



# **City Council Meeting Minutes**

**Tuesday, June 28, 2022**

**Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/99346843938>**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, DISTRICT 10



**\* COVID-19 NOTICE \***

*Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445, 80481 and 80507, Councilmembers may be teleconferencing from remote locations.*

- **Call to Order and Roll Call**

**9:30 a.m.- Closed Session. 22-1038:** *See pages 23-25 for Closed Session Minutes.*

Councilmembers Absent: All present virtually.

**1:30 p.m.- Regular Session**

Councilmembers Absent: All present virtually and in Council Chambers.

**6:00 p.m.- Evening Session**

Councilmembers Absent: All present virtually and in Council Chambers.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 6)**

San Jose Fire Department's Bureau of EMS and Training Staff: Battalion Chief, Patrick Chung; Fire Captain, Kevin Stidham; Fire Captain, Dennis Bell; and the following Bureau of Field Operations Engine 8, C shift Crewmembers: Fire Captain, Ryan West; Fire Engineer, Christopher Berger; Firefighter Paramedic, Pablo Polidoro; and Firefighter, Brandon Van Valer offered the invocation and introduced the new Lucas Device that is being implemented to perform high performance CPR in Cardiac Arrest emergency situations using the Pit Crew CPR Model.

- **Orders of the Day**

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day were approved, with Item 10.2 deferred to the August 9, 2023 City Council Meeting. (10-0-1. Absent: Cohen.)

Councilmember Sergio Jimenez stated the meeting was adjourned in honor and memory of Fernando Perez Lopez.

## • Closed Session Report

None provided.

## 1. CEREMONIAL ITEMS

- 1.1 Councilmember Magdalena Carrasco introduced June 2022 as National Adopt a Cat Month and spoke on the importance of this proclamation. The proclamation was presented to members of the Community Cats Working Group.
- 1.2 Councilmember Matt Mahan introduced July 2022 as Park and Recreation Month and spoke on the importance of this proclamation. The proclamation was presented to the Parks Recreation and Neighborhood Services (PRNS) San Jose City Staff.
- 1.3 Councilmember David Cohen recognized the Berryessa Arts Festival Committee and spoke on the importance of this proclamation. The proclamation was presented to the Berryessa Arts Festival Committee.

## 2. CONSENT CALENDAR

Public Comments: Blair Beekman, Alex Shoor, Katherine Hedges, and Bryan spoke to the items on the Consent Calendar.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Consent Calendar was approved as a whole, Items 2.9, 2.11, and 2.22 were pulled for further discussion only, and the below listed actions were taken as indicated. (11-0.)

- 2.1      22-1078      Approval of City Council Minutes.**  
(a) City Council Regular Meeting Minutes of November 10, 2020. CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved. (11-0.)

- 2.2      22-1049      Final Adoption of Ordinances.**  
(a) Ordinance No. 30785 An Ordinance of the City of San José Amending Title 3 of the San José Municipal Code to Amend Section 3.28.700 and Section 3.28.725 of Chapter 3.28 Related to the City of San José Paying the Normal Contributions for Eligible Tier 1 Members at Thirty Years of Service. [Passed for Publication on 6/14/2022 Item 2.8 (22 886)]  
(b) Ordinance No. 30786 An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Add Previously Approved Text within (a) Chapter 20.30, Section 20.30.100 to Rectify Table 20 50, and New Section 20.30.840 'Exemption for Addition'; (b) Chapter 20.40, Section 20.40.100 to Rectify Table 20 90; (c) Chapter 20.50, Section 20.50.100 to Rectify Table 20 110, and Section 20.50.110 'Commercial Support'; (d) Chapter 20.75, Section 20.75.200 to Rectify Table 20 156; and (e) to Make Other Technical, Non-Substantive, or Formatting Changes within those Sections of Title 20 of the San José Municipal Code. [Passed for Publication

on 6/14/2022 Item 10.1(a) (22 914)]

(c) Ordinance No. 30792 An Ordinance of the City of San José Adding Section 2.04.4030 to Chapter 2.04 of Title 2 of the San Jose Municipal Code Titled “Military Equipment Use Policy” to Comply with California Assembly Bill 481 Governing the Funding, Acquisition, and Use of Military Equipment by Law Enforcement Agencies. [Passed for Publication on 6/21/2022 Item 4.1(a) (22970)]

(d) Ordinance No. 30798 Approve an Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10.76 Gross Acres Situated East of the Intersection of Saratoga Avenue and Quito Road and North of the Intersection of Saratoga Avenue and Lawrence Expressway, from the CG Commercial General and CP Commercial Pedestrian Zoning Districts to a CG(PD) Planned Development Zoning District. [Passed for Publication on 6/21/2022 Item 10.2(b) (22 997)]

Action: (a) **Ordinance No. 30785**; (b) **Ordinance No. 30786**, (c) **Ordinance No. 30792**, and (d) **Ordinance No. 30798** were adopted. (11-0.)

### **2.3 22-1-077**

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

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 1, 2022. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 8, 2022 (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 15, 2022. (d) Regular Transportation and Environment Committee Minutes of June 6, 2022. (e) Regular Neighborhood Services and Education Committee Minutes of June 9, 2022. (f) Regular Public Safety, Finance and Strategic Support Committee Minutes of June 16, 2022. CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (11-0.)

### **2.4 Mayor and Council Excused Absence Requests.**

None provided.

### **2.5 City Council Travel Reports.**

None provided.

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

None provided.

### **2.7 22-1041**

#### **Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.**

Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows: (a) A Thirteenth Amendment and Continuation Agreement with Hanson Bridgett LLP for legal services in connection with the City’s retirement

plans and other benefit plans and programs, retroactively extending the term from July 1, 2022 through June 30, 2023, with no increase in the amount of compensation; and (b) A Thirteenth Amendment and Continuation Agreement with Ice Miller LLP for legal services in connection with retiree health and dental benefits and related tax issues, retroactively extending the term from July 1, 2022 through June 30, 2023, with no increase in the amount of compensation. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: **Resolution No. 80608** was adopted. (11-0.)

**2.8      22-998**

**Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through July 28, 2022 during the Governor's Proclaimed COVID State of Emergency.**

Adopt a resolution of the Council of the City of San José finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. 80609** was adopted. (11-0.)

