



# **City Council Meeting MINUTES**

**Tuesday, May 3, 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



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

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

• **Call to Order and Roll Call**

9:30 a.m. - Closed Session

**22-691** Closed Session: [See Page 15 for Closed Session Minutes](#)

Absent: Jones

1:34 p.m. -Afternoon Session

Present: Councilmembers - Carrasco, Mahan, Jimenez (via Zoom), Jones, Cohen, Esparza, Peralez, Arenas (via Zoom), Foley, Davis; Liccardo.

Absent: Councilmembers - All Present

• **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

• **Invocation (District 5)**

Professor Rosanna Alvarez spoke on the historical significance of Cinco de Mayo and the way it has historically solidified a sense of community and belonging in San José, reflecting on those that shape the city and our communities. She encouraged others to consider how their actions create ripples for the future.

• **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Arenas.)

• **Closed Session Report**

None.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Magdalena Carrasco presented a proclamation declaring May 1, 2022 as May Day, which commemorates and celebrates both the losses and wins of the labor movement and path towards workers' rights. Commendations were presented to Executive Officer, South Bay Labor Council, Jean Cohen; Executive Director, Santa Clara and San Benito Building and Construction Trades Council, David Bini; and Business Manager/ Secretary-Treasurer, LIUNA Local 270, Enrique Arguello.
- 1.2 Councilmember David Cohen presented a proclamation declaring April 24, 2022 as Armenian Genocide Remembrance day, to honor the victims of the Armenian Genocide and the contributions of the Armenian diaspora community in San José. He invited Chair of the Silicon Valley Chapter of the Armenian National Committee of America, Ani Yeni-Komshian to speak.(Cohen).
- 1.3 Vice Mayor Chappie Jones presented a proclamation declaring May 1<sup>st</sup> to May 7<sup>th</sup>, 2022 as National Small Business Week which celebrates entrepreneurs bringing new ideas to live and growing the national and community's economy. Vice Mayor Jones spoke to challenges Small Businesses faced during the COVID-19 pandemic and provided a proclamation to Executive Director, Access Enterprise SBDC, Dennis King. (Jones)

# **2. CONSENT CALENDAR**

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

Public Comments: Blair Beekman offered public comment.

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

### **2.2 22-633**

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

(a) Ordinance No. 30757 - An Ordinance of the City of San José Amending Section 2.08.2810, Section 2.08.2820, and 2.08.2830 of Chapter 2.08, Repealing Section 2.08.2860 of Chapter 2.08, and Adding Section 2.08.2870 to Chapter 2.08 of Title 2 of the San José Municipal Code to Add a Housing and Community Development Member Seat for Persons with Recent Experience Living in Homelessness, to Amend the Appointment Process and Provide a Stipend for Such Commissioner, and to Remove Outdated Provisions. [Passed for Publication on 4/19/2022 - Item 8.1 (22-461)]

(b) Ordinance No. 30758 - An Ordinance of the City of San José Rezoning 47 Properties from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, One Property from the CO Commercial Office Zoning District to the UV Urban Village Zoning District, 11 Properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, 34 Properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, Six Properties from the R-2 Two-Family Residential Zoning

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## 2.2 (Cont'd)

