



City Council Meeting Agenda

Tuesday, June 20, 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.

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). Interpretation is available in Spanish. In your webinar controls, select “Interpretation.” Click the language you would like to hear.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

[23-793](#)

Closed Session Agenda

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

- Pledge of Allegiance
- Invocation (District 6)
- 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 proclamation recognizing July as Parks and Recreation Month to promote building strong, vibrant and resilient communities through the power of parks and recreation and to celebrate the vital role park and recreation professionals play in bringing people together, providing essential services, and fostering growth in our community (Davis).

1.2 Presentation of a commendation to Juanita Morales-Euresti for her dedicated service as Director of the San José Vet-Center in the City of San José. (Torres)

1.3 Presentation of a commendation recognizing the San José Pickleball Club for their dedication to utilizing the sport of pickleball to create a welcoming space that fosters new connections and relationships for the collective good of our community. (Foley)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[23-945](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30922 - 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, 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 Rd, County Fairgrounds, Monterey Hwy/Senter Rd Employment areas, the Alameda East, S. Bascom Ave North, S. Bascom Ave South, Camden Ave/Hillsdale Ave, Hamilton Ave/Meridian Ave, Almaden Ex/Hillsdale Ave, Camden Ave/Branham Ln, Kooser Rd/Meridian Ave, Camden Ave/Kooser Rd, Curtner Light Rail/Caltrain, W. Capitol Ex/Monterey Rd, Capitol Ex/Hwy 87 Light Rail, Oakridge Mall and Vicinity/Cambrian, Oakridge Mall and Vicinity/Edenvale, Blossom Hill Rd/Cahalan Ave; and Blossom Hill Rd/Snell Ave Urban Villages. [Passed for Publication on 6/6/2023 - Item 10.1(a) (23-845)]

(b) Ordinance No. 30923 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.02 Gross Acres, Situated on the South Side of Poppy Lane, Approximately 580 Feet South of the Intersection of Dorel Drive and Penitencia Creek Road (APN 599-24-008) from the A(PD) Planned Development Zoning District to the R-1-Rr Rural Residential Residence Zoning District. [Passed for Publication on 6/6/2023 - Item 10.1(b) (23-846)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

- 2.7 [23-897](#) **Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Tenth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the amount of compensation by \$250,000, for a total amount of compensation not to exceed \$2,550,000.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

- 2.8 [23-898](#) **Appropriation Ordinance Amendments for City Litigation Reserve.**

Recommendation: Adopt the following 2022-2023 Appropriation Ordinance amendments in the General Fund:
(a) Decrease the City Litigation Reserve by \$450,000; and
(b) Increase the Non-Personal /Equipment appropriation to the City Attorney's Office by \$450,000.
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. (City Attorney)

- 2.9 [23-796](#) **Board of Fair Campaign and Political Practices Evaluator and Investigator Services Agreement.**

Recommendation: Approve an agreement with Hanson Bridgett, LLP to provide legal and investigative services as the Evaluator and Investigator to the San Jose Board of Fair Campaign and Political Practices for four-year term beginning July 1, 2023 through June 30, 2027 in the amount not to exceed \$300,000, subject to appropriation of funds.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney/City Clerk)

2.10 [23-893](#) Approval of Updated Campaign Contribution Limits.

Recommendation: Adopt the resolution approving the updated campaign contribution limits in accordance with San José Municipal Code Section 12.06.210.C.
CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no change to the physical environment. (City Clerk)

2.11 [23-900](#) Termination of the Director of Emergency Services' January 3, 2023, Proclamation of the Existence of a Local Emergency due to Storms.

Recommendation: Adopt a resolution terminating the Director of Emergency Services' January 3, 2023 Proclamation of the Existence of a Local Emergency for the public safety threat of high water flows and flooding due the extreme storms in January 2023.
CEQA: Statutory Exempt, Section 15269, Emergency Projects
Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

2.12 [23-901](#) Amendment to Title 3 of the San José Municipal Code for Federated Employees' Retirement Plan Tier 2 Survivorship Benefits.

Recommendation: Approve an ordinance amending Sections 3.28.1470 and 3.28.1480 of Chapter 3.28 of Title 3 of the San José Municipal Code to clarify the eligibility definitions and benefits for Tier 2 survivors of retirees who die before retirement in the Federated City Employees' Retirement Plan.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

2.13 [23-903](#) Community Stabilization and Opportunity Pathways Fund Commission.

