



# **City Council Meeting MINUTES**

**Tuesday, March 8, 2022**

**1:30 PM**

**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



**MINUTES OF THE CITY COUNCIL**

**MARCH 8, 2022**

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

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

**• Call to Order and Roll Call**

**22-255**            **CLOSED SESSION. See Page 17 for Closed Session Minutes.**

9:30 a.m.- Closed Session

**22-255**            Closed Session

1:30 p.m. Present: Councilmembers - Carrasco, Arenas, Davis, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Esparza.

**• Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

**• Invocation (District 3)**

Michelle Ramirez Martinez, Bay Area Women’s Sports Initiative provided the Invocation and honored her mother, who passed away last year.

**• Orders of the Day**

Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with item 2.15 to be deferred one week, and Item 8.3 deferred three weeks to allow for more outreach.

**• Closed Session Report**

None provided.

# **1. CEREMONIAL ITEMS**

## **1.1 Presentation of a proclamation recognizing March 13, 2022, as the 150th anniversary of Alum Rock Park in San José. (Liccardo, Carrasco and Cohen)**

Mayor Sam Liccardo and Councilmembers Carrasco and Cohen presented a proclamation honoring the 150<sup>th</sup> Anniversary of Alum Rock Park, and the Director of Parks, Recreation and Neighborhood Services offered a video and outlined the history and many events featured at the park.

## **1.2 Presentation of a proclamation declaring March 12, 2022 as Mexico's Aztec New Year.**

Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a proclamation for Mexico's Aztec New Year to celebrate the Aztec and Nahua communities and the indigenous population of San José.

## **1.3 Presentation of a commendation to Kanta Khiatani**

Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a commendation to Kanta Khiatani in recognition of her tireless efforts and dedication to our seniors, communities, and beyond. (Arenas)

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Pam Foley, seconded by Councilmember Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Esparza.)

## **2.1 Approval of City Council Minutes.**

None provided.

## **2.2 Final Adoption of Ordinances.**

None provided.

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

None provided.

## **2.4 22-320 Mayor and Council Excused Absence Requests.**

Request for an excused absence for Councilmember Arenas from the Regular Meeting for the City Council on March 1, 2022 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Arenas)  
[Rules Committee referral 3/2/2022 - Item A.1.a]

Action: The request for an excused absence was approved. (10-0-1. Absent: Esparza.)

## 2.5 City Council Travel Reports.

None provided.

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

None provided.

## 2.7 22-009 **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through April 7, 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. 80400** regarding Extension of AB 361 Implementation was adopted. (10-0-1. Absent: Esparza.)

## 2.8 22-256 **City Hall Tower and Rotunda Lighting for St. Patrick’s Day and in Celebration of the City’s Sister City Relationship with Dublin, Ireland.**

Approve City Hall Tower and Rotunda lighting in clover green scheduled March 15-19, 2022 for St. Patrick’s Day and in celebration of the City’s sister city relationship with Dublin, Ireland.

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

Doireann O’Brien DFA, Vice Consul, Consulate General of Ireland, spoke on Irish Heritage Month and offered appreciation for the rotunda lighting in honor of St. Patrick’s Day.

Public Comments: Blair Beekman, Brian Darby and Caller “5140” offered comments.

Action: City Hall Tower and Rotunda Lighting for St. Patrick’s Day and in Celebration of the City’s Sister City Relationship with Dublin, Ireland was approved. (10-0-1. Absent: Esparza.)

**2.9 22-257 Actions Related to Purchase Order with Unique Towing, Inc. for Towing and Roadside Services for City-Owned Vehicles and Equipment.**

Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Unique Towing, Inc. (Santa Clara, CA) for towing and roadside services for city-owned vehicles and equipment for the Public Works Department for an initial 12 month period, starting on or about March 9, 2022 and ending on or about March 8, 2023, for an amount not to exceed \$400,000; and
- (b) Exercise up to four additional one year options to extend the term of the Purchase Order with the last option year ending on or about March 8, 2027, subject to the appropriation of funds.

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

Action: **Resolution No. 80401** regarding Actions Related to Purchase Order with Unique Towing, Inc. was adopted. (10-0-1. Absent: Esparza.)

**2.10 22-258 Report on Request for Proposal for a Public Address System for Norman Y. Mineta San José International Airport.**

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

- (a) Negotiate and execute an agreement with SITA Information Networking Computing USA, Inc. (Atlanta, GA) for a Public Address system including associated hardware, software, support, maintenance, and related services for an initial three-year term beginning on or about March 16, 2022 through March 15, 2025 with a total maximum compensation not to exceed \$1,550,253, 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 \$300,000 during the initial three-year term, subject to the appropriation of funds; and
- (c) Exercise up to seven one-year options to extend the term of the agreement and the software license with the last option ending on or about March 15, 2032 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)

Action: The report on the Request for Proposal was accepted, and **Resolution No. 80406** regarding the agreement with SITA Information Networking Computing USA, Inc. was adopted. (10-0-1. Absent: Esparza.)