District to the UV Urban Village Zoning District, 16 Properties from the R-M Multiple Residence Zoning District to the UV Urban Village Zoning District, Two Properties from the LI Light Industrial Zoning District to the UV Urban Village Zoning District, 13 Properties from the CP Commercial Pedestrian Zoning District to the UVC Urban Village Commercial Zoning District, Two Properties from the CO Commercial Office Zoning District to the UVC Urban Village Commercial Zoning District, Six Properties from the CN Commercial Neighborhood Zoning District to the UVC Urban Village Commercial Zoning District, 13 Properties from the CG Commercial General Zoning District to the UVC Urban Village Commercial Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the UVC Urban Village Commercial Zoning District, 59 Properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, Eight Properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, Four Properties from the CG Commercial General Zoning District to the MUC Mixed Use Commercial Zoning District, Three Properties from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the R-M Multiple Residence District Zoning District to the MUC Mixed Use Commercial Zoning District, One Property from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, One Property from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, Two Properties from the CG Commercial General Zoning District to the Split Zoned UV Urban Village and UVC Urban Village Commercial Zoning Districts, One Property from the Split Zoned CP Commercial Pedestrian and R-1-8 Single-Family Residential Zoning Districts to the MUC Mixed Use Commercial Zoning District, One Property from the Split Zoned A Agriculture And CP Commercial Pedestrian Zoning Districts to the UV Urban Village Zoning District, One Property from the Split Zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UV Urban Village Zoning District, and One Property from the Split Zoned CP Commercial Pedestrian and R-M Multiple Residence Zoning Districts to the UR Urban Residential Zoning District, Located on those Certain Real Properties throughout the Valley Fair/Santana Row and West San Carlos Street Planned Growth Areas. Attachments [Passed for Publication on 4/19/2022 - Item 10.1(a) (22-517)]

Action: **Ordinance No. 30757** and **Ordinance No. 30758** were adopted. (11-0.)

## 2.3 Approval of Council Committee Minutes.

**2.4 22-668 Mayor and Council Excused Absence Requests**  
Request for an excused absence for: (a) Councilmember Arenas from the Regular Meeting for the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on April 20, 2022 due to illness. (b) Councilmember Esparza from the Regular Meeting for the City Council on April 26, 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 and Esparza) [Rules Committee referral 4/27/2022 - Item A.1.a]

Action: The requests for excused absences were approved. (11-0.)

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

None provided.

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

None provided.

## **2.7 22-011 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through June 2, 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. 80481** was adopted. (11-0.)

## **2.8 22-606 Actions Related to the T-Mobile Macro Site Projects.**

Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund to: (a) Increase the T-Mobile Macro Site Permitting City-Wide Expenses appropriation to the Planning, Building, and Code Enforcement Department by \$515,091; (b) Increase the T-Mobile Macro Site Process Reimbursement City-Wide Expenses appropriation to the City Manager's Office by \$125,000; and (c) Increase the estimate for Other Revenue by \$640,091.

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## 2.8 (Cont'd)

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

Action: **Appropriation Ordinance No. 30763** and **Funding Sources Resolution No. 80482** were adopted. (11-0.)

- 2.9      22-607      Report on Request for Proposal for As-Required Broadband, Wireless, and Cellular Equipment and Services.**
- Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to: (a) Negotiate and execute agreements with World Wide Technology, LLC (St. Louis, MO) and SmartWave Technologies, LLC (Suwanee, GA) for as-required broadband point-to-point and point-to-multipoint equipment and services (Package A) for an initial one-year term ending June 30, 2023, five one-year options to extend the agreements through June 30, 2028, and a maximum aggregate compensation not to exceed \$320,000 during the initial one-year term, subject to the appropriation of funds; (b) Negotiate and execute purchase orders with World Wide Technology, LLC (St. Louis, MO), SmartWave Technologies, LLC (Suwanee, GA), Netsync Network Solutions (Long Beach, CA), and InterVision Systems, LLC (Santa Clara, CA) for as-required wireless broadband long-term evolution cellular routing for remote wide area network equipment and services (Package B) for an initial one-year term ending June 30, 2023, five one-year options to extend the term of the purchase orders through June 30, 2028, and a maximum aggregate compensation not to exceed \$75,000 during the initial one-year term, subject to the appropriation of funds; (c) Negotiate and execute agreements with Netsync Network Solutions (Long Beach, CA) and SmartWave Technologies, LLC (Suwanee, GA) for as-required wireless radio frequency and cellular coverage for facilities equipment and services (Package C) for an initial one-year term ending June 30, 2023, five one-year options to extend the agreements through June 30, 2028, and a maximum aggregate compensation not to exceed \$240,000 during the initial one-year term, subject to the appropriation of funds; and (d) Negotiate and execute amendments and change orders for all agreements and purchase orders as required to address changes in the City's broadband needs and reallocate funding between providers within each package, consistent with the procurement and the City's standard terms and conditions, 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. 80483** was adopted. (11-0.)

