City Council Meeting Minutes

Tuesday, December 17, 2024

1:30 PM

Council Chambers

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

Call to Order and Roll Call

9:32 a.m.- Closed Session. *See Page 31 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Cohen, Ortiz, Davis, Candelas, Foley, and Casey.

Absent Councilmembers: Jimenez, Doan.

1:39 p.m.- Regular Session.

Present Councilmembers: Mahan, Kamei, Jimenez, Cohen, Ortiz, Davis, Candelas, Foley, and Casey.

Absent Councilmembers: Doan.

Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

Invocation (Mayor)

Cynthia Teniente-Matson, President, San José State University, offered the invocation.

Orders of the Day

None provided.

Adjournment Recognition

None provided.

Closed Session Report

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Peter Ortiz presented a commendation recognizing Positive Alternative Recreation Teambuilding Impact (P.A.R.T.I.) for 25 years of the Dr. Martin Luther King Jr. Stop the Violence Event, an event empowering the youth of San José.

1.2 Councilmember Domingo Candelas presented a commendation honoring Jim Beall for his remarkable decades of service and unwavering dedication to supporting the City of San José. This recognition highlights his tireless efforts at both the local and state levels, where his leadership and commitment have made a lasting impact on the region's growth, well-being, and future.

1.3 Mayor Matt Mahan offered a special presentation to the San José Public Library Literacy and Reading Programs. Additionally, the Mayor thanked Councilmembers Sergio Jimenez and Dev Davis for their service on the City Council (Mayor)

2. CONSENT CALENDAR

Public Comment: None provided.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Consent Calendar was approved *as a whole,* with the below actions taken as indicated. (9-0-1; Absent: Doan)

Mayor Matt Mahan pulled Item 2.22 from the Consent Calendar for comment.

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

(a) Ordinance No. 31157 - An Ordinance of the City of San José Authorizing the Director of Finance to Administer an Accounts Receivable Amnesty Program which Forgives Unpaid Penalties, Interest, and Collection Expenses Accruing to the City of San José General Fund and Other Funds for Certain Accounts. [Passed for Publication on 12/10/2024 - Item 2.8 (24-2286)]
(b) Ordinance No. 31159 - An Ordinance of the City of San José Establishing the Monterey Corridor Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989. [Passed for Publication on 12/10/2024 - Item 8.1(a) (24-2304)]
(c) Ordinance No. 31160 - An Ordinance of the City of San José Adding Section 4.46.039.13 to Chapter 4.46 of Title 4 of the San José Municipal Code to Provide Up to a Fifty Percent (50%) Reduction of the Building and Structure Construction Tax, and Adding Section 4.47.098 to Chapter 4.47 of Title 4 of the San José Municipal Code to Provide a Fifty Percent (50%) Reduction of the Commercial-Residential-Mobilehome Park Building Tax, for Projects Eligible for the Temporary Multifamily Housing Incentive Program. [Passed for Publication on 12/10/2024 - Item 8.2(a)(3) (24-2305)]
(d) Ordinance No. 31161 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 5.1-Gross Acres Situated on the Northerly Side of Hillsdale Avenue, Approximately 127 Feet West of Regency Avenue (545 Hillsdale Avenue) (APN 455-10-043) from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 12/10/2024 - Item 10.1(a) (24-2307)]

Action: (a) **Ordinance No. 31157**, (b) **Ordinance No. 31159**, (c) **Ordinance No. 31160**, and (d) **Ordinance No. 31161** were adopted. (9-0-1; Absent: Doan)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

Request for an excused absence for:
(a) Councilmember Jimenez from the regular meeting of Public Safety, Finance and Strategic Support Committee on November 21, 2024 due to illness.
(b) Councilmember Candelas from the regular meeting of Transportation and Environment Committee on December 2, 2024 due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez & Candelas)
[Rules Committee referral 12/11/2024 - Item A.1.a]

Action: The excused absence requests for (a) Councilmember Jimenez from the regular meeting of Public Safety, Finance and Strategic Support Committee on November 21, 2024; and (b) Councilmember Candelas from the regular meeting of Transportation and Environment Committee on December 2, 2024 were approved. (9-0-1; Absent: Doan)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Amendment to the Fixed Base Operator Ground Lease and Operating Agreement with AvBase San José, LLC.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a second amendment to the fixed base operator ground lease and operating agreement between the City of San José and AvBase San José, LLC to update the square footage of the premises from 213,537 square feet to 219,904 square feet.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Action: **Resolution No. RES2024-426** was adopted, authorizing the City Manager or her designee to negotiate and execute a second amendment to the fixed base operator ground lease and operating agreement between the City of San José and AvBase San José, LLC. (9-0-1; Absent: Doan)

2.8 Appointment to the Police Employee Seat on the Board of Administration for the Police and Fire Retirement Plan.

Appoint David Woolsey as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a partial term from December 22, 2024 to November 30, 2025 and to a subsequent four year term from December 1, 2025 to November 30, 2029.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: David Woolsey was appointed as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a partial term from December 22, 2024 to November 30, 2025 and to a subsequent four year term from December 1, 2025 to November 30, 2029. (9-0-1; Absent: Doan)

2.9 Actions Related to the Community Benefit Payment Allocation from Google.

(a) Accept an advanced funding allocation of a $5,000,000 community benefit payment from Google, LLC to be distributed through June 30, 2030, as follows:

(1) Grant fund allocation in the amount of $4,250,000; and

(2) Staff and consultant allocation in the amount of $750,000.

(b) Adopt the following Fiscal Year 2024-2025 Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund:

(1) Increase the estimate for Other Revenue by $5,000,000;

(2) Establish the Google Community Benefits - Stabilization and Opportunity Pathways City-Wide Expenses appropriation to the Office of Economic Development and Cultural Affairs in the amount of $200,000; and

(3) Establish the Google Community Benefits Reserve in the amount of $4,800,000.

