

2.1 Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of January 11, 2022;
- (b) Regular City Council Meeting Minutes of February 1, 2022;
- (c) Regular City Council Meeting Minutes of June 28, 2022;
- (d) Regular City Council Meeting Minutes of August 16, 2022; and
- (e) Regular City Council Meeting Minutes of November 8, 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.



City Council Meeting Minutes

Tuesday, January 11, 2022

Virtual Meeting <https://sanjoseca.zoom.us/j/93052835954>

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, and 80343, Councilmembers will be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session. 21-2637: *See Pages 17-21 for Closed Session Minutes.*

Councilmembers Absent: All present virtually.

1:30 p.m. - Regular Session.

Councilmembers Present: All present virtually.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 1)**

Pastor, from Emmanuel Baptist Church, Jason C. Reynolds offered the invocation.

- **Orders of the Day**

Public Comments: Paul Soto, Blair Beekman, Victor Vasquez, and Tessa Woodmansee spoke to the Orders of the Day.

Mayor Sam Liccardo stated that Item 3.8 (Booster Mandate) was amended to now require a 2/3 Vote, and stated that public comments would be limited to one-minute.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez, and carried unanimously, the Orders of the Day were approved. (11-0.)

Councilmember Sylvia Arenas stated the meeting was adjourned in honor and memory of Sotera Castillo Solis.

- **Closed Session Report**

City Attorney, Nora Frimann addressed an agreed settlement offered by the Court involving a City automobile.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Magdalena Carrasco introduced representatives from the South Bay Coalition to End Human Trafficking (SBCEHT) and spoke on the importance of this Proclamation. A commendation was issued to Legal Services Chair of the (SBCEHT), Supervising Attorney, Ruth Silver Taube and Director of Strategic Development, Sharan Dhanoa.
- 1.2 Councilmember Sylvia Arenas and Councilmember Maya Esparza introduced representatives from the Evergreen School District and spoke on the importance of this Proclamation. A commendation was issued to Evergreen School District Superintendent, Dr. Emy Flores and President, Board of Trustees Member, Chris Corpus in recognition of their outstanding efforts to keep the Evergreen community safe and healthy during this pandemic.

2. CONSENT CALENDAR

Public Comments: Paul Soto, Brad, Tessa Woodmansee, Martha O'Connell, David Noel, R. Konda, Blair Beekman, José Pavon, Victor Vasquez, Carmen B., Hector Moreno, Niousha Farhangi, Dilza Gonzalez, Gabriela, Jeffrey Buchanan, Mollie Mcleod, Araceli Rueda, José, Gail Anne Osmer, Macky Avila, Andy Garcia Chaidaz, Ruth Silver Taube, Maria Noel Fernandez, Nancy, Veronica, and Caller '0131' spoke to the items on the Consent Calendar.

Councilmember Dev Davis stated she needed to register a no vote for part (c) of Item 2.2.

City Clerk, Toni Taber spoke to the interpretation process and provided her email for the public to request interpretation services.

Councilmember Maya Esparza stated that Items with anticipated public interest should have translators available without the public needing to request it.

Mayor Sam Liccardo suggested that interpretation services be an item on the Rules and Open Government Committee (ROGC) Agenda, so that a conscious decision is made.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved as a whole, excluding Item 2.2 (c), and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 21-2655

Final Adoption of Ordinances.

(a) Ordinance No. 30702 - An Ordinance of the City of San José Establishing and Declaring the Boundaries of the City Council Districts Using 2020 Federal Census Data. [Redistricting] [Passed for Publication on 12/14/2021 - Item 3.4(b) (21-2545)] (b) Ordinance No. 30703 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Hayward Transfer Station. [Passed for Publication on 12/14/2021 - Item 6.1(b) (21-2568)] (c) Ordinance No. 30707 - An Ordinance of the City of San José Adding a New Part 8 to Chapter 20.30 of Title 20 of

the San José Municipal Code to Implement Senate Bill 9 to Allow for Additional Density in Single-Family Neighborhoods. [Passed for Publication on 12/14/2021 - Item 10.5(b) (21-2570)]

Councilmember Dev Davis registered a no vote for only part (c) of the item.

Action: (a) **Ordinance No. 30702** and (b) **Ordinance No. 30703** were adopted. (11-0.) (c) **Ordinance No. 30707** was adopted. (10-1-0. Noes: Davis)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 21-2662 Mayor and Council Excused Absence Requests.

(a) Request for an excused absence for Councilmember Davis from the Regular Meeting of the Rules and Open Government Committee on December 1, 2021 due to personal travel. (b) Request for excused absences for Vice Mayor Jones from the Regular Meetings of the Rules and Open Government Committee on November 17, 2021 and Public Safety, Finance and Strategic Support Committee on November 18, 2021 due to personal reason. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis & Jones) [Rules Committee referral 1/5/2022 - Item A.1.a]

Action: The Mayor and Council excused absence requests were approved. (11-0-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 21-2638 Action Related to the Knight Foundation Data Capacity Expansion Grant.

(a) Adopt a resolution authorizing the City Manager or designee to: (1) Accept grant funds from the John S. and James L. Knight Foundation (Knight Foundation) in an amount not to exceed \$750,000 to expand the City's data leadership and capacity to use data to help make decisions, measure outcomes, and drive results that incorporate equity into the planning and delivery of City services; and (2) Negotiate and execute any documents necessary to accept the grant funds. (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Source Resolution Amendments in the General Fund: (1) Increase the estimate for Other Revenue by \$750,000; and (2) Establish the Data Capacity Expansion Project City-Wide Expenses appropriation to the City Manager's Office in the amount of \$750,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Action: (a) **Resolution No. 80335**, (b) Appropriation **Ordinance No. 30709**, and Funding Source **Resolution No. 80336** were adopted. (11-0-0.)

2.8 21-2639 Actions Related to the Memorandum of Understanding with the Urban Areas Security Initiative.

Adopt a resolution authorizing the City Manager or designee to: (a) Execute an updated Memorandum of Understanding (MOU) with the Bay Area Urban Areas Security Initiative; and (b) Execute amendments to the MOU to extend the term of the agreement up to four years and to make minor amendments to the MOU for governance, operational efficiencies, and transfer of funds within the established City Manager authority. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (City Manager)

Action: **Resolution No. 80337** was adopted. (11-0-0.)

2.9 21-2640 Amendment to Lease of City-Owned Property in the Vicinity of 5285 Doyle Road.

Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Fourth Amendment to the Lease of City-owned property near 5285 Doyle Road dated June 24, 1997 between the City of San José and Pacific Bell Telephone Company, a California corporation, to extend the lease term retroactive from November 15, 2021 to November 14, 2026, for a total of five years, for a total cost of approximately \$722,842.69. 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)

Action: **Resolution No. 80338** was adopted. (11-0-0.)

2.10 21-2641 Actions Related to the Purchase Order for Advanced Transportation Controller Cabinets.

Adopt a resolution authorizing the City Manager to: (a) Execute a purchase order with McCain Manufacturing, Inc (Vista, CA) for Advanced Transportation Controller for a twelve-month period, starting on or about January 12, 2022 and ending on January 11, 2023, for an amount not to exceed \$750,000; and (b) Exercise up to four (4) additional one-year options to extend the initial term of the purchase order with the last option year ending on or about January 11, 2027, subject to the appropriation of funds. CEQA: Not a Project, PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80339** was adopted. (11-0-0.)

2.11 21-2642 Agreement with the City and County of San Francisco for 2021 Urban Areas Security Initiative (UASI) Grant Funds.

(a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2021 UASI grant allocation in the amount of \$1,681,608 and to negotiate and execute additional amendments and related documents without further City Council action. (b) Adopt the following

Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund: (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2021 in the amount of \$753,483; (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2021 in the amount of \$679,375; and (3) Increase the estimate for Revenue from Federal Government by \$1,432,858. 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. (Fire/Police/City Manager)

Action: (a) **Resolution No. 80340**, (b) Appropriation **Ordinance No. 30710**, and Funding Sources **Resolution No. 80341** were adopted. (11-0-0.)

2.12 21-2643

Amendment to Master Consultant Agreement with Brown and Caldwell to Provide Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Various Storm and Sanitary Sewer System Improvement Projects.

Approve the First Amendment to the Master Consultant Agreement with Brown and Caldwell for engineering analysis, design, construction management and environmental consulting services for various storm and sanitary sewer system improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2025, with no increase to the maximum compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the Master Consultant Agreement with Brown and Caldwell for engineering analysis, design, construction management and environmental consulting services for various storm and sanitary sewer system improvement projects was approved. (11-0-0.)

2.13 21-2644

Amendment to Master Consultant Agreement with David J. Powers & Associates, Inc. and for Environmental Consulting Services for City Improvement Projects.

Approve the First Amendment to the Master Consultant Agreement with David J. Powers & Associates, Inc. for environmental consulting services for various infrastructure improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2029, with no increase to the maximum compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the Master Consultant Agreement with David J. Powers & Associates, Inc. for environmental consulting services for various infrastructure improvement projects was approved. (11-0-0.)

