



CITY COUNCIL MEETING

Amended Agenda

Tuesday, January 9, 2024
1:30 PM

LOCATION:

In person - Council Chambers-200 E Santa Clara Street, and
Virtually - <https://sanjoseca.zoom.us/j/94558095100>

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear. (Zoom only)

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). (Zoom solo)

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

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.

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

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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
 - Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; 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>, or
- 3) <https://youtube.com/CityofSanJoseCalifornia>

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

By email to city.clerk@sanjoseca.gov by 10:00 AM 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)

- 1) **By Phone:** (888) 475 4499. Webinar ID is 94558095100. Click *9 to raise a hand to speak. Click *6 to unmute when called. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) **Online at:** <https://sanjoseca.zoom.us/j/94558095100>. Use a current, up-to-date browser: Chrome 30+, Firefox

27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.

- a. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
- b. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
- c. When called, please limit your remarks to the time limit allotted.

- 3) **In person:** 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.

Please note: As a courtesy and technology permitting, members of the public may continue to provide live remote oral public comment via the City’s Zoom Platform. However, the City cannot guarantee that the public’s access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. In those instances, so long as the public may still attend the meeting in person, the meeting will continue

• 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
 Evening Session, Council Chambers, City Hall – Cancelled
 *The previously scheduled Evening Session has been cancelled.

• Pledge of Allegiance

• Invocation (District 1)

Sister Cecilia Calva, St. Lucy Catholic Parish

• Orders of the Day

To be heard after Ceremonial Items

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

• Adjournment

This meeting is adjourned in memory of Gary Richards, better known as Mr. Roadshow, who passed away Sunday, December 17, 2023. He was a San José Mercury News transportation columnist and a strong advocate for transportation including improving our roadways and bringing BART to the South Bay.

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation for the Oak Grove TEA (Teens Ending Abuse) Club, recipient of the 2023 YWCA Empowerment Award, in recognition of their outstanding leadership, outreach and contributing to system, and community change. (Jimenez)

1.2 Presentation of a commendation to Suzanne Wolf for her incredible career that included the implementation of several community-based programs, revitalization of community spaces, and was a dynamic leader for the City of San José and its residents. (Torres)

1.3 Presentation of a commendation to the Board of the Foxdale Neighborhood Association in recognition of their leadership and dedication to providing their community with the resources they need to thrive. (Ortiz)

2. CONSENT CALENDAR

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

2.1 **Approval of City Council Minutes.**

2.2 **Final Adoption of Ordinances.**

Recommendation:

(a) Ordinance No. 30992 - An Ordinance of the City of San José Amending Title 24 of the San José Municipal Code to Add a New Part 8 of Chapter 24.02 to Regulate Certain Private Development Projects by Withholding the Certificate of Occupancy when an Owner or Contractor Has Unpaid Final Wage Theft Judgments.

[Passed for Publication on 12/12/2023 - Item 3.7 (23-1695)] – **DROP**

(b) Ordinance No. 30993 –An Ordinance of the City of San José Amending Part 1 of Chapter 12.06 of Title 12 of the San José Municipal Code to Add Section 12.06.112 Defining a Foreign Entity, Section 12.06.114 Defining a Foreign-Influenced Business Entity, and Section 12.06.116 Defining a Foreign Owner; and Amending Part 2 of Chapter 12.06 of Title 12 to Add Section 12.06.270 Prohibiting Foreign Influenced Business Entities from Making Independent Expenditures, Campaign Contributions or Contributing to Independent Expenditure Committees and Requiring Any Business Entity Making an Independent Expenditure or Contribution to Certify They are Not a Foreign Influenced

Business Entity.

[Passed for Publication on 12/12/2023 - Item 3.9 (23-1737)]

(c) Ordinance No. 30996 - An Ordinance of the City of San José Rezoning Two Certain Real Properties of Approximately 4.0 Acres Situated at the Northwest Corner of Leigh Avenue and Gunston Way (4343 Leigh Avenue, APNS 41-925-074; 41-925-014) from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District.

[Passed for Publication on 12/12/2023 - Item 10.1(a) (23-1699)]

(d) Ordinance No. 30997 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.1-Gross Acres, Situated at the Northeast Corner of the Intersection of Doyle Road and Lawrence Expressway (APN 381-19-015) from the R-1-8 Single-Family Residence Zoning District to the LI Light Industrial Zoning District.