**2.11 22-259 Donor Recognition in the California Room at the Dr. Martin Lither King, Jr. Library.**

Approve specific donor recognition opportunities, located in the California Room at the Dr. Martin Luther King, Jr. Library.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Library)

Action: Donor Recognition opportunities for Dr. Martin Lither King, Jr. Library were approved. (10-0-1. Absent: Esparza.)

**2.12 22-260 Amendment to Chapter 4.10 of Title 4 of the San José Municipal Code Related to the Debarment of Contractors.**

(a) Approve an ordinance amending Chapter 4.10 of Title 4 of the San José Municipal Code to consolidate, streamline, update and clarify the manner in which the City will conduct contractor debarments.  
(b) Adopt a resolution repealing Resolution No. 70592, which established procedures for administrative debarment hearings that have been incorporated into Chapter 4.10, as amended, and are therefore no longer needed.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works/Finance)

Action: (a) **Ordinance No. 30733** amending Title 4 of the San José Municipal Code was passed for publication; and (b) **Resolution No 80402** repealing Resolution No. 70592 was adopted. (10-0-1. Absent: Esparza.)

**2.13 22-261 Actions Related to the 9217 - Park: All Inclusive Playground - Emma Prusch - Re-Bid Project.**

(a) Report on bids received as part of the “best value” procurement and award of construction contract for the 9217- Park: All Inclusive Playground - Emma Prusch - Re-Bid Project to the best value bidder, Robert A Bothman, Inc. dba Robert A Bothman Construction, for the base bid in the amount of \$3,209,500 and approve a ten percent contingency in the amount of \$320,950.  
(b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:  
(1) Establish the All-Inclusive Playground - Emma Prusch appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$300,000; and  
(2) Decrease the Future Parkland Dedication Ordinance/Parkland Impact Ordinance Projects Reserve by \$300,000.  
(c) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 5:

*(Item Continued on the Next Page)*

**2.13 (Cont'd.)**

(c)(1) Increase the All-Inclusive Playground - Emma Prusch appropriation to the Parks, Recreation, and Neighborhood Services Department by \$466,000; and

(2) Decrease the Unrestricted Ending Fund Balance by \$466,000.

CEQA: Categorically Exempt, File No. PP18-022, CEQA Guideline Section 15301 Existing Facilities. Council District 5. (Parks, Recreation and Neighborhood Services/Public Works/City Manager)

Councilmember Magdalena Carrasco pulled Item 2.13 for questions. Director of Parks, Recreation and Neighborhood Services, Jon Cicirelli and Director of Public Works, Matt Cano provided responses.

Public Comments: Blair Beekman, Brian Darby and Caller “5140”, and Tessa Woodmansee offered comments.

Action: Actions Related to the 9217 - Park: All Inclusive Playground - Emma Prusch - Re-Bid Project were approved, and (b) Appropriation **Ordinance No. 30734** and (b) Appropriation **Ordinance No. 30735** were adopted. (10-0-1. Absent: Esparza.)

**2.14 22-262 Actions Related to the I-680 Soundwall Project.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Maintenance Agreement between the State of California, Department of Transportation and the City of San José for the I-680 Soundwall Project.

CEQA: Categorically Exempt, File No. ER22-014, CEQA Guideline Section 15303 New Construction or Conversion or Small Structures. Council District 5. (Transportation)

Action: **Resolution No 80403** regarding actions Related to the I-680 Soundwall Project was adopted. (10-0-1. Absent: Esparza.)

**2.15 22-333 Actions Related to the Naming Rights of the Competition Arena at the Ice Centre of San José. - DEFERRED**

Adopt a resolution:

(a) Approving the sale by Sharks Ice, LLC of the naming rights to the Competition Arena at the Ice Centre of San José, and consenting to the official naming of the Competition Arena as “Tech CU Arena at Sharks Ice at San José” and to the use of the shorter version of the name “Tech CU Arena” when use of the full official name is not reasonably practical for the term of the sponsorship agreement;

(b) Authorizing the City Manager, or her designee, to approve the location, design, size, and appearance of new exterior signage at the Competition Arena at the Ice Centre of San José to portray the new name and logo; and

*(Item Continued on the Next Page)*

(c) Authorizing the City Manager to require “San José” be placed on exterior signage at the San José Ice Centre in any future naming rights agreements for the San José Ice Centre.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. Council District 7. (Economic Development and Cultural Affairs)

[Deferred from 3/1/2022 - Item 2.7 (22-212)]

*Item Deferred One Week per Orders of the Day.*

**2.16 22-271 Boards and Commissions Appointment.**

Approve the following Boards and Commissions appointment:

(a) Parks and Recreation Commission:

(1) District 10 Seat: Nooran Bayzaie to a term ending June 30, 2023.

