



City Council Meeting Amended Agenda

Tuesday, December 3, 2024

1:30 PM

Council Chambers

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
VACANT, 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>

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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

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>

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

By email to 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

[24-2275](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

- Pledge of Allegiance

- Invocation (Mayor)

Terry Christensen, Professor Emeritus, San José State University

- 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 Recognition

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring December 10, 2024 as Human Rights Day in the City of San José to commemorate the day in 1948 when the United Nations General Assembly adopted the Universal Declaration of Human Rights. (Batra)

1.2 Presentation of a proclamation declaring December 1, 2024 as World AIDS Day in the City of San José to urge all residents to remain steadfast in the campaign to end the HIV/AIDS epidemic. (Foley)

1.3 Special presentation to Library literacy and reading programs. (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.

[24-2247](#) **Approval of City Council Minutes.**

Recommendation:

- (a) City Council Study Session Meeting Minutes of May 12, 2023.
 - (b) City Council Study Session Meeting Minutes of May 15, 2023.
 - (c) Regular City Council Meeting Minutes of May 23, 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**
- [\(a\) 5/12/2023 SS Minutes](#)
 - [\(b\) 5/15/2023 SS Minutes](#)
 - [\(c\) 5/23/2023 CC Minutes](#)

2.2 Final Adoption of Ordinances.

[24-2284](#) **Final Adoption of Ordinances.**

Recommendation:

- (a) Ordinance No. 31149 - An Ordinance of the City Of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San Jose Municipal Code to Amend the Definition of Emergency Residential Shelter in Chapter 20.200, Amend the Specific Use Regulations for Emergency Residential Shelter in Chapter 20.80, and Amend the Emergency Residential Shelter Use Within Table 20-90 Of Section 20.40.100 Of Chapter 20.40, ‘Commercial Zoning Districts and Public/Quasi-Public Zoning Districts,’ Table 20-110 of Section 20.50.100 Of Chapter 20.50, ‘Industrial Zoning Districts,’ and Table 20-138 of Section 20.55.203 of Chapter 20.55, ‘Urban Village and Mixed Use Zoning Districts,’ and Table 20-140 of Section 20.70.100 of Chapter 20.70, ‘Downtown Zoning Regulations.’
[Passed for Publication on 11/19/2024 - Item 10.1(b) (24-2215)]
- (b) Ordinance No. 31150 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 21 Gross Acres Situated on the North Side of Samaritan Drive and the West Side of Samaritan Place, Approximately 275 Feet East of Kinghurst Drive (APNs 421-36-009 And 421-36-011), from The A(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District.
[Passed for Publication on 11/19/2024 - Item 10.2(b) (24-2216)]

2.3 Approval of Council Committee Minutes.

[24-2246](#) **Approval of Council Committee Minutes.**

Recommendation:

(a) Regular Community and Economic Development Committee Minutes of January 22, 2024.
(b) Regular Public Safety, Finance and Strategic Support Committee Minutes of February 15, 2024.
(c) Special Joint Public Safety, Finance and Strategic Support Committee Minutes of February 15, 2024.
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 [\(a\) 1/22/2024 CED Minutes](#)
 [\(b\) 2/15/2024 PSFSS Minutes](#)
 [\(c\) 2/15/2024 PSFSS Joint Minutes](#)

2.4 Mayor and Council Excused Absence Requests.

[24-2279](#) **Mayor and Council Excused Absence Requests.**

Recommendation:

Request for an excused absence for Vice Mayor Kamei from the regular meeting of Rules and Open Government Committee on November 13, 2024 due to attendance at the Silicon Valley Leadership Group Women’s Roundtable at Moss Adams at Campbell, CA 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. (Kamei)

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

- 2.7 [24-2271](#) **Ordinance Amending Sections 6.90.320 and 6.90.330 of Chapter 6.90 of Title 6 (Retail Firearms and Ammunition Dealers Regulations) and Repealing Section 10.32.020 of Chapter 10.32 of Title 10 (Restrictions on Weapons for Persons Under the Age of Eighteen Years) of the San José Municipal Code to Better Align with the Regulation of Firearms under the California Penal Code.**

Recommendation:

Approve an ordinance amending Sections 6.90.320 and 6.90.330 of Chapter 6.90 of Title 6 of the San José Municipal Code and repealing Section 10.32.020 of Chapter 10.32 of Title 10 of the San José Municipal Code to better align with the regulation of firearms under the California Penal Code.