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/City Manager)

Action: (a) The advanced funding allocation was accepted, and (b) **Resolution No. RES2024-427** and **Ordinance No. 31162** were adopted, (9-0-1; Absent: Doan)

2.10 First Quarter Financial Reports for Fiscal Year.

As recommended by the Public Safety, Finance, and Strategic Support Committee on November 21, 2024, accept the First Quarter (period ending September 30, 2024) Financial Reports for Fiscal Year 2024-2025 for the following programs:
(a) Debt Management;
(b) Investment Management;
(c) Revenue Management; and
(d) Purchasing and Risk Management.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities, resulting in no changes to the physical environment. (Finance)
[Public Safety, Finance, and Strategic Support Committee referral 11/21/2024 - Item (c)1]

Action: The First Quarter (period ending September 30, 2024) Financial Reports for Fiscal Year 2024-2025 were accepted for (a) Debt Management, (b) Investment Management, (c) Revenue Management, and (d) Purchasing and Risk Management. (9-0-1; Absent: Doan)

2.11 Actions Related to the Purchase Orders with T & J Lewis, Inc., Ryland Custom Welding, Inc., and Western Truck Fabrication, Inc. for Automotive, Truck, and Equipment Fabrication.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with T & J Lewis, Inc. (Newark, CA), Ryland Custom Welding, Inc. (San José, CA), and Western Truck Fabrication, Inc. (Hayward, CA) for automotive, truck, and equipment fabrication, with the last option ending on or about December 18, 2030, 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)

Action: **Resolution No. RES2024-428** was adopted, authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with T & J Lewis, Inc. (Newark, CA), Ryland Custom Welding, Inc. (San José, CA), and Western Truck Fabrication, Inc. (Hayward, CA). (9-0-1; Absent: Doan)

2.12 Actions Related to the Purchase Orders with Art Cuevas Landscaping and Long's Custom Discing, Inc. for Weed Abatement Services.

Adopt a resolution authorizing the City Manager or her designee to exercise an additional one-year option to extend the terms of the purchase orders with Art Cuevas Landscaping (San José, CA) and Long's Custom Discing, Inc. (San José, CA) for weed abatement services with the last options ending on or about December 31, 2025, subject to the appropriation of funds.
CEQA: Categorically Exempt, File No. ER24-086, CEQA Guidelines Section 15301(h), Existing Facilities. (Finance)

Action: **Resolution No. RES2024-429** was adopted, authorizing the City Manager or her designee to exercise an additional one-year option to extend the terms of the purchase orders with Art Cuevas Landscaping (San José, CA) and Long's Custom Discing, Inc. (San José, CA). (9-0-1; Absent: Doan)

2.13 Actions Related to the Purchase Order with California Car Sounds, Inc. for the Installation of 12-Volt Vehicle Accessories.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with California Car Sounds, Inc. (Campbell, CA) for the installation of 12-volt vehicle accessories with the last option ending on or about April 18, 2031, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2024-430** was adopted, authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase order with California Car Sounds, Inc. (Campbell, CA) (9-0-1; Absent: Doan)

2.14 Actions Related to the Purchase Order with Carbon Activated Corporation for Hydrogen Sulfide Media Removal and Disposal Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with Carbon Activated Corporation (Compton, CA) for hydrogen sulfide media removal and disposal services with the last option ending on or about October 23, 2027, 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)

Action: **Resolution No. RES2024-431** was adopted, authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with Carbon Activated Corporation (Compton, CA). (9-0-1; Absent: Doan)

2.15 Actions Related to the Purchase Order with Carbon Activated Corporation for Siloxane Media Removal and Disposal Services.

Adopt a resolution authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with Carbon Activated Corporation (Compton, CA) for siloxane media removal and disposal services with the last option ending on or about October 19, 2027, 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)

Action: **Resolution No. RES2024-432** was adopted, authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with Carbon Activated Corporation (Compton, CA). (9-0-1; Absent: Doan)

2.16 Actions Related to the Purchase Orders with Safety-Kleen Systems, Inc. for Aqueous Parts Washer Rental and Recycling of Hazardous Waste.

Adopt a resolution authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with Safety-Kleen Systems, Inc. (Norwell, MA) for aqueous parts washer rentals and recycling of hazardous waste with the last option ending on or about July 31, 2031, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2024-433** was adopted, authorizing the City Manager or her designee to exercise up to six one-year options to extend the term of the purchase orders with Safety-Kleen Systems, Inc. (Norwell, MA). (9-0-1; Absent: Doan)

2.17 Actions Related to the Purchase Order with Pro Safety & Rescue, Inc. for Confined Space Rescue Team Services.

Adopt a resolution authorizing the City Manager or her designee to:
(a) Amend purchase order OP 65705 with Pro Safety & Rescue, Inc. (Bakersfield, CA) for confined space rescue team services to increase the total compensation by $100,000, for a maximum compensation not-to-exceed $450,000 for the period ending September 16, 2025; and
(b) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about September 16, 2031, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2024-434** was adopted, authorizing the City Manager or her designee to: (a) Amend purchase order OP 65705 with Pro Safety & Rescue, Inc. (Bakersfield, CA), and (b) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about September 16, 2031, subject to the appropriation of funds. (9-0-1; Absent: Doan)

2.18 Actions Related to the Purchase Order with GPS Services, LLC dba Vineyard Unlimited for Promotional Items and Apparel.

Adopt a resolution authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with GPS Services, LLC dba Vineyard Unlimited (San José, CA) for promotional items and apparel, with the last option ending on or about December 31, 2026, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. RES2024-435** was adopted, authorizing the City Manager or her designee to exercise up to two additional one-year options to extend the term of the purchase order with GPS Services, LLC dba Vineyard Unlimited (San José, CA). (9-0-1; Absent: Doan)

2.19 Actions Related to the Purchase Order with Motorola Solution, Inc. for Radio Communication System Upgrades at the Airport.