Recommendation: Approve staff's recommendation to appoint a new member to the Community Stabilization and Opportunity Pathways Fund Commission to replace an appointee that has since withdrawn.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Economic Development and Cultural Affairs)

2.14 [23-904](#)**Agreement with the County of Santa Clara for the Development and Implementation of County of Santa Clara Percent for Art-Funded Public Art Projects.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute an agreement to provide the County of Santa Clara with professional services for the development and implementation of percent for art-funded public art projects, and for the County of Santa Clara to compensate the City an amount of up to \$800,000 for these services.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish the County of Santa Clara Public Art Services City-Wide Expenses appropriation to the Office of Economic Development and Cultural Affairs in the amount of \$200,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$200,000.

CEQA: Categorically Exempt, File No. ER20-225, CEQA Guidelines Section 15300.2. (Economic Development and Cultural Affairs/City Manager)

2.15 [23-907](#)**Actions Related to the First Church of Christ Scientist Project Located at 39 East St. James Street.****Recommendation:**

(a) Approve the expenditure of City funds of \$200,000 to replace the protective containment wrap on the First Church of Christ Scientist located at 39 East St. James Street and lien the property to recoup all related costs upon sale of the property.

(b) Adopt the following 2022-2023 Appropriation Ordinance adjustments in the General Fund:

(1) Decrease the Personal Services appropriation to the Planning, Building and Code Enforcement Department by \$200,000; and

(2) Increase the Non-Personal/Equipment appropriation to the Public Works Department by \$200,000.

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. Council District 3. (Economic Development and Cultural Affairs/City Manager)

2.16 [23-905](#)**Actions Related to the Grant Funds from the United States Environmental Protection Agency for the Environmental Stewardship Program.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute a grant agreement or award documentation and take all other actions necessary to accept, disburse, and utilize the United States Environmental Protection Agency grant for the Environmental Stewardship Program for the term of July 1, 2023, through June 30, 2027, in any amount awarded, but anticipated to be \$419,002; and

(2) Negotiate and execute agreements upon award of the grant with those entities involved in the grant application process, or other similar grantees, in a total amount not to exceed the grant award:

(i) Children's Discovery Museum, a non-profit 501(c)(3) corporation, for the term July 1, 2023, through June 30, 2027, to conduct environmental outreach, education, and engagement;

(ii) International Children Assistance Network, a non-profit 501(c)(3) corporation, for the term July 1, 2023, through June 30, 2027, to conduct Vietnamese-language outreach;

(iii) Mujeres Empresarias Tomando Accion, a woman-owned small business, for the term July 1, 2023, through June 30, 2027, to conduct Spanish-language outreach and engagement;

(iv) Keep Coyote Creek Beautiful, a non-profit 501(c)(3) corporation, for the term July 1, 2023, through June 30, 2027, to conduct volunteer trash cleanups and community outreach and education; and

(v) East Side Union High School District, high school(s), and feeder elementary schools within areas targeted by the Grant, for the term July 1, 2023, through June 30, 2027, to coordinate environmental coordination and outreach.

(b) Adopt the following FY 2023-2024 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue from Federal Government by \$104,750; and

(2) Establish an Environmental Stewardship Program appropriation to the Environmental Services Department in the amount of \$104,750.

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

2.17 [23-906](#) Actions Related to the Purchase Order with Tucker Construction, Inc. for as Required Board-Up Services.

Recommendation: Adopt a resolution authorizing the City Manager to exercise up to four one-year options to extend the term of the purchase order with Tucker Construction, Inc. (San José, CA) for as required board-up services, with the last option ending on or about July 5, 2027, subject to annual 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)

2.18 [23-908](#) Actions Related to the Purchase Orders with HCI Environmental & Engineering Service and Tucker Construction, Inc. for the Removal and Disposal of Trash, Debris and Bio-Waste at Encampment Sites.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Negotiate and execute purchase orders with HCI Environmental & Engineering Service (Corona, CA) to extend services for up to four additional six-month option terms for a total of ten options through December 30, 2025, subject to the appropriation of funds; and
(b) Negotiate and execute purchase orders with Tucker Construction, Inc. (San José, CA) to extend services for up to four additional six-month option terms for a total of ten options through December 30, 2025, subject to the appropriation of funds.