**2.9      22-1008**

**Boards and Commissions Appointment.**

Approve the following Boards and Commissions appointments: (a) Arts Commission: (1) District 2 Seat: Appoint Charlie McCollum for a term of July 1, 2022 to June 30, 2026. (2) District 4 Seat: Appoint Lynne Rosenthal for a term of July 1, 2022 to June 30, 2026. (3) District 5 Seat: Appoint Jonathan Borca for a term of July 1, 2022 to June 30, 2024. (b) Clean Energy Community Advisory Commission: (1) Citywide Seat: Appoint Ted Marena for a term of July 1, 2022 to December 31, 2023. (c) Planning Commission: (1) District 1 Seat: Appoint Justin Lardinois for a term of July 1, 2022 to June 30, 2026. (2) District 4 Seat: Appoint Barinder Ahluwalia for a term of July 1, 2022 to June 30, 2026. (3) District 5 Seat: Appoint Louis Barocio for a term of July 1, 2022 to June 30, 2026. (4) District 6 Seat: Appoint Pierluigi Oliverio for a term of July 1, 2022 to June 30, 2026. (5) District 9 Seat: Appoint Michael Young for a term of July 1, 2022 to June 30, 2026. (d) Youth Commission: (1) District 2 Seat: Appoint Kathy Lu for a term of July 1, 2022 to May 31, 2024. (2) District 3 Seat: Appoint Deitra Hoang for a term of July 1, 2022 to May 31, 2024. (3) District 6 Seat: Appoint Amiya Bansal for a term of July 1, 2022 to May 31, 2023. (4) Citywide Seat: Appoint Vendant Janapaty for a term of July 1, 2022 to May 31, 2024. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Councilmember Magdalena Carrasco congratulated Jonathan Borca and Louis Barocio on their appointments.

Action: The Boards and Commissions Appointments were approved. (11-0.)

**2.10 22-1017**

**Terms of an Agreement with the International Brotherhood of Electrical Workers, Local 332 for the Term of July 1, 2021 through June 30, 2024.**

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local 332 for the term of July 1, 2021, through June 30, 2024, and authorizing the City Manager to execute an agreement with those terms. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. 80610** was adopted. (11-0.)

**2.11 22-1018**

**Extension of Hiring Incentive Referral Program for City Employees.**

Adopt a resolution extending the expiration date for the temporary increase to the Hiring Incentive Referral Program for City employees from June 30, 2022 to December 31, 2022. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Councilmember Sergio Jimenez spoke to the Hiring Incentive Referral Program's (HIRP) temporary increase of payments from \$500 to \$1,500. He requested to know if there has been an increase of referrals from staff and how effective the program has been.

Director of Employee Relations, Jennifer Schembri responded to questions.

Public Comments: Blair Beekman offered public testimony regarding the item.

Action: **Resolution No. 80611** was adopted. (11-0.)

**2.12 22-1019**

**Terms of Side Letter Agreements Between the City of San José, the International Union of Operating Engineers, Local No. 3 and the Association of Maintenance Supervisory Personnel IFPTE, Local 21, and Amending the City of San José Pay Plan.**

Adopt a resolution to: (a) Approve the terms of a Side Letter Agreement with the International Union of Operating Engineers, Local No. 3 to provide the following effective July 10, 2022: (1) Provide employees in the Parking & Traffic Control Officer FT/PT (2451/2452) classification with an approximate 15.17% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and (2) Provide employees in the Senior Parking & Traffic Control Officer (2453) classification with an approximate 13.24% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties. (b) Approve the terms of a Side Letter Agreement with the Association of Maintenance Supervisory Personnel IFPTE, Local 21 (AMSP) to provide employees in the Parking & Traffic Control Supervisor (2455) classification with an approximate 10.40% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties effective July 10, 2022. (c) Amend the City of San José Pay Plan as follows: (1) Increase the annual salary range

of the classification of Parking & Traffic Control Officer FT/PT (2451/2452) to \$57,492.86 - \$69,805.92, effective July 10, 2022; (2) Increase the annual salary range of the classifications of Senior Parking & Traffic Control Officer (2453) to \$73,158.48 - \$88,916.05, effective July 10, 2022; and (3) Increase the annual salary range of the classification of Parking & Traffic Control Supervisor (2455) to \$89,074.25 - \$108,524.08, effective July 10, 2022. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

During the Evening Session, Mayor Sam Liccardo announced a re-vote for Item 2.12.

City Attorney, Nora Frimann advised Council that Item 2.12 could be re-voted separately.

Motion: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, Council approved the motion to reconsider Item 2.12. (11-0.)

Councilmember Sylvia Arenas recused herself from Item 2.12.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80612** was adopted. (10-0-0-1. Recused: Arenas.)

**2.13    22-1042            Amendment to Resolution 80331 to Modify Plan A regarding 2022 Power Mix and Rates.**

Adopt a resolution amending Resolution No. 80331 to modify Plan A as follows: (a) Continuing to set rates for GreenSource standard service up to 8% above Pacific Gas & Electric (PG&E) generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment (PCIA); (b) Continuing to set rates for San José Clean Energy's (SJCE) lowest-cost service GreenValue at no greater than parity to PG&E generation rates after accounting for the Franchise Fee Surcharge and the PCIA; (c) Continuing to set rates for TotalGreen, SJCE's 100% renewable energy service, at \$0.005 or \$0.01 per kilowatt-hour above GreenSource, depending on rate class; and (d) Continuing to set rates for SJCE SJ Cares program, to no less than 5% below PG&E generation rates after accounting for the Franchise Fee Surcharge and the PCIA. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)

Action: **Resolution No. 80613** was adopted. (11-0.)

**2.14    22-1020            Amendment to the Consultant Services Agreement with the San José Downtown Association.**

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to include marketing, promotional, placemaking, business development and parking-related services increasing consultant compensation from \$322,355 to an amount not to exceed \$977,355 for services from July 1, 2022 to June 30, 2023. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80614** was adopted. (11-0.)

**2.15 22-1021**

**Amendment to Purchase Order with Johnson Controls Fire Protection, LP for Fire Sprinkler Systems Services.**

Adopt a resolution authorizing the City Manager to amend purchase order OP 60187 with Johnson Controls Fire Protection, LP (Boca Raton, FL) for fire sprinkler systems services to increase the compensation by \$180,000 for a revised maximum compensation not-to-exceed \$500,000 for the term ending October 31, 2022. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Finance)

Action: **Resolution No. 80615** was adopted. (11-0.)