2.14 21-2645

Actions Related to the Construction Contract for the Andrew P. Hill Community Wi-fi Infrastructure and Digital Inclusion Program.

Adopt a resolution authorizing the Director of Public Works to: (a) Award and execute a contract for the construction of 9766 Andrew P. Hill Project, to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000; (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and (c) Establish a construction contingency of up to 10% percent of the amount of the construction contract for the Project. CEQA: "Categorically Exemption, File No. PP16-085, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures." Council Districts 2, 7. (Library/Public Works)

Action: **Resolution No. 80342** was adopted. (11-0-0.)

2.15 21-2654

Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through February 10, 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. 80343** was adopted. (11-0-0.)

2.16 21-2661

Boards and Commissions Appointments.

Approve the following Boards and Commissions appointments: (a) Federated Retirement Board: (1) Appoint Mark Linder as the Retiree Representative to the Federated Retirement Board to a term ending November 30, 2024. (b) Civil Service Commission: (1) Appoint William Brill as the Employee Nominated Public Member to the Civil Service Commission to a term ending November 30, 2025. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [(b)(1) - Rules Committee referral 1/5/2022 - Item A.1.a]

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

- 2.17 21-2698 Amendment to the Master Agreement with Alliance Resource Consulting, LLC for Recruitment Projects.**
Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Master Agreement with Alliance Resource Consulting, LLC, for recruitment projects, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$790,000, subject to annual appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources) [Rules Committee referral 1/5/2022 - Item A.1.a]
- Action: **Resolution No. 80344** was adopted. (11-0-0.)
- 2.18 21-2676 Request for Travel Authorization for Mayor Liccardo.**
As recommended by the Rules and Open Government Committee on January 5, 2022, authorize travel for Mayor Liccardo to Washington, DC from January 18 - 21, 2022 to attend the United States Conference of Mayors (USCM) Winter Meeting. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities Resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 1/5/2022- Item G.3]
- Action: The request for Travel Authorization for Mayor Liccardo was approved. (11-0-0.)
- 2.19 21-2683 Approval of Dumpster Day Sponsored by Council District 5 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 January 5, 2022: (a) Approve the Dumpster Day Event scheduled on January 22, 2022 as a City Council sponsored Special Event and approve the expenditure of funds. (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. (Carrasco) [Rules Committee referral 1/5/2022- Item G.1.a]
- Action: The City Council Sponsored Special Event was approved. (11-0-0.)
- 2.20 21-2690 Retroactive Approval of Small Business Advisory Task Force (SBATF) Membership Recognition Event 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 January 5, 2022: (a) Retroactively approve the SBATF Membership Recognition Event scheduled on December 9, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (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. (Jones) [Rules Committee referral 1/5/2022 - Item G.1.b]

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

- 2.21 21-2697 Retroactive Approval of Community Events Sponsored by Council District 8 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 January 5, 2022: (a) Retroactively approve the following District 8 Events as a City Council sponsored Special Events and approve the expenditure of funds: (1) Cookies and Coats Drive from November 29, 2021 to December 7, 2021. (2) Cookies and Coats Drive on December 18, 2021. (3) Cookies and Coats Drive on December 19, 2021. (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 1/5/2022 – Item G.1.c]

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

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 21-2646 Team San José and the Convention and Visitors Bureau Performance Report Annual Review.

As recommended by the Community and Economic Development Committee on November 11, 2021, accept the report on Team San José and the Convention and Visitors Bureau's performance for FY 2020-21. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Community and Economic Development Committee referral 11/11/2021 - Item (d)1] [Deferred from 12/14/2021 – Item 3.3 (21-2585)]

City Auditor, Joe Rois; Director of Cultural Affairs, Kerry Adams Hapner; and Team San José, CEO, John Lafortune offered the presentation and responded to questions.

Public Comment: Paul Soto and Tessa Woodmansee offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the report on Team San José and the Convention and Visitors Bureau's performance for FY 2020-21 was accepted. (10-0-1. Absent: Jimenez)

3.4 21-2647

Charter Review Commission Report and Recommendations.

(a) Accept the Report of the Charter Review Commission. (b) Provide direction to staff to develop any accepted recommendations for one or more ballot measures for the June 2022 statewide primary election, November 2022 statewide general election, or beyond, as appropriate. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk) [Deferred from 12/14/2021 - Item 3.5 (21-2546)]

City Clerk, Toni Taber offered the presentation and responded to questions.

Public Comment: Tessa Woodmansee, Paul Soto, Joshua, Kathryn Hedges, Deborah, Josh Marxen, Eva (assisted with Spanish Translator), Khari Crawford, Matt Gustafson, Giselle Chiprez, Alex Shoor, R. Konda, Michelle (Sacred Heart), Antonia (assisted with Spanish Translator), Tony Romero, Ilza Gonzales, Sandra Asher, Jennifer Parra, Esperanza, Meredith H., Bill James, Victor Sin, Cher L., Krista De La Torre, Sarah McDermott, Blair Beekman, David Noel, Esther (assisted with Spanish Translator), Teresita Rodriguez (assisted with Spanish Translator), Azucena, José L. Pavon, Migdalia, Arturo Munoz, Olivia Ortiz, Luz Maria, Gustavo Flores, Carlos Escobar, Carmen B., Jesus, Edith Arenas, Brenda Arenas, Aurora Solis, Femina Reyes, José Servin, Oscar Quiroz-Medrano, Rosario Ruiz, Caller 'User-1', Jennifer Myhre, Kim Guptil, Jeffie Khalsa, Leticia Pamatz, Elizabeth Agramont, Yasmin Mata, Michelle Schudel, Brian Mendoza, Gabriela, Mary Pelagio, Yurina Guzman, Gabriel Manrique, Elina Yin, Maria Urquiza, Mary Helen D., Cynthia C., Kimi, Lidia Garcia, Juana, Maria L., Sandy Perry, Diana Moreno (Spanish speaker), Victoria Partida, Brenda Zendejas, Carlos Arreola, Chris, Richard Hobbs, John B., Julia Curry, Rita Birrueta, Hector, Yusuf L., Anastasia (Spanish speaker), Christian Lopez, Corina Herrera-Loera, Celia A., Zulema Avalos, Juan A. Lujano, Maricela Lechuga, Jesus Flores, La Verdad, Jaqueline Mora, Mariana Mejia, Maria Fuentes, Brian, Adriana, Melissa Jaynes, Brenda Dohmen, Tim Clauson, Todd W, Sandra, David Bini, and 5 speakers offered public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Magdalena Carrasco, and carried unanimously, the Report of the Charter Review Commission was accepted, *with direction for the City Administration to schedule one study session for Charter Review Commission recommendations, and a separate additional Study Session solely for the issue of allowing voting for all residents.*

Including the acceptance of the amended joint memorandum from Councilmember Magdalena Carrasco and Councilmember Sylvia Arenas dated January 07, 2022, *excluding Item (2.b)*, recommending: (1) Accept the memorandum from Mayor Liccardo, Councilmember Jones, Jimenez, Cohen and Foley. (2) Direct the City Clerk, City Manager, and City Attorney to add the following additional Charter Review recommendations to the special study session: (a) Amending City Charter Section 1602 Election Procedure to: (i) Extend municipal voting rights to all residents of the City of San José. ~~(b) Amending City Charter Section 1600. Municipal Elections to: (i) Move odd-numbered districts to align with Presidential Election Cycles (ii) Move even-numbered districts to align with Gubernatorial Election Cycles~~ (3) Direct the Office of the City Clerk to work with the Santa Clara County Registrar of Voters to determine the systems needed to support the extension of municipal voting rights to all residents of the

City of San José.

Also including the acceptance of the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones, Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Pam Foley dated January 11, 2022, recommending: (1) Accept the final report of the San José Charter Review Commission. (2) Direct the City Clerk, City Attorney, and appropriate city staff to return for council's consideration the documentation necessary to order an election for the purpose of moving the San José Mayoral Election from Gubernatorial to Presidential years. Further, schedule all public hearings, agenda items, or special sessions necessary to ensure the question of moving the Mayoral Election is submitted to the voters of the City of San José at the June 7, 2022 established election date. (3) Direct the City Clerk, City Manager, and City Attorney to schedule and facilitate a special study session for the remaining Charter Review Commission recommendations for the purpose of: (a) prioritizing any additional ballot questions for the November 8, 2022 election, (b) providing council direction on which remaining recommendations from the commission to move forward for further evaluation for implementation. (10-0-1. Noes: Davis)

Council recessed from 6:00 p.m.- 6:30 p.m.

3.5 21-2652

Actions Related to the California Water and Wastewater Arrearage Payment Program.