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

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

- 2.8 [24-2280](#) **Boards and Commissions Appointments.**

Recommendation:

Approve the following Boards and Commissions appointments:

(a) Federated Retirement Board:

(1) Appoint Mark Linder as the Retiree Representative to the Board of Administration for the Federated City Employees Retirement System to a second term ending November 30, 2028.

(b) Police and Fire Retirement Board:

(1) Appoint Franco Vado as the Police Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a second term ending November 30, 2028.

(c) If a vacancy remains, direct the City Clerk to continue recruitment efforts.

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

Attachments [Memorandum](#)
[Applications](#)

2.9 [24-2277](#) **First Amendment to the Master Consultant Agreement Between the City of San José and HF&H Consultants, LLC for Commercial Solid Waste and Recycling Programs.**

Recommendation: Approve the First Amendment to the Master Consultant Agreement between the City of San José and HF&H Consultants, LLC, to increase the maximum compensation from \$350,000 to \$650,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

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

2.10 [24-2255](#) **Actions Related to the Purchase Orders with Owen Equipment Sales for Sewer Trucks and Equipment.**

Recommendation: Adopt a resolution authorizing the City Manager or her designee to:
(a) Amend purchase order OP 65360 with Owen Equipment Sales (Fairfield, CA) for sewer trucks and equipment to increase the total compensation by \$4,570,000, for a maximum compensation not-to-exceed \$6,000,000 for the period ending June 25, 2025; and
(b) Exercise additional purchase orders for the purchase of sewer trucks and equipment through November 29, 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)

Attachments [Memorandum](#)

2.11 [24-2256](#) **Report on Request for Proposal for a Red-Light Enforcement Solution.****Recommendation:**

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

- (a) Negotiate and execute an agreement with American Traffic Solutions, Inc. dba Verra Mobility (Mesa, AZ) to provide a red-light enforcement solution for the Department of Transportation, including related hardware, installation, software, maintenance, support, citation issuance and processing, and other related services, for a maximum compensation not to exceed \$201,600 during the initial term beginning on or about December 4, 2024 through November 30, 2025, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes, including additional hardware, software subscriptions, optional modules, integrations, and related professional services for a contingency amount not to exceed \$20,000 during the initial term, subject to the appropriation of funds; and
- (c) Negotiate and execute up to six one-year options to extend the term through November 30, 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)

Attachments [Memorandum](#)

2.12 [24-2257](#) **Report on Request for Proposal for a Data Analytics Platform and Transportation Related Data System.**

Recommendation:

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

- (a) Negotiate and execute an agreement with Community Logiq Software Inc. for a Data Analytics Platform (Package A) with an initial three-year term beginning on or about January 31, 2025 and ending on or about January 30, 2028, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$1,095,000.
 - (b) Negotiate and execute an agreement with Replica for a Transportation-Related Data System (Package B) with an initial two-year term beginning on or about December 2024 and ending on or about December 30, 2026, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$291,400.
 - (c) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$109,500 for Package A.
 - (d) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$29,140 for Package B.
 - (e) Exercise up to four one-year options to extend the term of the agreement for Package A resulting in a possible maximum term of seven years, subject to the appropriation of funds.
 - (f) Exercise up to five one-year options to extend the term of the agreement for Package B resulting in a possible maximum term of seven years, 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](#)

2.13 [24-2258](#) **Disposition and Sale of Vermont House Located at 1072 and 1082 Vermont Street.**

Recommendation:

Adopt a resolution:

(a) Declaring the City-owned property located at 1072 and 1082 Vermont Street, San José, consisting of two parcels of land totaling approximately 0.33 acre, with two multi-family residences for a combined total building area of 5,217 square feet, further identified as Assessor's Parcel Numbers 230-42-077 and 230-42-078, as "exempt surplus land" pursuant to California Government Code §54221(f)(1)(D) and in accordance with San José Municipal Code §4.20.080(B)(2) as a transfer of surplus property to another local, state, or federal agency for that agency's use; and

(b) Authorizing the City Manager, or her designee, to negotiate and execute:

(1) A purchase and sale agreement with the County of Santa Clara for the sale of the properties located at 1072 and 1082 Vermont Street, San José, 95126, further identified as Assessor's Parcel Numbers 230-42-077 and 230-42-078, for a total sale price of \$310,000; and

(2) All other necessary documents to complete the property transfer to the County of Santa Clara.