- 2.10 22-608 **City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: Change Order #3 and On-Bill Financing Loan 4 Amendment to the PG&E Turnkey Service Agreement for Streetlight LED Conversion Project.**  
(a) Approve Change Order #3 for PG&E to perform work involving shoebox-shaped streetlight conversions in the amount of \$600,000 under the PG&E Turnkey Service Agreement for Streetlight LED Conversion project. (b) Adopt a resolution authorizing the City Manager to negotiate and execute an amendment with PG&E for On-Bill Financing Loan 4, to increase the payback period up to nine years. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c) Existing Facilities and PP19-024, CEQA Guidelines Section 15303(d) New Construction of Small Structures. (Transportation)

Action: **Resolution No. 80484** was adopted. (11-0.)

- 2.11 22-669 **Retroactive Request for Travel Authorization for Mayor Sam Liccardo.**  
Retroactively authorize travel for Mayor Liccardo to attend an announcement regarding Gun Violence Reduction in Washington, D.C. from April 10-12, 2022. Source of Fund: Mayor's Office Budget. 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 4/27/2022 - Item A.1.a]

Action: The retroactive request for Travel Authorization for Mayor Liccardo was approved. (11-0.)

- 2.12 22-673 **Retroactive Approval of a Dumpster Day 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 April 27, 2022: (a) Retroactively approve the Dumpster Day held at the Cambrian Park Plaza scheduled on April 9, 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 4/27/2022 - Item B.2]

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

- 2.13 22-676 **Approval of Three Dumpster Days Sponsored by Council District 5 as a 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 April 27, 2022: (a) Approve the Dumpster Day Events scheduled for May 7, 2022, May 21, 2022 and June 4, 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 events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 4/27/2022 - Item B.3]

Action: The City Council Sponsored Special Events were 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 22-609 Actions Related to the Great Oaks Water Company Application for Renewal of a Potable Water Franchise.**

(a) Hold a public hearing on the Great Oaks Water Company application for renewal of a potable water franchise per San José Municipal Code Section 15.40.720. (b) Approve an uncodified ordinance, to extend the term of the Great Oaks Water Company nonexclusive franchise until July 1, 2032, with no change in any other terms and conditions of the franchise. (c) Approve a Memorandum of Understanding with Great Oaks Water Company regarding shared commitment to explore future pilot project partnerships with the City. CEQA: Not a Project, File No. PP17-003 Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works/Environmental Services)

Mayor Sam Liccardo opened the public hearing. No public testimony was given.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously Uncodified **Ordinance No. 30764** was passed for publication. (11-0.)

#### **3.4 22-677 Board of Fair Campaign and Political Practices Appointment.**

(a) Interview applicant for appointment to the Board of Fair Campaign and Political Practices. (b) Appoint one applicant to a term ending March 1, 2025. PLEASE NOTE: APPROVAL OF THIS ITEM REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. San José Municipal Code Section 2.08.1610. (c) 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)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, Thomas Pavel was appointed to the Board of Fair Campaign and Political Practices Appointment for a term ending March 1, 2025. (11-0.)