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 3/2/2022 - Item A.1.a]

Action: The Parks and Recreation Commission appointment was approved. (10-0-1. Absent: Esparza.)

**2.17 22-324 Request for Travel Authorization for Councilmember Jimenez.**

As recommended by the Rules and Open Government Committee on March 2, 2022, authorize travel for Councilmember Sergio Jimenez to attend the Sister Cities International 2022 Spring Leadership Meeting, in Washington D.C. from March 23-25, 2022.

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 3/2/2022 - Item B.2]

Action: The Request for Travel Authorization was approved. (10-0-1. Absent: Esparza.)

**2.18 22-328 Approval of District 9 2022 Mayoral Candidate Forum 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 March 2, 2022:

(a) Approve the District 9 2022 Mayoral Candidate Forum tentatively scheduled on March 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and

*(Item Continued on the Next Page)*



## 2.18 (Cont'd.)

(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 3/2/2022 - Item B.3]

Councilmember Pam Foley pulled the item and encouraged everyone to attend the forum.

Public Comments: Tessa Woodmansee, Brian Darby, Jill Borders, Caller “5140” and Blair Beekman offered comments.

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Esparza.)

## 2.19 22-332 **Approval of Kids Care Fair 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 March 2, 2022:

(a) Approve the Kids Care Fair scheduled on April 2, 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 3/2/2022 - Item B.4]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Esparza.)

## **3. STRATEGIC SUPPORT**

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

City Manager Jennifer Maguire and Police Chief Anthony Mata commended Officer Pedro Garcia who heroically pulled a driver from a burning car on September 27, 2021 and saved his life.

### **3.2 Labor Negotiations Update.**

None provided.

**3.3 22-264 City Roadmap Second Quarter 2021-2022 Update.**

Accept the second quarter status report on the implementation of the Fiscal Year 2021-2022 City Roadmap.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (City Manager)

[Deferred from 2/15/2022 - Item 3.3. (22-145)]

Director of Civic Innovation, Dolan Beckel; Chief Information Officer Rob Lloyd; Director of the Office of Emergency Management, Ray Riordan; Deputy City Manager, Angel Rios, Jr.; and Assistant City Manager, Lee Wilcox provided a presentation.

Public Comments: Blair Beekman, Dominic Torreano, Brian Pors, and Doug Chesshire offered comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, the City Roadmap Second Quarter 2021-2022 Update was accepted. (10-0-1. Absent: Esparza.)

**3.4 22-263 Amendment to the Vendor Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. - DROPPED**

**3.5 22-336 Actions in Support of the Ukrainian People and in Response to Russia's Criminal Military Action.**

As recommended by the Rules and Open Government Committee on March 2, 2022:

(a) Direct the City Manager to light City Hall's Tower and Rotunda in the Blue and Yellow of the Ukrainian Flag, as well as raising the Ukrainian Flag, in solidarity with the Ukrainian people, and to encourage the City Manager to fly City flags at half-mast for Ukrainian military and civilian fatalities at the time she determines most appropriately an act of solidarity.

(b) Direct the City Manager, via the Office of Intergovernmental Relations, to take an active position of support for Federal policies that put sanctions on Russia, Russian President Vladimir Putin, and those aiding and abetting his invasion, as well as supporting proposals for additional aid to the Ukrainian Government and the Ukrainian people.

(c) Direct the City Manager, via Immigrant Affairs team in the Office of Racial Equity, to engage with the Ukrainian immigrant community in the South Bay to ensure that the community has a direct line of contact and access to available services.

(d) Support the resettlement of Ukrainian refugees in our city.

(e) Inform the Council and our retirement boards through an information memorandum whether our retirement funds have any investments in Russia, so that divestment of Russian assets may be considered.

*(Item Continued on the Next Page)*

### 3.5 (Cont'd.)

(f) Send two letters which express concern over the Russian's government's actions and consider suspending the Sister City relationship with Ekaterinburg (Yekaterinburg), Russia.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(Arenas and Liccardo)  
[Rules Committee referral - Item 3/2/2022 - C.1]

Public Comments: Tim Quigley, Blair Beekman, Nancy Madison; and “Caller 5140” offered their perspective.