Adopt a resolution authorizing the City Manager or her designee to amend purchase order OP 63005 with Motorola Solutions, Inc. (Chicago, IL) to extend the term of the purchase order, retroactively from September 30, 2023 through December 31, 2025, and to increase the total compensation by $196,000 for a revised maximum compensation not-to-exceed $1,228,208, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Airport)

Action: **Resolution No. RES2024-436** was adopted, authorizing the City Manager or her designee to amend purchase order OP 63005 with Motorola Solutions, Inc. (Chicago, IL). (9-0-1; Absent: Doan)

2.20 Report on the Request for Proposal for the Fire Department's Wellness Program.

(a) Accept the San José Fire Department report on the Request for Proposal for Wellness Program services.
(b) Adopt a resolution authorizing the City Manager or her designee to:
(1) Negotiate and execute an agreement with Active Wellness, LLC to provide services for an initial three-year term beginning January 2, 2025 through January 1, 2028, for a maximum compensation not to exceed $537,900 for the initial term ($179,300 annually);
(2) Negotiate and execute amendments as required to add, delete, or modify services to address seasonal variations, budgetary constraints, or unanticipated changes in demand, subject to the appropriation of funds; and
(3) Exercise up to two one-year options to extend the term of the agreement through January 1, 2030, 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. (Fire)

Action: (a) The San José Fire Department report on the Request for Proposal for Wellness Program services was accepted; and (b) **Resolution No. RES2024-437** was adopted, authorizing the City Manager or her designee to: (1) Negotiate and execute an agreement with Active Wellness, LLC to provide services for an initial three year term beginning January 2, 2025 through January 1, 2028, for a maximum compensation not to exceed $537,900 for the initial term ($179,300 annually); (2) Negotiate and execute amendments as required to add, delete, or modify services to address seasonal variations, budgetary constraints, or unanticipated changes in demand, subject to the appropriation of funds; and (3) Exercise up to two one-year options to extend the term of the agreement through January 1, 2030, subject to the appropriation of funds. (9-0-1; Absent: Doan)

2.21 Extension of the Declaration and Proclamation of a Local Emergency for the Homeless Shelter Crisis in the City of San José.

Adopt a resolution finding the continued existence of a homeless shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of the California Government
Code section 8698 et seq., and renewing the proclamation of a local emergency pursuant to, and in accordance with the provisions of California Government Code sections 8558 and 8630, the San José City Charter, and San José Municipal Code caused by conditions and threatened conditions of homelessness in the City of San José.
CEQA: Mitigated Negative Declaration for Emergency Interim Housing Programs, File No. ER 22-198. (Housing)

Action: **Resolution No. RES2024-438** was adopted, finding the continued existence of a homeless shelter crisis in the City of San José. (9-0-1; Absent: Doan)

2.22 Actions Related to Grant Agreements for Multiple Emergency Interim Housing Program Sites.

(a) Adopt a resolution authorizing the Housing Director or his designee to negotiate and execute amendments to extend existing Emergency Interim Housing program grant agreements with the following nonprofit service providers:

(1) HomeFirst Services of Santa Clara County (Emergency Interim Housing sites: Monterey Bernal and Rue Ferrari) in an amount not to exceed $4,119,175 retroactive from January 1, 2025 through June 30, 2025;

(2) HomeFirst Services of Santa Clara County (Bridge Housing Community sites: Mabury and Felipe) in an amount not to exceed $2,552,889 retroactive from January 1, 2025 through June 30, 2025;

(3) PATH (Emergency Interim Housing site: Evans Lane) in an amount not to exceed $2,191,261 retroactive from January 1, 2025 through June 30, 2025; and

(4) LifeMoves (Emergency Interim Housing site: Guadalupe) in an amount not to exceed $1,718,504 retroactive from January 1, 2025 through June 30, 2025.

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

(1) Decrease the Measure E - 15% Homeless Support Programs Reserve by $1,718,504; and

(2) Increase the Interim Housing Construction and Operations (15% Homeless Support Programs) appropriation to the Housing Department by $1,718,504.

CEQA: Mitigated Negative Declaration for Emergency Interim Housing Programs, File No. ER 22-198. City Council Districts 2, 3, 6, and 7. (Housing/City Manager)

Erik Soliván, Director, Housing Department, responded to questions from Council regarding Item 2.22.

Action: (a) **Resolution No. RES2024-439** was adopted, authorizing the Housing Director or his designee to negotiate and execute amendments to extend existing Emergency Interim Housing program grant agreements with the following nonprofit service providers: (1) HomeFirst Services of Santa Clara County (Emergency Interim Housing sites: Monterey Bernal and Rue Ferrari), (2) HomeFirst Services of Santa Clara County (Bridge Housing Community sites: Mabury and Felipe), (3) PATH (Emergency Interim Housing site: Evans Lane), and (4)) LifeMoves (Emergency Interim Housing site: Guadalupe); and; (b) **Ordinance No. 31163** was adopted, (1) decreasing the Measure E - 15% Homeless Support Programs Reserve by $1,718,504; and (2) increasing the Interim Housing Construction and Operations (15% Homeless Support Programs) appropriation to the Housing Department by $1,718,504. (9-0-1; Absent: Doan)

2.23 Actions Related to the City Healthcare Incentive Program.

Adopt a resolution:

(a) Approving the terms of a Side Letter Agreement that is related to the lump sum healthcare incentive program between the City of San José and the bargaining units listed below, and authorizing the City Manager or her designee to execute the Side Letter Agreement:
(1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);
(2) Association of Engineers and Architects, IFPTE Local 21 (AEA);
(3) Association of Legal Professionals (ALP);
(4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);
(5) City Association of Management Personnel, IFPTE Local 21 (CAMP);
(6) San José Fire Fighters, IAFF Local 230 (IAFF);
(7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW);
(8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF);
(9) International Union of Operating Engineers, Local No. 3 (OE#3);
(10) San José Police Officers' Association (POA);
(11) Park Ranger Peace Officer Association (POPRA); and
(12) San José Police Dispatchers' Association (SJPDA).
(b) Approving the lump sum healthcare incentive program for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)

Action: **Resolution No. RES2024-440** was adopted, (a) approving the terms of a Side Letter Agreement that is related to the lump sum healthcare incentive program between the City of San José and the bargaining units listed: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); (2) Association of Engineers and Architects, IFPTE Local 21 (AEA); (3) Association of Legal Professionals (ALP); (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP); (5) City Association of Management Personnel, IFPTE Local 21 (CAMP); (6) San José Fire Fighters, IAFF Local 230 (IAFF); (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW); (8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF); (9) International Union of Operating Engineers, Local No. 3 (OE#3); (10) San José Police Officers' Association (POA); (11) Park Ranger Peace Officer Association (POPRA); and (12) San José Police Dispatchers' Association (SJPDA); and (b) approving the lump sum healthcare incentive program. (9-0-1; Absent: Doan)