### **4. PUBLIC SAFETY SERVICES**

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

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

- 6.1 22-313 Revisions to the City of San José’s Water Efficient Landscape Ordinance.**  
As recommended by the Transportation and Environment Committee on March 7, 2022: (a) Accept the report on Water Efficient Landscape Ordinance. (b) Approve an ordinance amending Section 15.08.500 of Chapter 15.08, Sections 15.10.030, 15.10.040, 15.10.290, 15.10.300 of Chapter 15.10, and Chapter 15.11 of Title 15, and Sections 17.72.530, 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 of the San José Municipal Code to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to clarify Potable Water Conservation Standards as revised with stakeholder input after the Transportation and Environment Committee meeting on March 7, 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; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Environmental Services/Planning, Building and Code Enforcement) [Transportation and Environment Committee referral 3/7/2022 - Item (d)1] [Deferred from 3/15/2022 - Item 6.1 (22-313); and 4/12/2022 - Item 6.1 (22-483)]

Deputy Director of the Water Resources Division, Environmental Services Department, Jeffrey Provenzano provided the presentation and responded to questions.

Public Comments: Blair Beekman offered public comment.

Action: Upon motion by Councilmember Matt Mahan seconded by Vice Mayor Chappie Jones and carried unanimously, the report was accepted, and (b) **Ordinance No. 30765** was passed for publication. (11-0.)

## **7. NEIGHBORHOOD SERVICES**

- 7.1 22-612 Municipal Golf Courses Update City Roadmap - Encampment Management and Safe Relocation Policy.**  
(a) Accept the staff report on the status of the City Roadmap - Encampment Management and Safe Relocation Policy and direct the City Manager to: (1) Maintain the Encampment Management strategy to provide sanitation and human services including the recommended setback guidelines and services, outreach, assistance, resources program criteria; (2) Approve implementation of a Coyote Creek bi-weekly trash pickup program for Fiscal Year 2022-2023 to align with the Direct Discharge focus areas; and (3) Explore the need to scale services to remove discharge/human waste from Recreational Vehicles and other lived-in vehicles. (b) Accept the update on the Guadalupe Gardens encampment abatement and rapid rehousing efforts and approve the extension of the Guadalupe Gardens cleanup to no later than September 30, 2022 to align with opening of relocation opportunities. (c) Accept the update on the Guadalupe River Trail Vehicle Prevention Project and work associated with development of the Prototype Park. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Housing) [Deferred from 4/12/2022 - Item 7.1 (22-485)]

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## 7.1 (Cont'd)

Department of Parks, Recreation & Neighborhood Services Director Jon Cicirelli, Deputy Director of Community Services Andrea Flores Shelton, Division Manager of Beautify SJ Olympia Williams, Deputy Director of the Capital Team Nicolle Burnham, Department of Housing's Director Jacky Morales-Ferrand and Deputy Director of Homeless Response Ragan Henninger provided the presentation and responded to questions.

Public Comments: Affordable Housing Network Sandy Perry; LEAB Member, Mike Eckhard; LEAB Member, Rose Barajas; LEAB Member, Lisa Reeve; Dr. Jackie Newton; SPUR, Erika Pinto; Law Foundation of Silicon Valley, Joanna Xing; Blair Beekman; Guadalupe Park Conservancy, Marguerite Lee; Catalyze SV, Alex Shoor; Tarhata Brazsal; Scott Largent; Law Foundation of Silicon Valley, Becky Moskowitz offered public comments.

Motion: Councilmember Dev Davis moved to approve her May 2, 2022 memorandum the May 2, 2022 memorandum authored by Councilmember David Cohen. This motion was seconded by Pam Foley.

Action: On a call to the question, the May 2, 2022 memorandum authored by Councilmember Dev Davis was approved to:

