



City Council Meeting Amended Agenda

Tuesday, September 12, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88471470054>

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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



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.

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 or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. 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.
- o 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.

- o 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)
- o 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 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.

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://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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.

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.

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

On occasion the City Council may consider agenda items out of order.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislte application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

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

- 1) By Phone: (888) 475 4499. Webinar ID is 884 7147 0054. 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/88471470054>
 - a. 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.
 - b. 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.
 - c. 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.
 - d. When called, please limit your remarks to the time limit allotted.

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)

- **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

[23-1178](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Evening Session, Council Chambers, City Hall – Cancelled
*The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**

- **Invocation (District 8)**

Evergreen Islamic Center, Imam Sami Reham

- **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.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation recognizing East San José native Marc Spears for the William Randolph Hearst Foundation Award for excellence in professional journalism from San José State University and the 2023 Naismith Hall of Fame Curt Gowdy Media Award for his contributions to the game of basketball. (Candelas)

1.2 Presentation of a proclamation recognizing September 15-17, 2023 as National Fallen Firefighters Memorial Weekend in the City of San José. (Doan)

1.3 Presentation of a proclamation declaring September 15, 2023 – October 15, 2023 as National Hispanic Heritage Month to recognize the contributions, history and culture of the Hispanic/Latino community in San José. (Jimenez, Torres, Ortiz, Candelas, and 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.

[23-1170](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30942 - An Ordinance of the City of San José Amending Section 1468 of Chapter 3.36 of Title 3 of the San José Municipal Code to Extend the Deadline for a Retired Member to Submit a Post-Retirement Election for an Optional Settlement Naming a New Spouse or Domestic Partner as Beneficiary from 30 Days to 90 Days After the Date of Marriage or Establishment of the Domestic Partnership in the Police and Fire Department Retirement Plan.

[Passed for Publication on 8/22/2023 - Item 2.8 (23-1076)]

(b) Ordinance No. 30946 - An Ordinance of the City of San José Amending Title 12 of the San José Municipal Code to Amend Section 12.04.080 of Chapter 12.04 to Authorize the City Clerk to Dismiss without Prejudice Insufficient Complaints or Complaints that Are Outside the Jurisdiction of the Board of Fair Campaign and Political Practices; Section 12.05.020 of Chapter 12.05 to Regulate the Scheduling of Special Elections for Certain Initiative Measures; Section 12.06.295 of Chapter 12.06 to Remove Limitations on the Amount a Candidate May Loan to Their Own Campaign or Campaign Committee; and Section 12.12.440 of Chapter 12.12 to Remove the Late Filing Fee for Weekly Lobbyists Reports.

[Passed for Publication on 8/29/2023 - Item 3.3 (a) (23-1137)]

(c) Ordinance No. 30947 - An Ordinance of the City of San José Amending Title 12 of the San José Municipal Code to Amend Sections 12.10.020 and 12.10.030 of Chapter 12.10 to Redefine Exceptions to the Revolving Door Ordinance and Reduce the Prohibition from Two Years to One Year.

[Passed for Publication on 8/29/2023 - Item 3.3 (b) (23-1137)]

(d) Ordinance No. 30948 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.63 Gross Acre Situated at the Northeast Corner of Mitzi Drive and Ranchero Way (4146 Mitzi Drive) (APN 299-16-001) from the R-M Multiple Residence Zoning District to the UR(PD) Planned Development Zoning District.

[Passed for Publication on 8/29/2023 - Item 10.2 (b) (23-1135)]

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 [23-1179](#) Settlement of San José Mercury News, LLC v. City of San José.****Recommendation:**

Approve payment of attorneys' fees and costs in the amount of \$78,225.40 in the San Jose Mercury News, LLC v. City of San José case, 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)

Attachments [Memorandum Agreement](#)

2.8 [23-1180](#) Actions Related to the Purchase Orders with S.C. Anderson Group International, Inc. for Mold and Fungi Abatement and Disposal Services.**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to exercise up to four one-year options to extend the term of the purchase orders with S.C. Anderson Group International, Inc. (San José, CA) for mold and fungi abatement and disposal services, with the last option ending on or about September 14, 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)

Attachments [Memorandum](#)

2.9 [23-1181](#) **Amendment to the Agreement with T2 Systems Canada, Inc for Parking Payment System, Hosting, and Automated Payment Processing Services.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Agreement for Purchase of Parking Payment System, Hosting, and Automated Payment Processing Services with T2 Systems Canada, Inc., formerly Digital Payment Technologies Corporation, to extend services for up to three additional two-year option terms through October 29, 2029 under the same material terms and conditions as the original agreement for a maximum compensation not to exceed \$160,000 for the option period beginning October 30, 2023 and ending October 29, 2025, 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)

Attachments [Memorandum](#)