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

2.19 [23-909](#) Actions Related to Citywide Open Purchase Order with AT&T for Firstnet Products and Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend citywide open purchase order OP 62482 with AT&T (Atlanta, GA) for the purchase of as-required AT&T FirstNet products and services through CalNet to increase compensation by \$1,000,000 for a revised maximum compensation of \$3,500,000 for the current option ending August 7, 2023, subject to the appropriation of funds;
- (b) Negotiate and execute additional annual options to extend the purchase order as required, subject to the appropriation of funds, and
- (c) Negotiate and execute FirstNet-related contract documentation as required, subject to the appropriation of funds.

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

2.20 [23-941](#) Amendment to the Purchase Order with Jensen Landscape Services, LLC for Landscape and Irrigation Maintenance Services.

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase order OP 59024 with Jensen Landscape Services, LLC (Milpitas, CA) for landscape and irrigation maintenance services to increase the total compensation by \$343,929 for a maximum compensation not-to-exceed \$854,929 for the twelve-month period ending June 30, 2024.

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

2.21 [23-911](#)**Report on Request for Proposal for Portable and Vehicle-Mounted Automated License Plate Readers.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute purchase orders with Flock Group, Inc. (Atlanta, GA) as required for portable automated license plate reader equipment leases, including associated data storage, software, and professional services, leveraging the terms and conditions of the existing agreement for a combined maximum compensation not to exceed \$650,000 for the initial term beginning on or about June 21, 2023 and ending June 30, 2024, subject to the appropriation of funds;
 - (b) Amend purchase orders with Flock Group, Inc. as required to adjust for unexpected changes in requirements and demand, subject to the appropriation of funds.
 - (c) Negotiate and execute purchase orders with Flock Group, Inc. for up to nine one-year option terms through June 30, 2034, subject to the appropriation of funds;
 - (d) Negotiate and execute the Third Amendment to the agreement for Body Worn Camera and Evidence Management System with Axon Enterprises Inc. (Scottsdale, AZ) to update the agreement name, allow for the purchase of vehicle-mounted automated license plate readers as required, increase compensation by \$205,590 for the current five-year option term ending June 30, 2026 for a revised maximum compensation of \$6,957,763, and add one additional five-year option for a total of two five-year options to extend the agreement through June 30, 2031, subject to the appropriation of funds; and
 - (e) Negotiate and execute amendments, change orders, and exercise of options to the agreement with Axon Enterprises Inc. as required to purchase additional software, equipment, and related services at the same unit pricing and consistent with the same material terms and conditions as the original agreement and solicitation, 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)

2.22 [23-912](#) Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Fifth Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City of San José in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by \$350,000 for a revised amount not-to-exceed \$1,850,000 and extend the contract term to December 31, 2023.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.23 [23-913](#) Memorandum of Disposition and Development Agreement for the Girasol Senior Apartments Located at 1710 Alum Rock Avenue.

Recommendation: Approve the release of the Memorandum of Disposition and Development Agreement with MACSA Housing Corporation from the title for the Girasol Senior Apartments located at 1710 Alum Rock Avenue.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 5. (Housing)

2.24 [23-933](#)

**Actions Related to Grant Agreements for Multiple Homelessness Programs
for Fiscal Year 2023-2024.**

Recommendation:

Adopt a resolution authorizing the Director of Housing or designee to negotiate and execute agreements and amendments for the following priorities serving individuals and families experiencing homelessness for Fiscal Year 2023-2024 with three one-year options to extend, subject to the appropriation of funds:

(a) Crisis Interventions:

(1) Outreach Programs:

(i) HomeFirst (Services Outreach Assistance and Resources) in the amount of \$2,150,000 from July 1, 2023 - December 31, 2023;

(ii) PATH (Services Outreach Assistance and Resources) in the amount of \$521,000 from July 1, 2023 - December 31, 2023;

(iii) PATH (Targeted Outreach for Unhoused Populations) in the amount of \$353,000 from July 1, 2023 - December 31, 2023;

(v) PATH (Downtown Outreach Expansion) in the amount of \$0 (no cost extension) from July 1, 2023 - December 31, 2023;

(vi) HomeFirst (Valley Water Outreach Project) in the amount of \$1,789,000 retroactive from May 1, 2023 - November 1, 2024;

(vii) WeHope (Dignity on Wheels) in the amount of \$0 (no cost extension) from July 1, 2023 - December 31, 2023.

