



City Council Meeting Agenda

Tuesday, June 6, 2023

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88957084529>**

MATT MAHAN, MAYOR
ROSEMARY KAMEI, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

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

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

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

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

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,

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

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

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

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

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

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

- 1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88957084529>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

- **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

- **Pledge of Allegiance**
- **Invocation (District 6)**

The Rainbow Women's Chorus

• Orders of the Day

To be heard after Ceremonial Items

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

• Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to the board members and 2023 student winners of the annual Synopsys Science and Technology Championship to recognize the visionary ideas and groundbreaking student projects that will contribute to the City of San José and the global community. (Cohen)

1.2 Presentation of a proclamation declaring June 2023 as Pride Month to recognize the City of San José’s vibrant and diverse LGBTQ+ community. (Foley, Davis, Torres)

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.

23-810 Approval of City Council Minutes.

Recommendation: (a) Regular City Council Meeting Minutes of August 17, 2021.
(b) Regular City Council Meeting Minutes of August 31, 2021.
(c) Regular City Council Meeting Minutes of September 21, 2021.
(d) Regular City Council Meeting Minutes of September 28, 2021.
(e) Regular City Council Meeting Minutes of October 26, 2021.
(f) Regular City Council Meeting Minutes of November 9, 2021.
(g) Regular City Council Meeting Minutes of November 30, 2021.
(h) Regular City Council Meeting Minutes of August 30, 2022.
(i) Regular City Council Meeting Minutes of September 20, 2022.
(j) City Council Study Session Meeting Minutes of October 28, 2021.
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.

23-855 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30912 - An Ordinance of the City of San José Amending Section 12.21.430 of Chapter 12.21 (Complaints Regarding Requests for Public Records) of the San José Municipal Code to Clarify the Appeal Process for a Public Records Act Request.
[Passed for Publication on 5/23/2023 - Item 3.3(b) (23-744)]
(b) Ordinance No. 30913 - An Ordinance of the City Of San José Amending Section 12.06.030 of Chapter 12.06 of Title 12 of the San José Municipal Code to Amend the Definition of a Candidate to Conform with State Law.
[Passed for Publication on 5/23/2023 - Item 3.5 (23-768)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

23-802 Mayor and Council Excused Absence Requests.

Recommendation: Request for excused absences for Councilmember Jimenez from the Regular City Council Meeting on May 23, 2023 and the Regular Meeting of Rules and Open Government Committee on May 24, 2023 due to Authorized City Business at the Water Education for Latino Leaders Untapped fellowship session number eight, Sacramento, California.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 23-811 Amendment to the Master Agreement with Deloitte and Touche LLP for Technical Consulting Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute a First Amendment to the Master Consultant Agreement with Deloitte and Touche, LLP for technical consulting services including load forecasting, portfolio management, energy risk management and analysis, and regulatory and compliance support, to increase the maximum compensation from \$320,000 to \$520,000 through June 30, 2026, and extend the term for up to three one-year options through June 30, 2029, subject to the appropriation of funds.

(b) Exercise the three one-year options to extend the term of the Master Consultant Agreement through June 30, 2029.

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

(Community Energy)

2.8 23-812 Amendment to the Master Consultant Agreement with Flynn Resource Consultants, Inc. for Professional Consulting Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute the Third Amendment to the Master Consultant Agreement with Flynn Resource Consultants, Inc. for professional consulting services including power procurement and portfolio management, energy risk management and analysis, financial analysis, and energy program support, to amend the compensation rate, and extend the term with up to three one-year options through June 30, 2026, subject to the appropriation of funds; and

(b) Exercise up to three one-year options to extend the term of the Master Consultant Agreement through June 30, 2026.

CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Community Energy)

2.9 23-816 Third Quarter Financial Reports for Fiscal Year 2022-2023.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 18, 2023, accept the Third Quarter (period ending March 31, 2023) Financial Reports for the Fiscal Year 2022-2023 for (1) Debt Management; (2) Investment Management; (3) Revenue Management; and (4) Purchasing and Risk Management.

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

[Public Safety, Finance, and Strategic Support Committee 5/18/2023 - Item (c)1]

2.10 23-817 Set a Public Hearing for the Fiscal Year 2023-2024 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation: Adopt a resolution:

(a) Setting a Public Hearing for Tuesday, August 8, 2023, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2023-2024 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2023-2024 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;

(b) Directing the Director of Finance to file the Fiscal Year 2023-2024 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 14, 2023, instead of July 5, 2023; and

(c) Directing the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

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

2.11 23-818 Set a Public Hearing for the Fiscal Year 2023-2024 Annual Residential Solid Waste Collection Service Charges.

