



City Council Meeting Amended Agenda

Tuesday, December 17, 2024

1:30 PM

Council Chambers

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
VACANT, 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
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

THE LEVINE ACT

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How to observe the Meeting (no public comment):

- 1) Cable Channel 26.
 - 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>
 - 3) <https://youtube.com/CityofSanJoseCalifornia>
 - 4) By Phone: (888) 475 4499. Webinar ID is 943 0203 7655. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
 - 5) Online at: <https://sanjoseca.zoom.us/j/94302037655>
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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

24-2310 Closed Session Agenda

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

- **Pledge of Allegiance**

- **Invocation (Mayor)**

Cynthia Teniente-Matson, President, San José State University

- **Orders of the Day**

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Adjournment Recognition**

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation recognizing Positive Alternative Recreation Teambuilding Impact (P.A.R.T.I.) for 25 years of the Dr. Martin Luther King Jr. Stop the Violence Event, an event empowering the youth of San José. (Ortiz)

1.2 Presentation of a commendation honoring Jim Beall for his remarkable decades of service and unwavering dedication to supporting the City of San José. This recognition highlights his tireless efforts at both the local and state levels, where his leadership and commitment have made a lasting impact on the region's growth, well-being, and future. (Candelas)

1.3 Special presentation to San José Public Library Literacy and Reading Programs. (Mayor)

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 24-2317 Amendment to the Fixed Base Operator Ground Lease and Operating Agreement with AvBase San José, LLC.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a second amendment to the fixed base operator ground lease and operating agreement between the City of San José and AvBase San José, LLC to update the square footage of the premises from 213,537 square feet to 219,904 square feet.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

2.8 24-2368 Appointment to the Police Employee Seat on the Board of Administration for the Police and Fire Retirement Plan.

Recommendation: Appoint David Woolsey as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a partial term from December 22, 2024 to November 30, 2025 and to a subsequent four year term from December 1, 2025 to November 30, 2029.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.9 24-2346 Actions Related to the Community Benefit Payment Allocation from Google.

Recommendation: (a) Accept an advanced funding allocation of a \$5,000,000 community benefit payment from Google, LLC to be distributed through June 30, 2030, as follows:
(1) Grant fund allocation in the amount of \$4,250,000; and
(2) Staff and consultant allocation in the amount of \$750,000.
(b) Adopt the following Fiscal Year 2024-2025 Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund:
(1) Increase the estimate for Other Revenue by \$5,000,000;
(2) Establish the Google Community Benefits - Stabilization and Opportunity Pathways City-Wide Expenses appropriation to the Office of Economic Development and Cultural Affairs in the amount of \$200,000; and
(3) Establish the Google Community Benefits Reserve in the amount of \$4,800,000.
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/City Manager)

2.10 24-2320 First Quarter Financial Reports for Fiscal Year.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2024, accept the First Quarter (period ending September 30, 2024) Financial Reports for Fiscal Year 2024-2025 for the following programs:

- (a) Debt Management;
- (b) Investment Management;
- (c) Revenue Management; and
- (d) Purchasing and Risk Management.

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

[Public Safety, Finance, and Strategic Support Committee referral 11/21/2024 - Item (c)1]

2.11 24-2321 Actions Related to the Purchase Orders with T & J Lewis, Inc., Ryland Custom Welding, Inc., and Western Truck Fabrication, Inc. for Automotive, Truck, and Equipment Fabrication.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with T & J Lewis, Inc. (Newark, CA), Ryland Custom Welding, Inc. (San José, CA), and Western Truck Fabrication, Inc. (Hayward, CA) for automotive, truck, and equipment fabrication, with the last option ending on or about December 18, 2030, 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)

2.12 24-2322 Actions Related to the Purchase Orders with Art Cuevas Landscaping and Long's Custom Discing, Inc. for Weed Abatement Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise an additional one-year option to extend the terms of the purchase orders with Art Cuevas Landscaping (San José, CA) and Long's Custom Discing, Inc. (San José, CA) for weed abatement services with the last options ending on or about December 31, 2025, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER24-086, CEQA Guidelines Section 15301(h), Existing Facilities. (Finance)