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

Council District 6. (Housing)

Attachments

[Memorandum](#)

[Resolution](#)

[Letters from the Public](#)

2.14 [24-2272](#) **Actions Related to the Encampment Resolution Funding Round Three Grant from the State of California Department of Housing and Community Development and Related Grant Agreements.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or her designee, to accept the Encampment Resolution Funding Round Three grant award of \$4,821,082.88 from the State of California Department of Housing and Community Development to fund unsheltered homelessness outreach and housing options and to negotiate and execute related documents to accept grant funds without requiring further City Council action.
- (b) Adopt a resolution authorizing the Housing Director, or his designee, to negotiate and execute an amendment to the current grant agreement with HomeFirst Services of Santa Clara County to replace Measure E or Homeless Housing, Assistance, and Prevention Program - Round 4 funds with Encampment Resolution Funding Round Three funds, in an amount not to exceed \$1,193,510 to provide targeted outreach and engagement services for unsheltered homelessness retroactive from October 4, 2024 to June 30, 2025.
- (c) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
- (1) Establish an estimate for Revenue from the State of California in the amount of \$2,410,542; and
 - (2) Establish the Encampment Resolution Funding Grant Round 3 appropriation to the Housing Department in the amount of \$2,410,542.
- CEQA: Determination of Consistency with the Mitigated Negative Declaration for Emergency Interim Housing Programs (File No. ER22-198; Resolution No. RES2023-380), File No. ER24-015.
(Housing/City Manager)

Attachments [Memorandum](#)
 [\(a\) Resolution rev. 11-27-24](#)

2.15 [24-2259](#) **Amendment to the Master Agreement with Environmental Science Associates, Inc. for Environmental Consultant Services.**

Recommendation: Approve the first amendment to the master agreement for consultant services with Environmental Science Associates, Inc. (Contract No. 9048-B), to extend the term from December 31, 2024 to December 31, 2026, with no change to the maximum compensation.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

Attachments [Memorandum Agreement](#)

2.16 [24-2260](#) **Amendment to the Master Agreement with Advance Design Consultants, Inc. for Mechanical, Electrical, and Plumbing Consulting Services.**

Recommendation: Approve the first amendment to the master agreement for mechanical, electrical, and plumbing consultant services with Advance Design Consultants, Inc. (Contract No. 9934-C), to extend the term from December 31, 2024 to December 31, 2027, with no change to the maximum compensation.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

Attachments [Memorandum Agreement](#)

2.17 [24-2261](#) **Report on Bids and Award of Contract for the 10085 - Sanitary Sewer Repairs Fiscal Year 2022-2023 Package III Project.**

Recommendation: (a) Report on bids and award of contract for the construction of 10085 - Sanitary Sewer Repairs Fiscal Year 2022-2023 Package III Project to the lowest responsive, responsible bidder, SubTerra Construction, Inc., in the amount of \$2,775,574; and
(b) Approve a 10% contingency in the amount of \$277,557.
CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. Council Districts 3, 6, and 7. (Public Works)

Attachments [Memorandum](#)

2.18 [24-2262](#) **Third Amendment to the Master Agreement with GHD, Inc. for Trails Engineering Services.**

Recommendation: Approve the third amendment to the master agreement for consultant services with GHD, Inc. (Contract No. 9011), to extend the term from December 31, 2024 to December 31, 2029 for the sole purpose of completing the trails engineering services on the four existing ongoing projects, with no change to the maximum compensation.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

Attachments [Memorandum Agreement](#)