Recommendation: Adopt a resolution:

(a) Setting a Public Hearing for Tuesday, August 8, 2023, at 1:30 p.m., or as soon thereafter as the matter may be heard to approve the placement of the 2023-2024 annual Residential Solid Waste Collection Service Charges on the Fiscal Year 2023-2024 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Directing the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

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

2.12 23-819 Approval of the Library Parcel Tax Rates for Fiscal Year 2023-2024.

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2023-2024 by 3% over the fiscal year 2022-2023 rates, and approving the placement of the Library Parcel Tax on the fiscal year 2023-2024 Santa Clara County Property Tax Roll.
CEQA: Statutorily Exempt, File No. PP17-005 CEQA Guidelines Section 15273, adjustment to fees, rates and fares without changes to or expansion of services. (Finance/Library)

2.13 23-820 Report on Request for Proposal for Certified Payroll Labor Compliance and Workforce Management System.

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

- (a) Negotiate and execute an agreement with eComply Solutions LLC (Bellevue, WA) for a Certified Payroll Labor Compliance and Workforce Management System with an initial three-year term beginning on or about June 7, 2023 and ending July 31, 2026, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$250,000 for the initial term, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders for unanticipated changes in requirements for a contingency amount not to exceed \$50,000 during the initial three-year term, subject to the appropriation of funds; and
- (c) Exercise up to seven one-year options to extend the term of the agreement through July 31, 2033, or as may be adjusted to align with the software renewal term, subject to the appropriation of funds.

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

2.14 23-821 Amendment to the City Pay Plan.

Recommendation: Adopt a resolution amending the City of San José Pay Plan effective June 6, 2023, to create the Wastewater Facility Deputy Director (U) (3626) classification with an annual pensionable salary range of \$145,715.99 - \$235,185.60.
CEQA: Not a Project, File No. PP17 008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources)
[Deferred from 5/23/2023 - Item 2.16 (23-742)]

2.15 23-822 Amendment to Master Agreement with Envirocom for Industrial Hygienist Services for Various City Facility Projects.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Master Agreement for consultant services with Envirocom (CPMS Contract No. 8557), extending the term from June 30, 2023 to December 31, 2025, with no increase in total compensation, for the sole purpose of allowing the consultant to continue providing industrial hygienist hazmat consulting services through completion of the Agnews Property Demolition (CPMS 7673), Milligan Parking Lot (CPMS 8820), Camden Community Center Improvements (CPMS 9414), and San José Municipal Water New Offices (CPMS 9813) projects.

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

2.16 23-823 Approval of the Maintenance District Budget Reports for Fiscal Year 2023-2024.

Recommendation: (a) Adopt resolutions:

(1) Approving the Annual Budget Reports for Fiscal Year 2023-2024 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and confirming and levying the individual assessments for each Maintenance District, as filed or modified by the City Council; and

(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

(b) Approve an uncodified ordinance approving the Annual Budget Reports for Fiscal Year 2023-2024 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22, as filed or modified by the City Council, and confirming and levying the individual assessments for each Maintenance District specified in the resolutions.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines, Existing Facilities. Council Districts 2, 3, 4, 8 and 10. (Public Works)

2.17 23-824 Amendment to Master Consultant Agreement with Wood Rodgers, Inc. for City-wide Master Planning for the Storm Sewer System.

Recommendation: Approve the Second Amendment to the Master Consultant Agreement with Wood Rodgers, Inc., for master planning consultant services for the City's storm sewer system, extending the term of the agreement from June 30, 2023 to June 30, 2024.

CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

2.18 23-825 Approval of the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024.

- Recommendation:** (a) Adopt a resolution:
- (1) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024 as filed or modified by City Council, and confirming and levying the individual assessments as filed or modified by the City Council; and
 - (2) Directing the Director of Public Works to deliver the assessment roll to Santa Clara County for collection with the property taxes.
- (b) Approve an uncodified ordinance to approve the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2023-2024, as filed or modified by the City Council, and confirming and levying the individual assessments specified in the resolution.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines, Existing Facilities. Council District 6. (Public Works)

2.19 23-826 Transportation Development Act, Article 3 State Grant for Bicycle and Pedestrian Projects.