[Passed for Publication on 12/12/2023 - Item 10.1(b)(3) (23-1700)]

(e) Ordinance No. 30998 - An Ordinance of the City of San José Rezoning Three Parcels from the MUC Mixed Use Commercial Zoning District to the CP Commercial Pedestrian Zoning District, One Parcel from R-M Multiple Family Residence Zoning District to the CP Commercial Pedestrian Zoning District, Four Parcels from the MUC Mixed Use Commercial to the MUN Mixed Use Neighborhood Zoning District, 13 Parcels from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District, Two Parcels from the MUC Mixed Use Commercial Zoning District to the R-1-8 Single-Family Residence Zoning District, and Two Parcels from the MUC Mixed Use Commercial Zoning District to the OS Open Space Zoning District, Located on those Certain Real Parcels in Various Locations within and Adjacent to the Willow Street Neighborhood Business District within the City of San José.

[Passed for Publication on 12/12/2023 - Item 10.2(b) (23-1702)]

- 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 **Amendment to the Master Consultant Agreement with Environmental Science Associates for Environmental Consulting Services.**

Recommendation:

Approve the First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services, increasing the amount of compensation by \$1,000,000 for a total agreement not to exceed \$2,000,000 and extending the expiration date from June 30, 2024 to June 30, 2025.

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

2.8 Request for Proposals for a Code Enforcement Software Solution.**Recommendation:**

(a) Accept the report on the Request for Proposals and adopt a resolution authorizing the City Manager or her designee to:

- (1) Negotiate and execute an agreement with Infinite Solutions Inc. (Roseville, CA) for a Code Enforcement Software Solution with an initial three-year term beginning on or about January 15, 2024, and ending on or about January 14, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$222,000;
- (2) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$100,000 during the initial term; and
- (3) Exercise up to four one-year options to extend the term of the agreement for a possible maximum term of seven years, subject to the appropriation of funds.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the General Fund:

(1) Increase the Non-Personal/Equipment appropriation to the Planning, Building and Code Enforcement Department by \$322,000; and

(2) Decrease the Code Enforcement Permit System Reserve by \$322,000.

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

2.9 Amendment to the City Pay Plan.**Recommendation:**

(a) Adopt a resolution amending the City of San José Pay Plan effective January 9, 2024, to create the Chief Plant Operator (U) (3658) classification with a pensionable salary range of \$141,489.37 - \$228,411.94 annually; and

(b) Add 1.0 Chief Plant Operator position in the Environmental Services Department.

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

2.10 Actions Related to the Amendment to the Master Agreement with Conger Moss Guillard for the St. James Park Design Project.**Recommendation:**

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Fifth Amendment to the Master Agreement with Conger Moss Guillard for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$2,350,000 from \$2,750,000 to \$5,100,000, modify Conger Moss Guillard's current rate schedule effective upon execution of the Fifth Amendment, and extend the contract duration to December 31, 2024.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the St. James Park Phase I Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$601,000; and

(2) Decrease the St. James Park Phase I Reserve by \$601,000.

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 3.

(Parks, Recreation and Neighborhood Services/City Manager)

2.11 Actions Related to the 2023 California Governor’s Office of Emergency Services Internet Crimes Against Children Task Force Grant.

Recommendation:

(a) Adopt a resolution accepting the 2023 California Governor’s Office of Emergency Services Internet Crimes Against Children Task Force Grant in the amount of \$950,000; and authorizing the City Manager, or her designee, to execute the Grant Agreement and execute additional amendments and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.

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

(1) Establish the 2023-2024 Internet Crimes Against Children State Grant City-Wide Expenses appropriation to the Police Department in the amount of \$833,940; and

(2) Increase the estimate for Revenue from State of California by \$833,940.

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. (Police/City Manager)

2.12 Stevens Creek Corridor Study for the Diridon to Airport Connector Project.

Recommendation:

Direct staff to negotiate incorporation of the Stevens Creek Corridor Study into Phase 2 of the Diridon to Airport Connector Project.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1 and 6. (Transportation/Airport)

2.13 Boards and Commissions Appointment.

Recommendation:

Approve the following Boards and Commissions appointments:

(a) Downtown Parking Board:

(1) Downtown Business Association Representative Seat: Appoint Louie Ruvane for a term ending June 30, 2027.

