



CITY COUNCIL MEETING

Amended Agenda

Tuesday, June 11, 2024
1:30 PM

LOCATION:
Council Chambers - 200 E. Santa Clara Street

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

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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)

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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.

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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 94558095100. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
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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

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

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

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

• Pledge of Allegiance

• Invocation (District 6)

Mark Ishikawa - Community Transformations, Blue Zones

• 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 will be adjourned in memory of Rick Holden who passed away on April 10, 2024. Rick Holden dedicated his life to education, music, technology, and community leadership in San José. From teaching English and advocating for teachers' rights to championing the arts, his impact resonates through his diverse roles and passionate pursuits.

• Closed Session Report

To be heard after Ceremonial Items

1. **CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring June 11, 2024 as Arbor Day in the City of San José. (Torres)

1.2 Presentation of a proclamation declaring June 12, 2024 as Philippines Independence Day. (Candelas)

2. **CONSENT CALENDAR**

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

2.1 **Approval of City Council Minutes.**

2.2 **Final Adoption of Ordinances.**

2.3 **Approval of Council Committee Minutes.**

2.4 **Mayor and Council Excused Absence Requests.**

2.5 **City Council Travel Reports.**

2.6 **Report from the Council Liaison to the Retirement Boards.**

2.7 **Agreement with Richards, Watson & Gershon for Legal Services.**

Recommendation:

Adopt a resolution authorizing the City Attorney to negotiate and execute a Ninth Amendment to the Agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term of the Agreement from June 30, 2024 to June 30, 2025, with no increase in the maximum amount of compensation.

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

2.8 **Settlement of *Marin v. City of San José, et al.***

Recommendation:

Approve the settlement in the case of *Guadalupe Marin v. City of San José, et al.* in the total amount of \$350,000 and authorize the City Attorney to execute a settlement agreement.

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

2.9 Settlement of *Ribeiro v. City of San José, et al.***Recommendation:**

Approve the settlement in the case of *Cleber Giassi Ribeiro v. City of San José, et al.* in the total amount of \$85,000 and authorize the City Attorney to execute a settlement agreement. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.10 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2024-2025.

Recommendation:

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

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the Workforce Innovation and Opportunity Act Program and workforce programs funded by other sources, including but not limited to, novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2024 to June 30, 2025, in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Innovation and Opportunity Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2022 to June 30, 2026, in accordance with Section 121 of the Workforce Innovation and Opportunity Act, including but not limited to, memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.
- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All grant applications, grant agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2024, to June 30, 2025, subject to annual appropriation of funds by the Workforce Development Board.
- (f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2025), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2025).

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

2.11 Memorandum of Understanding Among Local Public Agencies in Santa Clara County for Countywide Food Recovery Program.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Memorandum of Understanding between the City of San José and other local public agencies in Santa Clara County for ongoing management and operation of the Countywide Food Recovery Program, with the City's estimated contribution to be \$239,757 for Fiscal Year 2024-2025 and \$287,457 for Fiscal Year 2025-2026, 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. (Environmental Services)

2.12 Agreements with the County of Santa Clara for Assembly Bill 939 Implementation Fees and Participation in the Household Hazardous Waste Collection Program.

Recommendation:

Approve the following agreements with the County of Santa Clara:

(a) Agreement for Household Hazardous Waste Collection Program for Fiscal Year 2024-2025 through 2026-2027, for \$400,000 each year, subject to the appropriation of funds; and
(b) Agreement for Countywide Assembly Bill 939 Implementation Fee for Fiscal Year 2024-2025 through 2026-2027.

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

2.13 Approval to Increase the Library Parcel Tax Rates for Fiscal Year 2024-2025.

Recommendation:

Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2024-2025 by 2.37% over the fiscal year 2023-2024 rates and approving the placement of the Library Parcel Tax on the fiscal year 2024-2025 Santa Clara County Property Tax Roll.

CEQA: Statutorily Exempt, File No. PP17-005 CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance)

2.14 Actions Related to the Purchase Order with J A Momaney Services, Inc. for Battery Backup Systems for Signalized Intersections.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to three one-year options to extend the term of the purchase order with J A Momaney Services, Inc. (Livermore, CA) for battery backup systems for signalized intersections with the last option year ending on or about November 30, 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 Actions Related to the Purchase Order with Signature Science, LLC for Forensic Laboratory Testing Services.