2.13 24-2323 Actions Related to the Purchase Order with California Car Sounds, Inc. for the Installation of 12-Volt Vehicle Accessories.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with California Car Sounds, Inc. (Campbell, CA) for the installation of 12-volt vehicle accessories with the last option ending on or about April 18, 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)

2.14 24-2324 Actions Related to the Purchase Order with Carbon Activated Corporation for Hydrogen Sulfide Media Removal and Disposal Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with Carbon Activated Corporation (Compton, CA) for hydrogen sulfide media removal and disposal services with the last option ending on or about October 23, 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)

2.15 24-2325 Actions Related to the Purchase Order with Carbon Activated Corporation for Siloxane Media Removal and Disposal Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with Carbon Activated Corporation (Compton, CA) for siloxane media removal and disposal services with the last option ending on or about October 19, 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)

2.16 24-2326 Actions Related to the Purchase Orders with Safety-Kleen Systems, Inc. for Aqueous Parts Washer Rental and Recycling of Hazardous Waste.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with Safety-Kleen Systems, Inc. (Norwell, MA) for aqueous parts washer rentals and recycling of hazardous waste with the last option ending on or about July 31, 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)

2.17 24-2327 Actions Related to the Purchase Order with Pro Safety & Rescue, Inc. for Confined Space Rescue Team Services.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to:
(a) Amend purchase order OP 65705 with Pro Safety & Rescue, Inc. (Bakersfield, CA) for confined space rescue team services to increase the total compensation by \$100,000, for a maximum compensation not-to-exceed \$450,000 for the period ending September 16, 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 September 16, 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)

2.18 24-2328 Actions Related to the Purchase Order with GPS Services, LLC dba Vineyard Unlimited for Promotional Items and Apparel.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with GPS Services, LLC dba Vineyard Unlimited (San José, CA) for promotional items and apparel, with the last option ending on or about December 31, 2026, 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)

2.19 24-2329 Actions Related to the Purchase Order with Motorola Solution, Inc. for Radio Communication System Upgrades at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to amend purchase order OP 63005 with Motorola Solutions, Inc. (Chicago, IL) to extend the term of the purchase order, retroactively from September 30, 2023 through December 31, 2025, and to increase the total compensation by \$196,000 for a revised maximum compensation not-to-exceed \$1,228,208, 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/Airport)

2.20 24-2330 Report on the Request for Proposal for the Fire Department's Wellness Program.

Recommendation: (a) Accept the San José Fire Department report on the Request for Proposal for Wellness Program services.
(b) Adopt a resolution authorizing the City Manager or her designee to:
(1) Negotiate and execute an agreement with Active Wellness, LLC to provide services for an initial three-year term beginning January 2, 2025 through January 1, 2028, for a maximum compensation not to exceed \$537,900 for the initial term (\$179,300 annually);
(2) Negotiate and execute amendments as required to add, delete, or modify services to address seasonal variations, budgetary constraints, or unanticipated changes in demand, subject to the appropriation of funds; and
(3) Exercise up to two one-year options to extend the term of the agreement through January 1, 2030, 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. (Fire)

2.21 24-2331 Extension of the Declaration and Proclamation of a Local Emergency for the Homeless Shelter Crisis in the City of San José.

Recommendation: Adopt a resolution finding the continued existence of a homeless shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of the California Government Code section 8698 et seq., and renewing the proclamation of a local emergency pursuant to, and in accordance with the provisions of California Government Code sections 8558 and 8630, the San José City Charter, and San José Municipal Code caused by conditions and threatened conditions of homelessness in the City of San José.

CEQA: Mitigated Negative Declaration for Emergency Interim Housing Programs, File No. ER 22-198. (Housing)

2.22 24-2348 Actions Related to Grant Agreements for Multiple Emergency Interim Housing Program Sites.