(a) Accept the staff report regarding the California Water and Wastewater Arrearage Payment Program ("Program"). (b) Adopt a resolution: (1) Ratifying the City of San José application for the Program, and authorizing the City Manager, Director of Finance or their designees to negotiate and execute the necessary agreements, including any amendments or revisions, and other actions, to execute the grant and fulfill the Program requirements; (2) Accepting up to \$663,000, or the amount awarded, in Program funding; (3) Authorizing the Director of Finance to waive late fees for any arrearage accounts whose approval exceeds the Director of Finance signature authority, for an estimated total of \$37,601, in compliance with Program requirements; and (4) Authorizing the City Manager, Director of Finance or their designees to apply for, negotiate and execute any documents, and take other actions necessary to receive Program funds for wastewater arrearages if future funding becomes available, including the waiver of interest or late and other fees. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. Council Districts 2, 4, 7 and 8. (Finance/Environmental Services)

Director, PBCE, Chris Burton and Deputy Director of Finance, John Kachmanian offered the presentation and responded to questions.

Public Comment: Paul Soto, Brian, and Caller 'User-1' offered public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember David Cohen, and carried unanimously, (a) The staff report regarding the California Water and Wastewater Arrearage Payment Program was accepted and (b) **Resolution No. 80345** was adopted. (11-0-0.)

3.6 21-2653

Actions Related to the California Arrearage Payment Program.

(a) Accept the staff report regarding the California Arrearage Payment Program (“CAPP Program”). (b) Adopt a resolution: (1) Ratifying the City of San José application for the CAPP, and authorizing the City Manager, Director of Finance or their designees to negotiate and execute the necessary documents, including any amendments or revisions to the application, and take all other actions to accept the grant and fulfill the CAPP terms and conditions; (2) Accepting up to \$4,348,501, or the amount awarded, in CAPP funding; (3) Authorizing the Director of Finance or her designee to waive any late or other fees and accrued interest for customers that are awarded benefits in compliance with CAPP requirements; and (4) Authorizing the City Manager, Director of Finance or their designee to apply for, negotiate and execute any documents, and take other actions necessary to receive CAPP funds for electric arrearage, including the waiver of interest or late and other fees, if additional funding becomes available. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance/Community Energy)

Deputy Director, Revenue Management Division, Finance Department, John Kachmanian and Assistant Director, San José Community Energy Department, Zach Struyk offered the presentation and responded to questions.

Public Comment: Brian, Blair Beekman, Caller ‘User-1’, and Gabby Mendoza offered public testimony regarding the item.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sergio Jimenez, and carried unanimously, (a) The staff report regarding the California Arrearage Payment Program (“CAPP Program”) was accepted and (b) **Resolution No. 80346** was adopted. (11-0-0.)

3.7 21-2660

Update on Negotiations with Valley Water on the Purified Water Project.

Accept the report regarding negotiation status for Santa Clara Valley Water District’s Purified Water Project in Santa Clara County. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services) [Deferred from 12/14/2021 – Item 3.8 (21-2636)]

Deputy Director, Jeff Provenzano offered a verbal report and responded to questions.

Public Comment: Paul Soto, Caller ‘User-1’, Brian, and Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Vice Mayor Chappie Jones, and carried unanimously, the report regarding the negotiation status for Santa Clara Valley Water District’s Purified Water Project in Santa Clara County was accepted. (11-0-0.)

3.8 21-2658

Booster Mandate.

Adopt an urgency ordinance that: (a) Requires all attendees and staff at indoor events at City owned facilities -- such as the SAP Arena, Convention Center, and Center for Performing Arts -- to demonstrate prior to entry into an indoor event of 50 or more persons attending, either: (1) Proof of full vaccination and up-to-date boosters for all populations eligible to receive them; or (2) Proof of a negative COVID test pursuant to State guidelines. The facility operators should utilize commonly accepted and readily deployable methods of proof for vaccinations, boosters, and negative tests; and (b) Supersedes Ordinance No. 30652 adopted by Council on August 24, 2021. PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d). CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Liccardo) [Rules Committee referral 1/5/2022 - Item G.4]

City Manager's Office, Dolan Beckel and Director, City Manager's Office, Matt Cano offered the verbal report and responded to questions.

Public Comment: Paul Soto, Brian, and Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Magdalena Carrasco, and carried unanimously, the **Urgency Ordinance No. 30711** was adopted. (11-0-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- 10.1 (a) 21-2648** **PDC18-032 & PD18-042 - Planned Development Rezoning and a Planned Development Permit on an approximately 0.25-gross acre site located northeast corner of Oakland Road and Faulstich Court (Ngo Nghi, Owner).**
- (1) Adopt a resolution adopting the Oakland Road Comfort Suites Project Mitigated

Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, as amended. (2) Approve an ordinance of the City of San José rezoning certain real property of approximately 0.25 acres on the northeast corner of Oakland Road and Faulstich Court from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District. (3) Adopt a resolution, approving subject to conditions, a Planned Development Permit to allow the construction of a five-story hotel with up to 48 rooms, an alternative parking arrangement (mechanical lifts), valet parking, an 8-foot masonry wall, and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site. CEQA: Oakland Road Comfort Suites Project Mitigated Negative Declaration. Planning Commission recommends approval (10-0-1; Bonilla absent). Council District 3. (Planning, Building and Code Enforcement).

DEFERRED TO 3/1/2022 PER ADMINISTRATION.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 21-2649 PDC15-067 - Planned Development Rezoning for a Mixed-Use Development on a 2.77 gross-acre site located at 1260 E. Santa Clara Street. - *HEARD AT 6:32 P.M.**
- (a) Adopt a resolution adopting the Empire Lumber Mixed Use Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA), as amended. (b) Approve an ordinance of the City of San José rezoning certain real properties situated on the south side of East Santa Clara Street, east of South 26th Street and north of Shortridge Avenue (1260 East Santa Clara Street) (APNs 467-33-001, 467-33-002, 467-33-003, 467-33-004, 467-33-006, 467-33-007, and 467-33-008) from CG Commercial General Zoning District and LI Light Industrial Zoning District to CP(PD) Planned Development Zoning District on a 2.77 gross-acre site. CEQA: Mitigated Negative Declaration for the Empire Lumber Mixed Use Project. Planning Commission recommends approval (8-0-3; Bonilla, Ornelas-Wise and Torrens absent). Council District 3. (Planning, Building and Code Enforcement) [Deferred from 12/14/2021 - Item 10.2 (21-2569)]

Director, PBCE, Chris Burton and Deputy Director, Michael Brilliot offered a verbal report and responded to questions.

Public Comment: Tessa Woodmansee, Mari Bedolla, Blair Beekman, Caller ‘User-1’, Paul Soto, Erik Schoennauer, and a speaker provided public testimony.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis, and carried unanimously, (a) **Resolution No. 80347** was adopted and (b) **Ordinance No. 30712** were passed for publication. Including the acceptance of the replacement memorandum from Councilmember Raul Peralez dated January 10, 2022, recommending: (1) To accept planning commission recommendations and require that the applicant or any future developer fully conform to the Roosevelt Urban Village Plan, including height, design standards and its interface with the Five Wounds Trail. (11-0-0.)

10.3 21-2650

C19-031 & SP20-016 - Conforming Rezoning and Special Use Permit for Property Located at 1212 South Winchester Boulevard. - HEARD AFTER 6:00 P.M.

(a) Adopt a resolution adopting the 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA). (b) Approve an ordinance rezoning certain real property located on the east side of South Winchester Boulevard approximately 270 feet south of Fireside Drive from the R-1-8 Single-Family Residence Zoning to the CP Commercial Pedestrian Zoning District on an approximately 0.69 – gross acre site. (c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance-size) and to allow the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49% parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site. CEQA: Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project. Council District 1. (Planning, Building, and Code Enforcement) [Deferred from 10/26/2021 - Item 10.2 (21-2569); and 11/16/2021 - Item 10.2 (21- 2386)]

Director, PBCE, Chris Burton and Deputy Director, Robert Manford offered a verbal report and responded to questions.

Public Comment: Paul Soto, Tessa Woodmansee, Kathy Brockdorf, Caller ‘User-1’, Caller ‘7504’, Mike Drabin, Tom Morman, Gaz, Behrouz Sroudi, David Bowman, Shehana M., Brian Matsumoto, Galina Drabkin, Jeff Williams, Vince, Aishah S., Misrayn, and Caller ‘A&Z Development provided public testimony.

Applicants, Henry Cord and Adam Askari spoke to the project.

Vice Mayor Chappie Jones disclosed an inadvertent Brown Act Violation before a motion was made.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, (a) **Resolution No. 80348** was adopted, and (b) **Ordinance No. 30713** was passed for publication. Including the acceptance of the memorandum from Vice Mayor Chappie Jones, dated January 11, 2022, recommending to: (1) Accept staff recommendations (a) and (b). (2) Do not make determination on recommendation (c) due to the applicant requesting that the item be dropped. (10-0-1. Absent: Arenas)

Open Forum

1. Paul Soto spoke to the term Chicano and the Chicano community.
2. Caller “User-1” spoke to the booster mandate and urgency ordinances as a whole.
3. Blair Beekman spoke to racial equity, open public policies, and accountability.

Adjournment

The Council of the City of San José adjourned at 10:10 p.m. in honor and memory of Sotera Castillo Solis, who passed away on November 30, 2021 at the age of 101. Sotera was a beloved matriarch for the Solis family, and is survived by her six children, eighteen grandchildren, twenty-five great grandchildren, and eight great-great grandchildren.