**2.16 22-1040**

**Report on Request for Quotation for eDiscovery Software.**

**RENUMBERED TO ITEM 3.5**

**2.17 22-1022**

**Amendment to the Purchase Orders with United Site Services of California, Inc. for Portable Restroom and Handwashing Station Rental Services.**

Adopt a resolution authorizing the City Manager to: (a) Amend purchase order OP 58765 with United Site Services of California, Inc. (Westborough, MA) for temporary fencing rentals and repair services, portable restroom rental services, and portable handwashing station rental services to increase compensation by \$400,000 for a revised maximum compensation not-to-exceed \$1,355,000, and to retroactively extend the term from December 31, 2021, to June 30, 2022. (b) Execute a purchase order with United Site Services of California, Inc. (Westborough, MA) for portable restroom and hand washing station rental services for an initial term starting on or about July 1, 2022, and ending on or about June 30, 2023, for an amount not to exceed \$2,400,000. (c) Exercise up to four one-year options to extend the term of the purchase order with the last option year ending on or about June 30, 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/Housing)

Action: **Resolution No. 80616** was adopted. (11-0.)

**2.18 22-1043**

**Agreement with San José Public Library Foundation for the San José Aspires Program.**

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 as the Fiscal Agent of the San José Aspires program in the amount not to exceed \$1,500,000 for scholarships and the administration of the San José Aspires program. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

Action: **Resolution No. 80617** was adopted. (11-0.)

**2.19 22-1044**

**Agreement with San José Public Library Foundation for the San José Learns Funds for Tutoring Services and Library Programs.**

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 \$2,550,000 for the fiscal administration of San José Learns funds (\$1,500,000), 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)

Action: **Resolution No. 80618** was adopted. (11-0.)

**2.20 22-1023**

**Actions Related to the Parent Project Service Agreement with the County of Santa Clara.**

(a) Adopt a resolution authorizing the City Manager to execute the Fifth Amendment to the Parent Project Service Agreement with the County of Santa Clara in the amount of \$330,000, and execute additional amendments and all related documents, including online certifications and reimbursement requests, without further City Council action; and

(b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund: (1) Increase the Parent Project City-Wide Expenses appropriation to the Police Department by \$66,000; and (2) Increase the estimate for revenue from Local Government by \$66,000. 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. (Police/City Manager)

Action: (a) **Resolution No. 80619**, (b) 2022-2023 Appropriation **Ordinance No. 30799** and (b) Funding Source **Resolution No. 80620**. (11-0.)

**2.21 22-1024**

**Charcot Avenue Extension Project Environmental Impact Report Decertification.**

(a) Approve a Settlement Agreement in the lawsuit entitled Protecting the Children of Orchard School v. City of San José whereby Petitioner agrees to dismiss the CEQA lawsuit against the City of San José in exchange for City Council rescinding the Charcot Avenue Extension Project Environmental Impact Report and payment of fees and costs in the amount of \$115,000.

(b) Adopt a resolution repealing City Council Resolution No. 79559 adopted on June 9, 2020 to decertify the Charcot Avenue Extension Project Environmental Impact Report. CEQA: Statutorily Exempt, File No. PP17-004, CEQA Guidelines Section 15270, Projects which are disapproved. Council District 4. (Transportation)

Action: The Settlement Agreement in the lawsuit entitled Protecting the Children of Orchard School v. City of San José was approved and (b) **Resolution No. 80621** was adopted. (11-0.)

**2.22 22-1025**

**Resolution Establishing Speed Limits.**

Adopt a resolution to repeal Resolution No. 78961 and set forth speed limits in the City of San José in compliance with state law to: (a) Establish a 20 mph business activity district speed limit on six streets; including Evergreen Village Square, and portions of Almaden Avenue, Jackson Street, Post Street, Santa Clara Street, and Willow Street. (b) Adopt the speed limit established by the County of Santa Clara for portions of Sierra Road for the segments within the jurisdiction of San José. CEQA: Categorically Exempt, PP18-029, CEQA Guideline Section 15301(c), Existing Facilities. Council Districts 3, 4, and 8. (Transportation)

Councilmember Magdalena Carrasco requested to know how the six streets mentioned in the item were chosen as opposed to other streets in the City. Director of Transportation, John Ristow responded to the question.

Public Comments: Blair Beekman and Alex Shoor offered public testimony regarding the item.

Action: **Resolution No. 80622** was adopted. (11-0.)

**2.23 22-1085**

**Request for Travel Authorization for Councilmember Jimenez.**

As recommended by the Rules and Open Government Committee on June 22, 2022, authorize travel for Councilmember Sergio Jimenez to attend the Sister Cities International 2022 Summer Leadership Meeting, in Santa Fe, New Mexico from July 6- 8, 2022. Source of Fund: District 2 Funds. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 6/22/2022 - Item B.3]

Action: The travel authorization request for Councilmember Jimenez was approved. (11-0.)

**2.24 22-1089**

**Request for Travel Authorization for Councilmember Cohen.**

As recommended by the Rules and Open Government Committee on June 22, 2022, authorize travel, accept travel payments to the City of San José, and designate Councilmember Cohen as the City representative to attend the League of California Cities Board of Directors meeting in Garden Grove, California from July 14- 15, 2022. Source of Fund: California League of Cities. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 6/22/2022 - Item B.4]

Action: The travel authorization request for Councilmember Cohen was approved. (11-0.)

**2.25 22-1093**

**Retroactive Approval of the Mayfair Dumpster Day and Capitol Park Futsal Court Unveiling Events Sponsored by Council District 5 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

As recommended by the Rules and Open Government Committee on June 22, 2022: (a) Retroactively approve the Unveiling of the Capitol Park Futsal Court Event

scheduled on June 10, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Mayfair Dumpster Day scheduled on June 18, 2022 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. (Carrasco) [Rules Committee referral 6/22/2022 - Item B.2]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)

**2.26 22-1097**

**Retroactive Approval of Estates Dumpster Day Community Event Sponsored by Council District 8 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 June 22, 2022: (a) Retroactively Approve the Estates Dumpster Day scheduled on June 25, 2022 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. (Arenas) [Rules Committee referral 6/22/2022 - Item B.5]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)

### **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 22-1035**

**Citywide Residential Anti-Displacement Strategy Quarterly Status Report.**

As recommended by the Neighborhood Services and Education Committee on June 9, 2022, accept the quarterly status report on the Citywide Residential Anti-Displacement Strategy. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) [Neighborhood Services and Education Committee referral 6/9/2022 - Item (d)2]

Director, Housing Department, Jacky Morales-Ferrand; Deputy Director, Housing Department, Ragan Henninger; and Division Manager, Emily Hislop offered the presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the quarterly status report on the Citywide Residential Anti Displacement Strategy was accepted. (11-0.)