2.24 SECURE 2.0 Act Amendments to Deferred Compensation, PTC and 401(a) Plans.

(a) Adopt a resolution approving an amendment to the Basic Plan Document for the Deferred Compensation Plan to comply with the mandatory and optional SECURE 2.0 Act and authorizing the City Manager or her designee to execute the amended Basic Plan Document and other documents as necessary to administer the Deferred Compensation Plan set forth in Chapter 3.48 of the San José Municipal Code.
(b) Adopt a resolution approving an amendment to the Basic Plan Document for the PTC Plan to comply with the SECURE 2.0 Act and authorizing the City Manager or her designee to execute the amended Basic Plan Document and other documents as necessary to administer the PTC Plan set forth in Chapter 3.50 of the San José Municipal Code.
(c) Adopt a resolution approving an amendment to the Basic Plan Document for the Defined Contribution Plan for Unit 99 Employees to comply with the SECURE 2.0 Act and authorizing the City Manager or her designee to execute the amended Basic Plan Document and other documents as necessary to administer the Defined Contribution Plan for Unit 99 Employees set forth in Chapter 3.49 of the San José Municipal Code.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)

Action: (a) **Resolution No. RES2024-441** was adopted, approving an amendment to the Basic Plan Document for the Deferred Compensation Plan; (b) **Resolution No. RES2024-442** was adopted, approving an amendment to the Basic Plan Document for the PTC Plan; and (c) **Resolution No. RES2024-443** was adopted, approving an amendment to the Basic Plan Document for the Defined Contribution Plan for Unit 99 Employees. (9-0-1; Absent: Doan)

2.25 Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture for the St. James Park Design Project.

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture for St. James Park Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by $850,000 from $5,100,000 to $5,950,000 and extend the contract duration to June 30, 2026.
(b) Adopt the following 2024-2025 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the St. James Park Design appropriation to the Parks, Recreation and Neighborhood Services Department by $950,000; and
(2) Decrease the Future PDO/PIO Projects Reserve by $950,000.
CEQA: Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (Resolution No. 79770), File No. PP16-037. Council District 3. (Parks, Recreation and Neighborhood Services/City Manager)

Action: (a) **Resolution No. RES2024-444** was adopted, authorizing the City Manager or her designee to negotiate and execute a Sixth Amendment to the Master Agreement with Conger Moss Guillard Landscape Architecture; and **(b) Ordinance No. 31164** was adopted, (1) increasing the St. James Park Design appropriation to the Parks, Recreation and Neighborhood Services Department by $950,000; and

(2) decreasing the Future PDO/PIO Projects Reserve by $950,000. (9-0-1; Absent: Doan)

2.26 Amendment to City Council Policy 2-1, Flag Display Policy.

Adopt a resolution amending City Council Policy 2-1, Flag Display Policy, to include language regarding City staff availability and funding contingency, and to include the Lunar New Year and Juneteenth City holidays.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Public Works)

Action: **Resolution No. RES2024-445** was adopted, amending City Council Policy 2-1, Flag Display Policy. (9-0-1; Absent: Doan)

2.27 Willow Glen Community Benefit Improvement District Financial Report Fiscal Year 2023-2024.

Accept the Willow Glen Community Benefit Improvement District Financial Report for Fiscal Year 2023-2024, which provides information to the public and the property owners in the district regarding the use of the assessments and the management and operations of the district.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)

Action: The Willow Glen Community Benefit Improvement District Financial Report for Fiscal Year 2023-2024 was accepted. (9-0-1; Absent: Doan)

2.28 2023-2024 Annual Development In-Lieu Fee Report.

Adopt a resolution:
(a) Accepting the Fiscal Year 2023-2024 Annual and Five-Year Development In-Lieu Fee Report prepared in accordance with the Mitigation Fee Act (California Government Code Section 66000 et seq.) on the status of the in-lieu fees collected by the City of San José from developers in lieu of construction of public improvements; and
(b) Making certain findings as required by California 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)

Action: **Resolution No. RES2024-446** was adopted, (a) accepting the Fiscal Year 2023-2024 Annual and Five-Year Development In-Lieu Fee Report; and (b) making certain findings as required by California Government Code Section 66001(d)(1). (9-0-1; Absent: Doan)

2.29 Report on Bids and Award of Contract for the 10288-Sanitary Sewer Repairs Fiscal Year 2023 2024 Package I Project.

(a) Report on bids and award of contract for the construction of 10288-Sanitary Sewer Repairs Fiscal Year 2023-2024 Package I Project, to the lowest responsive, responsible bidder, Sancon Technologies, Inc., in the amount of $1,647,514; and

(b) Approve a 10% contingency in the amount of $164,751.
CEQA: Exempt, File No. ER23-189, CEQA Guidelines Sections 15301(b) Existing Facilities, and 15302(c) Replacement or Reconstruction. Council District 9. (Public Works)

Action: (a) Report on bids and award of contract was accepted; and (b) the 10% contingency was approved. (9-0-1; Absent: Doan)

2.30 Acceptance of Federal Grant Funds from the United States Department of Transportation, the United States Environmental Protection Agency, and the Metropolitan Transportation Commission.

Approve the following actions to accept and receive federal grant funds:

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the following grant agreements with the:

(1) United States Department of Transportation in an amount not to exceed $1,550,000 in Innovative Finance and Asset Concession grant funds with a local match of $550,000, for the San José Diridon Station to Airport Connector Project;

(2) United States Environmental Protection Agency, in an amount not to exceed $1,000,000 in Environmental Justice Government-to-Government Program grant funds, for the Bikeshare to La Plaza: An Environmental Justice Community Planning Bikeshare Extension Project to East San José; and

(3) Metropolitan Transportation Commission, in an amount not to exceed $1,700,000 in One Bay Area Grant funds for the San José Speed Safety Camera Campaign.

