



CITY COUNCIL MEETING

Amended Agenda

Tuesday, May 21, 2024
1:30 PM

LOCATION:
Council Chambers - 200 E. Santa Clara Street

Attachments and related materials can be viewed [HERE](#)

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)

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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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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov; Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov; Gọi (408) 535-8430
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THE LEVINE ACT

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

How to observe the Meeting (no public comment):

- 1) Cable Channel 26.
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>.
- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 94558095100. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: <https://sanjoseca.zoom.us/j/94558095100>
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How to submit written Public Comment before the City Council Meeting:

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 provide spoken Public Comment during the City Council Meeting:

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

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

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

• Call to Order and Roll Call

9:30 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
6:00 p.m. - Evening Session, Council Chambers, City Hall – Cancelled
*The previously scheduled Evening Session has been cancelled

• Pledge of Allegiance

• Invocation (District 5)

Jared Carbajal - The 408 Collective

• 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

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing May 16, 2024 as Global Accessibility Awareness Day (GAAD) to increase awareness about digital accessibility and the importance of inclusive design practices and people with different disabilities. (Foley)

1.2 Presentation of a proclamation declaring May 5, 2024 as National Murdered and Missing Indigenous Women Awareness Day to recognize, honor and bring awareness in the City of San José to the killings and abductions of indigenous women and girls across the United States. (Ortiz)

1.3 Presentation of a proclamation recognizing May 21, 2024 as "Recommerce Day" to educate residents of San José on the benefits of reselling returned and open-box items to extend their lifecycle and to grow the circular economy. (Mayor, Davis and 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.

Recommendation:

(a) City Council Special Meeting Minutes of February 28, 2023.

(b) City Council Special Meeting Minutes of June 7, 2023.

(c) City Council Budget Final Public Hearing Minutes of June 12, 2023.

(d) City Council Regular Meeting Minutes of June 20, 2023.

(e) City Council Special Meeting Minutes of June 27, 2023.

(f) City Council Special Meeting Minutes of August 1, 2023.

(g) City Council Regular Meeting Minutes of August 8, 2023.

(h) City Council Special Meeting Minutes of August 11, 2023.

(i) City Council Regular Meeting Minutes of August 15, 2023.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 Avia Solutions, Inc. for Air Service Development Services at San José Mineta International Airport.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Master Consultant Agreement with Avia Solutions, Inc. for Air Service Development Services at San José Mineta International Airport, for a period of five years from execution, in a total amount not to exceed \$975,000 over the term of the agreement.

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

2.8 Amendment to the Agreement with True North Research, Inc. for Annual Community Surveys.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the First Amendment to the Master Consultant Agreement with True North Research, Inc. to increase the compensation by \$330,000 for a new maximum compensation not to exceed \$650,000, and with no other changes to the agreement, 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. (City Manager)

2.9 Actions Related to the Japantown Business Improvement District 2024-2025 Budget Report, 2024-2025 Annual Assessments, and Setting a Public Hearing on the Levy of Assessments.

Recommendation:

(a) Preliminarily approve the 2024-2025 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by City Council.

(b) Adopt a resolution of intention to:

(1) Levy the annual assessment for Fiscal Year 2024-2025; and

(2) Set Tuesday, June 4, 2024, at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

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 impact on the environment. Council District 3. (Economic Development and Cultural Affairs)

2.10 Actions Related to the Downtown Business Improvement District 2024-2025 Budget Report, 2024-2025 Annual Assessments, and Setting a Public Hearing on the Levy of Assessments.

Recommendation:

(a) Preliminarily approve the 2024-2025 Budget Annual Report as filed by the Downtown Business Improvement District Advisory Board, or as modified by City Council.

(b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2024-2025, and set Tuesday, June 4, 2024 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

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 impact on the environment. Council District 3. (Economic Development and Cultural Affairs)

2.11 Actions Related to the Purchase Order with Iteris, Inc. for Modular Video Detection Systems and Accessories.

Recommendation:

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

(a) Execute a purchase order with Iteris, Inc. (Santa Ana, CA) for modular video detection systems and accessories, for a one-year term beginning on or about June 11, 2024, ending on or about June 10, 2025, for a not-to-exceed amount of \$720,000; and

(b) Exercise up to six one-year options to extend the term of the purchase order with the last option year ending on or about June 10, 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)

2.12 Report on Request for Proposals for an Energy Storage Optimization Solution.

Recommendation:

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

(a) Negotiate and execute an agreement with Customized Energy Solutions, Ltd.