### 3.4 22-1045

#### **Actions Related to the Measure T Status Report on the Workplan and Implementation Updates.**

(a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond measure. (b) Accept the Measure T Community Oversight Committee's annual report, as identified in Attachment A, on the Measure T -The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program proceeds and allocations for Fiscal Year 2020-21; (c) Initiate actions and studies for the potential construction of a new Fire Station 36 at the intersection of Capitol Expressway and Tuers Road; (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund: (1) Increase the Measure T - Police Headquarters Infrastructure Upgrades appropriation to the Public Works Department by \$250,000; and (2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$250,000. (e) Accept the funding recommendation shown in Table 2, with the acknowledgement that Fire Station 32 overages based on the current one company scope of work will require using \$2,500,000 of the \$5,000,000 in the Public Safety Program Reserve recommended for Fire Station Rehabilitation and for potential Fire Station overages; (f) Defer the policy decision in regard to funding projects identified in Table 4 until February 2023; and (g) Approve the proposed City Land South of Phelan site as a project to be funded by the Clean Water Program. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; 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. (Public Works/City Manager) [Deferred from 5/17/2022 - Item 3.5 (a)(b)(c)(e)(f) (22-703)]

Matt Director of Public Works, Matt Cano; Public Works Deputy Director, Katherine Brown; and Measure T, COC Chair, Arjun Batra offered the presentation and responded to questions.

Public Comment: Steve Bennett, Jeremy Barousse, Blair Beekman, Eddie Garcia, Shereya K. (Mothers Out Front For Climate Change), Juan Estrada, and Vicky offered public testimony regarding the item.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza, and carried unanimously, the staff report and recommendations were accepted and (d) 2021-2022 Appropriation **Ordinance No. 30800** was adopted, *also delaying any policy decisions until February 2023 once Council has discussed the study findings and the final construction costs.* Including acceptance of the supplemental memorandum from Matt Cano and Jim Shannon dated June 23, 2022, recommending: (a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond measure; (b) Accept the Measure T Community Oversight Committee's annual report, as identified in Attachment A, on the Measure T -The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program proceeds and allocations for Fiscal Year 2020-21; (c) Approve the proposed site at the intersection of Capitol Expressway and Tuers Road for the construction of new Fire Station 36; (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund: (1) Increase the Measure T - Police Headquarters Infrastructure Upgrades appropriation to the Public Works Department by \$250,000; and (2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$250,000. (e) Accept the funding recommendation shown in Table 2, with the acknowledgement that Fire Station 32 overages based on the current one company scope of work will require using \$2,500,000 of the \$5,000,000 in the Public Safety Program Reserve recommended for Fire Station Rehabilitation and for potential Fire Station overages; (f) Defer the policy decision in regard to funding projects

identified in Table 4 until February 2023; and (g) Approve the proposed City Land South of Phelan site as a project to be funded by the Clean Water Program.

Also including acceptance of the joint memorandum from Councilmember Sylvia Arenas, Councilmember David Cohen, and Councilmember Magdalena Carrasco, dated May 13, 2022, recommending: (1) Accept staff report and recommendations (a), (b), (c), (d), and (f). (2) For recommendation (e), direct staff to continue to follow Council Direction from June 15, 2021, which passed with unanimous support of Council: (a) Reaffirm Council commitment to the voters – as reiterated in the June 2, 2020 City Council meeting– to use any savings from Measure T’s Environmental and Flood Protection Projects category to fund a local water quality project. (b) Direct the City Manager to allocate all remaining funds from the 5-year Municipal Improvements Capital Improvement Program for the Measure T’s Environmental and Flood Protections Projects to bond-eligible water quality improvements at Lake Cunningham in order to return the lake to a level of quality that allows aquatic recreation and to reduce future die off of fish in the lake. (c) Direct the City Manager that this item return to Council to bring forward the results of the current study and a strategy before any funds are expended. (3) In alignment with Recommendation 2, Direct the City Manager to return to the Neighborhood Services and Education Committee and then cross reference to the Council with a plan to save Lake Cunningham that utilizes the Lake Cunningham Water Study (currently in draft form). (4) Commit the City to ensuring all four remaining fire stations are fully funded, whether through allocations of Measure T funding or through exploring alternate funding sources (including, but not limited to, federal/state infrastructure grants and city fund allocations).

Also including acceptance of Councilmember Maya Esparza’s memorandum, dated May 16, 2022, recommending: (1) Accept the staff report and recommendations, as well as the memo from Councilmembers Arenas, Cohen, and Carrasco. (2) Prioritize utilizing \$2 million of the \$5 million identified by staff to reserve for Fire Station Rehabilitation and Potential Overages, to close the identified \$2 million funding gap needed to design and build Fire Station 32 as a dual company station, as requested by the Fire Department, to meet the demand of one of the highest need areas in the City.

Also including acceptance of the joint memorandum from Mayor Sam Liccardo and Councilmember Dev Davis, *excluding item 2*, dated May 13, 2022, recommending: (1) Accept staff recommendations (a)(b)(c)(d) and (f), and; ~~(2) Regarding recommendation (e), as described in Tables 2 & 4 of the Public Safety Program Reserve section of this report, approve option #2, which funds the Measure T public safety reserves to help ensure delivery of the public safety program of projects put before the voters.~~ (3) Direct IGR team- and state and federal lobbyists- to identify, and have staff actively pursue, state and federal funding to support Lake Cunningham restoration. (4) Direct PRNS staff to explore public private partnership (P3) opportunities that would deliver restoration- and enhanced recreational benefits- to Lake Cunningham. (11-0.)

### **3.5      22-1079      Report on Request for Quotation for eDiscovery Software. RENUMBERED FROM ITEM 2.16**

Accept the report on the Request for Quotation and adopt a resolution authorizing the City Attorney to: (a) Negotiate and execute an agreement with Modus eDiscovery, Inc. (Atlanta, GA) to provide eDiscovery Software for the City Attorney’s Office, including related professional services such as implementation, training, licensing, hosting, maintenance, and support, for a maximum compensation not to exceed \$83,000 during the initial one-year term beginning on or about July 1, 2022 and ending on or about June 30, 2023, subject to the appropriation of funds; (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$17,000 during the initial one-year term, subject to the appropriation of funds; and (c) Exercise up to four one-year options to extend the term of the agreement and the software license with the last option ending on or about June 30, 2027 in

alignment with the software renewal term, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Director of Finance, Julia H. Cooper and Deputy Director of Finance, Jennifer Cheng offered the presentation and responded to questions.