Recommendation: (a) Adopt a resolution authorizing the Housing Director or his designee to negotiate and execute amendments to extend existing Emergency Interim Housing program grant agreements with the following nonprofit service providers:

(1) HomeFirst Services of Santa Clara County (Emergency Interim Housing sites: Monterey Bernal and Rue Ferrari) in an amount not to exceed \$4,119,175 retroactive from January 1, 2025 through June 30, 2025;

(2) HomeFirst Services of Santa Clara County (Bridge Housing Community sites: Mabury and Felipe) in an amount not to exceed \$2,552,889 retroactive from January 1, 2025 through June 30, 2025;

(3) PATH (Emergency Interim Housing site: Evans Lane) in an amount not to exceed \$2,191,261 retroactive from January 1, 2025 through June 30, 2025; and

(4) LifeMoves (Emergency Interim Housing site: Guadalupe) in an amount not to exceed \$1,718,504 retroactive from January 1, 2025 through June 30, 2025.

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

(1) Decrease the Measure E - 15% Homeless Support Programs Reserve by \$1,718,504; and

(2) Increase the Interim Housing Construction and Operations (15% Homeless Support Programs) appropriation to the Housing Department by \$1,718,504

CEQA: Not a Project, File Nos. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action and PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. City Council Districts 2, 3, 6, and 7. (Housing/City Manager)

2.23 24-2332 Actions Related to the City Healthcare Incentive Program.**Recommendation:** Adopt a resolution:

(a) Approving the terms of a Side Letter Agreement that is related to the lump sum healthcare incentive program between the City of San José and the bargaining units listed below, and authorizing the City Manager or her designee to execute the Side Letter Agreement:

(1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);

(2) Association of Engineers and Architects, IFPTE Local 21 (AEA);

(3) Association of Legal Professionals (ALP);

(4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);

(5) City Association of Management Personnel, IFPTE Local 21 (CAMP);

(6) San José Fire Fighters, IAFF Local 230 (IAFF);

(7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW);

(8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF);

(9) International Union of Operating Engineers, Local No. 3 (OE#3);

(10) San José Police Officers' Association (POA);

(11) Park Ranger Peace Officer Association (POPRA); and

(12) San José Police Dispatchers' Association (SJPDA).

(b) Approving the lump sum healthcare incentive program for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units.

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

2.24 24-2333 SECURE 2.0 Act Amendments to Deferred Compensation, PTC and 401(a) Plans.

Recommendation: (a) Adopt a resolution approving an amendment to the Basic Plan Document for the Deferred Compensation Plan to comply with the mandatory and optional SECURE 2.0 Act and authorizing the City Manager or her designee to execute the amended Basic Plan Document and other documents as necessary to administer the Deferred Compensation Plan set forth in Chapter 3.48 of the San José Municipal Code.

(b) Adopt a resolution approving an amendment to the Basic Plan Document for the PTC Plan to comply with the SECURE 2.0 Act and authorizing the City Manager or her designee to execute the amended Basic Plan Document and other documents as necessary to administer the PTC Plan set forth in Chapter 3.50 of the San José Municipal Code.

(c) Adopt a resolution approving an amendment to the Basic Plan Document for the Defined Contribution Plan for Unit 99 Employees to comply with the SECURE 2.0 Act and authorizing the City Manager or her designee to execute the amended Basic Plan Document and other documents as necessary to administer the Defined Contribution Plan for Unit 99 Employees set forth in Chapter 3.49 of the San José Municipal Code.

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

2.25 24-2334 Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture for the St. James Park Design Project.

Recommendation: (a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$850,000 from \$5,100,000 to \$5,950,000 and extend the contract duration to June 30, 2026.

(b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the St. James Park Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$950,000; and

(2) Decrease the Future PDO/PIO Projects Reserve by \$950,000.

CEQA: Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (Resolution No. 79770), File No. PP16-037. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager)

2.26 24-2335 Amendment to City Council Policy 2-1, Flag Display Policy.