(Philadelphia, PA) for an energy storage optimization solution for an initial one-year term beginning on or about June 1, 2024 through May 31, 2025, for a maximum compensation not-to-exceed \$180,000, subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders as required for any unanticipated changes, consistent with the procurement and the City's standard terms and conditions, including a contingency amount not-to-exceed \$20,000 during the initial term, subject to the appropriation of funds; and

(c) Exercise up to six one-year options to extend the term of the agreement through May 31, 2031 for costs related to resources under management, support, maintenance, and related professional services, subject to the appropriation of funds.

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

2.13 Actions Related to the Purchase Orders with MT Tire Service LLC and Southern Tire Mart LLC for On-Site Tire Service and 24/7 Emergency Road Service.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with MT Tire Service LLC (San José, CA), and Southern Tire Mart LLC (San José, CA) for on-site tire service and 24/7 emergency road service, with the last option ending on or about February 6, 2031, subject to the appropriation of funds.

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

2.14 Amendments to Agreements with Wells Fargo Bank, National Association for Banking Services.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute amendments to extend the terms of the current agreements with Wells Fargo Bank, National Association for general banking, lock box services, and merchant card services from July 1, 2024 to June 30, 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)

2.15 Second Amendment to the Agreement with PMWEB, Inc. for a Project Management Information System for the Airport.

Recommendation:

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

(a) Negotiate and execute the Second Amendment to the Agreement for a Project Management Information System with PMWeb, Inc. (Wakefield, MA);

(b) Extend the initial term through November 30, 2024, under the same material terms and conditions as the original agreement;

(c) Increase initial term compensation by \$103,618 for a revised maximum compensation of \$403,788 for the initial term ending November 30, 2024; and

(d) Negotiate and execute up to four one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through November 30, 2028, 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/Airport)

2.16 Award of Capacity Building Grants to Nonprofit Organizations Performing Community Development Activities in San José Neighborhoods Experiencing, or at High Risk of, Residential Displacement.

Recommendation:

Adopt a resolution authorizing:

(a) The award of funds from the Notice of Funding Availability for nonprofit capacity building related to community development programming to the agencies below; and

(b) The Director of Housing, Acting Director of Housing, or their designee to negotiate and execute grant agreements with the following nonprofit organizations for the term of August 1, 2024 – July 31, 2026, in the amounts listed below:

(1) South Bay Community Land Trust to build capacity to do housing acquisition/rehabilitation work, in the amount of \$300,000;

(2) Sacred Heart Community Service to build capacity to do housing acquisition/rehabilitation work, in the amount of \$265,000;

(3) SOMOS Mayfair, Inc. to build its community engagement and limited equity housing cooperatives capacity supporting housing acquisition/rehabilitation, in the amount of \$260,000; and

(4) School of Arts and Culture at the Mexican Heritage Plaza to build its capacity to undertake community-focused affordable housing development, in the amount of \$175,000.

CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the 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. (Housing)

2.17 Actions Related to the 10287 – New Generators at the Central Service Yard and Fire Training Center Re-bid Project.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 10287- New Generator at the Central Service Yard and Fire Training Center Re-Bid Project to the lowest responsive, responsible bidder in an amount not to exceed \$3,000,000;

(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: File No. ER23-262, Determination of Consistency to the Fire Training and Emergency Operations Center Relocation Project Initial Study Mitigated Negative Declaration (Resolution No. 79804). Council District 7. (Public Works)

2.18 Action Related to the 9703 – Large Trash Capture Device Installation Project Phase VII. – DEFERRED

Recommendation:

Approve an increase to the construction contingency from 15% to 36% for the 9703 – Large Trash Capture Device Installation Project Phase VII in the amount of \$1,568,571 for a revised total contingency amount of \$2,691,771.

CEQA: Categorically Exempt, File No. ER21-299, CEQA Guidelines Section 15301, Existing Facilities, adopted on March 17, 2022. Council Districts 4, 5, 6, 8, 10. (Public Works)

DEFERRED TO 6/4/2024 PER ADMINISTRATION

2.19 Master Consultant Agreement with Wood Rodgers, Inc. for Storm Sewer System Computer Modeling and Master Planning.

Recommendation:

Approve a Master Consultant Agreement with Wood Rodgers, Inc. for on-call computer modeling and master planning consultant services for the City of San José’s storm sewer system from the date of execution to June 30, 2027, in an amount not to exceed \$500,000.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Public Works)

2.20 Actions Related to the 9405 – SJC Perimeter Protection Re-Bid II Project.**Recommendation:**

(a) Approve an increase in the construction contingency from 10% to 30% for the 9405 – SJC Perimeter Protection Re-Bid II Project in the amount of \$600,000 for a total contingency of \$899,939.