(2) Supportive Parking Programs:

(i) Amigos de Guadalupe (Supportive Parking for cars) in the amount of \$750,000 from July 1, 2023 - June 30, 2024;

(ii) LifeMoves (Safe Parking for RVs) in the amount of \$0 (no cost extension) from March 1, 2024 - June 30, 2024.

(3) Employment Programs:

(i) International Rescue Committee (Employment Development) in the amount of \$0 (no cost extension) from July 1, 2023 - June 30, 2024;

(ii) Goodwill (San José Bridge) in the amount of \$2,000,000 from July 1, 2023 - June 30, 2024;

(iii) Destination: Home (Employment Initiative) in the amount of \$125,000 from July 1, 2023 - June 30, 2024.

(4) Transportation Programs:

(i) County of Santa Clara (United Pass for Life Improvement from Transportation) in the amount of \$100,000 from July 1, 2023 - June 30, 2024.

(b) Housing and Shelter Opportunities:

(1) Homelessness Prevention Programs:

(i) Destination: Home (Homelessness Prevention System) in the amount of \$9,500,000 from July 1, 2023 - June 30, 2024;

(ii) Law Foundation (Eviction Help Center) in the amount of \$0 (no cost extension) from July 1, 2023 - June 30, 2024.

(2) Rapid Rehousing Programs:

- (i) HomeFirst in the amount of \$1,250,000 from July 1, 2023 - June 30, 2024;
- (ii) Bill Wilson Center in the amount of \$1,000,000 from July 1, 2023 - June 30, 2024;
- (iii) LifeMoves in the amount of \$1,250,000 from July 1, 2023 - June 30, 2024.

(3) Supportive Service Programs:

- (i) County of Santa Clara (Care Coordination Project) in the amount of \$1,000,000 from July 1, 2023 - June 30, 2024.

(4) Interim Shelter Programs:

- (i) HomeFirst (Monterey/Bernal and Rue Ferrari) in the amount of \$3,670,000 from July 1, 2023 - December 31, 2023;
- (ii) LifeMoves (Guadalupe) in the amount of \$0 (no cost extension) from July 1, 2023 - December 31, 2023;
- (iii) PATH (Evans Lane) in the amount of \$1,000,000 from July 1, 2023 - December 31, 2023;
- (iv) HomeFirst (San Jose Bridge Housing Community Programs) in the amount of \$2,095,700 from July 1, 2023 - December 31, 2023;
- (v) Abode (Plaza) in the amount of \$1,500,000 from July 1, 2023 - June 30, 2024.

(5) Motel Programs:

- (i) LifeMoves (Motel Voucher Program) in the amount of \$4,400,000 from July 1, 2023 - June 30, 2024;
- (ii) LifeMoves (Temporary Housing Access Program) in the amount of \$4,500,000 from July 1, 2023 - June 30, 2024;
- (iii) YWCA (Interpersonal Violence Support Program) in the amount of \$250,000 from July 1, 2023 - June 30, 2024.

CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

2.25 [23-914](#)**Agreement with Cristo Rey San José Work Study, Inc. for High School Student Work-Study Program.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and Cristo Rey San José Work Study, Inc. to provide student workers for a five-year term, commencing July 1, 2023 through June 30, 2028, with a maximum compensation amount not to exceed \$862,500, subject to City Council annual appropriation of funds.

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

2.26 [23-915](#)**Amendment to the City Pay Plan.****Recommendation:**

Adopt a resolution amending the City of San José Pay Plan effective June 20, 2023 to Reinstate the Assistant City Auditor (1255) classification with a salary range of \$146,041.21 - \$192,774.40 annually.

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

2.27 [23-916](#)**Actions Related to the Grant Agreement Between the City of San José and the San José Public Library Foundation.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$2,050,000 for the fiscal administration of San José Learns funds (\$1,000,000), fiscal administration of the San José Learns Tutoring Expansion funds (\$1,000,000), and for fundraising activities to support Library programs (\$50,000).

