

CITY COUNCIL MEETING Agenda

Tuesday, September 17, 20241:30 PM

LOCATION: Council Chambers - 200 E. Santa Clara Street

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Public Comment in Person Only

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

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

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

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

- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico <u>ADA@sanjoseca.gov</u>;
 Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email <u>ADA@sanjoseca.gov</u>; Gọi (408) 535-8430
- 應要求提供殘疾人便利設施. 電子郵件 ADA@sanjoseca.gov; 致電 (408) 535-8430

THE LEVINE ACT

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution. Please visit https://sanjoseca.gov/your-government/appointees/city-clerk/levine-act for updated forms and information.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26.
- 2) https://sanjoseca.gov/news-stories/watch-a-meeting.
- 3) https://youtube.com/CityofSanJoseCalifornia.
- 4) By Phone: (888) 475 4499. Webinar ID is 94302037655. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: https://sanjoseca.zoom.us/j/94302037655
 Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.

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

By email to city.clerk@sanjoseca.gov by 8:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

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

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

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

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

Call to Order and Roll Call

9:30 a.m. - Closed Session, Call to Order in Council Chambers Open Session, Labor Negotiations Update (See Item 3.2) Adjourn to Closed Session in Council Chambers Conference Room, W133 See Separate Agenda 1:30 p.m. - Regular Session, Council Chambers, City Hall

- Pledge of Allegiance
- Invocation (District 8)
- 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

This meeting is adjourned in memory of Dr. George Castro, a scientist, educator, and Chicano community leader, who passed away peacefully in his home on July 30, 2024. Dr. Castro was an accomplished chemist with a storied career at IBM before becoming Associate Dean in the College of Science at San José State University, where he became a passionate advocate for equal opportunity in education. He established multiple partnerships with local public school districts and Evergreen Valley College, and served on President Clinton's Commission on Educational Excellence for Hispanics. He is remembered as a compassionate mentor in the sciences and a fierce champion for the Latino community.

Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing Michael Gabler, president of the Norwood Neighborhood Association and Vice President of Field Operations for the Silicon Valley Monterey Bay Council, Boy Scouts of America, providing his unwavering commitment to bettering our community here in San José. (Candelas)
- 1.2 Presentation of a commendation to Stemmable Inc. for their incredible work in hosting STEM lessons, workshops, and events throughout San José Public Libraries and for teaching the students and future leaders of San José. (Torres)

2. <u>CONSENT CALENDAR</u>

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 Amended and Restated Wholesaler-Retailer Agreement for Supply of Recycled Water Between the City of San José and San José Water Company.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amended and restated wholesaler-retailer agreement between the City of San José and San José Water Company to increase recycled water supply by up to an additional 5,000 acre-feet-per-year. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

2.8 United States Environmental Protection Agency Grant Applications.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee for a period of five years, beginning September 10, 2024, through September 9, 2029, to:

- (a) Apply for all grant programs offered by the United States Environmental Protection Agency, and
- (b) Negotiate and execute all grant documents, including agreements, amendments, and requests for payment, necessary to accept and secure grant funds, provided that the total grant amount, including any matching funds commitment, is within the City Manager's authority, as set forth in the San José Municipal Code.

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)

2.9 Actions Related to the Purchase Orders with Laguna Auto Body, Inc. and B2 Perfection Auto Body for Vehicle and Truck Collision Repairs, Bodywork, and Painting Services.

Recommendation:

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

- (a) Amend purchase orders OP 65170 with Laguna Auto Body, Inc. (Sunnyvale, CA) and OP 65172 with B2 Perfection Auto Body (Sunnyvale, CA) for vehicle and truck collision repairs, bodywork, and painting services to increase the combined total compensation by \$350,000, for a maximum compensation not-to-exceed \$900,000 for the period ending May 29, 2025; and
- (b) Exercise up to six one-year options to extend the term of the purchase orders with the last option ending on or about May 29, 2031, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.10 Actions Related to a Purchase Order with Carahsoft Technology Corporation for Salesforce, Inc. Customer Relationship Management Licenses.

Recommendation:

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

- (a) Negotiate and execute a Citywide purchase order with Carahsoft Technology Corporation for Salesforce, Inc. Customer Relationship Management licenses, and related services for a maximum compensation of \$1,535,659 for the initial term beginning on or about September 1, 2024, and ending August 31, 2025, or as otherwise adjusted to align with the software subscription term;
- (b) Negotiate and execute amendments as required for any unanticipated changes to the purchase order with Carahsoft Technology Corporation not to exceed a total amount of \$307,000, subject to the appropriation of funds; and
- (c) Exercise up to six additional one-year options to extend the term through August 31, 2031, or as may be adjusted to align with the software subscription 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)

2.11 Agreement with HomeAway.com, Inc. for the Collection of Transient Occupancy Tax.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Tax Collection Agreement with HomeAway.com, Inc., at no cost to the City, for the collection of the City's Transient Occupancy Tax on short-term rentals, where the host (owner or primary tenant) uses a hosting platform provided by HomeAway.com, Inc. and its subsidiaries.