(b) Adopt the following 2023-2024 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:

(1) Decrease the Ending Fund Balance appropriation by \$600,000; and

(2) Increase the Perimeter Security Projects appropriation by \$600,000.

CEQA: PP18-103: Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497). (Public Works/Airport/City Manager)

[Deferred from 5/14/2024 – Item 2.15 (24-88305)]

2.21 Actions Related to Grant Funding for Bicycle and Pedestrian Projects.**Recommendation:**

Adopt a resolution:

(a) Authorizing the City Manager or her designee to submit a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2024-2025 Transportation and Development Act, Article III State grant funding in the amount of \$1,388,980 for bicycle and pedestrian projects;

(b) Making the certifications and assurances required under the Transportation and Development Act, Article III grant; and

(c) Authorizing the City Manager or her designee to accept Transportation and Development Act, Article III grant funding awarded from the Metropolitan Transportation Commission, and to negotiate and execute any grant documents to effectuate the grant.

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

2.22 Third Amendment to the Funding Agreement with Santa Clara Valley Transportation Authority for the U.S. 101/Zanker Road Project.**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the US 101/Zanker Road Project to extend the term of the agreement to December 31, 2026.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 4. (Transportation)

2.23 List of Pavement Maintenance Projects Eligible for Senate Bill No. 1 Funding.**Recommendation:**

Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2024-2025 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1, otherwise known as the Road Repair and Accountability Act of 2017.

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

2.24 Resolutions Authorizing Removal of Vehicles Parked in Violation of Large Vehicle or Overnight Parking Restrictions on Identified Streets.

Recommendation:

(a) Adopt a resolution authorizing the removal of large vehicles parked or left standing in violation of “no large vehicle parking zones” on portions of the streets located on both sides of Rock Springs Drive – Wool Creek Drive, between Needles Drive and the driveway of Shirakawa Elementary School.

(b) Adopt a resolution authorizing the removal of vehicles parked or left standing between 10:00 p.m. and 6:00 a.m. in violation of “no overnight parking zones” on the following streets or portions of streets:

(1) Both sides of East Gish Road, between Berger Drive and Oakland Road;

(2) The east side of Education Park Drive, between North Pine Hollow Circle and Schulte Drive;

(3) The west side of Education Park Drive, between Mabury Road and Schulte Drive;

(4) The north side of Wool Creek Drive, between Senter Road and Will Wool Drive;

(5) The south side of Wool Creek Drive, between Senter Road and 400 feet east of Senter Road; and

(6) Both sides of Will Wool Drive, between Wool Creek Drive and Quinn Avenue.

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

2.25 Amendment to the Agreement with Trio Community Meals LLC. for Senior Nutrition Services at Multiple City-Owned Community Centers.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a seventh amendment to the agreement with TRIO Community Meals LLC. (formerly Bateman Community Living, a division of Compass Group), for a contract not to exceed \$3,278,126.98, subject to the annual appropriation of funds, for the term of the agreement from July 1, 2024 to June 30, 2025.

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

[Rules Committee referral 5/15/2024 - Item A.1.a]

2.26 Approval of Pride and Transgender Flag Raisings and Lighting for Pride Month Sponsored by Council District 3, Council District 6, and Council District 9 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 15, 2024:

- (a) Approve the Progressive Pride and Transgender Flag Raisings for Pride Month to be recognized by the City Council scheduled on June 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the 2024 Pride Month Lighting scheduled on June 1-7, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) 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, Davis and Foley)

[Rules Committee referral 5/15/2024 - Item B.3]

2.27 Retroactive Approval of Multiple Special Events Sponsored by Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation:

As recommended by the Rules and Open Government Committee on May 15, 2024:

- (a) Retroactively approve San José Day scheduled on April 6, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the Cinco de Mayo Car Show scheduled on May 4, 2024, as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Cinco de Mayo Parade and Festival scheduled on May 5, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and
- (d) 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 5/15/2024 - Item B.4]