(b) Adopt a Resolution of Local Support that demonstrates the City will take the necessary assurances to implement the San José Speed Safety Camera Campaign project in compliance with the submitted application and will follow the Metropolitan Transportation Commission Funding Delivery Policy and the grant program requirements.

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

Action: (a) **Resolution No. RES2024-447** was adopted, authorizing the City Manager or her designee to negotiate and execute grant agreements and all documents necessary to effectuate the following grant agreements with the: (1) United States Department of Transportation in an amount not to exceed $1,550,000 in Innovative Finance and Asset Concession grant funds with a local match of $550,000, for the San José Diridon Station to Airport Connector Project; (2) United States Environmental Protection Agency, in an amount not to exceed $1,000,000 in Environmental Justice Government-to-Government Program grant funds, for the Bikeshare to La Plaza: An Environmental Justice Community Planning Bikeshare Extension Project to East San José; and (3) Metropolitan Transportation Commission, in an amount not to exceed $1,700,000 in One Bay Area Grant funds for the San José Speed Safety Camera Campaign; and (b) **Resolution No. RES2024-448** was adopted, a resolution of local Support that demonstrates the City will take the necessary assurances to implement the San José Speed Safety Camera Campaign project in compliance with the submitted application and will follow the

Metropolitan Transportation Commission Funding Delivery Policy and the grant program requirements. (9-0-1; Absent: Doan)

2.31 Cost-Sharing Agreement with Santa Clara Valley Water District for the Montague Expressway Bridge Improvements Project.

Adopt a resolution authorizing the City Manager or her designee to negotiate and execute the cost-sharing agreement, as well as any required amendments, between the City of San José and the Santa Clara Valley Water District for the design and environmental planning phase of the Montague Bridge Improvements Project in an amount not to exceed $550,000 with a term from the date of full execution to December 31, 2027.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 4. (Transportation)

Action: **Resolution No. RES2024-449** was adopted, authorizing the City Manager or her designee to negotiate and execute the cost-sharing agreement, as well as any required amendments, between the City of San José and the Santa Clara Valley Water District. (9-0-1; Absent: Doan)

2.32 Settlement of Claim by California River Watch.

Approve the settlement of California River Watch's 60-day Notice of Intent to Sue for affirmative relief and attorney's fees and costs and authorize the City Attorney to execute a settlement agreement.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
[Rules Committee referral 12/11/2024 - Item A.1.a]

Action: The settlement of California River Watch's 60-day Notice of Intent to Sue was approved. (9-0- 1; Absent: Doan)

2.33 Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation and Amending the City of San José Pay Plan.

Adopt a resolution:

(a) Approving the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide the following effective December 22, 2024:
(1) Provide employees in the Crime and Intelligence Analyst FT/PT classifications with an approximate 10.00% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;
(2) Provide employees in the Senior Crime and Intelligence Analyst classification with an approximate 7.75% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;
(3) Provide employees in the Crime Prevention Specialist FT/PT

classifications with an approximate 6.00% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(4) Provide employees in the Crime Prevention Supervisor classification with an approximate 1.25% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(5) Provide employees in the Hazardous Materials Inspector I classification with an approximate 1.60% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(6) Provide employees in the Hazardous Materials Inspector II classification with an approximate 1.60% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(7) Provide employees in the Police Property Specialist I classification with an approximate 4.25% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(8) Provide employees in the Police Property Specialist II classification with an approximate 16.00% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

(9) Provide employees in the Urban Forestry Inspector I classification with an approximate 16.00% pensionable base pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(b) Amending the City of San José Pay Plan effective December 22, 2024 as follows:

(1) Retitle the Arborist Technician (3406) classification to Urban Forestry Inspector I (3406).

(2) Create the following classification:

(i) Urban Forestry Inspector II (3407) with a salary range of $90,084.80 - $109,366.40.

(3) Delete the following classifications:

(i) Groundskeeper FT/PT (3410/3409);

(ii) Groundsworker (3411); and

(iii) Street Sweeper Operator (3342).

(4) Increase the pensionable salary range of the classifications of Crime and Intelligence Analyst FT/PT (1187/1188) to $88,816.00 - $108,014.40 annually.

(5) Increase the pensionable salary range of the classification of Senior Crime and Intelligence Analyst (1186) to $102,294.40 - $124,217.60 annually.

(6) Increase the pensionable salary range of the classification of Crime Prevention Specialist FT/PT (2231 / 2232) to $81,411.20 - $98,924.80

annually.
(7) Increase the pensionable salary range of the classification of Crime Prevention Supervisor (2234) to $93,620.80 - $113,776.00 annually.
(8) Increase the pensionable salary range of the classification of Police Property Specialist I (1521) to $61,193.60 - $74,464.00 annually.
(9) Increase the pensionable salary range of the classification of Police Property Specialist II (1522) to $71,156.80 - $86,424.00 annually.
(10) Increase the pensionable salary range of the classification of Urban Forestry Inspector I (3406) to $81,785.60 - $99,320.00 annually.
(11) Increase the pensionable salary range of the classification of Senior Urban Forestry Inspector (3422) to $98,820.80 - $120,369.60 annually.
(12) Increase the pensionable salary range of the classification of Hazardous Materials Inspector I (2321) to $103,480.00 - $125,715.20 annually.
(13) Increase the pensionable salary range of the classification of Hazardous Materials Inspector II (2322) to $114,088.00 - $138,611.20 annually.
CEQA: Not a Project, File No. PP17-010, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Manager)
[Rules Committee referral 12/11/2024 - Item A.1.a]

Action: **Resolution No. RES2024-450** was adopted, regarding the terms of a Side Letter Agreement between the City of San José and the Municipal Employees' Federation and Amending the City of San José Pay Plan.