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

2.12 Approval of Citywide Insurance Renewals.

Recommendation:

Adopt a resolution authorizing the Acting Director of Finance or his designee to:

- (a) Select and purchase City property, liability, and executive risk insurance policies for the period of October 1, 2024 to October 1, 2025, at a total cost not-to-exceed \$3,281,702 as well as an 18% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:
- (1) Factory Mutual Insurance Company for Property Insurance, including Boiler and Machinery and Terrorism Risk Insurance Act Coverage;
- (2) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance;
- (3) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;
- (4) Lexington Insurance Company for Secondary Employment Law Enforcement Professional Liability;
- (5) Arch Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and
- (6) Great American Insurance Company for Government Fidelity/Crime Coverage.
- (b) Select and purchase Additional Liability Insurance for the period October 22, 2024 to October 22, 2025, at a cost ranging from \$500,000 to \$1,100,000, subject to the appropriation of funds.
- (c) Select and purchase up to \$15 million in Excess Flood insurance on a 50/50 quota share basis for the period October 1, 2024 to October 1, 2025, for a cost not-to-exceed \$345,197, as well as an 18% contingency for additional property scheduled, subject to the appropriation of funds.
- (d) Select and purchase Airport Auto Liability insurance for the period October 1, 2024 to October 1, 2025, for a cost not-to-exceed \$219,877, as well as an 18% contingency for additional assets scheduled, subject to the appropriation of funds.
- (e) Select and purchase Regional Wastewater Facility Auto Liability insurance for the period October 1, 2024 to October 1, 2025, for a cost not-to-exceed \$191,803, as well as an 18% contingency for additional assets scheduled, subject to the appropriation of funds.

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

2.13 Amendments to Consultant Master Agreements for Architectural Services for Essential City Facilities Projects.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute amendments to the master agreements for consultant services with Shah Kawasaki Architect, Inc. (CPMS Contract No. 9030-C) and Ten Over Studios, Inc. (CPMS Contract No. 9030-B), extending the term of each contract by up to two years and increasing the total maximum compensation limits for each contract by \$800,000.

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

2.14 Amendments to Consultant Master Agreements for Architectural Services for Non-Essential City Facilities Projects.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute amendments to the existing Master Agreements for consultant services with Anderson Brule Architects, Inc. (CPMS Contract No. 9031-A), Studio G Architects, Inc. (CPMS Contract No. 9031-B), Group 4 Architecture, Research and Planning, Inc. (CPMS Contract No. 9031-C), and ELS Architecture and Urban Design (CPMS Contract No. 9031-D), extending the term of each contract by up to three years and increasing the total maximum compensation limit for each contract by various amounts up to \$500,000 each.

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

3. <u>STRATEGIC SUPPORT</u>

- 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 Adoption of Statement of Policy and City Council Questions for the Prospective Director of Environmental Services.

Recommendation:

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Environmental Services as described in the staff memorandum, in compliance with City Charter Section 411.1.

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

3.4 Resolution on Federal Recognition for Muwekma Ohlone Tribe.

Recommendation:

(a) Receive information to questions from the August 7, 2024 Rules Committee Meeting; and (b) Consider the request from the Muwekma Ohlone Tribe to the City Council to adopt a proposed resolution declaring the City's support of federal recognition of the Muwekma Ohlone Tribe. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Ortiz/Davis/Cohen/Candelas/Doan) [Rules and Open Government Committee referral 8/7/2024 – C.2] [Deferred from 8/27/2024 – Item 3.6]

4. <u>PUBLIC SAFETY</u>

5. TRANSPORTATION & AVIATION SERVICES

6. <u>ENVIRONMENTAL & UTILITY SERVICES</u>

6.1 Stormwater Management Annual Report 2023-2024.

Recommendation:

Adopt a resolution authorizing certification and submittal of the Fiscal Year 2023 - 2024 Stormwater Management Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2024, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City Action. (Environmental Services)

7. NEIGHBORHOOD SERVICES

8. <u>COMMUNITY & ECONOMIC DEVELOPMENT</u>

8.1 Rent Stabilization Strategic Plan Status Report.

Recommendation:

As recommended by the Community and Economic Development Committee on August 26, 2024, accept the status report on the draft Rent Stabilization Program Strategic Plan including Apartment Rent Ordinance, Mobilehome Rent Ordinance, Tenant Protection Ordinance, Ellis Act Ordinance, and goals and objectives for the program over the coming years.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) [Community and Economic Development Committee 8/26/24 – Item (d)1]

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. <u>LAND USE</u>

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

10.1 Land Use on Consent Calendar

No Land Use Items on Consent Calendar

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council. Members of the public may only speak at Open Forum once.

Adjournment

This meeting is adjourned in memory of Dr. George Castro, a scientist, educator, and Chicano community leader, who passed away peacefully in his home on July 30, 2024. Dr. Castro was an accomplished chemist with a storied career at IBM before becoming Associate Dean in the College of Science at San José State University, where he became a passionate advocate for equal opportunity in education. He established multiple partnerships with local public school districts and Evergreen Valley College, and served on President Clinton's Commission on Educational Excellence for Hispanics. He is remembered as a compassionate mentor in the sciences and a fierce champion for the Latino community.

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://sanjoseca.primegov.com/public/portal?fromiframe=1 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 many also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

ABOUT THE AGENDA

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

Welcome to the San José City Council meeting!

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

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

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

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at https://sanjoseca.primegov.com/public/portal?fromiframe=1. Council Meetings are televised live and rebroadcast on Channel 26.

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

- (a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- (b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate.

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

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