Recommendation:

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

(a) Execute a purchase order with Signature Science, LLC (Austin, TX) for forensic laboratory testing services beginning on or about June 18, 2024 and ending on or about June 17, 2025, for a not-to-exceed amount of \$1,200,000;

(b) Approve a contingency of \$250,000 for unanticipated testing needs and related services; and

(c) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about June 17, 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)

2.16 Actions Related to the Purchase Order with Foster Bros. Security Systems, Inc. for Locksmith Services at City Facilities.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to three one-year options to extend the term of the purchase order with Foster Bros. Security Systems, Inc. (Sunnyvale, CA), for locksmith services at City facilities with the last option ending on or about October 12, 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)

2.17 Actions Related to the Purchase Order with Next Level HVAC Energy Management Systems for Maintenance and Repair Services for Honeywell HVAC Building Management Systems.

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 Next Level HVAC Energy Management Systems (Santa Fe Springs, CA), for maintenance and repair services for Honeywell HVAC Building Management Systems with the last option ending on or about August 14, 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)

2.18 Report on the Request for Proposal for a OneCity Workplace Solution.**Recommendation:**

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

- (a) Negotiate and execute an agreement with Simplr Inc. (Redwood City, CA) for a OneCity Workplace Solution with an initial three-year term beginning on or about August 1, 2024 and ending on or about July 31, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$979,300 for the initial term, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$100,000 during the initial three-year term, subject to the appropriation of funds; and
- (c) Exercise up to seven one-year options to extend the term of the agreement through June 30, 2034, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds.

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

2.19 Actions Related to the Purchase Order with Sunnyvale Ford, Inc. for As Required Ford Automotive Parts.**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 Sunnyvale Ford, Inc. (Sunnyvale, CA) for as required Ford automotive parts, with the last option ending on or about May 25, 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)

2.20 Actions Related to the 10430 – Small Trash Capture Device Installation Phase I.**Recommendation:**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 10430 – Small Trash Capture Device Installation Phase I project to the lowest responsive, responsible bidder in an amount not to exceed \$3,500,000;
- (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER24-110, CEQA Guidelines Section 15301, Existing Facilities. (Public Works)

2.21 Report on Bids and Award of Contract for the 10388 – Sanitary Sewer Condition Assessment Fiscal Year 2023-2024 Package V Project.

Recommendation:

(a) Report on bids and take appropriate action based on evaluation of bids for the 10388 – Sanitary Sewer Condition Assessment FY 2023-2024 Package V Project; and
(b) Approve a 10% contingency if City Council awards a construction contract.
CEQA: Categorically Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. (Public Works)

2.22 Award of Contract for a Master Consultant Agreement with HDR Engineering, Inc. for Civil and Environmental Engineering Services for the Sanitary Sewer System.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a master agreement with HDR Engineering, Inc. for civil and environmental engineering services for various sanitary sewer projects from the date of execution to June 4, 2029, in an amount not to exceed \$5,000,000.
CEQA: Not a Project, File No. PP17-033, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

2.23 Report on Bids and Award of Contract for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project. – RECOMMEND DEFERRAL

Recommendation:

(a) Report on bids and take appropriate action based on evaluation of bids for the 8152 – Blossom Hill Road and Leigh Avenue Sanitary Sewer Improvement Project; and
(b) Approve a 10% contingency if City Council awards a construction contract.
CEQA: Exempt, File No. ER24-073, Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR to Envision San José General Plan EIR Resolution No. 77617, and Addendum thereto. (Public Works)

RECOMMEND DEFERRAL TO 6/18/2024 PER ADMINISTRATION

2.24 Summary Vacation of a Portion of Hillsdale Avenue Located Approximately 630 Feet West, and 280 Feet East from the Charter Park Drive and Hillsdale Avenue Intersection.

Recommendation:

Adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of 33,901 square feet of right-of-way along Hillsdale Avenue, approximately 630 feet west, and 280 feet east from the Charter Park Drive and Hillsdale Avenue intersection;
(b) Summarily vacating the Subject Portion, which is excess right-of-way not required for street purposes; and
(c) Directing the City Clerk to record a certified copy of the Resolution of Vacation with the Office of the Clerk-Recorder, County of Santa Clara.

CEQA: Determination of Consistency with the Communications Hill 2 Final Environmental Impact Report (Resolution No. 77172), and Addenda thereto. (Public Works)

2.25 First Amendment to the Consultant Agreement with HNTB Corporation for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project.