Recommendation: Adopt a resolution amending City Council Policy 2-1, Flag Display Policy, to include language regarding City staff availability and funding contingency, and to include the Lunar New Year and Juneteenth City holidays.

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

2.27 24-2336 Willow Glen Community Benefit Improvement District Financial Report Fiscal Year 2023-2024.

Recommendation: Accept the Willow Glen Community Benefit Improvement District Financial Report for Fiscal Year 2023-2024, which provides information to the public and the property owners in the district regarding the use of the assessments and the management and operations of the district.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)

2.28 24-2337 2023-2024 Annual Development In-Lieu Fee Report.

Recommendation: Adopt a resolution:

- (a) Accepting the Fiscal Year 2023-2024 Annual and Five-Year Development In-Lieu Fee Report prepared in accordance with the Mitigation Fee Act (California Government Code Section 66000 et seq.) on the status of the in-lieu fees collected by the City of San José from developers in lieu of construction of public improvements; and
- (b) Making certain findings as required by California Government Code Section 66001(d)(1).

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)

2.29 24-2338 Report on Bids and Award of Contract for the 10288-Sanitary Sewer Repairs Fiscal Year 2023 2024 Package I Project.

Recommendation: (a) Report on bids and award of contract for the construction of 10288-Sanitary Sewer Repairs Fiscal Year 2023-2024 Package I Project, to the lowest responsive, responsible bidder, Sancon Technologies, Inc., in the amount of \$1,647,514; and
(b) Approve a 10% contingency in the amount of \$164,751.

CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. Council District 9. (Public Works)

2.30 24-2339 Acceptance of Federal Grant Funds from the United States Department of Transportation, the United States Environmental Protection Agency, and the Metropolitan Transportation Commission.

Recommendation: Approve the following actions to accept and receive federal grant funds:

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the following grant agreements with the:

(1) United States Department of Transportation in an amount not to exceed \$1,550,000 in Innovative Finance and Asset Concession grant funds with a local match of \$550,000, for the San José Diridon Station to Airport Connector Project;

(2) United States Environmental Protection Agency, in an amount not to exceed \$1,000,000 in Environmental Justice Government-to-Government Program grant funds, for the Bikeshare to La Plaza: An Environmental Justice Community Planning Bikeshare Extension Project to East San José; and

(3) Metropolitan Transportation Commission, in an amount not to exceed \$1,700,000 in One Bay Area Grant funds for the San José Speed Safety Camera Campaign.

(b) Adopt a Resolution of Local Support that demonstrates the City will take the necessary assurances to implement the San José Speed Safety Camera Campaign project in compliance with the submitted application and will follow the Metropolitan Transportation Commission Funding Delivery Policy and the grant program requirements.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation)

2.31 24-2340 Cost-Sharing Agreement with Santa Clara Valley Water District for the Montague Expressway Bridge Improvements Project.

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the cost-sharing agreement, as well as any required amendments, between the City of San José and the Santa Clara Valley Water District for the design and environmental planning phase of the Montague Bridge Improvements Project in an amount not to exceed \$550,000 with a term from the date of full execution to December 31, 2027.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 4. (Transportation)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 24-2344 Actions Related to the 8813 - West San Carlos Street Urban Village Streetscape Improvements Project.

Recommendation: (a) Report on bids and award of a contract for the construction of 8813 - West San Carlos Street Urban Village Streetscape Improvements project to the lowest responsive, responsible bidder, Redgwick Construction Co. for the base bid of 9,263,476; and
(b) Approve a 10% contingency in the amount of \$926,347.
CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Works/Transportation)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****6.1 24-2343 San José Power Status Report.**

Recommendation: As recommended by the Transportation and Environment Committee on December 2, 2024, accept the status report on San José Power's exploratory phase of providing Municipal Electric Utility Service.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager/Energy)
[Transportation and Environment Committee referral 12/2/2024 - Item (d)4]

7. NEIGHBORHOOD SERVICES**8. COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 24-2347 Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to Report the Updates to the HOME Investment Partnerships American Rescue Plan Program Allocation Awarded by the United States Department of Housing and Urban Development to the City of San José.