Motion: Councilmember David Cohen moved approval of the recommendation including approval of drafting a letter to the people of our Sister City as outlined below in “Action”. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the motion carried unanimously, with actions (a) through (e) in Support of the Ukrainian People accepted, with item (f) being amended, approving a letter to be drafted from the City of San José to the people of our Sister City only expressing concerns regarding their government’s actions, with no language regarding suspension of a relationship.  
(10-0-1. Absent: Esparza.)

## **4. PUBLIC SAFETY SERVICES**

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

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

### **6.1 22-266 Actions Related to Long Duration Storage Project and Procurement Authority.**

Adopt a resolution:

(a) Authorizing the Director of the Community Energy Department to execute the following two agreements for the procurement of up to 25 megawatts from LS Power’s Tumbleweed long-duration storage battery project, with any non-material modifications developed, as appropriate, in consultation with the City Attorney, and subject to the annual appropriation of funds, in an amount not to exceed \$5,900,000 annually and \$89,000,000 in aggregate in Calendar Years 2022 through 2041 for both agreements:

(1) Project Participation Share Agreement between California Community Power, the City of San José, Peninsula Clean Energy, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast

*(Item Continued on the Next Page)*

## 6.1 (Cont'd.)

Energy Authority, Silicon Valley Clean Energy, and Valley Clean Energy.

(2) Buyer Liability Pass Through Agreement between California Community Power, LS Power, and the City of San José;

(b) Authorizing the Director of the Community Energy Department to negotiate and execute, in consultation with the City Attorney, a Coordinated Operating Agreement between California Community Power, the City of San José, Peninsula Clean Energy, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, and Valley Clean Energy addressing operation by the California Community Power of the LS Power's Tumbleweed long-duration storage battery project; and

(c) Increasing the authority granted to the Director of the Community Energy Department or her designee to negotiate and execute contracts five years and under, subject to the Energy Risk Management Policy and the appropriation of funds, for the procurement of power supply products by \$291,000,000 from \$928,600,000, to an amount not to exceed \$1,219,600,000 in aggregate in Calendar Years 2022 through 2025, subject to the following annual not to exceed amounts: 2022: \$360,200,000; 2023: \$320,100,000; 2024: \$291,500,000; and 2025: \$247,800,000.

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

Public Comments: Sandra and Blair Beekman expressed comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember David Cohen and carried unanimously, **Resolution No 80404** regarding actions related to the Long Duration Storage Project and Procurement Authority was adopted. (10-0-1. Absent: Esparza.)

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 22-267 Barriers to Affordable Housing Construction.**

Accept the report on barriers to affordable housing construction, and approve the following:

(a) Add the following work items to the Housing Crisis Work Plan to further assist affordable housing development based on the feedback received during outreach:

- (1) Create an impact fee registry;
- (2) Establish internal coordination meetings to help facilitate key deadlines for affordable developments; and
- (3) Evaluate the City's bond issuance and monitoring fees and consider strategies to eliminate the incentive to use outside bond issuers and encourage participation in the City's bond program.

(b) Explore a new temporary suspension, and clarification of existing exemptions, for the collection of the residential construction taxes listed below for affordable housing development:

- (1) Building and Structure Construction Tax;
- (2) Commercial-Residential Mobilehome Park Building Tax;
- (3) Residential Construction Tax; and
- (4) Construction Portion of the Construction and Conveyance Tax.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Economic Development and Cultural Affairs/Housing/ Planning, Building and Code Enforcement)

Housing Catalyst Jared Ferguson, Deputy Director of Housing Rachel VanderVeen; and Economic Development Director, Nanci Klein offered a presentation.

Public Comments: Blair Beekman, Sandra, Alex Shoor and Jill Borders gave comments.

Motion: Councilmember Sergio Jimenez moved approval of the report, including his memorandum dated March 4, 2022. Councilmember David Cohen seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the report on Barriers to Affordable Housing Construction was accepted, including direction as outlined in the memorandum from Councilmember Sergio Jimenez, dated March 4, 2022:

“If City Council approves staff recommendation (b), then direct staff to explore applying any suspension of (or exemption from) construction taxes only to Category 1 neighborhoods as defined in the Affordable Housing Siting Policy.”

(10-0-1. Absent: Esparza.)

**8.2 22-268 Funding Award with Goodwill of Silicon Valley for the San José Bridge Program.**

Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with Goodwill of Silicon Valley in the amount of \$2,850,000 from the American Rescue Plan Act and the Housing Trust Fund to operate the San José Bridge Program retroactive from December 1, 2021 through June 30, 2023.