The two representatives from Logikcull, Ryan Bullard and Sheeba Chenthitta were given 5 minutes to state their reasoning for their appeal.

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember David Cohen, and carried unanimously, the report on the request for Quotation for eDiscovery Software was accepted and **Resolution No. 80623** was adopted. (9-0-2. Absent: Carrasco, Esparza.)

### 3.6 22-1081

**Terms of Side Letter Agreements between the City of San José and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), the Association of Building, Mechanical and Electrical Inspectors (ABMEI), and the City Association of Management Personnel, IFPTE, Local 21 (CAMP); Changes to Executive Management and Professional Employees in Unit 99; and Amending the City of San José Pay Plan.**

(1) Adopt a resolution to: (a) Approve the terms of a Side Letter Agreement with the Association of Engineers and Architects, IFPTE, Local 21 (AEA) to provide the following effective June 26, 2022: (1) Provide employees in the Engineer II (3813) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (2) Provide employees in the Sanitary Engineer FT/PT (5232/5231) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (3) Provide employees in the Architect / Landscape Architect II (3852) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (4) Provide employees in the Structure / Landscape Designer II (3842) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (5) Provide employees in the Associate Engineer FT/PT (3814/3828) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (6) Provide employees in the Associate Architect / Landscape Architect FT/PT (3848/3843) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (7) Provide employees in the Associate Structure / Landscape Designer (3855) classification with an approximate 8.30% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (8) Provide employees in the Engineering Geologist (3874) classification with an approximate 12.25% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (9) Provide employees in the Senior Engineer (3815) classification with an approximate 3.80% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and (10) Provide employees in the Senior Architect / Landscape Architect (3844) classification with an approximate 3.80% pensionable pay increase consistent with the Side Letter

Agreement that has been signed by all parties. (b) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide the following effective June 26, 2022: (1) Increase the maximum salary of the following classifications by the corresponding percentage, which shall not result in any automatic pay increases for incumbents in these classifications: (i) The maximum salary of the Construction Manager (3874) classification shall be increased by an approximate 3.80%; (ii) The maximum salary of the Environmental Compliance Officer (3874) classification shall be increased by an approximate 9.05%; (iii) The maximum salary of the Associate Transportation Specialist (3874) classification shall be increased by an approximate 8.95%; (iv) The maximum salary of the Senior Transportation Specialist (3874) classification shall be increased by an approximate 3.30%; (v) The maximum salary of the Building Inspection Manager (3815) classification shall be increased by an approximate 5.25%; and (vi) The maximum salary of the Land Surveyor (3844) classification shall be increased by an approximate 2.50%. (c) Approve the terms of a Side Letter Agreement with the Association of Building, Mechanical and Electrical Inspectors (ABMEI) to provide the following effective June 26, 2022: (1) Provide employees in the Building Inspector Supervisor Certified I (3912) classification with an approximate 5.25% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and (2) Provide employees in the Building Inspector Supervisor Certified II (3905) classification with an approximate 5.25% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties. (d) Approve changes to Executive Management and Professional Employees in Unit 99 to provide the following effective June 26, 2022: (1) Provide employees in the Principal Engineer / Architect (3820) classification with an approximate 8.326611% pensionable pay increase. (e) Amend the City of San José Pay Plan as follows: (1) Increase the annual salary range of the classification of Engineer II (3813) to \$93,683.20- \$118,601.60, effective June 26, 2022; (2) Increase the annual salary range of the classification of Sanitary Engineer FT/PT (5232/5231) to \$93,683.20 - \$118,601.60, effective June 26, 2022; (3) Increase the annual salary range of the classification of Architect/ Landscape Architect II (3852) to \$93,683.20- \$118,601.60, effective June 26, 2022; (4) Increase the annual salary range of the classification of Structure/ Landscape Designer II (3842) to \$93,683.20- \$118,601.60, effective June 26, 2022; (5) Increase the annual salary range of the classification of Associate Engineer FT/PT (3814/3828) to \$107,868.80- \$136,572.80, effective June 26, 2022; (6) Increase the annual salary range of the classification of Associate Architect/ Landscape Architect FT/PT (3848/3843) to \$107,868.80- \$136,572.80, effective June 26, 2022; (7) Increase the annual salary range of the classification of Associate Structure/ Landscape Designer (3855) to \$107,868.80 - \$136,572.80, effective June 26, 2022; (8) Increase the annual salary range of the Classification of Engineering Geologist (3874) to \$107,889.60- \$136,572.80, effective June 26, 2022; (9) Increase the annual salary range of the classification of Senior Engineer (3815) to \$124,259.20- \$157,164.80, effective June 26, 2022; (10) Increase the annual salary range of the classification of Senior Architect/ Landscape Architect (3844) to \$124,259.20- \$157,164.80, effective June 26, 2022; (11) Increase the annual salary range of the classification of Construction Manager (3774) to \$119,496.00- \$151,070.40, effective June 26, 2022; (12) Increase the annual salary range of the classification of Environmental Compliance Officer (8205) to \$109,990.40- \$150,217.60, effective June 26, 2022; (13) Increase the annual salary range of the classification of Associate Transportation Specialist (3882) to \$98,238.40-