Recommendation:

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Consultant Agreement between the City and HNTB Corporation for engineering consultant services for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project, with an increase of the total not-to-exceed amount by \$1,500,000 from \$7,500,000 to \$9,000,000 and an extension of the agreement term to June 30, 2026. CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 3 and 4. (Transportation)

2.26 Delegation of Authority to Award Pavement Construction Contracts.

Recommendation:

Adopt a resolution authorizing the Director of Transportation to:

(a) Award and execute a contract for the construction of the 10362 – 2024 LS Remove & Replace Project to the lowest responsive, responsible bidder in an amount not to exceed \$6,000,000;

(b) Award and execute a contract for the construction of the 10363 – 2024 LS Sealing Project to the lowest responsive, responsible bidder in an amount not to exceed \$6,000,000;

(c) As to each of the above construction contracts:

(1) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the projects; and

(2) Approve a construction contingency of 10%.

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

2.27 Approval of Día de San Juan Salsa Festival Sponsored by Council District 1 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 May 29, 2024:

(a) Approve the Día de San Juan Salsa Festival scheduled on June 21, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Kamei)

[Rules Committee referral 5/29/2024 - Item B.2]

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 Proposed Changes to the Spending Priorities and Percentage Allocation of Measure E Real Property Transfer Taxes. - TO BE HEARD CONCURRENTLY WITH ITEM 3.4

Recommendation:

(a) Adopt a resolution related to estimated 2024-2025 Measure E revenues:

(1) Approving by two-thirds (2/3rds) affirmative vote the following percentage allocations as included in the Contingency Plan in the 2024-2025 Proposed Operating Budget for the spending of Measure E revenues totaling \$50.0 million anticipated to be received in Fiscal Year 2024-2025:

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

(ii) 0% for the creation of new affordable housing for extremely low-income households;

(iii) 0% for the creation of new affordable housing for low-income households;

(iv) 0% for the creation of new affordable housing for moderate-income households;

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

(vi) 90% for homeless support programs including shelter construction and operations.

(2) In the alternative to (a)(1), approve by majority vote to maintain the current allocation under Council Policy 1-18, Section 22, of Measure E spending priorities for the 2024-2025 Proposed Budget for the spending of Measure E revenue totaling \$50.0 million anticipated to be received in Fiscal Year 2024-2025.

(3) In the alternative to (a)(1) or (a)(2), approve by two-thirds (2/3rds) affirmative vote an alternative allocation for Measure E spending priorities for the 2024-2025 Proposed Budget for the spending of Measure E revenue totaling \$50.0 million anticipated to be received in Fiscal Year 2024-2025.

(b) Adopt a resolution related to estimated 2025-2026 Measure E revenues:

(1) Approving by two-thirds (2/3rds) affirmative vote the following percentage allocations as included in the Contingency Plan in the 2024-2025 Proposed Operating Budget for the spending of Measure E revenues totaling \$55.0 million anticipated to be received in Fiscal Year 2025-2026:

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

(ii) 7% for the creation of new affordable housing for extremely low-income households;

(iii) 0% for the creation of new affordable housing for low-income households;

(iv) 0% for the creation of new affordable housing for moderate income households;

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

(vi) 83% for homeless support programs including shelter construction and operations.

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

(3) In the alternative to (b)(1) or b(2), approve by two-thirds (2/3rds) affirmative vote an alternative allocation for Measure E spending priorities for the 2024-2025 Proposed Budget for the spending of Measure E revenue totaling \$55.0 million anticipated to be received in Fiscal Year 2025-2026.

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

TO BE HEARD CONCURRENTLY WITH ITEM 3.4

3.4 Mayor's June Budget Message for Fiscal Year 2024-2025. – TO BE HEARD CONCURRENTLY WITH ITEM 3.3

Recommendation:

(a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2024-2025.

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

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

TO BE HEARD CONCURRENTLY WITH ITEM 3.3

3.5 Approval of the 2024-2025 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.

Recommendation:

(a) Adopt resolutions approving the Operating Budget for 2024-2025 for the City of San José, the Capital Budget for 2024-2025 for the City of San José, and the Five-Year Capital Improvement Program for 2025-2029 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2024-2025.

(c) Approve an uncodified ordinance establishing the Schedule of Fees and Charges for 2024-2025 specified in the resolution.

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

3.6 Approval of the Terms of an Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of July 1, 2024 through June 30, 2027.

Recommendation:

Adopt a resolution approving the terms of a collective bargaining agreement between the City of San José and the International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of July 1, 2024, through June 30, 2027, and authorizing the City Manager or her designee to execute the agreement with those terms.