2.19 [24-2263](#) **Amendment to the Master Agreement with David J. Powers and Associates, Inc. for Environmental Consultant Services for Various City Projects.**

Recommendation: Approve the first amendment to the master agreement for consultant services with David J. Powers and Associates, Inc. (Contract No. 9048-C), to extend the term from December 31, 2024 to December 31, 2026, with no change to the maximum compensation.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Attachments [Memorandum Agreement rev. 11-27-24](#)

2.20 [24-2264](#) **Report on Bids and Award of Contract for the 10300-Sanitary Sewer Condition Assessment FY 2023-2024 Package IV Project.**

Recommendation: (a) Report on bids and award of a contract for the construction of 10300 - Sanitary Sewer Condition Assessment FY 2023-2024 Package IV Project to the lowest responsive, responsible bidder, Pipe and Plant Solutions, Inc., in the amount of \$1,598,662; and
(b) Approve a 10% contingency in the amount of \$159,866.
CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities and 15302(c) Replacement or Reconstruction. Council Districts 2 and 10. (Public Works)

Attachments [Memorandum](#)

2.21 [24-2265](#) **Fiscal Year 2023-2024 Traffic Impact Fee Report.****Recommendation:**

Accept the annual Fiscal Year 2023-2024 Traffic Impact Fee Report and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council Districts 1, 3, 4, 5, 6, 7, and 8.
(Transportation)

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 [24-2269](#) **San José Animal Care and Services Audit Report.****Recommendation:**

As recommended by the Neighborhood Services and Education Committee on November 14, 2024, accept the report on the San José Animal Care and Services 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)
[Neighborhood Services and Education Committee referral 11/14/2024 - Item (d)4]

Attachments [Memorandum](#)
[Memorandum from Mayor, Kamei, Ortiz & Doan, 11-27-24](#)
[Presentation 11/26/2024](#)
[Letters from the Public](#)
[Letter Received Post Meeting](#)

3.4 [24-2270](#) **Citywide Capital Improvement Program Annual Report for Fiscal Year 2023-2024.**

Recommendation: Accept the Citywide Capital Improvement Program Annual Report for Fiscal Year 2023-2024.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

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

3.5 [24-2281](#) **Special Municipal Election and Interim Appointment to Fill Vacancy in District 3.**

Recommendation: (a) Direct the City Clerk to open a recruitment for an interim appointment to begin on December 16, 2024 and end on January 10, 2025 with applications transmitted to the City Council for interview selection, and the interview and appointment scheduled for January 28, 2025; and
(b) Adopt a resolution calling for a Special Election to be held on April 8, 2025, and, if necessary, a Run-Off Municipal Election on June 24, 2025, for the purpose of electing a Council Member for District 3 and requesting the Board of Supervisors of the County of Santa Clara to Canvass the Returns of said elections and to permit the County Registrar of Voters to render certain services to the City of San Jose relating to the conduct of said election.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments [Memorandum](#)
[Supplemental Memorandum on Appointment Process, 12/2/24](#)
[Minutes from 2022 including Council questions](#)
[Memorandum from Cohen, 12/3/2024](#)
[Resolution](#)
[Letters from the Public](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 [24-2276](#) **Acceptance of United States Department of Transportation Safe Streets and Roads for All Grants.**

Recommendation: Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with the United States Department of Transportation in an amount not to exceed \$21,401,089 in Safe Streets and Roads for All grant funding for the following projects:
(a) Fiscal Year 2022-2023 award in an amount not to exceed \$12,901,089 for the San José Safety Improvements at Key Intersections Implementation Project, with a local match of \$3,225,273; and
(b) Fiscal Year 2023-2024 award in an amount not to exceed \$8,500,000 for the San José Speed Safety Camera Demonstration Project, with a local match of \$2,125,000.
CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation)

Attachments [Memorandum](#)

5.2 [24-2283](#) **Informational Update on Transportation Items. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: As recommended by the Rules and Open Government Committee on November 20, 2024, receive a brief informational update from the Mayor on transportation items.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Mayor)
[Rules Committee referral 11/20/2024 - Item C.1]
TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [24-2273](#) **Actions Related to a Loan Commitment for the Acquisition and Rehabilitation of Virginian Apartments Located at 1718, 1724, and 1730 Virginia Avenue.**

