



# **City Council Meeting Amended Agenda**

**Tuesday, November 19, 2024**

**1:30 PM**

**Council Chambers**

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

*Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.*

### **Public Comment in Person Only**

**For live translations in over 50 languages, please go to <https://attend.wordly.ai/join/FAYU-7105>**

### **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](mailto: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.

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

### **THE LEVINE ACT**

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution.

### **How to observe the Meeting (no public comment):**

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

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.

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

By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 8:00 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

[24-2217](#)      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

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

- Pledge of Allegiance
- Invocation (District 10)

String Quartet, Pioneer High School

- Orders of the Day

To be heard after Ceremonial Items

SEE AMENDED ITEM 2.10, "Amendments to Grant Agreements for Multiple Unsheltered Homelessness Programs" TO BE AMENDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. RES2024-99, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. RES2023-22, Rule 3(d).

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

- Adjournment Recognition
- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring November 2024 as Janet Gray Hayes Month in the City of San José to honor her historic tenure as the first female mayor of a major U.S. city and for her support of district elections that added to the diversity of voices and backgrounds on the City Council. (Davis)

1.2 Presentation of a proclamation declaring November 2024 as Sikh American Awareness and Appreciation Month in San José. (Mayor & Candelas)

1.3 Presentation of a commendation to the United States Department of Commerce from Mayor Mahan joined by the companies of San José Foreign Trade Zone 18 - Maxar Space LLC, Lam Research Corporation, Tesla, Inc., the RK Group, Bloom Energy Corporation, Epoch International Enterprises, Inc., Seyond, Inc. and ISE Labs, Inc. - for its valued contributions on the 50th anniversary of the City's Foreign Trade Zone. (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.**

[24-2231](#)

#### **Final Adoption of Ordinances.**

#### **Recommendation:**

(a) Ordinance No. 31143 - An Ordinance of the City of San José Amending Section 6.88.840 of Chapter 6.88 of Title 6 (Business Licenses and Regulation) of the San José Municipal Code for the Cannabis Regulatory Program to Allow Notice of Completed Registration Transfers.

[Passed for Publication on 11/5/2024 - Item 2.8 (24-2153)]

(b) Ordinance No. 31144 - An Ordinance of the City of San José Establishing the Tully Road Eastridge Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989.

[Passed for Publication on 11/5/2024 - Item 8.2(a) (24-2157)]

### **2.3 Approval of Council Committee Minutes.**

[24-2198](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Special Transportation and Environment Committee Minutes of September 11, 2023.
  - (b) Regular Transportation and Environment Committee Minutes of December 4, 2023.
  - (c) Regular Joint Meeting for the Rules and Open Government Committee Minutes of October 25, 2023.
  - (d) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 1, 2023.
  - (e) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 15, 2023.
  - (f) Regular Joint Meeting for the Rules and Open Government Committee Minutes of November 29, 2023.
  - (g) Regular Neighborhood Services and Education Committee Minutes of November 9, 2023.
  - (h) Special Joint Neighborhood Services and Education Committee Minutes of November 9, 2023.
  - (i) Regular Neighborhood Services and Education Committee Minutes of December 14, 2023.
  - (j) Regular Public Safety, Finance and Strategic Support Committee Minutes of November 16, 2023.
  - (k) Regular Community and Economic Development Committee Minutes of November 27, 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.

**Attachments**

- [\(a\) 9/11/2023 T&E Minutes](#)
- [\(b\) 12/4/2023 T&E Minutes](#)
- [\(c\) 10/25/2023 ROGC Minutes](#)
- [\(d\) 11/1/2023 ROGC Minutes](#)
- [\(e\) 11/15/2023 ROGC Minutes](#)
- [\(f\) 11/29/2023 ROGC Minutes](#)
- [\(g\) 11/9/2023 NSE Minutes](#)
- [\(h\) 11/9/2023 NSE Joint Minutes](#)
- [\(i\) 12/14/2023 NSE Minutes](#)
- [\(j\) 11/16/2023 PSFSS Minutes](#)
- [\(k\) 11/27/2023 CED Minutes](#)

## 2.4 Mayor and Council Excused Absence Requests.

[24-2220](#)

### Mayor and Council Excused Absence Requests.

#### **Recommendation:**

(a) Request for an excused absence for Councilmember Davis from the regular meeting of Rules and Open Government Committee on October 30, 2024 due to illness.