2.10 [23-1182](#) **Actions Related to the Purchase Order with Almaden Body and Paint for Vehicle and Truck Collision Repairs, Bodywork, and Painting Services.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to:
(a) Amend purchase order OP 63712 with Almaden Body and Paint (San José, CA) for vehicle and truck collision repairs, bodywork, and painting services to increase the total compensation by \$150,000, for a maximum compensation not-to-exceed \$450,000 for the period ending June 25, 2024; and
(b) Exercise up to four one-year options to extend the term of the purchase order with the last option ending on or about June 25, 2028, 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)

Attachments [Memorandum](#)

2.11 [23-1183](#) **Amendment to Master Agreement for Consultant Services with AECOM Technical Services Inc. and Worley Group, Inc. (DBA Advisian) for Various City Facility Projects.**

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

(a) Negotiate and execute the First Amendment to the Master Agreement for consultant services with AECOM Technical Services, Inc. (CPMS Contract No. 9608), extending the term from September 30, 2023 to September 30, 2026, to complete various ongoing facility projects, and updating the fee schedule to reflect the time extension with no increase to the maximum compensation; and

(b) Negotiate and execute the First Amendment to the Master Agreement for consultant services with Worley Group, Inc. (DBA Advisian) (CPMS Contract No. 9608), extending the term from September 30, 2023 to September 30, 2026, to complete various ongoing facility projects, and updating the fee schedule to reflect the time extension with no increase to the maximum compensation.

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

Attachments [Memorandum](#)

2.12 [23-1184](#) **Award of Contract for Master Consultant Agreement with Wood Rodgers, Inc. for Master Planning Consultant Services for the Sanitary Sewer System.**

Recommendation: Approve the Master Consultant Agreement with Wood Rodgers, Inc. for on-call master planning consultant services for the City of San José's Sanitary Sewer Master Plan Phase IV and Updates Project from the date of execution to December 31, 2026, in an amount not to exceed \$1,500,000.

CEQA: Exempt, File No. PP10-001, Feasibility and Planning Studies with no commitment to future actions.
(Public Works)

Attachments [Memorandum](#)
[Agreement](#)

2.13 [23-1194](#) **Retroactive Approval of Ethiopian Flag Raising Ceremony and Tower Lighting 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 Events.**

Recommendation: As recommended by the Rules and Open Government Committee on August 30, 2023:
(a) Retroactively approve the Ethiopian Flag Raising Ceremony and Tower Lighting scheduled on September 7, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and
(b) 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. (Mayor)
[Rules Committee referral 8/30/2023 - Item B.3]

Attachments [Memorandum](#)

2.14 [23-1197](#) **Retroactive Approval of Roosevelt Community Center Eggstavanza Sponsored by Council District 3 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 August 30, 2023:
(a) Retroactively approve the Roosevelt Community Center Eggstavanza scheduled on March 25, 2023 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. (Torres)
[Rules Committee referral 8/30/2023 - Item B.4]

Attachments [Memorandum](#)

2.15 [23-1214](#) **Boards and Commissions Appointment.****Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 4 Seat: Appoint Jasvinder Sohal for a term of September 12, 2023 to June 30, 2027.

(2) District 8 Seat: Appoint Surjit Bains for a term of September 12, 2023 to 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 9/6/2023 - Item A.1.a]

Attachments

[Memorandum](#)

[Memorandum - Conflicts of Interest](#)

[Applications](#)

2.16 [23-1218](#) **Approval of “Free Use” of City Hall West Plaza and Rotunda for the 2023 Plaza Azul Farmer’s Market Series.****Recommendation:**

As recommended by the Rules and Open Government Committee on September 6, 2023, adopt a resolution authorizing “Free Use” for the Plaza Azul Farmer’s Market series held at the City Hall West Plaza every Tuesday, August 29-November 14, 2023, co-hosted by Councilmember Davis’ office, Councilmember Torres’ office, and the Office of Economic Development and Cultural Affairs.

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

[Rules Committee referral 9/6/2023- Item B.2]

Attachments

[Memorandum](#)

[Resolution](#)

- 2.17 [23-1222](#) **Approval of Tower and Rotunda Lighting as San José Fallen Firefighters Memorial Weekend Sponsored by Council District 7 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 September 6, 2023, approve the Tower and Rotunda Lighting for recognizing September 15-17, 2023 as San José Fallen Firefighters Memorial Weekend scheduled from September 13-14, 2023 as a City Council sponsored Special Event and approve the expenditure of funds. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Doan)
[Rules Committee referral 9/6/2023 - Item B.3]

Attachments [Memorandum](#)

- 2.18 [23-1225](#) **Retroactive Approval of Berryessa Community Movie Night Sponsored by Council District 4 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 September 6, 2023:
(a) Retroactively approve the Berryessa Community Movie Night scheduled on July 29, 2023 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. (Cohen)
[Rules Committee referral 9/6/2023 - Item B.4]

Attachments [Memorandum](#)

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 [23-1199](#) **Settlement of NAACP of San José / Silicon Valley, et al. v. City of San José, et al.**

Recommendation: (a) Approve the settlement in the case NAACP of San José / Silicon Valley, et al. v. City of San José, et al. in the total amount of \$2.9 million to Plaintiff M. Michael Acosta and authorize the City Attorney to execute a settlement agreement.