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

- 2.28** [23-927](#) **Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2023-2024 Agreements.**

Recommendation:

Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept funds, negotiate and execute 2023-2024 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment to the staff memorandum) consistent with Adopted Budget amounts for the following City programs and/or services:

- (a) After School Education and Safety;
- (b) Alternative Feeding Location Program;
- (c) BeautifySJ Initiative:
 - (1) Encampment Trash Program;
 - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
 - (3) Interagency Agreements;
 - (4) Memoranda of Understanding;
- (d) BeautifySJ Grant Program Fiscal Agent Agreement;
- (e) Capital Improvement Program Master Consultant Projects;
- (f) Citywide Aquatics Program;
- (g) Community Service Provider Agreements;
- (h) Facility Use Agreements:
 - (1) Leisure and Recreation Fee Class Vendor Agreements;
 - (2) Family Camp;
 - (3) Neighborhood Center Partner Program;
 - (4) Recreation of City Kids Program;
 - (5) San José Youth Empowerment Alliance;
 - (6) Therapeutic Services.
- (i) "Friends of" PRNS Non-Profit Organization Partners;
- (j) Golf Course Agreement;
- (k) Grantmaking Programs:
 - (1) Bringing Everyone's Strengths Together;
 - (2) BeautifySJ Neighborhood Associations Grant Program;
 - (3) Franklin-McKinley Children's Initiative;
 - (4) Safe Summer Initiative Grant;
 - (5) Saint James/Urban Park Activation;
 - (6) Senior Health and Wellness;
 - (7) Spartan-Keyes Neighborhood Action Center.
- (l) Grant Revenue Agreements;
- (m) Happy Hollow Park & Zoo:
 - (1) Education Programs;
 - (2) Private Events.

(n) Leisure and Recreation Fee Class Vendor Agreements;
(o) Little League Agreements;
(p) Mitigation Monitoring and Maintenance Support Services;
(q) Park Concessionaires Agreements;
(r) Reimbursement Agreements;
(s) Right-of-Entry Agreements;
(t) San José Police Activity League Agreement;
(u) San José Youth Empowerment Alliance:
 (1) Agreements with subcontracted agencies to implement Alliance programs;
 (2) Memoranda of Understanding;
 (3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph).
(v) Senior Nutrition Program:
 (1) County of Santa Clara Agreement for Senior Nutrition Program.
(w) Sponsorship Agreements;
(x) Standard Consultant Agreements for Non-Capital Projects;
(y) Summer Food Service Program; and
(z) Trail Program Joint Use Agreements.
CEQA: Community Services Provider Agreements: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-042; BeautifySJ Grant Program: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; All Other Agreements: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. All agreements cited in this memorandum, except for the BeautifySJ Grant Program and Community Services Provider Agreements, have services that involve no change to the environment. (Parks, Recreation and Neighborhood Services)

2.29 [23-917](#)

Actions Related to the 10202 - The Tech Interactive Chillers and Cooling Tower Replacement Project.

Recommendation:

(a) Report on bids and take appropriate action based on the evaluation of bids for the 10202 - The Tech Interactive Chillers and Cooling Tower Replacement Project, and
(b) Approve a 15 % construction contingency if City Council awards a construction contract.
CEQA: Categorically Exempt, File No. ER22-272. CEQA Guidelines Section 15301, Existing Facilities.
(Public Works)

2.30 [23-918](#) 2021-2022 Annual Development In-Lieu Fee Report.**Recommendation:**

Adopt a resolution:

(a) Accepting the Fiscal Year 2021-2022 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and

(b) Making certain findings as required by Government Code Section 66001(d)(1).

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)

2.31 [23-919](#) Report on Bids and Award of Contract for 8824 - Mt. Pleasant Pedestrian & Bike Traffic Safety Improvement, Federal Project No. CML-5005(156).**Recommendation:**

(a) Report on bids and award of a contract for the construction of 8824 - Mt. Pleasant Pedestrian & Bike Traffic Safety Improvements Project to the lowest responsive, responsible bidder, Redgwick Construction Company, in the amount of \$1,488,500; and

(b) Approve a 10% contingency in the amount of \$148,850.

CEQA: Categorically Exempt, File No. ER23-009, Exempt pursuant to CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 5 and 8. (Public Works/Transportation)

2.32 [23-920](#) Amendment to the Agreement with TYLin International for Santa Clara Bridge at Coyote Creek Replacement Project.**Recommendation:**

Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute the Third Amendment to the Consultant Agreement with TYLin International to retroactively extend the term of the agreement and increase the compensation in the amount of \$130,828 for a total maximum compensation of \$1,425,926.