(b) Request for an excused absence for Councilmember Batra from the regular meeting of Neighborhood Services and Education Committee on November 14, 2024 due to attendance at the Emergency Operations Area Council meeting at Santa Clara County Sheriff's Office for authorized City business.

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

[Rules Committee referral 11/13/2024 - Item A.1.a for (b)]

**Attachments** [Memorandum](#)

## 2.5 City Council Travel Reports.

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

2.7 [24-2200](#) **Actions Related to Authorizing an Application for Urban Streams Restoration Grant Program.**

**Recommendation:**

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

- (a) Apply for and take all necessary actions needed to fulfill grant requirements of the California Department of Water Resources Urban Streams Restoration Program in the amount of \$900,000, or other amount awarded;
- (b) Negotiate and execute any grant documents, payment agreements, amendments, and any other related documents necessary to accept, receive, utilize, and disburse funding, and take any other actions necessary to comply with the terms and conditions of the Urban Streams Restoration Program grant upon award; and
- (c) Negotiate and execute any memoranda of agreement with nonprofit entities engaged in creek cleanup activities, watershed stewardship, outreach, and education activities to comply with the terms of the Urban Streams Restoration grant.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Environmental Services)

**Attachments** [Memorandum](#)  
[Resolution](#)  
[Letter from the Public](#)



**2.8**    [24-2201](#)    **Actions Related to Purchase Orders with NewsBank Inc. for San José Mercury News Digital Archives.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to:  
(a) Amend purchase order OP 63124 with NewsBank, Inc. (Naples, FL) to add San José Mercury News (1900-1922) and San José Evening News digital archives and increase compensation by \$337,456 for a revised maximum compensation of \$1,183,209 and extend the current term to December 31, 2024;

(b) Negotiate and execute amendments as required for any unanticipated changes during the current term ending December 31, 2024, subject to the appropriation of funds; and

(c) Negotiate and execute annual purchase orders with NewsBank, Inc. for subscription renewals as required, 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 [24-2202](#) **Agreement with N. Harris Computer Corporation for the Upgrade of the CIS Infinity Utility Billing System.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or her designee to:
- (1) Negotiate and execute an agreement for the Customer Information System (CIS) Infinity Utility Billing System Upgrade with N. Harris Computer Corporation, doing business as Advanced Utility Systems (Ottawa, Ontario, Canada) for an initial two-year term, beginning on or about December 1, 2024, and ending on or about November 30, 2026, or as may be adjusted to align with the software subscription term, with a maximum compensation not to exceed \$1,211,865, subject to the appropriation of funds;
  - (2) Negotiate and execute change orders as required for any unanticipated changes to the agreement with Advanced Utility Systems not to exceed a total amount of \$175,000 during the initial term, subject to the appropriation of funds; and
  - (3) Exercise up to nine additional one-year options to extend the term through November 30, 2035, or as may be adjusted to align with the software subscription term, subject to the appropriation of funds.
- (b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Integrated Waste Management Fund:
- (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$318,979; and
  - (2) Decrease the Ending Fund Balance by \$318,979.
- (c) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:
- (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$221,898; and
  - (2) Decrease the Ending Fund Balance by \$221,898.
- (d) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Storm Sewer Operating Fund:
- (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$208,030; and
  - (2) Decrease the Ending Fund Balance by \$208,030.
- (e) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Water Utility Fund:
- (1) Increase the Non/Personal Equipment Appropriation to the Environmental Services Department by \$637,958; and
  - (2) Decrease the Ending Fund Balance by \$637,958.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance/Environmental Services/City Manager)