- Recommendation:** (a) Hold a public hearing to allow for public comment on the Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan.
- (b) Adopt a resolution relating to the following actions regarding a Second Substantial Amendment to the existing Fiscal Year 2021-2022 Annual Action Plan to report on the HOME Investment Partnerships American Rescue Plan Program Allocation Plan using HOME Investment Partnerships American Rescue Plan Program allocation funding awarded by the United States Department of Housing and Urban Development to the City of San José:
- (1) Approve the changes relating to the Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to apply to the HOME Investment Partnerships American Rescue Plan Program Allocation Plan; and
 - (2) Authorize the Housing Department to submit the Second Substantial Amendment to the United States Department of Housing and Urban Development.
- (c) Adopt a resolution authorizing the Housing Director, or his designee, to negotiate and execute agreements for the following tenant-based rental assistance programs in which these services will begin during Fiscal Year 2024-2025:
- (1) County of Santa Clara's Office of Supportive Housing for Rental Assistance for the Tenant-Based Rental Assistance Program in an amount not to exceed \$7,500,000 from February 1, 2025 through June 30, 2030.
 - (2) County of Santa Clara's Office of Supportive Housing for Supportive Services for the Tenant-Based Rental Assistance Program in an amount not to exceed \$2,424,884 from February 1, 2025 through June 30, 2030.
 - (3) County of Santa Clara's Office of Supportive Housing for the Administration of the Tenant-Based Rental Assistance Program in an amount not to exceed \$1,000,000 from February 1, 2025 through June 30, 2030.

(d) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the HOME Investment Partnership Program Fund:

(1) Decrease the Supportive Services appropriation to the Housing Department by \$3,000,000;

(2) Decrease the Housing Project Reserves by \$1,751,450; and

(3) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$4,751,450.

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, and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Housing/City Manager)

8.2 24-2349 Actions Related to the First-Time Homebuyer Loan Program for Equity Share Reduction. - DROP

Recommendation: Adopt a resolution:

(a) Approving the reduction of the City's Equity Share payment from 30% to 15% for the City's single-family housing portfolio's First-Time Homebuyer Loan Program in accordance with applicable laws and funding source requirements.

(b) Authorizing the Housing Director, or his designee, to renegotiate the Equity Sharing provision and negotiate and execute homebuyer loan documents and all other documents, including any amendments thereto, related to the City's single-family housing portfolio's First-Time Homebuyer Loan Program in accordance with applicable laws and funding source requirements.

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

(Housing)

DROP

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 – TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

- (a) **24-2350 C24-064, C24-065, C24-066, C24-067, C24-068 & C24-070 - City-Initiated Rezoning of 298 Parcels to Align a Property's Zoning Designation to Its General Plan Land Use Designation in Response to Senate Bill 1333. - TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION**

Recommendation: Approve an ordinance of the City of San José rezoning 182 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, 73 properties from the R-2 Two-Family Residence Zoning District to the UR Urban Residential Zoning District, 30 properties from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, four properties from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the R-M Multiple-Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the A Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-1 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-5 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, one property from the R-1-8 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, one property from the IP Industrial Park Zoning District to the HI Heavy Industrial Zoning District, one property from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, and one property from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District, all located on those certain real properties situated within the City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council Districts 1 and 7. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

- (b) 24-2351 C24-058 - Conforming Rezoning for Certain Real Property Located at 1330-1362 Ridder Park Drive (APN 237-03-059). - TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

Recommendation: Approve an ordinance rezoning certain real property of an approximately 3.5-gross-acre site located on the south side of Fox Lane, between Oakland Road and Ridder Park Drive (1330-1362 Ridder Park Drive; APN 237-03-059) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 24-2352 PP24-010 - A City-Initiated Ordinance Update to Change the Envision San José 2040 General Plan Land Use Designation and Amend Chapter 20.65 (Overlay Districts). - TO BE HEARD DURING THE 1:30 P.M. REGULAR SESSION