1. Accept staff recommendations with the modifications made in the memos dated April 29, 2022 that were authored by Councilmember Peralez; Councilmembers Jones and Mahan; and Mayor Liccardo, Vice Mayor Jones, et al; and the following additional modifications:
  - a. Prioritize using a consolidated database that improves processes, including data integration, refining the intake process, and developing a comprehensive workflow system for BeautifySJ and Housing database in the 2022-2023 Proposed Operating Budget. Continue quarterly snapshots of progress made by both departments.
  - b. Direct the BeautifySJ Interagency Team to:
    - i. Advocate for landscape design solutions on Caltrans property that deter encampment hotspots and decrease pedestrian crossing on hazardous roadways.
    - ii. Work with Caltrans and Santa Clara County to ensure homeless outreach and alternative housing options are offered to unhoused residents on Caltrans property, prior to abatement.
2. Include the abatement of Columbus Park as part of Phase III and
  - a. Direct staff to include unhoused individuals at Columbus Park in the housing assessment. Come back to Council in May 2022 with an update on efforts and integration
  - b. Direct Housing Resources and Outreach to set-up a resource/information booth at Columbus Park during the daytime to ensure the area is activated while Phase III continues.
  - c. Direct the City Manager to seek funding to include the abatement of Columbus Park as part of Phase III through the MBA process.
3. Send out a city-wide request for mechanics on all City platforms to accelerate operable or semi-operable vehicle repairs.
4. Expedite the construction timeline for Prototype Park to October 2022 to prevent re-encampment of Guadalupe Gardens.
5. Direct staff to find temporary parking for the Guadalupe Community Garden volunteers on Walnut Street or in a PRNS facility close to the Community Garden. Include the option to enforce posted parking rules along Walnut Street during volunteer hours.

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## 7.1 (Cont'd)

### **Councilmember Peralez dated April 29, 2022 to:**

1. Direct the City Administration to provide an update during the Homeless Annual Report on efforts of the Encampment Management Collaborative and its coordination between outreach and mental health services, as well as recommended strategies to support increased mental health service delivery to our unhoused population.
2. Expand setback guidelines to include the Children's Discovery Museum

### **Councilmembers Jones and Mahan dated April 29, 2022 to:**

Accept staff recommendation (a) with amendment to staff recommendation (a)(3) regarding exploring programming to remove discharge and human waste from recreational vehicles (RV) and other lived-in-vehicles as follows:

1. Research best practices from other cities for designated RV and lived-in vehicle locations for implementation within the City of San José in addition to the existing Safe Parking locations being considered;
2. Return to Committee or Council with a proposal and budget appropriation by the end of November 2022.

### **Councilmembers Peralez, Cohen, Davis, and Vice Mayor Jones, and Mayor Liccardo dated April 29, 2022 to:**

1. Return to Council in June with a month-by-month workplan that includes measurable outcomes related to:
  - a. The proposed housing plan and expected accomplishments between now and September 30th (e.g. the number individuals that will be housed in June, July, and August)
  - b. Working with the 27 unhoused residents who have not yet completed a VI-SPDAT assessment, and residents who attempt to encamp at the site who weren't captured in HomeFirst's latest census
  - c. Removing inoperable vehicles and debris, continuing vehicle repairs, and scaling down encampment footprints to 12'x12'
  - d. Installing additional cameras to deter illegal dumping
  - e. After residents have been rehoused, securing the site using k-rail or other temporary physical barriers until construction of the prototype park commences, and activating the site with maintenance workers, Resilience Corps members, SJ Bridge participants, and/or regular police bike patrols.
2. Direct the City Manager to produce a Manager's Budget Addendum that identifies the resources needed to rehouse the 40+ individuals living along the Guadalupe River Trail between W. Hedding and Santa Clara St. This work should not interfere with the proposed schedule or be cause for additional delays.

### **Councilmember Cohen dated May 2, 2022 to:**

1. Direct staff to return to Council through the Smart Cities and Services Improvement Committee with recommendations for developing an internal City application that will track outreach and services to encampments. The application should be readily accessible to City departments and Council offices, and should include the following:

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## 7.1 (Cont'd)

- a. A history of contacts and interactions between City personnel and the encampment
- b. Outcomes from each interaction
- c. Follow up actions and referrals to other City departments
- d. Wherever possible, details of outreach efforts from the county and our community partners. (11-0.)