**Attachments** [Memorandum](#)**2.10** [24-2203](#) **Amendments to Grant Agreements for Multiple Unsheltered Homelessness Programs.****Recommendation:**

Adopt a resolution:

(a) Authorizing the Housing Director or his designee to negotiate and execute amendments to grant agreements for the following shelter management system programs serving individuals and families experiencing homelessness in San José:

(1) LifeMoves (Motel Vouchers Program), in an amount not to exceed \$2,500,000 from January 1, 2025 through June 30, 2025;

(2) LifeMoves (Temporary Housing Access Program), in an amount not to exceed \$325,000 from January 1, 2025 through March 31, 2025; and

(3) Goodwill of Silicon Valley (SJ Bridge Program), a no-cost grant agreement term extension from January 1, 2025 through June 30, 2026.

(b) Designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals facing homelessness during the cold weather season:

(1) Roosevelt Community Center, 901 E. Santa Clara Street, San José, CA 95116; and

(2) Dr. Roberto Cruz Alum Rock Branch Library, 3090 Alum Rock Avenue, San José, CA 95127.

(c) Authorizing the Housing Director, or his designee, to negotiate and execute an agreement with HomeFirst Services of Santa Clara County in an amount not to exceed \$1,222,000 to implement the Overnight Warming Locations, retroactive from September 25, 2024 through June 30, 2025.

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

(Housing)

**Attachments** [Replacement Memorandum, 11/15/2024](#)[Resolution](#)[Letters from the Public](#)

**2.11**   [24-2218](#)      **Approval of Independent Police Auditor Business Travel.****Recommendation:**

Authorize travel for the Independent Police Auditor, Eddie Aubrey, to attend the Association of Inspectors General Annual Training Conference in New Orleans, Louisiana from November 13 to November 15, 2024. Source of Fund: Personal Funds.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Independent Police Auditor)

**Attachments**    [Memorandum](#)

**2.12**   [24-2224](#)      **Approval of World AIDS Day Flag Raising, Quilt Display, and Tower and Rotunda Lighting Sponsored by Council District 9 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 November 6, 2024:  
(a) Approve the World AIDS Day Flag Raising scheduled on December 3, 2024, Tower and Rotunda Lighting scheduled for December 1 - December 7, 2024, and special use of the Rotunda for December 1 and December 3, 2024, 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 event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)  
[Rules Committee referral 11/6/2024 - Item B.5]

**Attachments**    [Memorandum](#)

2.13 [24-2227](#)

**Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 8 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 November 6, 2024:

(a) Retroactively approve the Clarice Drive Beautification scheduled on July 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the District 8 CERT M&G scheduled on July 18, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Retroactively approve the San Rivas Road Neighborhood Ice Cream Social scheduled on July 21, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Retroactively approve the Dumpster Day at Millbrook Elementary scheduled on July 27, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(e) Retroactively approve the Boulevard Bombs Back to School Drive scheduled on August 3, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(f) Retroactively approve the Evergreen Little League Movie Night scheduled on August 15, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(g) Retroactively approve the John J Montgomery SJFD Backpack Drive scheduled on August 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(h) Retroactively approve the KR Smith Back to School BBQ scheduled on August 16, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(i) Retroactively approve the Sharky's Coffee Back to School Drive scheduled on August 17, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(j) Retroactively approve the Dumpster Day at Evergreen Estates scheduled on August 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(k) Retroactively approve the SV Pride Parade scheduled on August 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(l) Retroactively approve the La Raza Invocation scheduled on September 10, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(m) Retroactively approve the Creekside Neighborhood Association Bridge Painting scheduled on September 14, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

