City of Santa Clara, and the Santa Clara Valley Water District, and the First Amended Recycled Water Facilities and Programs Integration Agreement, and the Amended and Restated Agreement for Operation and Maintenance of the Silicon Valley Advanced Water Purification Center between the City of San José and the Santa Clara Valley Water District, upon satisfaction of the conditions to exercise the option including the completion and approval of environmental review for the proposed direct potable reuse demonstration facility in compliance with California Environmental Quality Act.

CEQA: Not a Project, File No. PP17-003, Agreements Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services)

[RENUMBERED FROM ITEM 6.1 (25-652)]

2.27 25-672 At-Grade Station Alternative and Diridon Program. - RENUMBERED

Recommendation: As recommended by the Transportation and Environment Committee on June 2, 2025 and the Diridon Station Steering Committee on May 21, 2025, accept the At-Grade Station Alternative and Diridon Program for environmental review, which includes the following:

- (a) At-Grade Station Alternative (platforms, tracks, historic station, concourse, plazas, bus facility, light rail station, other affected improvements);
- (b) West Virginia Street closure at the rail crossing with new pedestrian and bike undercrossing;
- (c) Auzerais Avenue grade separation;
- (d) San Carlos Street bridge replacement;
- (e) Park Avenue reconfiguration;
- (f) Noise/sound barriers at select crossings/locations; and
- (g) Stockton Avenue/The Alameda reconfiguration.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
Council District 6. (Transportation)
[Transportation and Environment Committee referral 6/2/2025 - Item (d)3]
[RENUMBERED FROM ITEM 5.1 (25-651)]

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 25-659 Amendments to San José Municipal Code. - RENUMBERED

Recommendation: [RENUMBERED TO ITEM 3.10 (25-740)]

3.4 25-661 Code of Conduct for Encampments. - RENUMBERED

Recommendation: [RENUMBERED TO ITEM 3.11 (25-741)]

3.5 25-650 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Notes and the Loan of Proceeds Thereof and Approving Related Documents for the Kooser Apartments.

Recommendation: Adopt a resolution:

(a) Authorizing the issuance of:

(1) Tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Fannie Mae MBS Secured) (Arcade), Series 2025A-1”; and

(2) Tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Arcade), Series 2025A-2, collectively referred to as the “2025A Bonds,” in an aggregate principal amount not to exceed \$73,708,167;

(b) Approving the loan of 2025A Bond proceeds to Kooser Apartments, L.P., a California limited partnership, to finance the acquisition, construction and development of a 191-unit multifamily development known as Arcade located at 1371 Kooser Road in San José;

(c) Approving in substantially final form an Indenture of Trust, a Financing Agreement, a Regulatory Agreement and Declaration of Restrictive Covenants, a Bond Purchase Agreement, and a Preliminary Official Statement, and related documents collectively, the 2025A Bond Documents; and

(d) Authorizing and directing the City Manager, Housing Director, Director of Finance, Assistant Director of Finance, Deputy Director - Debt and Treasury Management or their designees, to negotiate, execute, and deliver the 2025A Bond Documents, together with any document ancillary to the 2025A Bond Documents or necessary or convenient for issuance and sale of the 2025A Bonds and loan of the proceeds thereof.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Housing/Finance)

3.6 25-620 Pay for Performance. - RENUMBERED

Recommendation: [RENUMBERED TO ITEM 3.12 (25-742)]

3.7 25-647 Proposed Changes to City Council Policy 1-18, Section 22 and the Spending Priorities and Percentage Allocation of Measure E Real Property Transfer Taxes. - TO BE HEARD CONCURRENTLY WITH ITEM 3.8 AND NOT BEFORE 1:30 P.M.

Recommendation: (a) Adopt a resolution approving by two-thirds (2/3rds) affirmative vote revisions to the spending priorities under City Council Policy 1-18, Section 22, Real Property Transfer Tax Revenues to change the spending allocation as follows:

(1) 5% for administrative costs, with the remaining revenues allocated as follows:

(i) 10% for homeless prevention, gender-based violence programs, legal services and rental assistance;

(ii) up to 90% of anticipated revenues for homeless sheltering and support programs that may include, but are not limited to, case management, outreach teams, encampment services, safe or supportive parking, homeless shelters, and interim housing construction and operations; and

(iii) any remaining revenue for the creation of new or the preservation of existing affordable housing.

(b) In the alternative to (a), adopt a resolution related to estimated 2025-2026 Measure E revenues:

(1) Approving by two-thirds (2/3rds) affirmative vote the following percentage allocations as included in Manager's Budget Addendum #2 to the 2025-2026 Proposed Operating Budget for the spending of Measure E revenues totaling \$55.0 million anticipated to be received in Fiscal Year 2025-2026:

(i) 5% for administration with the remaining revenue allocated as follows:

(ii) 10% for homeless prevention, gender-based violence programs, legal services, and rental assistance; and

(iii) 90% for homeless sheltering and support programs that may include, but are not limited to, case management, outreach teams, encampment services, safe or supportive parking, homeless shelters, and interim housing construction and operations.