2.34 Actions Related to the Purchase Order with Gillig LLC for Electric Buses.

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

(a) Execute a purchase order with Gillig LLC (Livermore, CA) for new 40' low floor plus electric buses with a 290" wheelbase beginning on or about January 2, 2025, and ending on or about January 1, 2026, for a not-to-exceed amount of $4,722,000; and

(b) Exercise up to six one-year options to extend the term of the purchase order, with the last option ending on or about January 1, 2032, 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) [Rules Committee referral 12/11/2024 - Item A.1.a]

Action: **Resolution No. RES2024-451** was adopted, authorizing the City Manager or her designee to: (a) execute a purchase order with Gillig LLC (Livermore, CA), and (b) exercise up to six one-year options to extend the term of the purchase order. (9-0-1; Absent: Doan)

2.35 Approval of the District 2 End-of-Term, Farewell Celebration Sponsored by Council District 2 as City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on December 11, 2024:

(a) Approve the District 2 End-of-Term, Farewell Celebration scheduled on December 18, 2024, at Mezcal Restaurant, 25 W. San Fernando Street, San José as a City Council sponsored Special Event and approve the expenditure of funds to support the event, purchase food, materials, services, and supplies for the event; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 12/11/2024 - Item B.3]

Action: The District 2 sponsored special event was approved. (9-0-1; Absent: Doan)

2.36 Retroactive Approval of Holiday Festival Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on December 11, 2024:

(a) Retroactively approve the District 3 Holiday Festival scheduled on December 8, 2024, as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor & City Clerk) [Rules Committee referral 12/11/2024 - Item B.4]

Action: The District 3 sponsored special event was retroactively approved. (9-0-1; Absent: Doan)

2.37 Approval of Black History Month 2025 Flag Raising and Tower Lighting Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on December 11, 2024:

(a) Approve the Black History Month 2025 Flag Raising scheduled on February 7, 2025, as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve the Black History Month 2025 Tower Lighting scheduled from February 7, 2025 to February 14, 2025, as a City Council sponsored Special Event and approve the expenditure of funds; and

(c) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Kamei)

[Rules Committee referral 12/11/2024 - Item B.5]

Action: The District 1 sponsored special event was approved. (9-0-1; Absent: Doan)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 Actions Related to the 8813 - West San Carlos Street Urban Village Streetscape Improvements Project.

(a) Report on bids and award of a contract for the construction of 8813 - West San Carlos Street Urban Village Streetscape Improvements project to the lowest responsive, responsible bidder, Redgwick Construction Co. for the base bid of 9,263,476; and
(b) Approve a 10% contingency in the amount of $926,347.
CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301, Existing Facilities.
Council District 6. (Public Works/Transportation)
Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) the report on bids and award of a contract for the construction of 8813 - West San Carlos Street Urban Village Streetscape Improvements project to the lowest responsive, responsible bidder, Redgwick Construction Co. for the base bid of 9,263,476 was accepted; and (b) the 10% contingency in the amount of $926,347 was approved. (9-0-1; Absent: Doan)

4. PUBLIC SAFETY SERVICES

No items provided.

5. TRANSPORTATION & AVIATION SERVICES

No items provided.

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 San José Power Status Report.

As recommended by the Transportation and Environment Committee on December 2, 2024, accept the status report on San José Power's exploratory phase of providing Municipal Electric Utility Service.
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 Manager/Energy)
[Transportation and Environment Committee referral 12/2/2024 - Item (d)4]

Kip Harkness, Deputy City Manager, City Manager's Office; Erica Garaffo, Assistant to the City Manager, Lead Resilience Strategist, City Manager's Office; and Lori Mitchell, Director of Community Energy Department, Community Energy, offered the presentation and responded to questions.

Will Smith, Business Representative for IBEW Local 322, responded to questions from Council.

Hunter Stern, from IBEW Local 1245, responded to questions from Council.

Christina Ramos, Senior Government Affairs, PG&E, responded to questions from Council.

Public Comment: Julianne Wang and Marc offered public comment.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Domingo Candelas, and carried unanimously, the status report on San José Power's exploratory phase of providing Municipal Electric Utility Service was accepted. (8-0-2; Absent: Doan, Jimenez)

7. NEIGHBORHOOD SERVICES

No items provided.

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to Report the Updates to the HOME Investment Partnerships American Rescue Plan Program Allocation Awarded by the United States Department of Housing and Urban Development to the City of San José.

(a) Hold a public hearing to allow for public comment on the Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan.
(b) Adopt a resolution relating to the following actions regarding a Second Substantial Amendment to the existing Fiscal Year 2021-2022 Annual Action Plan to report on the HOME Investment Partnerships American Rescue Plan Program Allocation Plan using HOME Investment Partnerships American Rescue Plan Program allocation funding awarded by the United States Department of Housing and Urban Development to the City of San José:

(1) Approve the changes relating to the Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to apply to the HOME Investment Partnerships American Rescue Plan Program Allocation Plan; and
(2) Authorize the Housing Department to submit the Second Substantial Amendment to the United States Department of Housing and Urban Development.

(c) Adopt a resolution authorizing the Housing Director, or his designee, to negotiate and execute agreements for the following tenant-based rental assistance programs in which these services will begin during Fiscal Year 2024-2025:

(1) County of Santa Clara's Office of Supportive Housing for Rental Assistance for the Tenant-Based Rental Assistance Program in an amount not to exceed $7,500,000 from February 1, 2025 through June 30, 2030.
(2) County of Santa Clara's Office of Supportive Housing for Supportive Services for the Tenant-Based Rental Assistance Program in an amount not to exceed $2,424,884 from February 1, 2025 through June 30, 2030.
(3) County of Santa Clara's Office of Supportive Housing for the Administration of the

Tenant-Based Rental Assistance Program in an amount not to exceed $1,000,000 from February 1, 2025 through June 30, 2030.

(d) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the HOME Investment Partnership Program Fund:

(1) Decrease the Supportive Services appropriation to the Housing Department by $3,000,000;

(2) Decrease the Housing Project Reserves by $1,751,450; and

(3) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by $4,751,450.

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, and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)

Erik Soliván, Housing Director, Housing Department; and Cupid Alexander, Deputy Director, Housing Department, offered the presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, (a) a public hearing was held; (b) **Resolution No. RES2024-452** was adopted, relating to the following actions regarding a Second Substantial Amendment to the existing Fiscal Year 2021-2022 Annual Action Plan; (c) **Resolution No. RES2024-453** was adopted, authorizing the Housing Director, or his designee, to negotiate and execute agreements for the tenant based rental assistance programs; and (d) **Ordinance No. 31165** was adopted, (1) decreasing the Supportive Services appropriation to the Housing Department by $3,000,000; (2) decreasing the Housing Project Reserves by $1,751,450; and (3) increasing the Tenant Based Rental Assistance appropriation to the Housing Department by $4,751,450. (8-0-2; Absent: Cohen, Doan)

8.2 Actions Related to the First-Time Homebuyer Loan Program for Equity Share Reduction. – *ITEM DROPPED*

Adopt a resolution:

(a) Approving the reduction of the City's Equity Share payment from 30% to 15% for the City's single-family housing portfolio's First-Time Homebuyer Loan Program in accordance with applicable laws and funding source requirements.