- (n) Retroactively approve the Music in the Villages scheduled on September 20, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (o) Retroactively approve the Dumpster Day at The Ranch/The Meadowlands scheduled on September 21, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (p) Retroactively approve the Binational Health Week Kickoff scheduled on October 5, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (q) Retroactively approve the Meadowfair NA Litter Pickup scheduled on October 5, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (r) Retroactively approve the Dumpster Day at Brigadoon Park scheduled on October 12, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (s) Retroactively approve the Tom Matsumoto Elementary School Trunk or Treat scheduled on October 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (t) Retroactively approve the Holly Oak Harvest Festival on October 24, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (u) Retroactively approve the Evergreen Elementary Fall Festival on October 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (v) Retroactively approve the Pack 264 Trunk or Treat on October 25, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (w) Retroactively approve the Family Fall Festival on October 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (x) Retroactively approve the Bon Bon Halloween Party on October 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (y) Retroactively approve the Blessed Side Trunk or Treat on October 26, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (z) Retroactively approve the Fire Station 31 Trick or Treating on October 31, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.
- (aa) Retroactively approve the Diwali Celebration at Evergreen Community Center on November 1, 2024 as a City Council sponsored

Special Event and approve the expenditure of funds.

(ab) Retroactively approve the Dia de los Muertos Celebration on November 1, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(ac) Retroactively approve the Coat Drive on November 15, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(ad) Approve the Holiday in the Square at Evergreen Village Square on December 13, 2024 as a City Council sponsored Special Event and approve the expenditure of funds.

(ae) 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. (Candelas)  
[Rules Committee referral 11/6/2024- Item B.6]

**Attachments** [Memorandum](#)

**2.14** [24-2230](#) **Retroactive Approval of District 4 Dumpster Day 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 November 6, 2024:

(a) Retroactively approve the District 4 Dumpster Day scheduled on September 28, 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. (Cohen)  
[Rules Committee referral 11/6/2024 - Item B.7]

**Attachments** [Memorandum](#)



**2.15** [24-2240](#) **City Council Appointment.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 13, 2024, appoint Councilmember Candelas to the Valley Transportation Agency (VTA) Board in the alternate position.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)  
[Rules Committee referral 11/13/2024 - Item B.1]

**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** [24-2207](#) **Tenant Protection Ordinance Audit Report.**

**Recommendation:** As recommended by the Community and Economic Development Committee on October 28, 2024, accept the report on the Tenant Protection Ordinance Audit.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)  
[Community and Economic Development Committee referral 10/28/2024 - Item (d)1]

**Attachments** [Memorandum](#)  
[Presentation, CED, 10/28/2024](#)

**3.4**     [24-2219](#)     **Public Member Appointments to the Board of Administration for Federated City Employees' Retirement System and the Board of Administration for the Police and Fire Department Retirement Plan.**

**Recommendation:**

(a) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2028.

(b) Interview applicant(s) for appointment to the Public Member Seat, consider the Board's recommendation for appointment, and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Police & Fire Department Retirement Plan through April 30, 2027, pursuant to San Jose Municipal Code Section 2.08.1240.B.

(c) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement Plan through November 30, 2028.

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

[3.4(b), 11/7/2024 Police and Fire Retirement Board, Item 4.c, (8-0-0)]

**Attachments**

[Memorandum](#)

[Recommendation from Police and Fire Retirement Board](#)

[Conflict of Interest Memorandum - Police & Fire](#)

[Conflict of Interest Memorandum - Federated](#)

[Applications](#)

3.5 [24-2212](#) **Amendments to the Microsoft Related Enterprise Licenses and Service Agreement.**