Minutes Recorded, Prepared and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 11

Attest By:



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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JANUARY 11, 2022

The Council of the City of San José convened into Closed Session at 9:34 a.m.

The meeting was held virtually, Councilmembers teleconferenced from remote locations.

Present: Councilmembers - Batra, Candelas, Cohen, Doan, Davis, Foley, Jimenez, Ortiz, Torres, Kamei, Mahan.

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: M. Oliveri
Name(s) of Parties(s)
Court: Workers Compensation Appeals Court
Case No: ADJ10769116
Amount of Money or Other Relief Sought: Benefits
2. Case Name: In re: Erick Enderle
Name(s) of Parties(s)
Court: Workers Compensation Appeals Court
Case No: ADJ12751382, ADJ10004066, ADJ10016317, ADJ10004069 and ADJ10004068
Amount of Money or Other Relief Sought: Benefits
3. Case Name: Alvarez, Rosalba Avila, et al. v. City, et al.
Name(s) of Parties(s) Rosalba Avila Alvarez, Genaro Verduzco, and Tracy Melendez, Jose Raul Corona, City of San Jose, and Does 1-20, inclusive
Court: Superior Court of California, County of Santa Clara
Case No: 17CV314395

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

B. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):

Consultation with: IT Department
San Jose Police Department
Representatives: Rob Lloyd, Deputy City Manager
Anthony Mata, Chief of Police

C. 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

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

- | | | |
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| 1. | Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA: How to Obtain a copy of Existing Contract or MOA: | Association of Building, Mechanical and Electrical Inspectors (ABMEI) wages/salaries, hours, working conditions, etc. Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI) Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150 |
| 2. | Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA: | Association of Engineers & Architects (AEA) wages/salaries, hours, working conditions, etc. Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA) |

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| 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 |
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| 3. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA: | Association of Maintenance Supervisory Personnel (AMSP) wages/salaries, hours, working conditions, etc. City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary |
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| 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 |
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| 4. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA: | City Association of Management Personnel Agreement (CAMP) wages/salaries, hours, working conditions, etc. Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement |
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| 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 |
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| 5. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA: | International Association of Firefighters (IAFF), Local 230 (IAFF#230) wages/salaries, hours, working conditions, etc. Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230 |
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| 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 |
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| <p>6. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>International Brotherhood of Electrical Workers, Local 332 (IBEW)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| <p>7. Organization or Name and Title of Unrepresented Employees: Nature of negotiations:</p> <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| <p>8. Organization or Name and Title of Unrepresented Employees: Nature of negotiations: Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>International Union of Operating Engineers, Local No. 3 (OE#3)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |

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| <p>9. Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>Peace Officer Park Ranger Association (POPRA)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement — City of San José and Peace Officer Park Ranger Association</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| <p>10. Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>San José Police Officers’ Association (SJPOA)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement — City of San José and San José Polices’ Association</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| <p>11. Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>Association of Legal Professionals of San José (ALP)</p> <p>wages/salaries, hours, working conditions, etc.</p> <p>Memorandum of Agreement – City of San José and Association of Legal Professionals of San José</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |



City Council Meeting Minutes

Tuesday, February 1, 2022

Virtual Meeting - <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, and 80343, Councilmembers will be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session. 22-081: *See pages 10-15 for Closed Session Minutes.*

Councilmembers Absent: Arenas.

1:30 p.m.- Regular Session.

Councilmembers Present: All present virtually.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 2)**

Founder and Executive Director of Saved by Nature, Richard Tejeda offered the invocation.

- **Orders of the Day**

Public Comment: Paul Soto and Blair Beekman spoke to the Orders of the Day.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley, and carried unanimously, the Orders of the Day were approved, with Item 8.1 deferred. (11-0.)

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing Heart Month. (Davis)

Councilmember Dev Davis introduced Dionisio Palencia from the American Heart Association and spoke on the importance of this Proclamation. A commendation was issued to Senior Community Impact Director, Health Care Systems, from the American Heart Association, Dionisio Palencia.

1.2 Presentation of a proclamation recognizing Lunar New Year. (Arenas)

Councilmember Sylvia Arenas introduced representatives from the Vietnamese Cultural Tet Committee and spoke on the importance of this Proclamation. A commendation was issued to the Vietnamese Cultural Tet Committee on behalf of Lillian H. Dang, who sits on the committee organizing the Lunar New Year festival in San José.

2. CONSENT CALENDAR

Public Comments: Blair Beekman and Paul Soto spoke to the items on the Consent Calendar as a whole.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza, and carried unanimously, the Consent Calendar was approved as a whole, and the below listed actions were taken as indicated. (11-0.)

2.1 22-105 Approval of City Council Minutes.

(a) City Council Regular Meeting Minutes of February 9, 2021. (b) City Council Special Meeting - City Roadmap from COVID to Recovery Minutes of February 25, 2021. (c) City Council Regular Meeting Minutes of March 2, 2021. (d) City Council Study Session - Pension Obligation Financing Options of April 23, 2021. 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 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

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 22-082 **Master Consultant Agreement with Woodard and Curran, Inc. to Provide Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Various Storm and Sanitary Sewer System Improvement Projects.**

Approve the First Amendment to the Master Consultant Agreement with Woodard and Curran, Inc. for engineering analysis, design, construction management and environmental consulting services for various storm and sanitary sewer system improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2025, with no increase to the maximum compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the Master Consultant Agreement with Woodard and Curran, Inc. was approved. (11-0.)

2.8 22-083 **Master Consultant Agreement with HDR Engineering, Inc. to Provide Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Various Storm and Sanitary Sewer System Improvement Projects.**

Approve the First Amendment to the Master Consultant Agreement with HDR Engineering, Inc. for engineering analysis, design, construction management and environmental consulting services for various storm and sanitary sewer system improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2025, with no increase to the maximum compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the Master Consultant Agreement with HDR Engineering, Inc. was approved. (11-0.)

2.9 22-084 **Master Consultant Agreement with GHD, Inc. to Provide Environmental Consultant Services for Various Types of City Capital Improvement Projects, such as Storm and Sanitary Sewer System. Landscape Architecture, City Facility, and Roadway Improvement Projects.**

Approve the First Amendment to the Master Consultant Agreement with GHD, Inc. for environmental consulting services for various types of City capital improvement projects, storm and sanitary system, landscape architecture, City facility, and roadway improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2025, with no increase to the maximum compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003,

Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the Master Consultant Agreement with GHD, Inc. was approved. (11-0.)

2.10 22-101

Retroactive Approval of Job Fair Sponsored by Council District 5 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 January 19, 2022: (a) Retroactively approve the Job Fair scheduled on January 15, 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. (Carrasco) [Rules Committee referral 1/19/2022 - Item G.1.a]

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)

City Manager, Jennifer Maguire recognized Products-Projects Manager, Information Technology Department, Sudheer Vangati for his Wireless Connectivity Hero Award presented by Cambium Networks. The City Manager also collectively thanked the supporting staff of the Information Technology Department for their collaborative work on high speed implementations of Wi-Fi in Downtown San José.

3.2 Labor Negotiations Update.

None provided.

3.3 22-085

Conditional Vacation of a 10-foot wide Public Utility Easement at 1420 University Avenue.

Conduct a public hearing and adopt a resolution: (a) Approving the report of the Director of Public Works setting forth the facts justifying the conditional vacation of a 10-foot-wide public utility easement at 1420 University Avenue (“Subject Property”); (b) Conditionally vacating the Subject Property, which contains in-place utility facilities that are in use; and (c) After the satisfaction of the conditions to the vacation, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara. CEQA: Categorically Exempt, File No. ER21-308, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones, and carried unanimously, **Resolution No. 80361** was adopted. (11-0.)

3.4 22-129

Definition of Racial Equity.

Adopt a resolution accepting the proposed definition of racial equity: "Both a process and an outcome, racial equity is designed to center anti-racism, eliminate systemic racial inequities, and rooted in the acknowledgement of the City of San Jose's historical and existing practices that have led to discrimination and injustices to Black, Indigenous, Latino/a/x, Asian, and Pacific Islander communities. The racial equity process is an explicit, intentional, and continual practice of prioritizing psychologically safe spaces and a sense of belonging for racial groups that have been most negatively impacted in policies and practices. It is action that prioritizes liberation and measurable change, and centers lived experiences of all impacted racial groups. As an outcome, racial equity is achieved when race can no longer be used to predict life outcomes, and everyone can prosper and thrive." 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) [Deferred from 1/25/2022 - Item 3.5 (22-037)]

Director, Office of Racial Equity, Zulma Maciel; Diversity, Equity, and Inclusion Consultant, Office of Racial Equity, Dr. Andre Lockett; and Deputy City Manager, Angel Rios offered the presentation and responded to questions.

Public Comment: Paul Soto, Sandra, Blair Beekman, Jeff Cristina, and Brian offered public testimony regarding the item.