Recommendation: Approve an ordinance:

- (a) Amending the San José Municipal Code, Title 20, Chapter 20.65 ‘Overlay Districts’ to establish the Neighborhood Business Districts Overlay Zoning District, pursuant to the City-Council adopted General Text Amendment establishing a land use overlay, “Neighborhood Business Districts” (GPT21-001), to allow residential uses with specific development standards in the Japantown (Taylor Street only), North 13th Street, and Willow Glen Neighborhood Business Districts.
- (b) Amending the Zoning District Map to add the Neighborhood Business Districts Overlay Zoning District to 213 parcels to allow residential uses in the Japantown (Taylor Street only), North 13th Street, and Willow Glen Neighborhood Business Districts.
- (c) Amending the San José Municipal Code, Title 20, Chapter 20.40 ‘Commercial Zoning Districts and Public/Quasi-Public Zoning District’ to allow residential uses, as described in Table 20-90 of Section 20.40.100 of Chapter 20.40, ‘Commercial Zoning Districts and Public/Quasi-Public Zoning District Use Regulations’, with specific development standards, as described in Table 20-100 of Section 20.40.200 of Chapter 20.40, ‘Commercial Zoning Districts Development Standards’, in the Willow Glen Neighborhood Business District.
- (d) Amending the San José Municipal Code, Title 20, Chapter 20.55 ‘Urban Village and Mixed Use Zoning Districts’ to allow residential uses, as described in Table 20-138 of Section 20.55.203 of Chapter 20.55, ‘Urban Village and Mixed Use Zoning District Use Regulations’, with specific development standards, as described in Table 20-136 of Section 20.55.100 of Chapter 20.55, ‘Urban Village and Mixed Use Zoning Districts Development Standards’ and Table 20-137 of Section 20.55.104 of Chapter 20.55, ‘Mixed Use Neighborhood Development Standards’ in the North 13th Street and Japantown (Taylor Street only) Neighborhood Business Districts.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (9-0-0) (Item 5.a on the 12/4/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

TO BE HEARD DURING THE 1:30 P.M. REGULAR SESSION

10.3 24-2353

PP24-011 - City Streamlined Review Process for Infill Housing Development.

- TO BE HEARD DURING THE 1:30 P.M. REGULAR SESSION

- Recommendation:** (a) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and Supplemental EIR (Resolution No. 77617), and Addenda thereto.
- (b) Approve an ordinance amending various sections of Title 20 of the San José Municipal Code (Zoning Code or Zoning Ordinance) to:
- (1) Amend Chapter 20.55 to include amendments to Section 20.55.203, Table 20-138 to allow Streamlined Infill Housing Development and adding Notes 27 and 28.
 - (2) Amend Chapter 20.195 to include amendments to:
 - (i) Section 20.195.010 to include a local ministerial approval process for Streamlined Infill Housing Developments in the purpose of Chapter 20.195;
 - (ii) Section 20.195.020 to add the definition of Infill;
 - (iii) Section 20.195.070 to allow Streamlined Infill Housing Development to qualify for the Local Ministerial Approvals;
 - (iv) Section 20.195.080 to amend existing ministerial standards and add a new standard;
 - (v) Section 20.195.090 to state that projects must comply with Chapter 5.08, as amended;
 - (vi) Section 20.195.100 to add permit conditions; and
 - (vii) Add a new Part 4 of Chapter 20.195 to allow ministerial approval for Streamlined Infill Housing Developments.
 - (3) Amend Chapter 20.200 to add a new definition for Streamlined Review for Infill Housing Development.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and 2023 - 2031 Housing Element Update Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-1-1, Oliviero opposed, Barocio absent) (Item 5.b on the 12/4/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

TO BE HEARD DURING THE 1:30 P.M. REGULAR SESSION

- **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://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.