**Recommendation:**

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

- (a) Amend purchase order OP 65248 with Insight Public Sector, Inc. (Chandler, AZ), an authorized Microsoft reseller for Microsoft 365 and related enterprise licenses to increase the compensation for the agreement by \$4,260,000 for a total not to exceed amount of \$14,577,180 for the initial five-year term ending on May 31, 2026;
- (b) Extend the term of the agreement with Microsoft Corporation (Redmond, WA) to purchase Microsoft 365 and related enterprise licenses for an additional five years (Extended Term) beginning on June 1, 2026 through May 31, 2031 for total not to exceed amount of \$31,251,720, subject to the appropriation of funds;
- (c) Execute purchase orders in favor of Insight Public Sector (Chandler, AZ), to purchase Microsoft 365 and related enterprise licenses during the Extended Term, subject to the appropriation of funds;
- (d) Approve a contingency of \$5,000,000 for unanticipated and related services during the Extended Term, subject to the appropriation of funds; and
- (e) Negotiate and execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional subscriptions at the Enterprise Agreement discounted rates as may be required, 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/Information Technology)

**Attachments** [Memorandum](#)

**3.6**    [24-2242](#)    **Annual Merit Increases and Additional Executive Leave for Council Appointees.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on November 13, 2024, adopt a resolution approving a 2.5% merit increase for the City Manager, City Attorney, and City Auditor retroactively effective to July 1, 2024, and granting an additional forty (40) hours of executive leave to each of these Council Appointees for the payroll calendar year 2025; and approving a 1% merit increase for the City Clerk retroactively effective to July 1, 2024, and granting an additional twenty-four (24) hours of executive leave for the payroll calendar year 2025.

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

[Rules Committee referral 11/13/2024 - Item C.1]

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

**3.7**    [24-2244](#)    **District 3 Upcoming Vacancy.****Recommendation:**

Discuss and direct the City staff to agenda at a future meeting filling the upcoming vacancy Council District 3 pursuant to the options found in Charter Section 410:

(a) APPOINTMENT. If the vacancies are filled by appointments, the appointments shall be effective until the end of the unexpired term of office, December 31, 2026.

(b) ELECTION. If the vacancies are to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.

(c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

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

(Jimenez)

[Rules Committee referral 11/13/2024 - Item C.2]

**Attachments**

[Memorandum](#)

[Memorandum from Mayor, Cohen & Foley, 11/8/24](#)

[Memorandum from Cohen, 11/18/2024](#)

[Informational Memorandum, 11/5/24](#)

[Replacement Informational Memorandum, 11/19/24](#)

[Letters from the Public - 1 of 4](#)

[Letters from the Public - 2 of 4](#)

[Letters from the Public - 3 of 4](#)

[Letters from the Public - 4 of 4](#)

[Letters received Post Meeting](#)

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES**

**5.1 [24-2213](#) Amendments to City Council Policy 6-4 and Authorization to Proceed with Request for Proposal for Large Format Signage/Billboards at the San José Mineta International Airport.**

**Recommendation:**

(a) Adopt a resolution adopting the Addendum to a Negative Declaration to incorporate revisions to City Council Policy 6-4 for consideration of signs on City-owned property, including billboards, programmable electronic signs, and signs displaying off-site commercial speech.

(b) Adopt a resolution approving amendments to City Council Policy 6-4 entitled Signs on City-owned Land, including Billboards, Programmable Electronic Signs and Signs displaying off-site Commercial Speech.

(c) Direct staff to proceed with a Request for Proposal solicitation process on San José Mineta International Airport property for two large format electronic signage/billboard locations.

CEQA: Addendum to a Negative Declaration (File No. PP18-058 adopted on September 25, 2018) to incorporate revisions to City Council Policy 6-4 for consideration of signs on City-owned property, including billboards, programmable electronic signs, and signs displaying off-site commercial speech (File No. PP24-003); and Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport/Planning, Building, and Code Enforcement)

**Attachments**

[Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1**    [24-2211](#)            **2026 Major Events Status Report.****Recommendation:**

As recommended by the Community and Economic Development Committee on October 28, 2024, accept the status report on planning to facilitate marketing, sponsorships, local special events, and other activities for the 2026 destination sports events.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Economic Development and Cultural Affairs)

[Community and Economic Development Committee referral  
10/28/2024 - Item (d)2]

**Attachments**

[Memorandum](#)

[Presentation - est. 10 minutes, rev. 11/19/2024](#)