(b) Historic Landmarks Commission:

(1) Citywide Seat: Appoint Sara Ghalandari for a term ending June 30, 2027.

(c) Housing and Community Development Commission:

(1) District 2 Seat: Appoint Alain Mowad for a term ending June 30, 2027.

(d) Parks and Recreation Commission:

(1) District 10 Seat: Appoint Ken Brennan for a term ending to June 30, 2027.

(e) Senior Citizens Commission:

(1) District 6 Seat: Appoint Giovanna Erkanat for a term ending June 30, 2027.

(2) District 10 Seat: Appoint Donna Tran for a term ending June 30, 2027.

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

[Rules Committee referral 1/3/2024 - Item A.1.a]

2.14 Request for Travel Authorization for Mayor Mahan.

Recommendation:

Authorize travel for Mayor Mahan to Washington, D.C. from January 16 to 19, 2024 to attend the United States Conference of Mayors (USCM) Annual Winter Meeting. Source of Fund: Mayor/Council Travel Budget.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 1/3/2024 - Item A.1.a]

2.15 City Council Appointments of Committees and Boards.**Recommendation:**

As recommended by the Rules and Open Government Committee on January 3, 2024:

(a) Approve the Mayor's appointments for each of the Standing Committees, as described in Exhibit "A" of the Mayor's Memorandum.

(b) Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, approve Councilmembers to each of the Boards, Commissions, or Committees and assignments, as described in Exhibit "B" of the Mayor's Memorandum.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 1/3/2024 - Item B.2]

2.16 VEBA Advisory Committee Appointment.**Recommendation:**

As recommended by the Rules and Open Government Committee on January 3, 2024, approve the appointment of Sebastian Wisniewski, nominated by the Police Officers' Association (POA), as the POA's active employee member to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a partial term ending May 31, 2024.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 1/3/2024 - Item B.3]

2.17 Request for Travel Authorization for Councilmember Foley.**Recommendation:**

As recommended by the Rules and Open Government Committee on January 3, 2024, authorize travel for Councilmember Pam Foley to San Antonio, TX from May 28-31, 2024 to attend the 2024 Sister Cities All Americas Summit. Source of Fund: District 9 Council Funds and Personal Funds.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 1/3/2024 - Item B.8]

2.18 Retroactive Approval of Global Innovation Summit Event Sponsored by the Mayor's Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on January 3, 2024:

(a) Retroactively approve the Global Innovation Summit event scheduled on October 13, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 1/3/2024 - Item B.9]

2.19 Retroactive Approval of District 2 Special Events Sponsored by Council District 2 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation:

As recommended by the Rules and Open Government Committee on January 3, 2024:

(a) Retroactively approve the District 2 Winter Holiday Party scheduled on December 6, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the District 2 Diwali Celebration scheduled on November 4, 2023 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the expenditure of District 2 office budget funds for event costs and facility rental fees.

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

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

[Rules Committee referral 1/3/2024 - Item B.10]

2.20 Retroactive Purchase of State of the City Award.

Recommendation:

As recommended by the Rules and Open Government Committee on January 3, 2024, retroactively approve the purchase of Mayor Mahan's Community Hero Award.

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

[Rules Committee referral 1/3/2024 - Item C.1]

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 **Request for Proposals for As-Required Microsoft 365 Professional and Technical Services.**

Recommendation:

Accept the report on the Request for Proposals and adopt a resolution authorizing the City Manager or her designee to:

(a) Negotiate and execute agreements with AgreeYa Solutions, Inc. (Folsom, CA), Planet Technologies, Inc. (Gaithersburg, MD), and Protiviti Government Services, Inc.

(Alexandria, VA) for as-required Microsoft 365 product suite professional and technical services for a seven-year term beginning on or about January 10, 2024 through January 9, 2031 with a maximum aggregate compensation not to exceed \$6,720,000, subject to the appropriation of funds; and

(b) Negotiate and execute amendments for all agreements as required to address changes in the City's Microsoft 365 product suite professional and technical services needs, including associated adjustments in compensation and reallocation of funds between providers, consistent with the procurement and the City's standard terms and conditions, 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)

4. **PUBLIC SAFETY**

4.1 **Amendment to Title 6 of the San José Municipal Code Related to Cannabis Regulations.**

Recommendation:

Approve an ordinance amending Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to add a new Section 6.88.385 concerning payment plans and registration requirements.