(b) Approve the settlement in the case NAACP of San José / Silicon Valley, et al. v. City of San José, et al. in the total amount of \$450,000 to plaintiffs Joseph Maldonado, Mahmoudreza Naemeh, Megan Swift, Joseph Cañas, Leslie Vasquez, Peter Allen, Shaunn Cartwright, Yessica Riles, José Gustavo Flores Rodriguez, Cindy Cuellar, NAACP of San José / Silicon Valley, and San José Peace and Justice Center 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)

Attachments [Memorandum](#)

[\(a\) Agreement](#)

[\(b\) Agreement](#)

- 3.4 [23-1185](#) Approval of the Terms of an Agreement Between the City of San José and Each of the Following Bargaining Units: the Association of Engineers and Architects, IFPTE, Local 21 (AEA), the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), the City Association of Management Personnel, IFPTE, Local 21 (CAMP), and the Municipal Employees' Federation, AFSCME, Local 101 (MEF) for the Term of July 1, 2023 - June 30, 2026, and Authorizing the City Manager to Execute Agreements with Those Terms; Approval of Side Letter Agreements Between the City of San José and Each of the Following Bargaining Units to Amend Certain Articles in the Current Memoranda of Agreements: the Association of Building, Mechanical and Electrical Inspectors (ABMEI), the Association of Legal Professionals (ALP), the Peace Officer Park Rangers Association (POPRA), the San Jose Police Dispatchers' Association (SJPDA), International Union of Operating Engineers, Local #3 (OE#3)), and the International Brotherhood of Electrical Workers, Local No. 332 (IBEW), and Authorizing the City Manager to Execute Agreements with Those Amendments; and Approval of Changes to Compensation and Benefits for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82) for Fiscal Years 2023-2024, 2024-2025, and 2025-2026. - TO BE HEARD LAST**

Recommendation:

(a) Adopt a resolution to:

(1) Approve the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA) for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(2) Approve the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(3) Approve the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(4) Approve the terms of a collective bargaining agreement between the City and the Municipal Employees' Federation, AFSCME, Local 101 (MEF) for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(5) Approve the terms of a Side Letter Agreement between the City and the Association of Building, Mechanical and Electrical Inspectors (ABMEI) to amend certain articles in the current Memorandum of Agreement for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(6) Approve the terms of a Side Letter Agreement between the City and the Association of Legal Professionals (ALP) to amend certain articles in the current Memorandum of Agreement for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(7) Approve the terms of a Side Letter Agreement between the City and the Peace Officer Park Ranger Association (POPRA) to amend certain articles in the current Memorandum of Agreement for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(8) Approve the terms of a Side Letter Agreement between the City and the San Jose Police Dispatchers' Association (SJPDA) to amend certain articles in the current Memorandum of Agreement for the term of July 1, 2023, through June 30, 2026, and authorize the City Manager to execute an agreement with those terms.

(9) Approve the terms of a Side Letter Agreement between the City and the International Union of Operating Engineers, Local #3 (OE#3),

and authorize the City Manager to execute an agreement with those terms.

(10) Approve the terms of a Side Letter Agreement between the City and International Brotherhood of Electrical Workers, Local No. 332 (IBEW), and authorize the City Manager to execute an agreement with those terms.

(11) Approve amendments to compensation and benefits for executive management and professional employees in Unit 99 and other unrepresented employees in Units 81/82, for Fiscal Years 2023-2024, 2024-2025, and 2025-2026.

(b) Adopt the related 2023-2024 Appropriation Ordinance amendments in various funds as detailed in Attachment J to the staff memorandum.

(c) Approve the changes to budgeted positions in various departments as detailed in Attachment K to the staff memorandum.