(b) Authorizing the Housing Director, or his designee, to renegotiate the Equity Sharing provision and negotiate and execute homebuyer loan documents and all other documents, including any amendments thereto, related to the City's single-family housing portfolio's First-Time Homebuyer Loan Program in accordance with applicable laws and funding source requirements.

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

DROPPED

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

Staff requested to pull item *10.1(a)* from the Land Use Consent Calendar for comment.

Justin Daniels, Planner, Department of Planning, Building, and Code Enforcement, requested to remove APN 299-16-001, 4146 Mitzi Drive, from the Rezonings of item *10.1(a)*, and requested to approve the ordinance *without* the referenced APN 299-16-001.

Staff explained that the request is due to a rezoning on the site with a historical resource on the property.

(a) C24-064, C24-065, C24-066, C24-067, C24-068 & C24-070 - City-Initiated Rezoning of 298 Parcels to Align a Property's Zoning Designation to Its General Plan Land Use Designation in Response to Senate Bill 1333.
-HEARD IMMEDIATELY AFTER CONSENT

Approve an ordinance of the City of San José rezoning 182 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, 73 properties from the R-2 Two-Family Residence Zoning District to the UR Urban Residential Zoning District, 30 properties from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, four properties from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the R-M Multiple-Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the A Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-1 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-5 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, one property from the R-1-8 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, one property from the IP Industrial Park Zoning District to the HI Heavy Industrial Zoning District, one property from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, and one property from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District, all located on those certain real properties situated within the City of San José.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council Districts 1 and 7. (Planning, Building and Code Enforcement)

Public Comment: None provided.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Ordinance No. 31166** *was passed for publication*, rezoning 182 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, 73 properties from the R-2 Two-Family Residence Zoning District to the UR Urban Residential Zoning District, 30 properties from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, four properties from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the R-M Multiple-Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the A Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-1 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-5 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, one property from the R-1-8 Single-Family Residence Zoning District to the UR Urban Residential Zoning District, one property from the IP Industrial Park Zoning District to the HI Heavy Industrial Zoning District, one property from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District, and one property from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District, all located on those certain real properties situated within the City of San José; with the removal of *APN 299-16-001,4146 Mitzi Drive, from the Rezonings.* (9-0-1; Absent: Doan)

(b) C24-058 - Conforming Rezoning for Certain Real Property Located at 1330-1362 Ridder Park Drive (APN 237-03-059). - HEARD IMMEDIATELY AFTER CONSENT

Approve an ordinance rezoning certain real property of an approximately 3.5-gross-acre site located on the south side of Fox Lane, between Oakland Road and Ridder Park Drive (1330-1362 Ridder Park Drive; APN 237-03-059) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial 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)

HEARD IMMEDIATELY AFTER CONSENT

Public Comment: None provided.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, **Ordinance No. 31167** was *passed for publication*, rezoning certain real property of an approximately 3.5-gross-acre site located on the south side of Fox Lane, between Oakland Road and Ridder Park Drive (1330-1362 Ridder Park Drive; APN 237-03-059) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District. (9-0-1; Absent: Doan)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 PP24-010 - A City-Initiated Ordinance Update to Change the Envision San José 2040 General Plan Land Use Designation and Amend Chapter 20.65 (Overlay Districts). - HEARD DURING THE 1:30 P.M. REGULAR SESSION

Approve an ordinance:

(a) Amending the San José Municipal Code, Title 20, Chapter 20.65 'Overlay Districts' to establish the Neighborhood Business Districts Overlay Zoning District, pursuant to the City-Council adopted General Text Amendment establishing a land use overlay, "Neighborhood Business Districts" (GPT21-001), to allow residential uses with specific development standards in the Japantown (Taylor Street only), North 13th Street, and Willow Glen Neighborhood Business Districts.

(b) Amending the Zoning District Map to add the Neighborhood Business Districts Overlay Zoning District to 213 parcels to allow residential uses in the Japantown (Taylor Street only), North 13th Street, and Willow Glen Neighborhood Business Districts.

(c) Amending the San José Municipal Code, Title 20, Chapter 20.40 'Commercial Zoning Districts and Public/Quasi-Public Zoning District' to allow residential uses, as described in Table 20-90 of Section 20.40.100 of Chapter 20.40, 'Commercial Zoning Districts and Public/Quasi-Public Zoning District Use Regulations', with specific development standards, as described in Table 20-100 of Section 20.40.200 of Chapter 20.40, 'Commercial Zoning Districts Development Standards', in the Willow Glen Neighborhood Business District.

(d) Amending the San José Municipal Code, Title 20, Chapter 20.55 'Urban Village and Mixed Use Zoning Districts' to allow residential uses, as described in Table 20-138 of Section 20.55.203 of Chapter 20.55, 'Urban Village and Mixed Use Zoning District Use Regulations', with specific development standards, as described in Table 20-136 of Section 20.55.100 of Chapter 20.55, 'Urban Village and Mixed Use Zoning Districts Development Standards' and Table 20-137 of Section 20.55.104 of Chapter 20.55, 'Mixed Use Neighborhood Development Standards' in the North 13th Street and Japantown (Taylor Street only) Neighborhood Business Districts.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (9-0-0) (Item 5.a on the 12/4/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

HEARD DURING THE 1:30 P.M. REGULAR SESSION

Justin Daniels, Supervising Planner, Department of Planning, Building and Code Enforcement; Chris Burton, Director, Department of Planning, Building and Code Enforcement; and Ruth Cueto, Principal Planner, Department of Planning, Building and Code Enforcement, offered the presentation and responded to questions.