Mayor Sam Liccardo expressed his concerns with Racial Equity being labeled as a definition, and stated that resources and energy should be focused on the work and not the words. He requested that staff look into holding a Joint Meeting for the Rules and Open Government Committee and Committee as a Whole (ROGC) Study Session for further discussion.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas, and carried unanimously, **Resolution No. 80362** was adopted. (11-0.)

3.5 22-134

Boards and Commissions Appointment.

Approve the following Boards and Commissions appointment: (a) Civil Service Commission: (1) Interview applicant and consider appointment to fill one (1) Member-at-Large seat with term ending November 30, 2023. (2) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 1/26/2022 - Item A.1.a]

Public Comment: Paul Soto offered public testimony regarding the item.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Pam Foley, and carried unanimously, The Boards and Commissions appointments were approved. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 22-087

Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report for the Outdoor Advertising Digital Billboards.

(a) Adopt a resolution approving the Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report (EIR) (SCH# 2018102020), certified by the San José City Council on April 18, 2020 (Resolution No. 79497), in accordance with the California Environmental Quality Act. (b) Conduct a Public Hearing regarding the Project Plan for two Outdoor Advertising Digital Billboards under the “Norman Y. Mineta San José International Airport City of San José Advertising Concession Agreement by and between the City of San José and Clear Channel Outdoors Inc. with estimated annual revenue to the Airport of \$490,000 and reaffirm the project plan. CEQA: US 101 Electronic Signs Addendum, File No. ER21-015. Council District 3. (Airport) [Deferred from 11/30/2021 - Item 5.2 (21-2486)]

DEFERRED TO 2/15/2022 PER ADMINISTRATION.

5.2 22-089

Charcot Avenue Extension.

As recommended by the Rules and Open Government Committee on January 5, 2022:

(a) Direct the City Manager to no longer move forward with the construction of the Charcot Avenue Extension project and take any steps necessary to cease progress on the project. (b) Direct the City Manager to divert the remaining \$3.9 million in budgeted CIP funds initially reserved for the Charcot Avenue Extension project to either the Mabury/Berryessa/101 project or the Zanker Road/101 project. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mayor, Cohen, Peralez, Foley) [Rules Committee referral 1/5/2022 - Item G.2]

Public Comment: Stephanie Hill (Orchard School District President) Paul Soto, Lynn D. Limquenco (Orchard School District Member), Susan Butler-Graham (Mothers Out Front member), Erin McCarthy (Orchard School District Teacher), Dick Scott, Robin Roemer, Monica Galindo (Orchard School District PTA President), Monica Mallon, and Hoai-An Troung (Mothers Out Front) offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley, and carried unanimously, the direction to no longer move forward with the construction of the Charcot Avenue Extension project was approved. (11-0.)

5.3 22-131

Community Forest Management Plan.

Adopt a resolution approving the Community Forest Management Plan. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation) [Deferred from 12/14/2021 - Item 5.1 (21-2567), 1/25/2022 - Item 5.2 (22-041)]

DEFERRED TO 2/8/2022 PER ADMINISTRATION.

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 22-132 Approval of a Downtown High-Rise Residential Tax and Fee Waiver for the Carlyle at 51 Notre Dame Street.**
Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and the Affordable Housing Impact Fee for a downtown residential high-rise at 51 Notre Dame Street in the amount of \$4,390,599 pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6.C. CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and addenda thereto, Planning File No. SP20-020. Council District 3. (Economic Development and Cultural Affairs/Housing) [Deferred from 1/25/2022 - Item 8.1 (22-042)]

DEFERRED PER ADMINISTRATION.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

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

FOR APPROVAL:

Tract: 10496

Location: East side of South 22nd Street approximately 250 feet southerly of East Santa Clara Street

District: 3

Lots/Units: 1/6

Type: SFA

Proposed Decision: Approved

Developer: 1153 San Rafael, LLC

• Open Forum

1. Kirk Vartan addressed his concerns with the Gun Harm Reduction Ordinance passed at last week's Council Meeting.
2. Paul Soto thanked Councilmember Dev Davis for her humility at today's meeting and thanked staff for the conversations and facilitation of today's meeting.
3. Blair Beekman spoke to the Gun Harm Reduction Ordinance and thanked the staff for the work they do in regard to natural disaster preparedness.
4. Jill Borders spoke to the concept of "racial healing".

• Adjournment

The Council of the City of San José adjourned at 4:32 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 6

Attest By:



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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 1, 2022

The Council of the City of San José convened into Closed Session at 9:30 a.m.
The meeting was held virtually, Councilmembers teleconferenced from remote locations.

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: J. Welch
Name(s) of Parties(s)
Court: Workers Compensation Appeals Court
Case No: ADJ13490289
Amount of Money or Benefits
Other Relief Sought:

2. Case Name: City of San Jose v. All Persons Interested in the Matter of the Issuance and sale of Pension Obligation Bonds, etc.
Name(s) of Parties(s) CITY OF SAN JOSE, ALL PERSONS INTERESTED IN THE MATTER OF THE ISSUANCE AND SALE OF PENSION OBLIGATION BONDS FOR THE PURPOSE OF REFUNDING CERTAIN PENSION OBLIGATIONS OWED BY THE CITY OF SAN JOSE TO AND ALL PROCEEDINGS LEADING THERETO, INCLUDING THE ADOPTION OF A RESOLUTION THAT AUTHORIZES ISSUANCE OF PENSION OBLIGATION BONDS, THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT AND BOND PURCHASE AGREEMENT, AND THE SALE OF SUCH BONDS
Court: Superior Court, County of Santa Clara
Case No: 21CV391517
Amount of Money or Validation of legislative action authorizing
Other Relief Sought: issuance of bonds for the purpose of refinancing City pension obligations

3. Case Name: National Association for Gun Rights, Inc., et al. v. City of San Jose, et al.,
Name(s) of Parties(s) National Association for Gun Rights, Inc., Mark Sikes, City of San Jose, Jennifer Maguire, in her official capacity as City Manager of the City of San Jose, and the City of San Jose City Council
Court: U.S. Dist. Court for the Northern District of California
Case No: 5:22-cv-00501-VKD
Amount of Money or Other Relief Sought: Declaratory and Injunctive Remedy
4. Case Name: Arata , et al. v. Sara Cody, et al.,
Name(s) of Parties(s) Barry Arata, Jim Schulte, Lucia Rios, Mike Miranda, and American Frontline Workers 4 Freedom, a California 501(c)(3) non-profit corporation, Sara Cody, in her official capacity as the Health Officer of Santa Clara County, County of Santa Clara, City of San Jose and Does 1 through 10, inclusive
Court: Superior Court for Santa Clara County
Case No: 22CV393700
Amount of Money or Other Relief Sought: Declaratory and Injunctive Remedy
5. Case Name: South Bay Piping Industry Labor Management Trust v. City of San Jose
Name(s) of Parties(s) South Bay Piping Industry Labor Management Trust, City of San Jose and Does 1 through 50
Court: Superior Court for Santa Clara County
Case No: 21CV388550
Amount of Money or Other Relief Sought: Writ of Mandate

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 LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimants(s): In re Claim of International Federation of Professional & Technical Engineers, Local 21

City Department: HR/OER

D. 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: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)
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
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
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
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.

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| | Name of Existing Contract or MOA: | City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary |
| | 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 |
| 4. | Organization or Name and Title of Unrepresented Employees: Nature of negotiations: | City Association of Management Personnel Agreement (CAMP) wages/salaries, hours, working conditions, etc. |
| | Name of Existing Contract or MOA: | Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement |
| | 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 |
| 5. | Organization or Name and Title of Unrepresented Employees: Nature of negotiations: | International Association of Firefighters (IAFF), Local 230 (IAFF#230) wages/salaries, hours, working conditions, etc. |
| | Name of Existing Contract or MOA: | Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230 |
| | 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 |
| 6. | Organization or Name and Title of Unrepresented Employees: Nature of negotiations: | International Brotherhood of Electrical Workers, Local 332 (IBEW) wages/salaries, hours, working conditions, etc. |
| | Name of Existing Contract or MOA: | Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW) |

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|----|---|--|
| | How to Obtain a copy of Existing Contract or MOA: | <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| 7. | <p>Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> | <p>Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)</p> <p>wages/salaries, hours, working conditions, etc.</p> |
| | <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| 8. | <p>Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> | <p>International Union of Operating Engineers, Local No. 3 (OE#3)</p> <p>wages/salaries, hours, working conditions, etc.</p> |
| | <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> <p>Telephone – Employee Relations: (408) 535-8150</p> |
| 9. | <p>Organization or Name and Title of Unrepresented Employees:</p> <p>Nature of negotiations:</p> | <p>Peace Officer Park Ranger Association (POPRA)</p> <p>wages/salaries, hours, working conditions, etc.</p> |
| | <p>Name of Existing Contract or MOA:</p> <p>How to Obtain a copy of Existing Contract or MOA:</p> | <p>Memorandum of Agreement — City of San José and Peace Officer Park Ranger Association</p> <p>Web: http://www.sanjoseca.gov/index.aspx?NID=508</p> |

MOA: [08](#)
Telephone – Employee Relations: (408) 535-8150

10. 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
11. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
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



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 2nd.
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
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 8

Attest By:



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 Parties(s) NABIL HAIDAR, CITY OF SAN JOSE, SAN JOSE POLICE
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.