(2) In the alternative to (b)(1), approve by majority vote to maintain the current allocation under Council Policy 1-18, Section 22, of Measure E spending priorities for the 2024-2025 Proposed Budget for the spending of Measure E revenue totaling \$55.0 million anticipated to be received in Fiscal Year 2025-2026.

(3) In the alternative to (b)(1) or (b)(2), approve by two-thirds (2/3rds) affirmative vote an alternative allocation for Measure E spending priorities for the 2025-2026 Proposed Budget for the spending of Measure E revenue totaling \$55.0 million anticipated to be received in Fiscal Year 2025-2026.

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

PLEASE NOTE: APPROVAL OF RESOLUTIONS UNDER RECOMMENDATIONS A, B(1), AND B(3) REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. (Council Policy 1-18, Section 22(c)(2)).

3.8 25-648 Mayor's June Budget Message for Fiscal Year 2025-2026. - TO BE HEARD CONCURRENTLY WITH ITEM 3.7 AND NOT BEFORE 1:30 P.M.

Recommendation: (a) Review, discuss, and approve the Mayor's June Budget Message for Fiscal Year 2025-2026.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message, which are for amounts that exceed the City Manager's contract authority, subject to applicable procurement and provided that any required environmental review has been completed.

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

3.9 25-649 Approval of the 2025-2026 Operating Budget and the 2025-2027 Biennial Capital Budget for the City of San José and Schedule of Fees and Charges. - NOT TO BE HEARD BEFORE 1:30 P.M.

Recommendation: (a) Adopt resolutions approving the Operating Budget for 2025-2026 for the City of San José, the Biennial Capital Budget for 2025-2027 for the City of San José, and the Five-Year Capital Improvement Program for 2026-2030 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2025-2026.

(c) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to:

(1) Add a new Part 85 to establish the Evergreen Benefit Assessment District Fund.

(2) Add a new Part 86 to establish the Evergreen Creek Assessment District Fund.

(3) Add a new Part 87 to establish the Shea Homes Advance Assessment District Fund.

(4) Add a new Part 88 to establish the Silicon Valley Bridge Assessment District Fund.

(5) Add a new Part 89 to establish the Silver Creek Assessment District Fund.

(6) Add a new Part 90 to establish the Willow Glen Community Benefit Improvement District Fund.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

3.10 25-740 Amendments to San José Municipal Code. - RENUMBERED

Recommendation: As recommended by the Mayor's March Budget Message:

(a) Approve an ordinance of the City of San José amending Section 10.20.140 of Chapter 10.20 of Title 10 of the San José Municipal Code related to trespass on private property to include a definition for "private property", authorize police officers to give notice of "no trespassing", clarify requirements for "no trespassing" signs, and to prohibit entry for up to six months.

(b) Approve an ordinance of the City of San José amending Section 10.20.150 of Chapter 10.20 of Title 10 of the San José Municipal Code related to trespass on City property to include technical clarifications.

(c) Approve an ordinance of the City of San José amending Section 9.10.410 of Chapter 9.10 of Title 9 of the San José Municipal Code related to solid waste and trash accumulation.

(d) Approve an ordinance of the City of San José amending Section 11.36.220 of Chapter 11.36 of Title 11 of the San José Municipal Code requiring vehicles left standing for seventy-two (72) consecutive hours to be moved at least one thousand (1,000) feet (approximately two-tenths [2/10] of a mile) from its current location.

(e) Approve an ordinance of the City of San José amending Title 11 of the San José Municipal Code to add a new Chapter 11.58 authorizing the removal of vehicles that illegally dump solid waste or hazardous material on the public right-of-way.

(f) Approve an ordinance of the City of San José amending Title 6 of the San José Municipal Code to add Chapter 6.48 prohibiting the rental of recreational vehicles to be used for lodging within the public right-of-way.

(g) Approve an ordinance of the City of San José amending Title 10 of the San José Municipal Code to add a new Chapter 10.52 pertaining to the illegal possession and transportation of commercial copper wire.

(h) Approve an ordinance of the City of San José amending Title 17 of the San José Municipal Code to add Chapter 17.39 relating to the maintenance of vacant lots.

CEQA: Not a Project, File No. File No. PP-17-008 (General Procedure and Policy Making resulting in no changes to the physical environment).
(City Attorney)

[RENUMBERED FROM ITEM 3.3 (25-659)]

3.11 25-741 Code of Conduct for Encampments. - RENUMBERED

Recommendation: Accept the report on the implementation of the City of San Jose's Code of Conduct for Encampments.