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

5. **TRANSPORTATION & AVIATION SERVICES**

6. **ENVIRONMENTAL & UTILITY SERVICES**

6.1 **Actions Related to the 7760 – Facility Wide Water Systems Improvements Project at the San José-Santa Clara Regional Wastewater Facility.**

Recommendation:

(a) Adopt a resolution adopting the Addendum to the Environmental Impact Report for the San José-Santa Clara Regional Water Pollution Control Plant Master Plan, Facility Wide Water Systems Improvements Project, File No. ER20-209, in accordance with the California Environmental Quality Act, as amended.

(b) Accept the report on bids and award of a contract for the construction of 7760 – Facility Wide Water Systems Improvements Project to the lowest responsive, responsible bidder, Ranger Pipelines, Inc., in the amount of \$59,490,760.

(c) Approve a 15% contingency in the amount of \$8,923,614.

(d) Adopt the following 2023-2024 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Support Building Improvements appropriation to the Environmental Services Department by \$8,000,000; and

(2) Increase the Facility Wide Water Systems Improvements appropriation to the Environmental Services Department by \$8,000,000.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan, Facility-wide Water Systems Improvement Project, File No. ER20-209. (Environmental Services/Public Works/City Manager)

6.2 Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for Engineering Services for the 7760 – Facility Wide Water Systems Improvements Project.

Recommendation:

Approve the Second Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$3,000,000, for a total agreement amount not to exceed \$8,370,000; and extending the term of agreement from December 31, 2025, 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; and Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan, Facility-wide Water Systems Improvement Project, File No. ER20-209. (Environmental Services)

6.3 Master Consultant Agreement with Carollo Engineers, for Engineering Services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project.

Recommendation:

Approve a Master Consultant Agreement with Carollo Engineers to provide engineering services as Owner’s Advisor for the 10199 – Additional Digester Facility Upgrade Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2031, in a total amount not to exceed \$7,900,000, subject to the appropriation of funds.

CEQA: Statutory Exemption, File No. PP17-001, Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Environmental Services)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Community Plan to End Homelessness 2020-2025 San José Report.

Recommendation:

As recommended by the Neighborhood Services and Education Committee on December 14, 2023, accept the report on the City of San José implementation plan to lay out the vision for the City’s support of the Community Plan to End Homelessness 2020-2025 and

initial discussion of City engagement for the next regional plan.

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/City Manager)

[Neighborhood Services and Education Committee referral 12/14/2023 – Item (d)2]

9. **REDEVELOPMENT – SUCCESSOR AGENCY**

10. **LAND USE**

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

10.1 Land Use on Consent Calendar

No Land Use Items on Consent Calendar

10. Land Use - Regular Agenda

- 10.2 CP22-024 & ER22-187 - Administrative Hearing on the Appeal of the Planning Commission’s Approval of a Conditional Use Permit for Certain Real Property Located at 1484 South White Road. – DEFERRED**

Recommendation:

(a) Conduct an Administrative Hearing to consider the appeal of the Planning Commission’s approval of a Conditional Use Permit to allow the off-sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 1,537-square-foot tenant space (Fast Mart) on an approximately 0.43-gross-acre site, located on the eastern side of South White Road, approximately 500 feet southeast of South White Road and Mount Vista Drive (1484 South White Road).

(b) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Conditional Use Permit to allow the off-sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 1,537-square-foot tenant space (Fast Mart) on an approximately 0.43-gross-acre site, located on the eastern side of South White Road, approximately 500 feet southeast of South White Road and Mount Vista Drive (1484 South White Road).

CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

Council District: 5. (Planning, Building and Code Enforcement)

DEFERRED TO 1/23/2024 PER ADMINISTRATION

END OF CONSENT CALENDAR

• Open Forum

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.

• Adjournment

This meeting is adjourned in memory of Gary Richards, better known as Mr. Roadshow, who passed away Sunday, December 17, 2023. He was a San José Mercury News transportation columnist and a strong advocate for transportation including improving our roadways and bringing BART to the South Bay.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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.