CEQA: Categorically Exempt, File No. ER21-091, CEQA Guidelines Section 15302, Replacement or Reconstruction. Council District 3. (Transportation)

2.33 [23-921](#) Amendment to the Funding Agreement with VTA for the I-280/Winchester Boulevard Improvement Project.

Recommendation: Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute a Third Amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the I-280/Winchester Boulevard Improvement Project to extend the term of the agreement to June 30, 2025.
CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council District 1 and 6. (Transportation)

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 [23-922](#) Approval of Various Budget Actions for Fiscal Year 2022-2023. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation: Adopt the 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council.
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. (City Manager)
TO BE HEARD IMMEDIATELY BEFORE CONSENT

3.4 [23-923](#) Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2023-2024 Budget, and Resolution Establishing the Fiscal Year 2023-2024 Appropriation Limit. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation: (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2023-2024 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2023-2024 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2023-2024 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2023-2024 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;

(2) Elect the County of Santa Clara population growth index as the population factor for 2023-2024; and

(3) Establish the Fiscal Year 2023-2024 Appropriation Limit at \$1,462,637,396 in compliance with Article XIII B of the State of California Constitution.

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. (City Manager)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

3.5 [23-924](#) Adoption of Statement of Policy and City Council Questions for the Prospective Director of Housing.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Housing as described in this memorandum, in compliance with City Charter Section 411.1.

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

3.6 [23-925](#)**Actions Related to Project Valley Title LLC and Project Bo Town LLC Encroachment Agreement.****Recommendation:**

Adopt a resolution:

(a) Conditionally authorizing a permit for a major encroachment (“Encroachment Permit”) to Project Valley Title LLC and Project Bo Town LLC (collectively “Permittees”) to allow Permittees to construct, maintain, repair, reconstruct, occupy, and use privately-owned, subsurface energy (heating and cooling), wastewater, recycled water, and electrical systems infrastructure within a portion of East San Salvador Street pursuant to San José Municipal Code Chapter 13.37; and

(b) Authorizing the Director of Public Works to execute an encroachment agreement between the City of San José and Permittees, upon satisfaction of certain conditions, and record a certified copy of the Encroachment Permit on Permittees’ properties with the Office of the Recorder for the County of Santa Clara.

CEQA: Determination of Consistency with the Bo Town Mixed Use Project Final Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 80787), File No. H20-038; and the Valley Title Commercial Project Final Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report, File No. H21-012. Council District 3. (Public Works)

*** RECESS THE MEETING OF THE CITY COUNCIL AND CONVENE THE JOINT CITY OF SAN JOSE CITY COUNCIL/ SAN JOSE FINANCING AUTHORITY**

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1 [23-926](#) Actions Related to the 9813 - San José Municipal Water New Offices Project.
- TO BE HEARD CONCURRENTLY WITH SJFA ITEM 2**

Recommendation: (a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the San José Municipal Water New Offices Project, File No. ER22-114, and the related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act.
 (b) Adopt a resolution authorizing the Director of Public Works to:
 (1) Award and execute a contract for the construction of 9813 - San José Municipal Water New Offices Project to the lowest responsive, responsible bidder in an amount not to exceed \$38,214,500;
 (2) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
 (3) Approve a contingency of up to 15% of the amount of the construction contract for the project.
CEQA: File No. ER22-114 Initial Study/Mitigated Negative Declaration (Muni Water New Offices project). Council District 7. (Public Works/Environmental Services)
TO BE HEARD CONCURRENTLY WITH SJFA ITEM 2

7. NEIGHBORHOOD SERVICES

7.1 [23-928](#) Code Enforcement Pilot Program - Focus Area Service Team.

Recommendation: Accept the report of the proposed Focus Area Service Team to proactively address blight in the Downtown and other focus areas of the City.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Information Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-929](#) Community-Based Organization Engagement Partners.**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Negotiate and execute up to 22 master agreements with community-based organizations or a total maximum compensation limit of up to \$6 million, with the initial terms of the master agreements of three years, with options to extend individual contracts for up to two additional years, for a total contract term of up to five years; and
- (b) Exercise options to extend the master agreements for up to an additional two years for specified organizations under the same terms and conditions.