- Recommendation:** Adopt a resolution:
- (a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2023-2024 Transportation Development Act, Article 3 State grant funding in the amount of \$787,462 for bicycle and pedestrian projects;
 - (b) Making the certifications and assurances required under the Transportation Development Act, Article 3 grant; and
 - (c) Authorizing the City Manager or designee to accept Transportation Development Act, Article 3 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)

2.20 23-827 Re-Allocation of Funding for Tree Inventory Procurement.

Recommendation: Adopt a resolution authorizing the City Manager or designee to re-allocate and spend \$375,000 in the 2022-2023 Adopted Budget designated for a local grant match appropriation for direct tree-inventory procurement purposes.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

2.21 23-828 Approval of the Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2023-2024.

Recommendation: (a) Adopt a resolution:
(1) Approving the Downtown San José Property-Based Improvement District Annual Report and Budget for Fiscal Year 2023-2024, as filed or modified by City Council, and confirming and levying the individual assessments as filed or modified by the City Council; and
(2) Directing the Director of Public Works to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.
(b) Approve an uncodified ordinance to approve the Downtown San José Property-Based Improvement District (PBID) Annual Report for Fiscal Year 2023-2024, as filed or modified by the City Council, and confirming and levying the individual assessments specified in the resolution.
CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines, Existing Facilities. Council District 3 and 6. (Transportation/Public Works)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 23-832 Employee Travel Expenses Audit Report.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on May 18, 2023, accept the report on the audit of employee travel expenses.

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)

[Public Safety, Finance, and Strategic Support Committee referral 5/18/2023 - Item (d)1]

3.4 23-857 Approval of the Terms of an Agreement with the Peace Officer Park Ranger Association for the Term of July 1, 2023 through June 30, 2027.

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Peace Officer Park Ranger Association (POPRA) for the term of July 1, 2023, through June 30, 2027, and authorizing the City Manager 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 SERVICES

4.1 23-833 Independent Police Auditor 2022 Year End Report.

Recommendation: (a) Accept the 2022 Independent Police Auditor Year End Report.
(b) Accept the San José Police Department’s response to the recommendations contained in the 2022 Independent Police Auditor Year End Report.

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

4.2 23-834 San José Police Department Internal Affairs Unit - 2022 Department Initiated Investigations Report.

Recommendation: Accept the San José Police Department’s Internal Affairs Unit report on Department Initiated Investigations for calendar year 2022.

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

5. TRANSPORTATION & AVIATION SERVICES

5.1 23-835 Actions Related to the 10266 - SJC New Taxiway V Phase 1B and Alternate Phase 1C Project at the San José Mineta International Airport.

Recommendation: Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute the contract for the construction of the 10266 - SJC New Taxiway V Phase 1B Project (Project) to the lowest responsive, responsible bidder, Granite Rock Company, for the base bid (Phase 1B) and Add Alternate No. 1 (Phase 1C) in the amount of \$13,702,268 contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration; and
- (b) Approve a 10% contingency in the amount of \$1,370,227.

CEQA: File. No ER22-021 Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (Resolution No. 79497). (Public Works)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 23-836 Sewer Service and Use Charges and Storm Sewer Service Charge Rates Effective July 1, 2023.

Recommendation: (a) Adopt a resolution maintaining the Sewer Service and Use Charge rates at 2022 - 2023 levels, effective July 1, 2023, as identified in Attachment A to the staff memorandum.

(b) Adopt a resolution maintaining the Storm Sewer Service Charge rates at 2022 - 2023 levels, effective July 1, 2023, as identified in Attachment B to the staff memorandum.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

6.2 23-837 Public Hearing on Residential Garbage and Recycling Services Rates for Single-Family and Multi-Family Residential Solid Waste Services.

Recommendation: (a) Hold a Public Hearing on the proposed 2023-2024 Residential Garbage and Recycling rates and charges.
(b) Adopt a resolution effective July 1, 2023:
(1) Increasing residential solid waste service rates for single-family households up to 4%; and
(2) Increasing residential solid waste service rates for multi-family households up to 2%.
(c) Approve an uncodified ordinance effective July 1, 2023:
(1) Increasing residential solid waste service rates for single-family households up to 4% specified in the resolution; and
(2) Increasing residential solid waste service rates for multi-family households up to 2% specified in the resolution.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

6.3 23-838 San José Municipal Water System Potable (Drinking) and Recycled Water Rates and Charges.