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

[RENUMBERED FROM ITEM 3.4 (25-661)]

3.12 25-742 Pay for Performance. - RENUMBERED

Recommendation: As recommended by the Rules and Open Government Committee on May 14, 2025:

(a) Approve an ordinance amending Title 12 of the San José Municipal Code to add Chapter 12.23 to establish an annual "Pay for Performance" evaluation process for the Mayor and City Councilmembers based on objective performance metrics, where the Council's collective performance will be evaluated annually, beginning in Fiscal Year 2026-2027, and if the Council attains less than 100 percent of the adopted metrics in full or in part, a proportional salary reduction of up to five percent will be applied for the remainder of that fiscal year.

(b) Agendize one annual City Council Pay for Performance public hearing, starting in fall 2026 and continuing every Fall thereafter, to assess performance on the Council-adopted objective metrics and determine if a proportional salary reduction of up to five percent will be applied for the remainder of that fiscal year.

(c) Given the new approach outlined in the recommendation above, direct the City Attorney and the City Manager to disregard the previous Pay for Performance Direction provided in the FY 2025-2026 March Budget Message related to amending the City Charter.

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

[Rules Committee referral 5/14/2025 - Item C.1]

[RENUMBERED FROM ITEM 3.6 (25-620)]

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

5.1 25-651 At-Grade Station Alternative and Diridon Program. - RENUMBERED

Recommendation: [RENUMBERED TO ITEM 2.27 (25-651)]

6. ENVIRONMENTAL & UTILITY SERVICES**6.1 25-652 Option Agreement for Amendment to Ground Lease and Property Use Agreement for the Advanced Water Treatment Facility. - RENUMBERED**

Recommendation: [RENUMBERED TO ITEM 2.26 (25-673)]

7. NEIGHBORHOOD SERVICES**8. COMMUNITY & ECONOMIC DEVELOPMENT****9. REDEVELOPMENT – SUCCESSOR AGENCY****CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE****9.1 25-653 Successor Agency to the San José Redevelopment Agency Approval of the July 1, 2025 through June 30, 2026 Administrative Budget and Annual Recognized Obligation Payment Schedule for Fiscal Year 2025-2026. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Successor Agency Board to the San José Redevelopment Agency adopt resolutions approving the:

- (a) Administrative Budget for July 1, 2025 through June 30, 2026; and
- (b) Recognized Obligation Payment Schedule 2025-2026 and authorizing payment for items thereon, which details the obligations of the Successor Agency Board to the San José Redevelopment Agency for the period of July 1, 2025 through June 30, 2026.

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. (Finance)

ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**10. LAND USE**

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

10.1 Land Use on Consent Calendar

- (a) **25-654** **PP25-002: Amendment to Chapter 20.80, Part 8.75, Conversions of an Existing Use to Another Use with a Different Transportation Demand Management (TDM) Designation. - NOT TO BE HEARD BEFORE 1:30 P.M.**

Recommendation: Approve an ordinance amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Chapter 20.80, Part 8.75, “Conversions of an existing use to another use with a different TDM designation” to exempt the conversion to residential uses from the Special Use Permit requirement; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building, and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 25-655** **GP24-010: Early Consideration for Denial for a Privately-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use/Transportation Diagram from Lower Hillside to Rural Residential for Property Located at 3630 Kettmann Road. - NOT TO BE HEARD BEFORE 6:00 P.M.**

Recommendation: (a) Staff and Planning Commission recommend: Adopt a resolution denying the request to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Lower Hillside to Rural Residential on an approximately 8.29-gross-acre site located at 3630 Kettmann Road.
(b) In the alternative, direct staff to continue processing the application to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Lower Hillside to Rural Residential on an approximately 8.29-gross-acre site located at 3630 Kettmann Road, consider input from the City Council, complete the

CEQA analysis, and return to the City Council with a complete development application for consideration.

CEQA: Exempt pursuant to CEQA Guidelines Section 15270 for Projects Which Are Disapproved. Council District 8. Planning Commission recommends denial of the General Plan Amendment (8-0-1; Bickford absent) (Item 7.a on the 5/14/2025 Planning Commission agenda). (Planning, Building and Code Enforcement)

10.3 25-656

GP23-011: Early Consideration for Denial for a Privately-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use/Transportation Diagram from Neighborhood/Community Commercial to Transit Residential for Property Located at 826 North Winchester Boulevard. - NOT TO BE HEARD BEFORE 6:00 P.M.

Recommendation:

(a) Staff recommend: Adopt a resolution denying the request to amend the Envision San José 2040 Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Transit Residential on an approximately 0.61-gross-acre site located at 826 North Winchester Boulevard.

(b) In the alternative, direct staff to continue processing the application to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Transit Residential on an approximately 0.61 gross acre site located at 826 North Winchester Boulevard, consider input from the City Council, complete the CEQA analysis, and return to the City Council with a complete development application for consideration. CEQA: Exempt pursuant to CEQA Guidelines Section 15270 for Projects Which Are Disapproved. Council District 6. Planning Commission made no recommendation (4-4-1; Bickford absent) (Item 7.b on the 5/14/2025 Planning Commission agenda). (Planning, Building and Code Enforcement)

- **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/Calendar.aspx> 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://sanjose.legistar.com/Calendar.aspx>. 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.