City Council Meeting Minutes

Tuesday, August 16, 2022

1:30 PM

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

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 No. 80628, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:00 a.m.- Closed Session. 22-1174: *See pages 9-10 for Closed Session Minutes.*
Councilmembers Absent: All present virtually.

1:32 p.m.- Regular Session.
Councilmembers Absent: All present virtually and in Council Chambers.

6:00 p.m.- No Evening Session.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 7)**

The Khmer Krom Buddhist Monks of the Khemara Rangsey Temple offered a traditional blessing on good health, success, and peace.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Magdalena Carrasco declared August 21, 2022 as National Senior Citizens Day to recognize the achievements of the more mature representatives of our nation and show our appreciation for their dedication, accomplishments, and services they give throughout their lives and spoke on the importance of this proclamation. The proclamation was presented to residents of the Villa De Guadalupe facility Latino Club and “Kat”.

2. CONSENT CALENDAR

Public Comments: Blair Beekman spoke to the items on the Consent Calendar as a whole.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Consent Calendar was approved, and the below listed actions were taken as indicated. (8-0-3. Absent: Jimenez, Cohen, Foley.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-1247 Final Adoption of Ordinances.

(a) Ordinance No. 30808 - An Ordinance of the City of San José Pre-zoning Certain Real Property of Approximately 18.13- Gross Acres, Situated on the Southeast Corner of Union Avenue and Camden Avenue (APNS 419-08-012 and 419-08-012) from Unincorporated Territory within the County of Santa Clara County to the CP(PD) Planned Development Zoning District [Passed for Publication on 8/9/2022 - Item 10.4(b) (22-1146)]

Action: **Ordinance No. 30808** was adopted. (8-0-3. Absent: Jimenez, Cohen, Foley.)

2.3 22-1264 Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 3, 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. (8-0-3. Absent: Jimenez, Cohen, Foley.)

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 22-1175

Actions Related to the 9112 - All Inclusive Rotary Playgarden Project.

Approve a \$71,500 increase in the construction contingency for the 9112 - All-Inclusive Rotary PlayGarden Project from \$169,800 to \$241,300 for three additional Bid Alternate items. CEQA: Categorically Exempt, File No. PP19-002, CEQA Guidelines Section 15301 Existing Facilities. Council District 6. (Public Works)

Action: Actions Related to the 9112 All Inclusive Rotary Playgarden Project were approved. (8-0-3. Absent: Jimenez, Cohen, Foley.)

2.8 22-1176

Resolution of Local Support for Caltrans Sustainable Transportation Planning Grants.

Adopt a “Resolution of Local Support” to receive grant funds from the Caltrans Sustainable Transportation Planning Grant that indicates the City will:

- (a) Follow all grant program requirements.
- (b) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with the Metropolitan Transportation Commission that are administered by the California Department of Transportation, in an amount not to exceed \$674,451 for reimbursement for the following two projects: (1) San José Decision Support System, in an amount not to exceed \$265,000, and (2) North San José Multimodal Transportation Improvement Plan, in an amount not to exceed \$409,451. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

Action: **Resolution No. 80650** was adopted. (8-0-3. Absent: Jimenez, Cohen, Foley.)

2.9 22-1221

Retroactive Purchase of Raffle Prizes.

As recommended by the Rules and Open Government Committee on August 3, 2022, retroactively approve the purchase of AirPods for the National Night Out’s raffle giveaway. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 8/3/2022 - Item B.13]

Action: The retroactive purchase of raffle prizes was approved. (8-0-3. Absent: Jimenez, Cohen, Foley.)

2.10 22-1228

Approval of Canoas Garden Dumpster Day Event Sponsored by Council District 9 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 August 3, 2022:

- (a) Approve the Canoas Garden Dumpster Day Event scheduled on August 20, 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. (Foley) [Rules Committee referral 8/3/2022 - Item B.5]

Action: The City Council Sponsored Special Event was approved. (8-0-3. Absent: Jimenez, Cohen, Foley.)

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 22-1177 Agreement with Concern: Assistance Program and Critical Incident Response Program.

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Concern: Employee Assistance Program for an Employee Assistance Program and Critical Incident Response Program for a four-year term for the period of January 1, 2023, through December 31, 2026, with an option to extend an additional two years, for a total cost not to exceed \$3,481,561, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

Director of Human Resources and Employee Relations, Jennifer Schembri offered the presentation and responded to questions.

Public Comment: Paul Soto offered public testimony regarding the item.

Councilmember Pam Foley addressed her concerns with the counseling services offered to retirees regarding mental health issues and PTSD.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis, and carried unanimously, **Resolution No. 80651** was adopted. (11-0.)

3.4 22-1178 Actions Related to the 9739-Payne Avenue Park Project.

Report on bids and award of contract for the 9739 - Payne Avenue Park to the low bidder, Azul Works, Inc. for the base bid in the amount of \$3,904,774 and approve a five percent contingency in the amount of \$195,239. CEQA: Categorically Exempt, File No. ER19-082, CEQA Guidelines Section 15332, In-Fill Development Projects. Council District 1. (Public Works/Parks, Recreation and Neighborhood Services)

Director of Public Works, Matt Cano and Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli offered the presentation and responded to questions.

Public Comment: Paul Soto offered public testimony regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza, and carried unanimously, the actions related to the 9739-Payne Avenue Park Project were accepted. (11-0.)

4. PUBLIC SAFETY SERVICES

- 4.1 22-1179 Independent Police Auditor 2021 Year End Report. - DEFERRED**
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 from 6/28/2022 - Item 4.2 (22-1047)]

DEFERRED TO 08/30/2022 PER ADMINISTRATION.

- 4.2 22-1180 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 from 6/28/2022 - Item 4.3 (22-1048)]

DEFERRED TO 08/30/2022 PER ADMINISTRATION.

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 22-1265 Community Stabilization and Opportunity Pathways Fund Commission.**
Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to: (a) Amend Section 2.08.080 authorizing the Community Stabilization and Opportunity Pathways Fund Commission to establish its own procedural rules and regulations; and (b) Add a new Part 50 establishing the Community Stabilization and Opportunity Pathways Fund Commission. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development and Cultural Affairs) [Deferred from 8/9/2022 - Item 8.1 (22-1137)]

Assistant Director of Economic Development, Director of Real Estate, Nanci Klein; Assistant to the City Manager, Lori Severino; and Deputy City Manager, Rosalynn Hughey offered the presentation and responded to questions.

Public Comment: Mary Helen Dougherty, Paul Soto, Perry, Huascar Castro, Letty Alvarez (Sacred Heart), Alex Shoor (Catalyze SV) offered public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez, and carried unanimously, the staff memorandum and supplemental memorandum were accepted. **Ordinance No. 30809** was passed for publication. Including acceptance of the memorandum from Councilmember Magdalena Carrasco dated August 08, 2022, recommending: Approving the ordinance as recommended by staff with one amendment (additions in bold): “3. The Fund Manager will coordinate with the Commission to prepare a Five-Year Strategic Plan for the Fund (“Strategic Plan”) and to update the Strategic Plan every five years. The Strategic Plan Updates will be reviewed by the Commission, then presented to the City Council for approval. (11-0.)

8.2 22-1266

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, subject to appropriation of funds. 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 from 6/28/2022 - Item 8.2 (22-1027); 8/9/2022 - Item 8.2 (22-1140)]

Assistant Director of Economic Development, Director of Real Estate, Nanci Klein; Assistant to the City Manager, Lori Severino; and Deputy City Manager, Rosalynn Hughey offered the presentation and responded to questions.

Public Comment: Karla (Local Color), Paul Soto, Rosia M. (Catalyze SV), Claire Kennedy, and Giovanni Medina offered public testimony regarding the item.

Assistant to the City Manager, Lee Wilcox stated the item would come back to the Council in October.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen, and carried unanimously, **Resolution No. 80652** was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

• Open Forum

1. Chris Bang addressed the safety concerns of bicycle lanes on Branham Lane.
2. Perry spoke to grant writers for high school, community college, and students in general that can benefit from the consultants.
3. Paul Soto stated his opinion that the Land Use Items discriminate people of color, spoke to systemic racism, his asset to the community, and the removal of Thomas Fallon Equestrian Monument.
4. Blair Beekman spoke to community safety, 5G issues, the digital divide, and the importance of having an open democracy.
5. Amy addressed her concerns and requested an update of a specific EIH site/project.
6. Giovanni Medina spoke to gun safety, how it effects responsible gun owners, and constitutional rights.

• Adjournment

The Council of the City of San José adjourned at 3:55 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,



Yasmin Johnson
Deputy City Clerk, City of San José

Approved at Council on:

of Actions: 5

Attest By:



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

CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 16, 2022

The Council of the City of San José convened into Closed Session at 9:32 a.m.
The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Cohen, Carrasco,
Davis, Esparza, Arenas, Foley, Mahan.