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 Approval of the Updated Emergency Operations Plan.**Recommendation:**

Adopt a resolution adopting the updated City of San José Emergency Operations Plan.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

3.4 Amendments to Title 8, Chapter 8.08 (Office of Emergency Services) of the San José Municipal Code.**Recommendation:**

Approve an ordinance amending Title 8, Chapter 8.08 (Office of Emergency Services) of the San José Municipal Code to clarify roles and responsibilities, define key terminology, and add continuity of government as a new component of the ordinance.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

3.5 Approval of the Terms of an Agreement with the International Brotherhood of Electrical Workers, Local 332 (IBEW) 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 Brotherhood of Electrical Workers, Local 332 (IBEW) for the term of July 1, 2024, through June 30, 2027, and authorizing the City Manager or her designee to execute an 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)

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 an 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 Report on Bids and Award of Contract for the Construction of 10381 – 2024 Major Streets Resurfacing Project #1.

Recommendation:

(a) Report on bids and award a contract for the construction of 10381 – 2024 Major Streets Resurfacing Project #1 to the lowest responsive, responsible bidder, O’Grady Paving Inc., in the amount of \$8,024,854; and

(b) Approve a 10% contingency in the amount of \$802,485.

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

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

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) **PP24-001 - Amendments to Various Sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) Related to the Conversion of Private Parking to Outdoor Dining and Other Outdoor Uses Associated with an On-Site Business. – TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Approve an ordinance amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) related to outdoor uses of private property to: (a) Incorporate requirements for outdoor dining and other outdoor activities associated with an on-site business and for those within 150 feet of residentially zoned property within Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code; and (b) Delete current references to outdoor dining within Chapter 20.40, Chapter 20.50, Chapter 20.55, Chapter 20.75, and Chapter 20.100 in Title 20 of the San José Municipal Code to be addressed by regulations listed within revised Part 10.5 of Chapter 20.80, including hours of operation, separation criteria, permit processing, and noise parameters; 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 (Resolution No. 76041) and Supplemental EIR Resolution No. 77617, and Addenda thereto. Planning Commission recommends approval (10-0-1; Garcia absent) (Item 6a on the 5/8/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

- (b) **C24-002, C24-016, C24-017, C24-018, C24-019, C24-020, C24-021, C24-022, and C24-023 - City Initiated Rezoning of 511 Parcels to Align a Property's Zoning District to its' General Plan in Land Use Designation in Response to Senate Bill 1333. – TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation:

Approve an ordinance rezoning 212 properties from R-M Multi-Family Residential Zoning District to UR Urban Residential Zoning District, 73 properties from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, 57 properties from R-1-8 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, 39 properties from R-1-8 Single-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, 20 properties from R-M Multi-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 17 properties from R-2 Two Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, 16 properties from A Agriculture Zoning District to OS Open Space Zoning District, 12 properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residential Zoning District, eight properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District, six properties from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, five properties from R-1-1 Single-Family Zoning District to PQP Public/Quasi-Public Zoning District, four properties from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, four properties from CO Commercial Office Zoning District to OS Open Space Zoning District, three properties from CG Commercial General Zoning District to OS Open Space Zoning District, three properties from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, three properties from R-1-5 Single-Family Residential Zoning District to OS Open Space Zoning District, three properties from A Agriculture Zoning District to PQP Public/Quasi-Public Zoning District, three properties from CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, two properties from R-1-8 Single-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, two properties from CP Commercial Pedestrian Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, one property from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, one property from R-M Multi-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, one property from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, one property from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, one property from R-M Multi-Family Residential Zoning District to MUC Mixed Use Commercial Zoning District, one property from A Agriculture Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from HI Heavy Industrial Zoning District to OS Open Space Zoning District, one property from LI Light Industrial Zoning District to OS Open Space Zoning District, one property from R-1-2 Single-Family Residential Zoning District to OS Open Space Zoning District, one property from R-2 Two Family Residential Zoning District to OS Open Space Zoning District, one property from CN Commercial Neighborhood Zoning District to PQP Public/Quasi-Public Zoning District, one property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-2 Two Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-2 Two Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, one

property from R-M Multi-Family Residential Zoning District to R-1-2 Single-Family Residential Zoning District, one property from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, and one property from R-1-8 Single-Family Residential Zoning District to CIC Combined Industrial/Commercial Zoning District, located in various locations on those certain real properties within the City of San José. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

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

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.