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

### **8.1            22-613            Fifth Substantial Amendment to the Fiscal Year 2019-20 Annual Action Plan for the Use of Funds from the U.S. Department of Housing and Urban Development.**

(a) Hold a public hearing to allow for public comment. (b) Adopt a resolution relating to the following actions regarding a fifth amendment to the existing Fiscal Year 2019-20 Annual Action Plan that includes changes to the federal Emergency Solutions Grant Coronavirus Aid Relief, and Economic Security Act funds awarded by the U.S. Department of Housing and Urban Development (HUD) to the City: (1) Approve the following changes relating to the Substantial Amendment to the FY 2019-20 Annual Action Plan to: (i) Increase the ESG-CV2 funded LifeMoves Motel Voucher Program by \$3,000,000; (ii) Decrease the ESG-CV2 administration by \$2,000,000 to redirect to other programs and services; and (iii) Decrease the ESG-CV2 Encampment Support - Trash by \$1,000,000 to redirect to other programs and services; (2) Authorize the City's Housing Department to submit the Substantial Amendment to the HUD; and (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in these Annual Action Plan amendments and all related contract amendments, extensions, and changes. (c) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Multi-Source Housing Fund: (1) Decrease the ESG CARES II Grant Administration appropriation to the Housing Department by \$2,000,000; (2) Decrease the Hygiene/Infection Control appropriation to the Housing Department by \$1,000,000; and (3) Increase the Housing Shelter appropriation to the Housing Department by \$3,000,000. 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. (Housing/City Manager)

Housing Department's Director Jacky Morales-Ferrand and Deputy Director Ragan Henninger provided the presentation and responded to questions.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Blair Beekman offered public comments.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, public hearing was held, and (b) **Resolution No. 80485** and (c) **Appropriation Ordinance No. 30766** were adopted. (10-0-1 Absent: Carrasco.)

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

### **10. LAND USE**

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

None Provided

#### **10 Land Use – Regular Agenda**

- 10.2        22-614        City Roadmap - North San José Strategy: GPT21-003, PP21-008 & C21-018 – Amendment to the General Plan and North San José Area Development Policy; Amendment to Title 20 (Zoning Ordinance); and Amendment to Title 14, Chapter 14.29 (North San José Traffic Impact Fee Requirements). - RECOMMEND DEFERRAL**
- (a) Accept the February 18, 2022 North San José Traffic Impact Fee Plan Update. (b) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report amending the Envision San José 2040 General Plan and the North San José Area Development Policy (ADP) to: (1) Remove or modify references to the North San José ADP which will no longer apply to future development in North San José; (2) Increase the minimum density within the Transit Employment Residential Overlay (TERO) General Plan land use designation from 55 dwelling units per acre to 75 dwelling units per acre and remove the minimum floor area ratio requirement; and (3) Limit the application of the North San José ADP to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the North San José ADP to the effective date of the resolution making such changes, and making the North San José Traffic Impact Fee inapplicable to future North San José development projects. (c) Adopt a resolution amending the Envision San Jose 2040 General Plan pursuant to Title 18 of the San José Municipal Code to make modifications and clarifying revisions to remove references to the North San José Area Development Policy and amend the General Plan to raise the minimum density within the TERO Transit Employment Residential Overlay designation. (d) Approve an ordinance amending San José Municipal Code Title 20 (Zoning Ordinance) to add Chapter 20.65 “Overlay Districts” including the “TERO Transit Employment Residential Overlay District,” and amending the Zoning District Map to include the “TERO Transit Employment Residential Overlay District”. (e) Approve an ordinance amending San José Municipal Code Title 14, Chapter 14.29 (North San José Traffic Impact Fee Requirements) to limit the application of Chapter 14.29 to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the ADP to the effective date of the resolution making such changes, and making the North San José Traffic Impact Fee

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## 10.2 (Cont'd.)