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: Dominguez, Jessica et al., v City of San Jose et al.,
Name(s) of Parties(s) JESSICA DOMINGUEZ
Involved: INDIVIDUALLY AND JESSICA DOMINGUEZ AS GUARDIAN AD LITEM FOR JAD (1), JAD (2) AND JAD (3) v
CITY OF SAN JOSE, SAN JOSE POLICE DEPARTMENT, MICHAEL PINA, AND DOE POLICE OFFICERS 2 through 5
Court: United States District Court Northern District of California San Jose Division
Case No.: 5:18-cv-04826 BLF
Amount of Money or Damages according to proof.
Other Relief Sought:

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or **San José Police Officers' Association**
Name and Title (SJPOA)
of
Unrepresented
Employees:
Nature of wages/salaries, hours, working conditions, etc.
negotiations:

| | |
|---|--|
| Name of Existing Contract or MOA: | Memorandum of Agreement — City of San José and San José Police's 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 |

C. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:

| | |
|-----------------------|--------------|
| Department or Agency: | City Auditor |
| Title: | City Auditor |
| Name: | Joe Rois |

By unanimous consent, Council recessed from the Closed Session at 11:18 a.m.; to reconvene in Regular Open Session at 1:32 p.m. in Council Chambers.



City Council Meeting Minutes

Tuesday, November 8, 2022

1:30 PM

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

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. 80628, 80659, 80685, Councilmembers may be teleconferenced from remote locations.

• Call to Order and Roll Call

9:30 a.m. - Closed Session **22-1616**

Closed Session: [See Page 12-13 for Closed Session](#)

[Minutes](#) Absent: Carrasco, Perez, Liccardo.

1:34 p.m. - Afternoon Session

Present: Arenas (via Zoom), Carrasco, Cohen, Esparza (via Zoom), Davis, Foley, Jimenez, Jones, Mahan.

Absent: Perez, Liccardo.

• Pledge of Allegiance

Vice Mayor Chappie Jones led the Pledge of Allegiance.

• Invocation (District 10)

San Jose Guitar School of Music, Director and Owner Chris Shahin provided the invocation through a guitar performance of his song “New Song for San José,” with Jason Lewis playing the drums and Ken Okada playing bass.

• Orders of the Day

The Orders of the Day and the Amended Agenda were approved.

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Matt Mahan presented a commendation to this year's US Youth Men's Beach Handball National Team, the first US team ever to participate in the Youth World Championships. Coach Martin Bilello was invited to speak on behalf of the team and this year's championships held in Greece. (Mahan)
- 1.2 Councilmember Matt Mahan presented a commendation to Rich Saito for his dedication and service to the City of San José. (Mahan)
- 1.3 Councilmember Magdalena Carrasco presented a commendation to Jesus Flores, recognizing him for his dedication and services to small businesses in San José. (Carrasco)
- 1.4 Vice Mayor Chappie Jones proclaimed November 2022, as National Runaway and Homeless Awareness Month to raise awareness of the issues faced by runaway and homeless youth and to highlight the resources available to them. CEO of the Bill Wilson Center, Sparky Harlan was invited to speak on this proclamation. (Liccardo and Jones)

2. CONSENT CALENDAR

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Peralez, Liccardo.)

Public Comments: Blair Beekman, Paul Soto, Caller with number ending in #6910, Gail Anne Osmer, and Mollie McLeod offered public comments.

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 22-1671 Approval of Council Committee Minutes.

(a) Joint Meeting of Public Safety, Finance and Strategic Support Committee and the County of Santa Clara Public Safety and Justice Committee Minutes of September 8, 2022. (b) Regular Neighborhood Services and Education Committee Minutes of September 8, 2022. (c) Regular Neighborhood Services and Education Committee Minutes of October 13, 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. (9-0-2. Absent: Peralez, Liccardo.)

- 2.4 22-1648 Mayor and Council Excused Absence Requests. - DROPPED**
Request for excused absence for Councilmember Jimenez from the Regular Meeting of San José City Council on October 25, 2022 due to personal travel. 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 11/2/2022 - Item A.1.a]

ITEM DROPPED PER ADMINISTRATION.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 22-1617 Amendment to the Airline-Airport Lease and Operating Agreement with Airlines Operating at the Airport.**
Adopt a resolution authorizing the Director of Aviation to negotiate and execute an amendment for the Airline-Airport Lease and Operating Agreement with any current or new passenger or cargo airlines at the Norman Y. Mineta San José International Airport. 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. 80748** was adopted. (9-0-2. Absent: Peralez, Liccardo.)

- 2.8 22-1618 Continuation of Drought Declaration.**
Adopt a resolution extending the drought emergency in Resolution No. 80303 through May 31, 2024, continuing the declaration of a water shortage of 15% citywide and limiting the use of potable water for landscape and turf irrigation to two scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants and trees grown for consumption, nursery or garden center plants for sale, and environmental mitigation projects. CEQA: Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Action: **Resolution No. 80749** was adopted. (9-0-2. Absent: Peralez, Liccardo.)

- 2.9 22-1619 Actions Related to Continued Shelter Crisis to Activate Two Overnight Warming Locations During the Cold Weather Season.**
- (a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 et seq., and designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season: (1) Roosevelt Community Center; 901 E Santa Clara Street, San José, CA 95116; and (2) West Valley Branch Library; 1243 San Tomas Aquino Road, San José, CA 95117. (b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with HomeFirst, retroactive to October 15, 2022, through June 30, 2023, in an amount not to exceed \$900,000 to implement the Overnight Warming Locations. CEQA: Categorically Exempt, File No. ER22-243, CEQA Guidelines Sections 15269, Emergency Projects, and Section 15301, Existing Facilities. Council Districts 1 and 3. (Housing/Library/Parks, Recreation and Neighborhood Services)

Action: (a) **Resolution No. 80750** and (b) **Resolution No. 80751** were adopted. (9-0-2. Absent: Peralez, Liccardo.)

- 2.10 22-1677 Request for Travel Authorization for Councilmember Jimenez.**
- As recommended by the Rules and Open Government Committee on November 2, 2022, authorize travel for Councilmember Jimenez to Cape Town, South Africa from February 20, 2023 to February 24, 2023 to attend the Sister Cities International African Regional Summit (Source of Funds: 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 11/2/2022 - Item B.2]

Action: The travel authorization request for Councilmember Sergio Jimenez was approved. (9-0-2. Absent: Peralez, Liccardo.)

- 2.11 22-1689 Request for Travel Authorization for Vice Mayor Jones.**
- As recommended by the Rules and Open Government Committee on November 2, 2022, authorize travel for Vice Mayor Jones to Kansas City, MO from November 17, 2022 to November 19, 2022 to attend the National League of Cities City Summit Conference (Source of Funds: Mayor/Council Travel Budget). CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones) [Rules Committee referral 11/2/2022 - Item B.5]

Action: The travel authorization request for Vice Mayor Chappie Jones was approved. (9-0-2. Absent: Peralez, Liccardo.)

- 2.12 22-1675 Retroactive Approval of Movie Night and Jazz Concert Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Events.**
- As recommended by the Rules and Open Government Committee on November 2, 2022: (a) Retroactively approve the Movie Nights and Jazz Concerts at Cahill Park, the Municipal Rose Garden, and Rosemary Gardens Park scheduled on July 23, 2022, August 6, 2022, August 13, 2022, August 27, 2022 and October 1, 2022, as City Council sponsored Special Events 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. (Davis) [Rules Committee referral 11/2/2022 - Item B.1]

Action: The City Council sponsored Special Events were retroactively approved. (9-0-2. Absent: Perez, Liccardo.)

- 2.13 22-1684 Approval of River Oaks Neighborhood E-Waste Collection and Retroactive Approval of the Day on the Bay 2022 Sponsored by Council District 4 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 November 2, 2022: (a) Approve the River Oaks Neighborhood e-Waste Collection scheduled on November 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve Day on the Bay 2022 scheduled on October 8, 2022 as a City Council sponsored Special Event; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 11/2/2022 - Item B.4]

Action: The City Council sponsored Special Events were retroactively approved. (9-0-2. Absent: Perez, Liccardo.)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire provided a verbal report on the recent visit by United Nations High Commissioner Filippo Grandi, who leads the international response to refugee crisis around the world and works to create inclusive and supportive environments for refugees. Due to this visit, the City Manager's Office of Racial Equity could consider new and innovate ways to address needs of refugees in the City of San José.

3.2 Labor Negotiations Update.

None provided.