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

[Deferred from 5/21/2024 – Item 3.6 (24-90594)]

3.7 Approval of the Terms of an Agreement with the International Association of Fire Fighters, Local 230 (IAFF) for the Term of July 1, 2024 through June 30, 2027.

Recommendation:

Adopt a resolution approving the terms of a collective bargaining agreement between the City of San José and the International Association of Fire Fighters, Local 230 (IAFF) for the term of July 1, 2024, through June 30, 2027, and authorizing the City Manager or her designee to execute the agreement with those terms.

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

4. PUBLIC SAFETY

5. TRANSPORTATION & AVIATION SERVICES

5.1 Actions Related to the 8820 - Milligan Parking Lot Project.

Recommendation:

(a) Adopt a resolution certifying the Milligan Parking Lot Project Supplemental Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.

(b) Adopt a resolution approving an exception to Condition 11 of the Santa Clara Valley Habitat Conservation Plan to allow a reduced riparian setback from 100 feet to 35 feet along the Guadalupe River riparian edge for the 8820-Milligan Parking Lot Project on a 2.5-acre site located on five parcels at the northeast corner of North Autumn Street and West St John Street in Downtown San José (APNs; 259-59-032, -033, -072 and -102).

(c) Report on bids and award of contract for the construction of 8820 – Milligan Parking Lot Project to the lowest responsive, responsible bidder, Joseph J. Albanese, Inc., for the base bid and Bid Alternate in the amount of \$4,077,638.

(d) Approve a 15% contingency in the amount of \$611,646.

CEQA: Milligan Parking Lot Project Supplemental Environmental Impact Report to the Coleman Avenue/Autumn Street Improvement Project Environmental Impact Report (File No. PP06-166) and the Downtown Strategy 2040 Environmental Impact Report, as addended (File No. PP15-102) (Planning File No. ER20-049). Council District 6. (Public Works/Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 Clarity on Issues Related to the Stormwater Permit. – DROP

Recommendation:

As recommended by the Rules and Open Government Committee on May 22, 2024, discuss stormwater permit review and approval process, including budget impacts with San Francisco Bay Regional Water Quality Control Board.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Kamei, Jimenez, Ortiz, and Candelas) [Rules Committee referral 5/22/2024 - Item C.2]
DROP – Item moved to 6/10/2024 per Rules and Open Government Committee

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Downtown Residential High-Rise Incentive Program Extension.

Recommendation:

(a) Adopt a resolution authorizing an extension of the Downtown Residential High-Rise Program applicable to projects located in the Downtown Planned Growth Area as described in the Envision San José 2040 General Plan, that are ten or more floors or stories in height (not including any nonresidential uses) where the highest occupied floor has a floor level elevation that is at least 150 feet above street level, and reducing the in lieu fees due for those projects under the Inclusionary Housing Ordinance to the amount of \$0 for up to 4,078 units that obtain a building permit by December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(b) Approve an ordinance waiving the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain a building permit by December 31, 2025 and pass first inspection within 12 months of obtain a building permit and providing a 50% reduction of the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 3,078 units in qualified residential high-rise projects that obtain a building permit between January 1, 2026 and December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(c) Adopt a resolution providing a 50% reduction in the Parkland In-Lieu Fee for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain building permits by December 31, 2025 and pass first inspection within 12 months of obtaining a building permit and providing a 30% reduction in the Parkland In-Lieu Fee for up to 3,078 units in qualified residential high-rise projects that obtain building permits between January 1, 2026 and December 31, 2026.

(d) Direct staff to analyze options and study potential impacts of a temporary multifamily residential fee reduction program to support housing production outside of Downtown and return to City Council by December 2024 with the analysis and recommendations for Council consideration, including public financing mechanisms for public infrastructure.
 CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development and Cultural Affairs/ Parks, Recreation, and Neighborhood Services/Planning, Building, and Code Enforcement/Housing/Transportation)

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 Successor Agency to the San José Redevelopment Agency Approval of the July 1, 2024 – June 30, 2025 Administrative Budget and Annual Recognized Obligation Payment Schedule 2024-25. – TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation:

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

(a) Administrative Budget for July 1, 2024 through June 30, 2025; and

(b) Recognized Obligation Payment Schedule 2024-25 and authorizing payment for items on Recognized Obligation Payment Schedule 2024-25, which details the obligations of the Successor Agency Board to the San José Redevelopment Agency for the period of July 1, 2024 through June 30, 2025.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

TO BE HEARD IMMEDIATELY AFTER CONSENT

ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

• 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.