inapplicable to future North San José development project. CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617). Planning Commission recommends approval (9-1-1; Oliverio oppose; Terrens absent). Council Districts 3 and 4. (Planning, Building and Code Enforcement) RECOMMEND DEFERRAL TO 5/17/2022 PER ADMINISTRATION

### ITEM DEFERRED TO 5/17/2022 PER ADMINISTRATION

#### • **Open Forum**

1. Blair Beekman spoke on the CEQA process as it relates to housing issues and spoke to the level of care required in discussing the matter of money. He also expressed hope for peaceful solutions to the war in Ukraine.
2. Kirk Vartan, A Slice of New York, expressed concern over the Mayor's lack of outreach and community engagement on next week's vote on approving a gun related ordinance. He expressed a desire to partner with the city to bring this topic to a discussion with community members in San Jose.

#### • **Adjournment**

The Council of the City of San José adjourned at 5:50 p.m

Minutes Recorded, Prepared, and Respectfully Submitted by,

Grace Turner  
Deputy City Clerk

get/05-03-22 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

MAY 3, 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, Mahan, Jimenez, Esparza, Cohen,  
Peralez, Foley; Liccardo.

Absent: Councilmembers - Jones

Closed Session Item(s) discussed:

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

1. Case Name: Protecting the Children of Orchard Elementary v. City of San Jose, et. Al.,  
Name(s) of Partie(s) INVOLVED: PROTECTING THE CHILDREN OF ORCHARD SCHOOL,  
Involved: CITY OF SAN JOSE; DOES 1 through 100, inclusive  
Court: Superior Court of California, County of Santa Clara  
  
Case No.: 20CV370153  
  
Amount of Money or Other Relief Sought: Writ of Mandate to set aside a project approval
2. Case Name: Haidar v. City, et al.,  
Name(s) of Partie(s) INVOLVED: NABIL HAIDAR, CITY OF SAN JOSE, SAN JOSE POLICE  
Involved: 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.
3. Case Name: NAACP of San Jose Silicon Valley et al., v. City, et al.,  
Name(s) of Partie(s) INVOLVED: NAACP OF SAN JOSÉ/ SILICON VALLEY; SAN JOSÉ  
Involved: PEACE AND JUSTICE CENTER; M. MICHAEL ACOSTA,

AS AN INDIVIDUAL; AND JOSEPH CAÑAS; LESLIE VASQUEZ; PETER ALLEN; SHAUNN CARTWRIGHT; YESSICA RILES; JOSÉ GUSTAVO FLORES RODRIGUEZ; ALEX LEE; JOSÉPH MALDONADO; CINDY CUELLAR; MAHMOUDREZA NAEMEH; AND MEGAN SWIFT, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, CITY OF SAN JOSÉ; SAM LICCARDO; EDGARDO GARCIA; DAVID SYKES; JASON DWYER; RONNIE LOPEZ, LEE TASSIO, JARED YUEN; SEAN MICHAEL CURRY, OFFICER FNU DELGADO, and DOES 1-100

Court: U.S. District Court; District of Northern California

Case No.: 4:21-cv-01705-PJH

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

4. Case Name: Harper, Timothy v. City of San Jose, et al.

Name(s) of Partie(s) TIMOTHY HARPER; CITY OF SAN JOSE, EDGARDO  
Involved: "EDDIE" GARCIA, JASON DWYER, CHRISTOPHER SCIBA, JARED YUEN

Court: U.S. District Court; District of Northern California

Case No: 5:21-cv-0019-BLF

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

**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: 2

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

1. Organization or Name **Association of Engineers & Architects (AEA)**  
and Title of  
Unrepresented  
Employees:

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

Name of Existing Memorandum of Agreement – City of San José and  
Contract or MOA: 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
2. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.
- 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
3. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**  
Nature of negotiations: 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 (CAMP)  
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: **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

By unanimous consent, Council recessed from the Closed Session to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.