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

8.2 [23-930](#) Purchase and Sale Agreement for Property Located at 517 West Saint John Street.**Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement between the City of San José and Arlethea K. Thorson, the Trustees of Richard Della Maggiore and Joan Della Maggiore for the acquisition of the property known as 517 West Saint John Street, identified as Assessor's Parcel Numbers 259-29-091, in the amount of \$5,100,000 plus closing costs, and tenant relocation costs estimated at \$274,300, deliver a 1033 exchange letter to seller, and execute all other documents necessary to effectuate the transfer to the City.

CEQA: Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No 78942) for the Lot E Parking Structure Project. Council District 3. (Economic Development and Cultural Affairs/Transportation)

8.3 [23-931](#) **Proposed One-Year Extension of the Measure E Real Property Transfer Tax Refund Pilot Program for Qualifying Nonprofit Real Property Transfers.**

Recommendation:

- (a) Approve extending the Measure E refund pilot program for one year, to June 30, 2024; and
- (b) Approve an ordinance amending Section 4.59.230 of Chapter 4.59 of Title 4 of the San José Municipal Code that extends the Measure E refund pilot program to real property purchases that occur by 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; Categorically Exempt, File No. ER21-023 (2010 Monterey Road-Markham Plaza II Apartments), CEQA Guidelines Section 15301, Existing Facilities. (Housing)

8.4 [23-932](#) **Actions Related to the California Department of Housing and Community Development Notice of Funding Availability for the HomeKey Program Round 3.**

Recommendation:

Adopt a resolution authorizing the City Manager, or designee, to apply for a grant up to \$6,250,000 and submit all required documentation for the California Department of Housing and Community Development's Homekey Program Round 3 to address housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness for the site located at 155 South 11th Street, San José, 95112 (S. 11th Street site).

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

8.5 [23-934](#) **Approval of the State of California Department of Housing and Community Development Application for a Prohousing Designation Program. - TO BE HEARD AFTER ITEM 10.2**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to apply for and execute documents required for participation in the state's Prohousing Designation Program.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Housing/Planning, Building and Code Enforcement)
TO BE HEARD AFTER ITEM 10.2

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

OPEN THE GENERAL PLAN HEARING (2023 CYCLE 2)

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

- (a) [23-935](#) **C23-089 & ER23-082 - Conforming Rezoning for Certain Real Property Located at 950 South Winchester Boulevard.**

Recommendation: Approve an ordinance rezoning certain real property of an approximately 0.21-gross-acre site located on the southeast corner of the intersection of South Winchester Boulevard and Fruitdale Avenue (950 South Winchester Boulevard) from the R-1-5 Single-Family Residence Zoning District to the CP Commercial Pedestrian 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 (File No. ER23-082). Council District 1. (Planning, Building and Code Enforcement)

- (b) [23-936](#) **GP21-015 - City-Initiated General Plan Amendment to Modify the Envision San José 2040 Land Use/Transportation Diagram Designation within the Evergreen Village Area (APN 659-57-015).**

Recommendation: Adopt a resolution approving the City-initiated General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at the subject location within the Evergreen Village area. 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 8. Planning Commission recommends approval (10-0, Item 7.a., on the 5/24/2023 Planning Commission agenda). (Planning, Building and Code Enforcement)

- (c) [23-937](#) **GP23-002, GPT23-002, GPT23-003 - City-Initiated General Plan Amendment and Text Amendments to Modify the Envision San José 2040 General Plan.**

Recommendation:

Adopt three resolutions approving the General Plan Text Amendments to amend the Envision San José 2040 General Plan to update:

- (1) Policy TR-1.4 to allow implementation of the updated City Council Policy 5-1; and
- (2) Transportation Network Diagram and Designations to allow implementation of the City Council Policy 5-8 and Multimodal Transportation Improvement Plans.

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 [23-938](#) **GPT22-001 & ER21-032 - City-Initiated General Plan Text Amendment to Revise the Envision San José 2040 General Plan Housing Element for the 2023-2031 Regional Housing Need Allocation (RHNA) Cycle Projection Period Pursuant to State Law and Related Amendment to Chapter 7 of the General Plan.**

Recommendation:

- (a) Adopt a resolution certifying the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto, and making certain findings concerning no significant impacts of the project, mitigation measures and project alternatives in accordance with CEQA.
- (b) Adopt a resolution approving the General Plan Text Amendment to amend the Envision San José 2040 General Plan to include the 2023-2031 Housing Element, revise Chapter 7 of the General Plan, and repeal the 2014-2022 Housing Element.