If the afternoon Regular Session agenda items are completed after 5:00 p.m., this Open Forum will be held at the end of the full meeting. Members of the Public may only speak at Open Forum once.

• Council will recess until 6:00 p.m.

10. LAND USE

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

10.1 Land Use on Consent Calendar

- (a) **PP23-007 – An Ordinance Amending Various Sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code).**

Recommendation:

Approve an ordinance of the City of San José amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to: (1) Amend Chapter 20.30 to incorporate changes related to Single-Family residential development standards; (2) Amend Chapter 20.70 to allow indoor sales of Zero Emission Vehicles; (3) Amend Chapter 20.80 to add a new Part 2.76 to allow the sale and conveyance of Accessory Dwelling Unit condominiums; (4) Amend Chapter 20.90 to reincorporate text related to bicycle parking and other requirements which had been inadvertently omitted in the previous parking code update; (5) Amend Chapter 20.195 to include recent references to Government Code Sections for Housing; and (6) Amend Chapter 20.200 to change existing definition of Permanent Supportive Housing and other references to align with State law; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through (Resolution No. 76041) on November 1, 2011, and Supplemental Environmental Impact Report EIR (Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (10-1; Garcia opposed) (Item 5.a. on the 5/22/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

- (b) **GP24-006 & C24-041 – Adopt a Resolution and an Ordinance Amending the Envision San José 2040 General Plan Land Use/Transportation Diagram and Zoning District Map.**

Recommendation:

(a) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram to apply the MIHO Mixed Income Housing Overlay on two parcels.

(b) Approve an ordinance amending the Zoning District Map to apply the MIHO Mixed Income Zoning Overlay to two parcels in North San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) (Resolution No. 77617), and Addenda thereto, and the Envision San José 2040 General Plan Supplemental Environmental Impact Report for the City of San José 2023-2031 Housing Element Update (Resolution No. RES2023-262), and Addenda thereto. Council District 4. Planning Commission recommends approval (9-0-2, Garcia and Oliverio absent) (Item 8.a. on the 5/8/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda**10.2 GP24-005 – A City-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use Designation of 30 Mobilehome Parks.****Recommendation:**

Adopt a resolution amending the Envision San José 2040 General Plan Land Use designation for 30 mobilehome parks from the Residential Neighborhood General Plan Land Use designation to the Mobilehome Park General Plan Land Use Designation, five mobilehome parks from Heavy Industrial General Plan Land Use Designation to Mobilehome Park General Plan Land Use Designation, four mobilehome parks from Combined Industrial/Commercial General Plan Land Use designation to the Mobilehome Park General Plan Land Use designation, two mobilehome parks from Light Industrial General Plan Land Use designation to the Mobilehome Park General Plan Land Use designation and two mobilehome parks from the Neighborhood Community/Commercial General Plan Land Use designation to the Mobilehome Park General Plan Land Use designation (File No. GP24-005)

CEQA: Determination of Consistency with 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. Planning Commission recommends approval (9-0-2; Garcia and Oliverio absent) (Item 9.a. on the 5/8/2024 Planning Commission agenda). Council Districts: 2, 3, 4, 5, 6, 7, 8, and 10. (Planning, Building and Code Enforcement)

10.3 PP24-004 – Emergency Residential Shelters- An Ordinance Amending Various Sections of Title 20 of the San Jose Municipal Code (Zoning Ordinance or Zoning Code) Related to Emergency Residential Shelters.**Recommendation:**

Approve an ordinance amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend the definition of emergency residential shelters, amend the allowed use of emergency residential shelters, through use permit and by right, in the Commercial Pedestrian Zoning District, Commercial Neighborhood Zoning District, Commercial General Zoning District, Public/Quasi Public Zoning District, and Urban Village and Mixed Use Zoning Districts, and amendments to allow a streamlined ministerial approval process for emergency residential shelters.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (6-5; Oliverio, Garcia, Casey, Baracio, Bickford opposed) (Item 5.c. on the 5/22/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

• Open Forum - continued from the afternoon

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.

If the afternoon Regular Session agenda items are completed before 5:00 p.m., this Open Forum will be continued from the earlier open forum. Members of the public may only speak at Open Forum once.

• Adjournment

This meeting will be adjourned in memory of Rick Holden who passed away on April 10, 2024. Rick Holden dedicated his life to education, music, technology, and community leadership in San José. From teaching English and advocating for teachers' rights to championing the arts, his impact resonates through his diverse roles and passionate pursuits.

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 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.