\$130,457.60, effective June 26, 2022; (14) Increase the annual salary range of the classification of Senior Transportation Specialist (3879) to \$119,496.00- \$150,342.40, effective June 26, 2022; (15) Increase the annual salary range of the classification of Building Inspection Manager (3910) to \$126,651.20- \$162,344.00, effective June 26, 2022; (16) Increase the annual salary range of the classification of Land Surveyor (3875) to \$120,411.20- \$150,321.60, effective June 26, 2022; (17) Increase the annual salary range of the classification of Building Inspector Supervisor Certified I (3912) to \$118,913.60- \$144,851.20, effective June 26, 2022; (18) Increase the annual salary range of the classification of Building Inspector Supervisor Certified II (3905) to \$122,200.00- \$148,865.60, effective June 26, 2022; (19) Increase the annual salary range of the classification of Principal Engineer/ Architect (3820) to \$147,066.27- \$178,822.49, effective June 26, 2022; (20) Increase the annual salary range of the classification of Division Manager (8074) to \$112,792.89- \$178,822.49, effective June 26, 2022; (21) Increase the annual salary range of the classification of Deputy Director U (1640) to \$127,732.57- \$206,529.38, effective June 26, 2022; (22) Increase the annual salary range of the classification of Assistant Director U (8048) to \$146,282.03 \$236,682.64, effective June 26, 2022; (23) Increase the annual salary range of the classification of Director, Communication U (1671) to \$152,398.92- \$246,886.38, effective June 26, 2022; (24) Increase the annual salary ranges of the following classifications to \$167,337.53- \$271,483.31, effective June 26, 2022: (i) Budget Director U (1656) (ii) City Librarian U (6245) (iii) Director, Aviation U (3546) (v) Director, City Manager's Office U (1701) (vi) Director, Community Energy U (3460) (vii) Director, Economic Development U (1999) (viii) Director, Emergency Management U (2341) (ix) Director, Employee Relations U (1430) (x) Director, Environmental Services U (1696) (xi) Director, Finance U (1258) (xii) Director, Housing U (3989) (xiii) Director, Human Resources U (1429) (xiv) Director, Information Technology U (1375) (xv) Director, Parks, Recreation & Neighborhood Services U (3996) (xvi) Director, Planning, Building & Code Enforcement U (4154) (xvii) Director, Public Works U (3867) (xviii) Director, Transportation U (3199) (25) Increase the annual salary range of the classification of Deputy City Manager U (1686) to \$191,592.85- \$309,856.57, effective June 26, 2022; and (26) Increase the annual salary range of the classification of Assistant City Manager U (1688) to \$210,409.93- \$340,842.23, effective June 26, 2022. (2) Adopt a resolution to amend the City of San Jose Pay Plan to increase the annual salary range of the classification of City Manager U (1689) to \$295,614.89- \$371, 827.89, effective June 26, 2022. CEQA: Not a Project, File No. PP17 008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager) [Rules Committee referral 6/22/2022 Item A.1.a]

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley, and carried unanimously, (1) **Resolution No. 80624** and (2) **Resolution No. 80625** were adopted. Including acceptance of the memorandum from Mayor Sam Liccardo, dated June 24, 2022, recommending: Consistent with recommendations in the Administration's memorandum for classifications in Unit 99, adopt a resolution to increase the annual salary range for the City Manager U (1689) classification by 3.80% to \$295,614.89- \$371,827.89, effective June 26, 2022. (10-0-1. Absent: Esparza.)

## **4. PUBLIC SAFETY SERVICES**

- 4.1      22-1046      Amendment to Chapter 11.34 of Title 11 of the San José Municipal Code - Regulation of Cruising.**  
Approve an ordinance repealing Chapter 11.34 of Title 11 of the San José Municipal Code - Regulation of Cruising. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney/City Manager)

SJPD, Chief of Police, Anthony Mata responded to questions.

Public Comment: Kimberly Gudino (Brown Issues), Flavio Huizar (Lowrider Association), Blair Beekman, Aida C. Castaneda, Robert Diaz, Caller ‘Sacramento Lowrider Commission’, Steven (Mineta Lowrider), Armando Barbosa, Marcus Bush, and David Polanco offered public testimony regarding the item.

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Pam Foley, and carried unanimously, **Ordinance No. 30806** was passed for publication. Including acceptance of Councilmember Raul Perez’ memorandum, dated May 5, 2022, recommending: Direct the City Manager to submit a Managers Budget Addendum (MBA) that will eliminate San José Municipal Code 11.34, Regulation of Cruising, and fines, fees or signage associated with this. (10-0-1. Absent: Esparza.)

**Council recessed for lunch and returned at 6:33 p.m.**

- 4.2      22-1047      Independent Police Auditor 2021 Year End Report.**  
Accept the 2021 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)

**DEFERRED TO AUGUST 2022 PER ADMINISTRATION.**

- 4.3      22-1048      San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report.**  
Accept the San José Police Department’s Internal Affairs Unit report on Department Initiated Investigations for calendar year 2021.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)

**DEFERRED TO AUGUST 2022 PER ADMINISTRATION.**

## **5. TRANSPORTATION & AVIATION SERVICES**

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

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 22-1026**

#### **Amendment to the Lease for the Police Vehicle and Evidence Warehouse.**

Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Fourth Amendment, to the lease dated May 12, 2003, between Sun Garden Center 3, LLC, as Landlord, and the City of San José, as Tenant, extending the lease for an additional five-year period (expiring July 31, 2031) for the continued use and operation of approximately 30,015 square feet of warehouse space for the Police Evidence Warehouse Unit, and for the continued use and operation of approximately 69,804 square feet of warehouse space for the Police Vehicle Warehouse unit, totaling approximately 99,819 square feet of warehouse space located at 1598 Monterey Road in San José, for a rental rate of approximately \$1,093,708.44 for the first and second years, approximately \$1,129,643.28 for the third and fourth years, and approximately \$1,165,578.12 for the fifth year, totaling \$5,612,281.56 for the term, and all other necessary documents. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 7. (Economic Development and Cultural Affairs)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley, and carried unanimously, **Resolution No. 80626** was adopted. (8-0-3. Absent: Davis, Esparza, Arenas.)

### **8.2 22-1027**

#### **Master Agreements for Community Engagement Consultants.**

Adopt a resolution authorizing the City Manager or designee to:

- (a) Negotiate and execute up to nine master agreements for on-call community engagement consultants for a total maximum compensation of up to \$4,000,000. The initial terms of the master agreements will be from July 1, 2022 to June 30, 2025 with City options to extend for two additional years for total contract terms of up to five years;
- (b) Exercise options to extend the master agreements for up to an additional two years under the same terms and conditions; and
- (c) Negotiate and execute amendments to the master agreements to shift funding between the master agreements provided the total maximum compensation does not exceed \$4,000,000.