CEQA: Not a Project, File No. PP17-009, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing) [Deferred from 2/15/2022 - Item 8.2 (22-150)]

Homelessness Response Manager Kelly Hemphill and Deputy Director of Housing, Ragan Henninger provided a presentation. Trish Dorsey representing Goodwill Industries answered questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No 80405** regarding actions related to the Funding Award with Goodwill of Silicon Valley for the San José Bridge Program was adopted. (10-0-1. Absent: Esparza.)

**8.3 22-269 Actions Related to Implementation and Amendment of the Commercial Linkage Fee Ordinance. DEFERRED**

(a) Approve an ordinance amending Chapter 5.11 of Title 5 of the San José Municipal Code, Commercial Linkage Fee to:

(1) Modify the payment timing to building permit and scheduling of final building inspection; and

(2) Add credits for constructing new affordable housing units or restricting market rate units as affordable housing and associated definitions.

(b) Adopt a resolution amending the 2021-2022 Schedule of Fees and Charges (Resolution No. 72737, as amended) to add the Commercial Linkage Fee and make certain changes thereto superseding Resolution No. 79705 to:

(1) Modify options for payment to provide a deferred payment option for Office and Industrial / research and development projects of 100,000 square feet or more including installments after the scheduling of the final building inspection;

(2) Provide a 20% discount to the fee amount when the fee is paid full at or prior to building permit issuance;

(3) Add the credit for constructing or restricting new affordable housing units; and

(4) Increase the maximum square footage for exemption of non-residential office buildings to 50,000 square feet.

(c) Direct staff to return in the fall of 2027 with a comprehensive review of the program including the amount of fees collected and an analysis of the effectiveness of the deferred payment option.

*(Item Continued on the Next Page)*

### 8.3 (Cont'd.)

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/Economic Development and Cultural Affairs/PBCE)

*Item Deferred Three Weeks per Orders of the Day.*

### 8.4 22-270 **Report on the Proposed Scope, Schedule and Budget for the Coyote Valley Monterey Corridor Study.**

Accept the report on the proposed scope of work, timeline and associated budget for the Coyote Valley Monterey Corridor Study.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 2. (Planning, Building and Code Enforcement)

Planning, Building and Code Enforcement Division Manager, Michael Brilliot provided a presentation.

Public Comments: Sean Hu (Coyote Creek Golf Club), Ken Saso, Chris Marchese, Norm Matteoni, Brian Schmidt, Lena (Santa Clara Valley Water) and Blair Beekman provided comments.

Motion: Councilmember Sergio Jimenez moved approval of the report including his memorandum dated March 4, 2022. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the report on the proposed scope of work, timeline and associated budget for the Coyote Valley Monterey Corridor Study was accepted, including the memorandum from Councilmember Sergio Jimenez, dated March 4, 2022, to:

1. Approve the staff recommendations.
2. Direct staff to schedule a meeting with Coyote Valley property owners to solicit input on potential uses for analysis.
3. Direct staff to ensure the Coyote Valley Monterey Corridor Study occurs in close coordination with the Coyote Valley Conservation Areas Master Plan (CVCAMP).
4. Evaluate the feasibility of developing complete street design recommendations for Monterey Road that support traffic safety for people and for wildlife.
5. Consider opportunities for placemaking and economic development for the village of Coyote.
6. Consider potential impacts of high-speed rail on the Monterey Road corridor.

(9-0-2. Absent: Cohen Esparza.)

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

## **10. LAND USE**

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

No Land Use items considered.

### **OPEN FORUM**

Sandra thanked the City Manager's Office and the Environmental Services team for their hard work and openness to public comment.

### **ADJOURNMENT**

The Council of the City of San José adjourned at 6:17 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

*Ruth Krantz*

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council June 13, 2023

**Attest:**



**Toni J. Taber, CMC**  
**City Clerk**

rmk/03-08-2022 MIN





**SAN JOSÉ CITY COUNCIL CLOSED SESSION**

**MARCH 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, Carrasco, Davis, Esparza, Mahan, Jimenez,  
Jones, Cohen, Peralez, Foley; 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: Haidar v. City, et al.  
Name(s) of Parties(s) Involved: 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 or Other Relief Sought: Damages according to proof

**B. 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

**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: 2

**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

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:            **International Union of Operating Engineers, Local No. 3 (OE#3)**

Nature of negotiations:            wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA:            Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

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:            **International Brotherhood of Electrical Workers, Local 332 (IBEW)**

Nature of negotiations:            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)

How to Obtain a copy of Existing Contract or MOA:            Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-

Contract or MOA: 8150