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Ordinance No. 31168** was *passed for publication*;
(a) Amending the San José Municipal Code, Title 20, Chapter 20.65 'Overlay Districts' to establish the Neighborhood Business Districts Overlay Zoning District, pursuant to the City-Council adopted General Text Amendment establishing a land use overlay, "Neighborhood Business Districts" (GPT21-001), to allow residential uses with specific development standards in the Japantown (Taylor Street only), North 13th Street, and Willow Glen Neighborhood Business Districts.
(b) Amending the Zoning District Map to add the Neighborhood Business Districts Overlay Zoning District to 213 parcels to allow residential uses in the Japantown (Taylor Street only), North 13th Street, and Willow Glen Neighborhood Business Districts.
(c) Amending the San José Municipal Code, Title 20, Chapter 20.40 'Commercial Zoning Districts and Public/Quasi-Public Zoning District' to allow residential uses, as described in Table 20-90 of Section 20.40.100 of Chapter 20.40, 'Commercial Zoning Districts and Public/Quasi-Public Zoning District Use Regulations', with specific development standards, as described in Table 20-100 of Section 20.40.200 of Chapter 20.40, 'Commercial Zoning Districts Development Standards', in the Willow Glen Neighborhood Business District.
(d) Amending the San José Municipal Code, Title 20, Chapter 20.55 'Urban Village and Mixed Use Zoning Districts' to allow residential uses, as described in Table 20-138 of Section 20.55.203 of Chapter 20.55, 'Urban Village and Mixed Use Zoning District Use Regulations', with specific development standards, as described in Table 20-136 of Section 20.55.100 of Chapter 20.55, 'Urban Village and Mixed Use Zoning Districts Development Standards' and Table 20-137 of Section 20.55.104 of Chapter 20.55, 'Mixed Use Neighborhood Development Standards' in the North 13th Street and Japantown (Taylor Street only) Neighborhood Business Districts. (9-0-1; Absent: Doan)

10.3 PP24-011 - City Streamlined Review Process for Infill Housing Development. - HEARD DURING THE 1:30 P.M. REGULAR SESSION

(a) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and Supplemental EIR (Resolution No. 77617), and Addenda thereto.
(b) Approve an ordinance amending various sections of Title 20 of the San José Municipal Code (Zoning Code or Zoning Ordinance) to:

(1) Amend Chapter 20.55 to include amendments to Section 20.55.203, Table 20-138 to allow Streamlined Infill Housing Development and adding Notes 27 and 28.
(2) Amend Chapter 20.195 to include amendments to:
(i) Section 20.195.010 to include a local ministerial approval process for Streamlined Infill Housing Developments in the purpose of Chapter 20.195;
(ii) Section 20.195.020 to add the definition of Infill;
(iii) Section 20.195.070 to allow Streamlined Infill Housing Development to qualify for the Local Ministerial Approvals;
(iv) Section 20.195.080 to amend existing ministerial standards and add a new standard;
(v) Section 20.195.090 to state that projects must comply with Chapter 5.08, as amended;
(vi) Section 20.195.100 to add permit conditions; and
(vii) Add a new Part 4 of Chapter 20.195 to allow ministerial approval for Streamlined Infill Housing Developments.
(3) Amend Chapter 20.200 to add a new definition for Streamlined Review for Infill Housing Development.

(c) Adopt a resolution approving standard environmental planning permit conditions for projects approved under the local ministerial ordinance as described in section 20.195.100.F of the San José Municipal Code.
CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and 2023 - 2031 Housing Element Update Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-1-1, Oliviero opposed, Barocio absent) (Item 5.b on the 12/4/2024 Planning Commission agenda). (Planning, Building and Code Enforcement) [Rules Committee referral 12/11/2024 - Item A.1.a - (b)(4)]
HEARD DURING THE 1:30 P.M. REGULAR SESSION

Michelle Flores, Supervising Planner, Department of Planning, Building and Code Enforcement; and Jerad Ferguson, Principal Planner, Department of Planning, Building and Code Enforcement, offered the presentation and responded to questions.

Public Comment: Humberto Nava, Jaime Arteaga, Manuel Salazar, Erik Schoennauer, Genaro Diaz, Jake Wilde, Ali Sapirman, Alex Shoor, Kat Angelov, and Harvey offered public comment.

Friendly Amendment: Councilmember Domingo Candelas offered a friendly amendment to request that City staff meet with Labor Council building trades to discuss the impacts and next steps on any future expansion before returning to Council in January 2025. The amendment was accepted by the maker of the motion and seconder.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, (a) **Resolution No. RES2024-454** was adopted, adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and Supplemental EIR (Resolution No. 77617), and Addenda thereto; (b) **Ordinance No. 31169** was *passed for publication*, amending various sections of Title 20 of the San José Municipal Code; (c) **Resolution No. RES2024-455** was adopted, approving standard environmental planning permit conditions for projects approved under the local ministerial ordinance as described in section 20.195.100.F of the San José Municipal Code (9-0-1; Absent: Doan)

• Open Forum

1. Rose offered spoke to her concerns with homeless sweeps within the City and challenges with HomeFirst.

2. Alex offered spoke to Catalyze SV and reforms to the 6-30 policy.

• Adjournment

The meeting was adjourned at 5:00 p.m. by Mayor Matt Mahan.

Daniel Aguilar

Daniel Aguilar
Deputy City Clerk, City of San José

Approved at Council on:

Number of Actions: 8

Attest By:

Toni J. Taber,
MMC City Clerk, City of San José

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

FOR APPROVAL:

Tract: 10617
Location: W/S of Almaden Expressway at the southern terminus of Brasilia Way
District: 10
Lots/Units: 12/10
Type: SFD
Proposed Decision: Approved
Developer: Brasilia Hills Partners, LLC

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Attorney

C O N F I D E N T I A L

The following item(s) will be discussed at Tuesday's Closed Session to be held at **9:30 a.m.** in the City Hall Conference Room W-133.

1. Johnson, Kyle v. City of San José
2. Potential Litigation
3. Gupta, Preety v. City of San José, et al
4. California Waste Solutions, Inc. v. City of San José
5. Real Estate
6. Potential Litigation