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)

**DEFERRED TO AUGUST 9, 2022 PER ADMINISTRATION.**

### **8.3 22-1029**

#### **Actions Related to the Grant Agreements for Multiple Homelessness Programs for Fiscal Year 2022-2023.**

(a) Adopt a resolution authorizing the Director of Housing or designee to negotiate and execute agreements and amendments beginning in Fiscal Year 2022-2023 with three one-year options to extend, subject to the appropriation of funds, the following priorities serving individuals and families experiencing homelessness categorized by service type,

each of which includes one or more agreements: (1) Basic Needs Services: (a) SOAR Program: HomeFirst in the amount of \$2,000,000 from July 1, 2022- December 31, 2023. (b) SOAR Expansion Program: HomeFirst in the amount of \$2,300,000 from July 1, 2022- June 30, 2023. (c) Safe Parking Programs: (i) Amigos de Guadalupe in the amount of \$500,000 from July 1, 2022- June 30, 2023; and (ii) Life Moves in the amount of \$1,520,000 from July 1, 2022- June 30, 2023. (d) Mobile Hygiene and Rest Stop: WeHope in the amount of \$1,000,000 from July 1, 2022- June 30, 2023. (e) Employment Initiative: Destination: Home in the amount of \$125,000 from July 1, 2022 - June 30, 2023. (f) Meals Without Borders: Opening Doors in the amount of \$200,000 from July 1, 2022 - June 2023. (g) Community Access to Resources and Education Program: West Valley Community Services in the amount of \$50,000 from July 1, 2022- June 30, 2023. (h) UPLIFT Transit Pass Program: County of Santa Clara in the amount of \$100,000 from July 1, 2022- June 30, 2023. (i) 2023 Homeless Census and Survey: County of Santa Clara in the amount of \$100,000 from July 1, 2022- June 30, 2023. (2) Housing and Shelter Opportunities: (a) Emergency Interim Housing Programs: (i) HomeFirst in the amount of \$7,400,000 from July 1, 2022 - June 30, 2023; (ii) HomeFirst in the amount of \$68,630 from July 1, 2021 - June 30, 2022; (iii) PATH in the amount of \$2,880,000 from July 1, 2022 - June 30, 2023; and (iv) LifeMoves in the amount of \$3,500,000 from July 1, 2022- June 30, 2023. (b) Bridge Housing Communities: HomeFirst in the amount of \$4,011,000 from July 1, 2022- June 30, 2023. (c) Non-Congregate Motel Sheltering Programs: (i) Abode in the amount of \$423,000 from July 1, 2022- September 30, 2022; and (ii) Abode in the amount of \$1,250,000 from July 1, 2022- June 30, 2023. (d) Scattered-Site Motel Sheltering Programs: (i) YWCA in the amount of \$250,000 from July 1, 2022 - June 30, 2023; and (ii) LifeMoves in the amount of \$3,950,000 retroactive from April 1, 2022- June 30, 2023. (e) Rapid Rehousing Programs: (i) HomeFirst in the amount of \$2,000,000 from July 1, 2022- June 30, 2023; (ii) LifeMoves in the amount of \$1,250,000 from July 1, 2022- June 30, 2023; and (iii) Bill Wilson Center in the amount of \$1,250,000 from July 1, 2022- June 30, 2023. (f) Employment Development Programs: (i) JobTrain in the amount of \$450,000 from July 1, 2022 - June 30, 2023; and (ii) International Rescue Committee in the amount of \$450,000 from July 1, 2022 - June 30, 2023.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Housing Authority Litigation Award Fund: (1) Decrease Unrestricted Ending Fund Balance by \$900,000; and (2) Establish a Job Readiness Training Project appropriation to the Housing Department in the amount of \$900,000.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund: (1) Decrease Unrestricted Ending Fund Balance by \$2,000,000; and (2) Increase the Homelessness Prevention System appropriation to the Housing Department by \$2,000,000. CEQA: Not a Project, File No. PP17-003, Agreements and 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/City Manager) [Deferred from 6/14/2022 - Item 8.3 (22-917)]

Deputy Director, Housing Department, Ragan Henninger and Homelessness Response Manager, Housing Department, Kelly Hemphill offered the presentation and responded to questions.

Public Comment: Kathryn Hedges, Gail Anne Osmer, Tina Lam, Hui Xu, Scott Largent, Langitua Flinders, Sai, Michelle Brenot, Jerry, Greenie Van Buren, and a speaker offered public testimony regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Raul Peralez, and carried unanimously, (a) **Resolution No. 80627**, (b) Appropriation **Ordinance No. 30802**, and (c) Appropriation **Ordinance No. 30803** were adopted. Including acceptance of the memorandum from Councilmember David Cohen, dated June 28, 2022, recommending: (1) Direct staff, in coordination with Council offices that do not currently have a SOAR site in their district, to evaluate additional options for future SOAR sites, including potential RV sites, as resources become available. Staff should consider locations that are not in close proximity to existing sites, or to sites proposed in the June 23 staff supplemental memorandum, and these sites should be prioritized for expansion of SOAR services.

Also including acceptance of the memorandum from Councilmember Maya Esparza, dated June 28, 2022, recommending: Accept Staff Recommendations regarding Grant Agreements for Multiple Homelessness Programs for Fiscal Year 2022-2023 with the following additional direction: (1) Given the location of the Monterey/Capitol encampment at the intersection of two Vision Zero Priority Safety Corridors, conduct an assessment of potential safety issues at the site, and return to Council with the assessment and potential mitigation measures prior to the SOAR expansion. (2) Explore reimbursement from the County for SOAR services provided at the proposed SOAR site on County land at Monterey Road and Capitol Expressway, expanding upon the City's existing agreement with the County for encampment management for this site. (10-0-1. Absent: Esparza.)

- 8.4      22-1036      Public Hearing on the Local Homelessness Action Plan and Outcome Goals for the Homeless Housing, Assistance and Prevention Program Application.**  
Conduct a public hearing on the local homelessness action plan and outcome goals for the Homeless Housing, Assistance and Prevention Program Round 3 grant application to the California Interagency Council on Homelessness. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

**DEFERRED TO JUNE 28, 2022 SPECIAL CITY COUNCIL MEETING AT 6:30 P.M. OR AS SOON AS THEREAFTER AFTER THIS REGULAR COUNCIL MEETING ENDS.**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

- 10.1(a)   22-1037      C22-004 - Conforming Rezoning for Certain Real Property Located at 155 Bernal Road.- HEARD IMMEDIATELY AFTER CONSENT**  
Approve an ordinance rezoning an approximately 0.87-gross acre site on that certain real property located on the northwest corner of the intersection of Realm Drive and Bernal Road (155 Bernal Road) from the IP(PD) Planned Development Zoning District to the CG Commercial General 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 10. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, **Ordinance No. 30804** was passed for publication. (10-0-1. Absent: Esparza.)