- 3.3 22-1620 **Financial Need-Based Stipends for Boards and Commissions.**
(a) Approve an ordinance amending Section 2.08.120.A of Title 2 of the San José Municipal Code to provide a monthly \$200 financial need-based stipend to each member of each City board or commission established under Chapter 2.08 of the San José Municipal Code or the City of San José Charter: (1) Who is not currently receiving a stipend; (2) Who is a member of a low-income household as defined by the U.S. Department of Housing and Urban Development as at or below 80 percent of the area median income pursuant to 24 CFR 92.2; (3) If they have attended a monthly board or commission meeting; and (4) Such members shall be eligible to be paid the stipend even if the monthly board or commission meeting is canceled.
(b) Direct the City Clerk's Office to establish the Financial Need-Based Stipend Application process. (c) Direct the City Manager's Office to ensure stipend budgeting and administration are coordinated among City departments. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Deputy City Manager, Rosalynn Hughey provided the presentation and responded to questions.

Public Comments: Blair Beekman, Alex Shoor (Catalyze SV), and Mollie McLeod offered public comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Magdalena Carrasco, and carried unanimously, the staff recommendation was approved and (a) **Ordinance No. 30844** was passed for publication. (9-0-2. Absent: Peralez, Liccardo.)

- 3.4 22-1621 **Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the 2350 S. Bascom Affordable Housing Development.**
(a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$65,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance and refinance the acquisition, construction, improvement and equipping of the 123-unit affordable apartment complex to be located at 2350 S. Bascom Road in San José by San José Bascom Associates, L.P., a California limited partnership or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds. (b) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds, by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$65,000,000 to finance and refinance the acquisition, construction, improvement and equipping of 2350 S. Bascom, and to pay certain expenses incurred in connection with the issuance of the bonds. CEQA: Exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Development pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Finance/Housing)

Public Comment: Vice Mayor Chappie Jones opened the public hearing. There were no public comments. Vice Mayor Chappie Jones closed the public hearing.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the staff recommendation was approved and (b) **Resolution No. 80752** was adopted, approving the issuance of tax-exempt multifamily housing revenue bonds, by the California Municipal Finance Authority. (9-0-2. Absent: Peralez, Liccardo.)

- 3.5 22-1622 **Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the View at Blossom Hill Affordable Housing Development.**
- (a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$95,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance and refinance the acquisition, construction, improvement and equipping of the 271-unit multifamily rental housing project to be located at 1007 Blossom Hill Road in San José by View at Blossom Hill, LP, a California limited partnership or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds. (b) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, in an aggregate principal amount not to exceed \$95,000,000 to finance and refinance the acquisition, construction, improvement and equipping of the 271-unit multifamily rental housing project to be located at 1007 Blossom Hill Road in San José, and to pay certain expenses incurred in connection with the issuance of the bonds. CEQA: Categorical Exempt, File No. ER21-078, CEQA Guidelines Section 15332, Infill Development Projects. Council District 9. (Finance/Housing)

Public Comment: Vice Mayor Chappie Jones opened the public hearing. There were no public comments. Vice Mayor Chappie Jones closed the public hearing.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, **Resolution No. 80753**, approving a 2.5% merit increase for the City Manager, City Attorney, Independent Police Auditor, City Clerk, and City Auditor was adopted. (11-0.)

- 3.6 22-1623 **Actions Related to the 10201-SJC Airport Accessibility Upgrades Phase 3A Terminal Buildings Re-Bid Project.**
- (a) Adopt a resolution authorizing the Director of Public Works to: (1) Award and execute the 10201 SJC Airport Accessibility Upgrades Phase 3A - Terminal Buildings Re-Bid Project to the lowest responsive bidder in an amount not to exceed \$14,000,000; and (2) Approve a contingency in the amount of 15 percent of the contract amount. (b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution Amendments in the Airport Capital Improvement Fund: (1) Increase the estimate for Revenue from Federal Government by \$10,000,000; and (2) Establish the Terminal Accessibility Upgrades appropriation to the Airport Department in the amount of \$10,000,000. CEQA: Determination of Consistency with the Final Environmental Impact Report for the Norman Y. Mineta San José International Airport; and (3) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to

award the Contract. (Resolution No. 79497), File No. ER22-262. (Public Works/ Airport/ City Manager)

Deputy Director of Public Works Katherine Brown Deputy requested to add to Item (a) in the staff recommendation: Decide any timely bid protest, and make the City's final determination as to the lowest responsive bidder that is responsible, as needed, to award the contract.

Public Comment: None provided.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sergio Jimenez, and carried unanimously, the staff recommendation was accepted with the requested change to add to Item (a) in the staff recommendation the following: "Decide any timely bid protest, and make the City's final determination as to the lowest responsive bidder that is responsible, as needed, to award the contract." (a) **Resolution No. 80754**, (b) Appropriate **Ordinance No. 30845** and Funding Sources **Resolution No. 80755** were adopted. (9-0-2. Absent: Peralez, Liccardo.)

3.7 22-1624 Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2021.

Accept the following reports: (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2021. (b) Federated City Employees' Retirement System Comprehensive Annual Fee report 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. (Retirement Services)

Retirement Chief Investment Officer Prabhu Palani and San Jose Police and Fire Retirement Plan Board Member Sunita Ganapati provided the presentation and responded to questions.

Public Comments: Paul Soto offered public comments.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Dev Davis, and carried unanimously, the Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2021 and Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2021 were accepted. (9-0-2. Absent: Peralez, Liccardo.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1625 Approve the Santa Clara Valley Transportation Authority License Agreement for the Safe Parking Program.

(a) Adopt a resolution adopting the addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration, all in accordance with the California Environmental Quality Act, as amended. (b) Approve a License Agreement with the Santa Clara Valley Transportation Authority for recreational vehicles safe parking at the Santa Teresa Light Rail Station, north parking lot, for a four-year term. CEQA: Addendum to the Incidental Safe Parking Use Municipal Code Amendments Project Negative Declaration (Resolution No. 78990), File No. ER22-220. Council District 10. (Housing)

Director of Housing Jacky Morales-Ferrand responded to questions.

Public Comments: Blair Beekman, Paul Soto, Caller with number ending in -6910, Charles Howard, Jill Borders, Izzac Kayo; and Gail Anne Osmer provided public comment.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, the November 7, 2022 memorandum authored by Councilmember Cohen was approved to (1) approve the recommendations from the staff memorandum dated October 17, 2022 and (2) defer deliberation of the recommendations in the November 4, 2022 Memorandum from Mayor Liccardo and Councilmember Mahan until November 29, 2022 when the direction from the September 28, 2022 Rules Committee memos from Vice Mayor Jones, Councilmembers Foley, Jimenez and Mahan and the separate memo from Councilmember Cohen will be heard by the council. As per the approved staff recommendation, (a) **Resolution No. 80756** was adopted and the License Agreement was approved. (9-0-2. Absent: Peralez, Liccardo.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

• Open Forum

1. Blair Beekman spoke on the election process and expressed frustration on the inability to provide public comments for closed session items or for the City Manager's report.
2. Paul Soto spoke on the demolition of the previous San Jose City Hall building and spoke to the historical importance of the building for Civil Rights in San Jose.
3. Cindy Fulk expressed frustration on the drawn-out abatement processes within Richard Huerta Park, a park that was dedicated to a fallen San Jose Police Department police officer. Cindy expressed that delaying the process was disrespecting the police department and officer, as the location is an honorary park.
4. Caller with number ending in -6910 spoke on buffer zones and how they stigmatize unhoused persons. They questioned whether current city policy language should be changed and spoke to the danger of pushing unhoused persons further away from safe areas towards higher traffic areas.
5. Jill Borders thanked Councilmember Foley for the community events put on by the district, commenting that they are wholesome, inspiring, and motivating. The caller said the events gave them hope and that the council district should be proud.

• Adjournment

The Council of the City of San José adjourned at 4:09 p.m.

This meeting was adjourned in the memory of Robert "Bob" Stewart who passed away on September 18, 2022. Bob was a longtime business owner in Berryessa and supported many community groups, including the Berryessa Business Association and the Berryessa Art and Wine Festival Committee

Minutes Recorded, Prepared, and Respectfully Submitted by,



Grace Turner
Deputy City Clerk

Approved at Council on:

of Actions: 6

Attest By:



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

SAN JOSÉ CITY COUNCIL CLOSED SESSION MINUTES

NOVEMBER 8, 2022

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

This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Cohen, Davis, Esparza, Foley, Jimenez, Jones, Mahan.

Absent: Councilmembers - Carrasco, Peralez; Liccardo.

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 Weekley
Name(s) of Partie(s)
Involved:
Court: Workers Compensation Appeals Court
Case No.: ADJ13891601; ADJ13867824
Amount of Money or Benefits
Other Relief Sought:
2. Case Name: In re: Claim of Biddle
Name(s) of Partie(s)
Involved:
Court: Workers Compensation Appeals Board
Case No.: ADJ12312456
Amount of Money or Benefits
Other Relief Sought:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(3) of the Government code:

Number of matter(s) to be discussed: 1

Facts: former employee alleges wrongful termination of employment.

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 1

D. 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: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**
Nature of negotiations: wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)
How to Obtain a copy of Existing Contract or MOA: Web: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150
2. 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: <https://www.sanjoseca.gov/your-government/departments/employee-relations/labor-relations-information/bargaining-units-labor-contract-info>
Telephone – Employee Relations: (408) 535-8150