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

TO BE HEARD LAST

Attachments [Memorandum](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)
[Attachment G](#)
[Attachment H](#)
[Attachment I](#)
[Attachment J](#)
[Attachment K](#)
[Supplemental Memorandum, 9/11/2023](#)
[Memorandum from Cohen, Foley & Jimenez, 9/8/2023](#)
[Memorandum from Doan, 9/11/2023](#)
[Resolution](#)
[Letter from Parks & Rec. Commission](#)
[Presentation - est. 15 minutes](#)
[Letters from the Public - 1 of 6](#)
[Letters from the Public - 2 of 6](#)
[Letters from the Public - 3 of 6](#)
[Letters from the Public - 4 of 6](#)
[Letters from the Public - 5 of 6](#)
[Letters from the Public - 6 of 6](#)
[Letters received Post Meeting](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 [23-1198](#) **California Department of Transportation (Caltrans) State Route 87 Roadway Rehabilitation Project.**

Recommendation: Accept the status report on the California Department of Transportation (Caltrans) State Route 87 Roadway Rehabilitation Project.
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 Districts 2, 3, 6, 7, 9, and 10. (Transportation)

Attachments [Memorandum](#)
[Presentation - est. 10 minutes](#)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [23-1186](#) **Long-Term Renewable Energy Agreement with Pacific Gas and Electric Company.**

Recommendation: Adopt a resolution authorizing the Director of the Community Energy Department or the Director's designee to negotiate and execute a long-term agreement with Pacific Gas and Electric Company to buy renewable energy for a term of no more than 20 years, from 2023 through 2043, in an estimated amount of \$10,000,000 annually and not to exceed \$150,000,000 in aggregate, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; and repealing Resolution No. RES2023-154.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)

Attachments [Memorandum](#)
[Resolution](#)

6.2 [23-1187](#) **San José Building Reach Code Administrative Update.****Recommendation:**

(a) Make findings related to the local geographical, topographical, climatic conditions and cost effectiveness, which are necessary to make modifications to the State of California’s Building Energy Efficiency Standards.

(b) Approve an ordinance amending various sections of Chapter 24.12 of Title 24 (Technical Codes) to modify provisions of the 2022 California Building Energy Efficiency Standards with certain exceptions, modifications, and additions which serve as a reach code to increase building efficiency, mandate electric- and solar-readiness, and incentivize all-electric development.

(c) Authorize the City Manager or designee to submit a reach code submittal package to the California Energy Commission for its approval as required by law.

CEQA: Categorically Exempt, File No. ER23-175, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Attachment](#)
[Ordinance](#)
[Presentation - est. 15 minutes](#)
[Letters from the Public](#)

7. NEIGHBORHOOD SERVICES

7.1 [23-1188](#) **Enhancing the Youth Commission and Youth Participation in the City. -
NOT TO BE HEARD BEFORE 4:00 P.M.**

Recommendation: Approve an ordinance of the City of San José amending Part 48 of Chapter 2.08 of Title 2 of the San José Municipal Code to add Section 2.08.4835 to compensate members of the Youth Commission for their participation, amend Section 2.08.4840 special eligibility requirements to encourage participation of youths, and amend Section 2.08.4850 to enhance the function, powers, and duties of the Youth Commission. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no physical changes to the environment. (Library)
NOT TO BE HEARD BEFORE 4:00 P.M.

Attachments [Memorandum](#)
 [Ordinance](#)
 [Presentation - est. 10 minutes](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-1189](#) **Purchase and Sale Agreement for Properties Extending the Five Wounds Trail from E. William Street to the Proposed Little Portugal BART Station.**

Recommendation:

Adopt a resolution:

- (a) Authorizing the City Manager or designee, to negotiate and execute a Purchase and Sale Agreement between the City of San José and Santa Clara Valley Transportation Authority, for the fee simple acquisition of the property known as Assessor's Parcel Numbers 467-36-095, 467-36-094, 472-05-069, 467-35-108, 467-35-109, 467-35-089, 467-33-075, 467-33-092, 467-33-087, 467-33-091, and 249-65-077, and acquisition of a recreation trail easement on Assessor's Parcel Numbers 467-07-052, 467-07-070, 467-09-077, and 467-09-078, for the amount of \$0, plus any closing costs; and
- (b) Authorizing the City Manager or designee, to execute all other documents necessary to effectuate the transfer of property to the City. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

Attachments [Memorandum](#)
[Resolution](#)
[Letter from Senator Cortese](#)
[Letters from the Public](#)

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

- (a) [23-1190](#) C22-125, H22-041 & ER22-273 - Conforming Rezoning and Site Development Permit on Certain Real Property Located at 575, 591 and 593 N 5th Street.

Recommendation: (1) Approve an ordinance rezoning certain real property located on the west side of North 5th Street, approximately 50 feet southeasterly of the intersection of North 5th Street and Jackson Street (575, 591, & 593 North 5th Street, APNs 249-40-002, 249-40-003, and 249-40-004) from the A(PD) Planned Development Zoning District to the MUC Mixed-Use Commercial Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the removal of two walls, a portion of the roof, a side door, and a portico, for the construction of a 1,149-square-foot addition to an approximately 3,476-square-foot new dental office, on an approximately 0.43-gross-acre site.

CEQA: Exempt pursuant to CEQA Guidelines Section 15301(e) for Existing Facilities. Council District 3. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[Attachment](#)
[Ordinance](#)
[Resolution](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum

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

- Adjournment

**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.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

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.