Recommendation: (a) Hold public hearings on San José Municipal Water System potable and recycled water rates and charges effective July 1, 2023.
(b) Adopt a resolution to increase the current San José Municipal Water System potable water rates and charges effective July 1, 2023, as identified in Attachment A to the staff memorandum.
(c) Adopt a resolution to increase the current San José Municipal Water System recycle water rates and charges effective July 1, 2023, as identified in Attachment A to the staff memorandum.
(d) Approve an uncodified ordinance increasing the San José Municipal Water System potable and recycled water rates and charges effective July 1, 2023, as specified in the resolution.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. Council Districts 2, 4, 7 and 8. (Environmental Services)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 23-839 Public Hearing on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2023-2024.

Recommendation: (a) Conduct a public hearing and adopt a resolution approving the Japantown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2023-2024.

(b) Approve an uncodified ordinance to approve the Japantown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Japantown Business Improvement District assessments for Fiscal Year 2023-2024, specified in the resolution.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

8.2 23-840 Public Hearing on the Downtown Business Improvement District Budget Report and Assessments for Fiscal Year 2023-2024.

Recommendation: (a) Conduct a public hearing and adopt a resolution approving the Downtown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2023-2024.

(b) Approve an uncodified ordinance approving the Downtown Business Improvement District Budget Report for Fiscal Year 2023-2024 as filed or modified by City Council, and levying the Downtown Business Improvement District assessments for Fiscal Year 2023-2024, specified in the resolution.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

8.3 23-841 Transfer Affordability Restrictions for the Pacific Motor Inn Property Located at 455 South Second Street.

Recommendation: Adopt a resolution authorizing the Director of Housing to:

- (a) Negotiate and execute a Standard Grant Agreement with the California Department of Housing and Community Development and related documents to include a provision that allows the transfer affordability restrictions placed on the property located at 455 South Second Street through the HomeKey program to a new site in San José in the circumstance that an affordable housing development is unable to secure financing;
- (b) Make minor modifications to the terms of the deal if necessary; and
- (c) Allocate an additional \$100,000 for the purchase of the property.

CEQA: Exempt, File No. ER21-159, Public Health and Safety Code Section 50675.1.4. Council District 3. (Housing)

8.4 23-842 City Initiatives Roadmap: Emergency Interim Housing and Supportive Parking.

Recommendation: (a) Accept the staff report on site identification for Emergency Interim Housing and Supportive Parking and approve the following actions:

- (1) Pursue the Valley Water Cherry Avenue site for Emergency Interim Housing, including an adjacent Water Resources Protection Zone, while continuing to pursue other potential sites throughout the City;
- (2) Evaluate and pursue, if advantageous to the City, the Via Del Oro and San Ignacio Avenue site for a philanthropic donation of leased land and buildings for Emergency Interim Housing;
- (3) Evaluate and pursue as a back-up option the Bernal Road South at 101 On Ramp and/or the Bernal Road North between 101 and 85 sites for the Governor's State Small Home Initiative; and
- (4) Pursue the 1300 Berryessa Road site for a Supportive Parking program for recreational vehicles and cars.

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

8.5 23-843 Berryessa Lease Agreement.

Recommendation: (a) Adopt a resolution adopting the Addendum to the Negative Declaration prepared for the Incidental Safe of the 1300 Berryessa Road site for incidental safe parking use in accordance with the California Environmental Quality Act.

(b) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Lease Agreement between Terreno Berryessa LLC, a Delaware limited liability company, as Landlord, and the City of San José, as Tenant, commencing June 30, 2023, for the use of approximately 6.325 acres (275,517 square feet) of land located at 1300 Berryessa Road in San José, with an initial term of 122 months at a total base rental cost of \$15,213,988.03, and an estimated total triple net expense of \$3,697,439.46. The total cost of the lease over the 122-month term is an estimated \$18,911,427.49.