## **END OF CONSENT CALENDAR**

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

#### **10.2 22-1080 PD22-011 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 350 Barack Obama Boulevard.**

Adopt a resolution approving a Planned Development Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,265-square foot retail store on an approximately 0.8-gross acre site located on the southeast corner of Barack Obama Boulevard and West San Carlos Street (350 Barack Obama Boulevard, Suite 10). CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (10-0-1; Cantrell absent). Council District 6. (Planning, Building and Code Enforcement) [Deferred from 6/21/2022 - Item 10.1(a) (22-980)]

**DEFERRED TO AUGUST 9, 2022 CITY COUNCIL MEETING DURING ORDERS OF THE DAY.**

## **• Open Forum**

### **In Person Public Comments:**

1. Roy Lira, Zhulin Peng, Keith Ta, Robert M., Margaret Wheeler, Judy, 'Chris+ Duke', Lijnen P., Sandra, Lee Wheeler, Chris, Rodolfo Estrada, James Puzar, Margie Mathews, Shaohua Yang, Oscar Herrera, Mark Comfort, Frank Wu, John Nguyen, Yi Liao, Aegean, Png-Chu, Xubo Wu, John Nguyen, and Sam collectively spoke in opposition of tiny homes being built on Noble Ave, Prospect & 85 freeway (Site 6), and as a whole. Their reasoning was due to its far proximity from social services for rehabilitation and public transportation; safety concerns with its close proximity of libraries, various schools, and daycares near the proposed site. They requested this location be reconsidered and relocated.
2. Robert Aguirre requested the term 'unhoused' be used as opposed to 'homeless.'

### **Zoom Public Comments:**

3. Ryan Lee, Catherine Hedges, Haiying, Jene Adams, Dazhi Chen, Yangzi, Sam, Xi, 'Blue Hills', Ken Chan, Tina Lam, Junxia Ma, Minmin Li, 'Blue Hills parent', Tina Lam, Haibin Liu, Junxia Ma, Francisco Paras, Xiaoxi, Zhihong, Tony Chou, Sai, Adwaya, Xiao, Charles G., Michael Chang, Haiying, and Charles G., collectively spoke in opposition of tiny homes being built on Noble Ave, Prospect & 85 freeway (Site 6), and as a whole. Their reasoning was due to its far proximity from social services for

*(Open Forum continued on the next page)*

rehabilitation and public transportation; safety and environmental concerns with its close proximity to libraries, various schools, and daycares near the proposed site. They requested this location be reconsidered and relocated.

4. Blair Beekman spoke to abortion issues and women's safety being a priority.
5. Timothy Chu inquired why the tiny homes public hearing is being scheduled 5 months after the vote.
6. Carl Guardino invited the community to participate in the Stars and Stripes Community Walk being held on July 2<sup>nd</sup>.
7. Ken Chan spoke to the benefits of building tiny homes.
8. Caller 'Build the homes', stated she's in support of the tiny homes.
9. Caller 'Classism is the new racism', spoke to the number of unhoused people that died last year, such as seniors, children, and people of color.
10. Sarah Hsu stated her opinion that the selection of the tiny homes site displays Asian discrimination.
11. Amelia addressed Asian culture.
12. Jean S. stated her support of tiny homes being built and spoke to the stereotypes that surround the unhoused community.

## • Adjournment

The Council of the City of San José adjourned at 9:02 p.m. in memory of Fernando Perez Lopez who was a beloved husband, father, son and brother. He passed in peace on Tuesday, May 3, 2022, leaving behind his loving wife Martha M. Naranjo Bernabe and two beautiful children Paloma and Fernando. Fernando was very proud of his family and always inspired his family to dream big and be better. His smile and charisma lit up the room wherever he went. Fernando served the City of San José and its residents for over two decades. He worked in gang intervention and Code Enforcement. He was a committed public servant who put others before himself and stived selflessly to improve his community. Fernando leaves behind many colleagues and friends at City Hall. Fernando's heart of gold will be sincerely missed. He will forever be remembered as a loving father and husband, loyal Raiders fan, joyful friend, and strong community advocate.

Minutes Recorded, Prepared, and Respectfully Submitted by,

*Yasmin Johnson*

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Yasmin Johnson  
Deputy City Clerk, City of San José

Approved at Council on:

# of Actions: 8

Attest By:



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

## CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 28, 2022

The Council of the City of San José convened into Closed Session at 9:30 a.m.

The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Esparza, Foley  
Jimenez, Khamis, Peralez, Jones, Liccardo.

Absent: Councilmembers - All present.

### CLOSED SESSION ITEM(S) DISCUSSED:

#### A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: In re: Claim of Lopez

Name(s) of  
Parties(s) Involved:

Court: Workers Compensation Appeals Board

Case No.: ADJ12630746; ADJ12468221, and ADJ13865764

Amount of Money Benefits  
or Other Relief  
Sought:

2. Case Name: Haidar v. City, et al.,

Name(s) of NABIL HAIDAR, CITY OF SAN JOSE, SAN JOSE POLICE  
Parties(s) DEPARTMENT, EDGARDO GARCIA, JOHNSON FONG,  
ROBERT LABARBERA, ANTHONY MATA, STEWART  
DAVIES, THOMAS BARNARD, and DOES 1-50, inclusive

Court: Superior Court of California; County of Santa Clara

Case No: 18CV335617

Amount of Money Damages according to proof  
or Other Relief  
Sought:

3. Case Name: Shahrivar, Farid v. City of San Jose  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE, FEDERATED RETIREMENT PLAN, RUSS RICHEDA, LESLEY LAMB, ROBERTO PENA;  
Court: Santa Clara County Superior Court  
Case No.: 20CV366329  
Amount of Money or Other Relief Sought: Damages according to proof
  
4. Case Name: Sutter's Place, Inc. dba Bay 101 v. California Gambling Control Commission  
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101, a California corporation, CALIFORNIA GAMBLING CONTROL COMMISSION, CITY OF SAN JOSE, a California charter city; GARDEN CITY, INC. dba CASINO M8TRIX, a California corporation,  
Court: United States Court of Appeals, First Appellate District  
Case No.: A163287  
Amount of Money or Other Relief Sought: Damages according to proof
  
5. Case Name: National Association for Gun Rights, Inc; Mark Sikes v. City of San Jose, et al.  
Name(s) of Parties(s) Involved: NATIONAL ASSOCIATION FOR GUN RIGHTS, INC., a non-profit corporation, and MARK SIKES, an individual, CITY OF SAN JOSE, a public entity, JENNIFER MAGUIRE, in her official capacity as City Manager of the City of San Jose, and the CITY OF SAN JOSE CITY COUNCIL  
Court: United States District Court For The Northern District Of California San Jose Division  
Case No.: 5:22-cv-00501-VKD  
Amount of Money or Other Relief Sought: Injunctive Relief and Declaratory Judgment

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government Code:

Number of matter(s) to be discussed: 1

**C. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 11:23 a.m.; to reconvene in Regular Open Session at 1:30 p.m. in Council Chambers.