CEQA: Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (8-2; Lardinois and Tordillos opposed; Item 8.a on the 5/24/2023 Planning Commission Agenda)) (Planning, Building and Code Enforcement)

CLOSE GENERAL PLAN HEARING (2023 CYCLE 2)

- 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

**JOINT CITY OF SAN JOSE CITY COUNCIL AND SAN JOSE FINANCING AUTHORITY
AGENDA**

1:30 p.m.

June 20, 2023

Hybrid Meeting

- Call to Order and Roll Call

1. [23-939](#) **Amendment to Certain Agreements Related to the Interim Financing Program to Finance Capital Improvements for the Wastewater System.**

Recommendation:

(a) Adopt a resolution of the City of San José approving and authorizing the execution and delivery of a Fourth Amendment to Credit Agreement and a Fourth Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association, related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes for a term through October 16, 2026, in an aggregate principal amount outstanding at any time not to exceed \$300,000,000 until June 29, 2023 and up to \$200,000,000 beginning June 29, 2023, for the purpose of financing or refinancing Wastewater System Projects and authorizing other related actions in connection therewith. .

(b) Adopt a resolution of the City of San José Financing Authority approving and authorizing the execution and delivery of a Fourth Amendment to Credit Agreement and a Fourth Amended and Restated Fee Letter Agreement with Wells Fargo Bank, National Association related to the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes for a term through October 16, 2026, in an aggregate principal amount outstanding at any time not to exceed \$300,000,000 until June 29, 2023 and up to \$200,000,000 beginning June 29, 2023, for the purpose of financing or refinancing Wastewater System Projects and authorizing other related actions in connection therewith..

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)

2. [23-940](#) **Issuance of City of San José Financing Authority Commercial Paper Notes. - TO BE HEARD CONCURRENTLY WITH ITEM 6.1**

Recommendation:

(a) Conduct a public hearing in accordance with Section 6586.5 of the California Government Code, to hear and consider information concerning the approval by the City of San José of a lease financing by the City of San José Financing Authority (Authority, SFJA, CSFJA) and the City for certain public capital improvements of the City, consisting of the construction of a new Administration and Operations Building, and the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department Water Resources Division, to be located at 3025 Tuers Road in the City of San José, through the issuance of lease revenue commercial paper notes by the Authority, and the significant public benefit of such financing by the Authority in accordance with the criteria specified in Section 6586 of the California Government Code.

(b) Adopt a resolution of the City of San José Financing Authority to approve and authorize the issuance of lease revenue commercial paper notes in the amount not to exceed \$40,000,000 to (i) finance, on an interim basis, the construction of the Administration and Operations Building, and the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department Water Resources Division, (ii) reduce the amount of City of San José Financing Authority lease revenue commercial paper notes authorized to be issued to finance the purchase of power and other operating costs of San José Clean Energy to an amount not to exceed \$75,000,000 and further amending Authority Resolution No. SJFA 152 in connection therewith, and authorizing other related actions.

(c) Adopt a resolution of the City of San José to approve and authorize the issuance of City of San José Financing Authority lease revenue commercial paper notes in the amount not to exceed \$40,000,000 to finance, on an interim basis, the construction of the Administration and Operations Building, and the acquisition, construction and installation of related capital improvements, for the City of San José Environmental Services Department Water Resources Division, reduce the amount of City of San José Financing Authority lease revenue commercial paper notes authorized to be issued to finance the purchase of power and other operating costs of San José Clean Energy to an amount not to exceed \$75,000,000 and further amending Resolution No. 80125 in connection therewith, and authorizing other related actions. CEQA Initial Study/Mitigated Negative Declaration, File No.

ER22-114 (Muni Water New Offices Project). Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment. (Finance/Environmental Services/Public Works)
TO BE HEARD CONCURRENTLY WITH ITEM 6.1

- Open Forum

*** ADJOURN THE MEETING OF THE JOINT CITY OF SAN JOSE CITY COUNCIL/ SAN JOSE FINANCING AUTHORITY AND RECONVENE THE MEETING OF THE CITY COUNCIL**

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.