CEQA: Addendum to the Negative Declaration for the Incidental Safe Parking Use Municipal Code Amendments (adopted by Council on February 26, 2019 by Resolution No. 78990) and Addenda thereto, File No. ER23-081. (Housing/Economic Development and Cultural Affairs)

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

9.1 23-844 Successor Agency Board to the San José Redevelopment Agency July 1, 2023 - June 30, 2024 Administrative Budget and Annual Recognized Obligation Payment Schedule 2023-2024. - TO BE HEARD AFTER ITEM 10.1

Recommendation: Successor Agency Board to the Redevelopment Agency adopt resolutions approving:

(a) The Administrative Budget for July 1, 2023 through June 30, 2024; and

(b) The Recognized Obligation Payment Schedule 2023-24 and authorizing payment for items on ROPS 23-24, which details the obligations of the Successor Agency for the period of July 1, 2023 through June 30, 2024.

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

TO BE HEARD AFTER ITEM 10.1

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

10. LAND USE

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

10.1 Land Use on Consent Calendar - TO BE HEARD IMMEDIATELY AFTER CONSENT

- (a) **23-845** C22-101, C22-104, C22-110, C22-111, C22-115, C22-116, C22-117, C22-118, C22-119, C22-120, C22-121, C23-001, C23-002, C23-003, C23-004 & C23-005 - City-Initiated Rezoning of 870 Parcels to Align a Property's Zoning Designation to Its General Plan Land Use Designation in Response to Senate Bill 1333. - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: Approve an ordinance of the City of San José rezoning 76 properties from R-M Multiple Residence Zoning District to MUN Mixed Use Neighborhood Zoning District, 55 properties from R-M Multiple Residence Zoning District to UR Urban Residential Zoning District, 50 properties from HI Heavy Industrial Zoning District to LI Light Industrial Zoning District, 48 properties from HI Heavy Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, 41 properties from CN Commercial Neighborhood Zoning District to MUN Mixed Use Neighborhood Zoning District, 40 properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, 38 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, 34 properties from LI Light Industrial Zoning District to HI Heavy Industrial Zoning District, 32 properties from LI Light Industrial Zoning District to TR Transit Residential Zoning District, 31 properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residential Zoning District, 24 properties from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, 24 properties from LI Light Industrial Zoning District to UR Urban Residential Zoning District, 20 properties from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, 20 properties from R-M Multiple Residence Zoning District to CP Commercial Pedestrian Zoning District, 20 properties from LI Light Industrial Zoning District to OS Open Space Zoning District, 18 properties from LI Light Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, 17 properties from CG Commercial General Zoning District to UV Urban Village Zoning District, 17 properties from CP Commercial Pedestrian Zoning District to UV Urban Village Zoning District, 17 properties from CP Commercial Pedestrian Zoning District to UVC Urban Village Commercial Zoning District, 14 properties from CO Commercial Office Zoning District to UVC Urban Village Commercial Zoning District, 11 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties

from IP Industrial Park Zoning District to HI Heavy Industrial Zoning District, 10 properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District, 10 properties from CG Commercial General Zoning District to UVC Urban Village Commercial Zoning District, nine properties from A Agriculture Zoning District to CP Commercial Pedestrian Zoning District, nine properties from LI Light Industrial Zoning District to MUC Mixed Use Commercial Zoning District, eight properties from CP Commercial Pedestrian Zoning District to CG Commercial General Zoning District, eight properties from CG Commercial General Zoning District to CIC Combined Industrial/Commercial Zoning District, eight properties from HI Heavy Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, eight properties from CN Commercial Neighborhood Zoning District to UV Urban Village Zoning District, seven properties from IP Industrial Park Zoning to CIC Combined Industrial/Commercial Zoning District, seven properties from A Agriculture Zoning District to MUN Mixed Use Neighborhood Zoning District, seven properties from R-1-8 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, seven properties from CO Commercial Office Zoning District to UV Urban Village Zoning District, six properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residential Zoning District, five properties from CN Commercial Neighborhood Zoning District to CG Commercial General Zoning District, five properties from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, five properties from CG Commercial General Zoning District to LI Light Industrial Zoning District, five properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, five properties from HI Heavy Industrial Zoning District to OS Open Space Zoning District, four properties from PQP Public/Quasi-Public Zoning District to CP Commercial Pedestrian Zoning District, four properties from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, four properties from A Agriculture Zoning District to OS Open Space Zoning District, four properties from PQP Public/Quasi-Public Zoning District to TR Transit Residential Zoning District, four properties from CO Commercial Office Zoning District to UR Urban Residential Zoning District, three properties from HI Heavy Industrial Zoning District to CP Commercial Pedestrian Zoning District, three properties from CP Commercial Pedestrian Zoning District to OS Open Space Zoning District, three properties from LI

Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District, three properties from A Agriculture Zoning District to R-1-8 Single-Family Residential Zoning District, three properties from HI Heavy Industrial Zoning District to TR Transit Residential Zoning District, three properties from R-M Multiple Residence Zoning District to TR Transit Residential Zoning District, three properties from CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, three properties from HI Heavy Industrial Zoning District to UR Urban Residential Zoning District, three properties from IP Industrial Park Zoning District to UR Urban Residential Zoning District, two properties from PQP Public/Quasi-Public Zoning District to HI Heavy Industrial Zoning District, two properties from A Agriculture Zoning District to IP Industrial Park Zoning District, two properties from PQP Public/Quasi-Public Zoning District to OS Open Space Zoning District, two properties from R-1-8 Single-Family Residential Zoning District to OS Open Space Zoning District, two properties from R-M Multiple Residence Zoning District to OS Open Space Zoning District, two properties from CP Commercial Pedestrian Zoning District to PQP Public/Quasi-Public Zoning District, two properties from R-1-5 Single-Family Residential Zoning District to PQP Public/Quasi-Public Zoning District, two properties from CN Commercial Neighborhood Zoning District to UVC Urban Village Commercial Zoning District, one property from A Agriculture Zoning District to CG Commercial General Zoning District, one property from R-1-5 Single-Family Residential Zoning District to CG Commercial General Zoning District, one property from R-2 Two-Family Residential Zoning District to CG Commercial General Zoning District, one property from A Agriculture Zoning District to HI Heavy Industrial Zoning District, one property from CIC Combined Industrial/Commercial Zoning District to HI Heavy Industrial Zoning District, one property from R-2 Two-Family Residential Zoning District to HI Heavy Industrial Zoning District, one property from PQP Public/Quasi-Public Zoning District to IP Industrial Park Zoning District, one property from R-M Multiple Residence Zoning District to LI Light Industrial Zoning District, one property from A(PD) Planned Development Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from CN Commercial Neighborhood Zoning District to OS Open Space Zoning District, one property from CG Commercial General 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 OS Open Space Zoning District to R-1-1 Single-Family Residential Zoning District, one property from CG Commercial General Zoning District to R-1-8 Single-Family Residential Zoning District, one property from CO Commercial Office Zoning District to R-1-8 Single-Family Residential Zoning District, one property from A(PD) Planned Development Zoning District to UV Urban Village Zoning District, one property from LI Light Industrial Zoning District to UV Urban Village Zoning District, one property from PQP Public/Quasi-Public Zoning District to UV Urban Village Zoning District, and one property from R-1-8 Single-Family Residential Zoning District to UV Urban Village Zoning District, one property from R-M Multiple Residence Zoning District to UVC Urban Village Commercial Zoning District, all located on those certain real properties throughout the Communications Hill, Martha Gardens, Midtown, Tamien Station Area Specific Plan Areas, Monterey Business Corridor, Senter Road, County Fairgrounds, Monterey Highway/Senter Road Employment Areas, The Alameda East, South Bascom Ave North, South Bascom Avenue, South, Camden Avenue/Hillsdale Avenue, Hamilton Avenue/Meridian Avenue, Almaden Expressway/Hillsdale Avenue, Camden Avenue/Branham Lane, Kooser Road/Meridian Avenue, Camden Avenue/Kooser Road, Curtner Light Rail/Caltrain, West Capitol Expressway/Monterey Road, Capitol Expressway/Hwy 87 Light Rail, Oakridge Mall and Vicinity/Cambrian, Oakridge Mall and Vicinity/Edenvale, Blossom Hill Road/Cahalan Avenue; and Blossom Hill Road/Snell Avenue Urban Villages.

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

- (b) **23-846** **C22-122 - Conforming Rezoning of an Approximately 2.02 Gross-Acre Site Located on the South Side of Poppy Lane, approximately 580 Feet South of the Intersection of Dorel Drive and Penitencia Creek Road (0 Poppy Lane, APN 599-24-008). - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Approve an ordinance rezoning certain real property of approximately 2.02-gross-acre site located on the south side of Poppy Lane, approximately 580 feet south of the intersection of Dorel Drive and Penitencia Creek Road (0 Poppy Lane, APN 599-24-008) from the A(PD) Planned Development Zoning District to the R-1-RR Rural Residential Residence Zoning District.
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. Council District 4. (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

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

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

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.