**9. REDEVELOPMENT – SUCCESSOR AGENCY****10. LAND USE**

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

**10.1 Land Use on Consent Calendar - TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION**

- (a) [24-2214](#) **PD24-012 & ER24-118 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 1130 East Santa Clara Street. - TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION**

**Recommendation:**

Adopt a resolution approving, subject to conditions, a Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of beer, wine, and distilled alcoholic beverages (Type 21 license) at an approximately 1,053-square-foot tenant space (jewelry store) on an approximately 0.4-gross-acre site located at the southwesterly corner of East Santa Clara Street and South 24th Street (1130 East Santa Clara Street, APN 467-58-040). CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a), Existing Facilities. Planning Commission recommends approval (7-1-1; Young opposed, Bickford absent) (Item 4.d. on the 10/23/2024 Planning Commission agenda). Council District 3. (Planning, Building and Code Enforcement)  
TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

**Attachments** [Revised Memorandum](#)  
[Resolution](#)  
[Letter from the Public](#)



- (b) [24-2215](#) **PP24-007 - Phase II Emergency Shelter Updates - An Ordinance Amending Various Sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) Related to Emergency Shelters. - TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION**

**Recommendation:** Approve an ordinance amending various sections of Title 20 of the San José Municipal Code to amend the definition of emergency residential shelter, an amendment to Chapter 20.80 to amend the specific use regulations for emergency residential shelter, and amendments to the Use Regulations tables in Chapter 20.40 ‘Commercial Zoning Districts and Public/Quasi-Public Zoning District,’ Chapter 20.50, ‘Industrial Zoning District,’ Chapter 20.55 ‘Urban Village and Mixed Use Zoning Districts,’ and Chapter 20.70, ‘Downtown Zoning Districts’ to allow emergency residential shelters by right within the Airport Influence Area.

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 (7-1-1; Oliverio opposed, Bickford absent) (Item 4.e. on the 10/23/2024 Planning Commission agenda). (Planning, Building, and Code Enforcement)

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

**Attachments** [Memorandum](#)  
[Ordinance](#)  
[Letters from the Public](#)

**END OF CONSENT CALENDAR**

## **10 Land Use - Regular Agenda**

**10.2**    [24-2216](#)            **PDC22-132 & ER23-041 - Planned Development Rezoning of the Good Samaritan Hospital Site on Certain Real Property Located at 2333 and 2425 Samaritan Drive. - NOT TO BE HEARD BEFORE 6:00 P.M.**

**Recommendation:**

(a) Adopt a resolution certifying the Good Samaritan Hospital Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a related mitigation monitoring and reporting program, in accordance with the California Environmental Quality Act, as amended.

(b) Approve an ordinance rezoning certain real property of an approximately 21-gross-acre site situated on the north side of Samaritan Drive and the east side of Samaritan Place, approximately 275 feet east of Kinghurst Drive (2333 and 2425 Samaritan Drive) (APNs 421-36-009; 421-36-011) from the A(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District. CEQA: Environmental Impact Report for the Good Samaritan Hospital Project (File Nos. PDC22-132 and ER23-41). Planning Commission made no recommendation to the EIR and voted to not recommend approval of an ordinance to rezone (7-1-1; Oliverio opposed, Bickford absent) (Item 5.a on the 10/23/2024 Planning Commission agenda). Council District 9. (Planning, Building, and Code Enforcement) NOT TO BE HEARD BEFORE 6:00 P.M.

**Attachments**

[Memorandum](#)

[Memorandum from Mayor, Foley, Jimenez, Cohen & Davis, 11/1](#)

[Memorandum from Ortiz, 11/19/24](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[Presentation - est. 10 minutes](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

[Letters received Post Meeting](#)

- **Open Forum**

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

- **Adjournment**

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10640

Location: N/E Corner of Kiperash Drive and Kyle Street

District: 4

Lots/Units: 5/5

Type: SFD

Developer: TransPacific Family LLC

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