Recommendation:

(a) Adopt a resolution:

(1) Approving an Acquisition and Rehabilitation loan commitment of up to \$5,000,000 in Real Property Transfer Tax Funds and Inclusionary Housing Ordinance Funds, or such other special funds as the City may designate to the South Bay Community Land Trust or an affiliated development entity for the Virginian Apartments development, an existing naturally occurring affordable residential rental property, located at 1718,1724, and 1730 Virginia Avenue, which is being acquired and rehabilitated to preserve 18 affordable homes; and

(2) Authorizing the Housing Director, or his designee, to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Virginian Apartments development.

(b) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the Real Property Transfer Tax Fund:

(1) Decrease the Measure E - 5% Moderate-Income Households Reserve appropriation by \$3,650,000; and

(2) Increase the Measure E - 5% Moderate-Income Households appropriation to the Housing Department by \$3,650,000.

(c) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the Inclusionary Fee Fund:

(1) Decrease the Committed Projects Reserve appropriation by \$1,350,000; and

(2) Increase the Housing Loans and Grants appropriation to the Housing Department in the amount of \$1,350,000.

CEQA: Categorically Exempt, File No. ER24-246, CEQA Guidelines Section 15301, Existing Facilities. Council District 5. (Housing/City Manager)

Attachments

[Memorandum](#)

[Resolution](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

8.2 [24-2274](#) **Actions Related to the Emergency Interim Housing Project at Cherry Avenue.**

Recommendation:

- (a) Adopt a resolution:
- (1) Ratifying the City Manager’s authorization to execute a Collaborative Use Agreement with the Santa Clara Valley Water District allowing for an emergency interim shelter/housing community on the District’s Cherry Avenue property;
 - (2) Authorizing the City Manager, or her designee, to negotiate and execute all related necessary agreements:
 - (i) Supporting the State of California and Santa Clara Valley Water District in their efforts to fund portions of the project and to implement the requirements of the Collaborative Use Agreement; and
 - (ii) Exercising any option period(s), amendments or agreements to extend the term of the Collaborative Use Agreement under substantially similar terms;
 - (3) Determining the City may award a Project Delivery Agreement to DignityMoves to deliver the Emergency Interim Housing project at Cherry Avenue without a competitive procurement under the “idle act” exception in Section 1217(i)(6) of the City of San José Charter;
 - (4) Authorizing the Director of Public Works to negotiate, award and execute a Project Delivery Agreement at a maximum guaranteed amount not to exceed \$15,000,000 for the development of an Emergency Interim Housing project at Cherry Avenue with DignityMoves, in accordance with the requirements of the staff memorandum and subject to the appropriation of funds; and
 - (5) Authorizing the Director of Public Works to approve a 10% contingency for the project.
- (b) Adopt the following 2024-2025 Appropriation Ordinance Amendments in the Real Property Transfer Tax Fund:
- (1) Decrease the Interim Housing Construction and Operations (15% Homeless Support Programs) appropriation to the Housing Department by \$1,000,000; and
 - (2) Increase the Interim Housing - Cherry appropriation to the Public Works Department by \$1,000,000.
- (c) Adopt the following 2024-2025 Appropriation Ordinance Amendments in the General Fund:
- (1) Decrease the Emergency Housing - Emergency Housing Construction and Operation City-wide Expenses appropriation to the Housing Department by \$1,000,000;
 - (2) Decrease the Interim Housing Construction and Operation City-wide Expenses appropriation to the Housing Department by \$1,350,000; and
 - (3) Establish the Interim Housing - Cherry Capital Improvements

appropriation to the Public Works Department in the amount of \$2,350,000.

CEQA: File No. ER24-015, Determination of Consistency with the Mitigated Negative Declaration for the Emergency Interim Housing Programs project (File No. ER22-198, Resolution No. 2023-380).
Council District 9 (Public Works/Housing/City Manager)

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

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. Members of the public may only speak at Open Forum once.

- **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://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.

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.