



City Council Meeting Amended Agenda

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



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** 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.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 993 4684 3938. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/99346843938>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

Interpretation is available in Spanish. In your webinar controls, select "Interpretation." Click the language you would like to hear.

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

[22-255](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

- **Pledge of Allegiance**

- **Invocation (District 3)**

Michelle Ramirez Martinez, Bay Area Women's Sports Initiative

- **Orders of the Day**

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

To be heard after Ceremonial Items

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)

1.2 Presentation of a proclamation declaring March 12, 2022 as Mexico's Aztec New Year. (Carrasco)

1.3 Presentation of a commendation to Kanta Khiatani in recognition of her tireless efforts and dedication to our seniors, communities, and beyond. (Arenas)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[22-320](#)

Mayor and Council Excused Absence Requests.

Recommendation:

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]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

- 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.**

Recommendation: 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)

Attachments [Memorandum](#)
 [Resolution](#)

- 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.**

Recommendation: 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)

Attachments [Memorandum](#)

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

Recommendation:

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)

Attachments [Memorandum](#)

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

Recommendation:

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)

Attachments [Memorandum](#)

2.11 [22-259](#) Donor Recognition in the California Room at the Dr. Martin Luther King, Jr. Library.

Recommendation: 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)

Attachments [Memorandum](#)

2.12 [22-260](#) Amendment to Chapter 4.10 of Title 4 of the San José Municipal Code Related to the Debarment of Contractors.

Recommendation: (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)

Attachments [Memorandum](#)
 [Ordinance](#)
 [Resolution](#)

2.13 [22-261](#) Actions Related to the 9217 - Park: All Inclusive Playground - Emma Prusch - Re-Bid Project.

Recommendation: (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:

 (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)

Attachments [Memorandum](#)

2.14 [22-262](#) Actions Related to the I-680 Soundwall Project.

Recommendation: 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)

Attachments [Memorandum](#)

2.15 [22-333](#) Actions Related to the Naming Rights of the Competition Arena at the Ice Centre of San José.

Recommendation:

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

(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)]

Attachments [Memorandum](#)
[Resolution](#)

2.16 [22-271](#) Boards and Commissions Appointment.

Recommendation:

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]

Attachments [Memorandum](#)
[Conflicts of Interest Memorandum](#)
[Application](#)

2.17 [22-324](#) Request for Travel Authorization for Councilmember Jimenez.

Recommendation: 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]

Attachments [Memorandum](#)

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.

Recommendation: 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
(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]

Attachments [Memorandum](#)

- 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.**

Recommendation: 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]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

- 3.3 [22-264](#) City Roadmap Second Quarter 2021-2022 Update.**

Recommendation: 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)]

Attachments [Memorandum](#)
[Presentation - est. 10 minutes](#)

- 3.4 [22-263](#) Amendment to the Vendor Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. - DROP**

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

Recommendation: 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.
- (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]

Attachments [Memorandum](#)
 [Memorandum from Mayor, 3/2/2022](#)
 [Letters from the Public](#)

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.****Recommendation:**

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 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)

Attachments [Memorandum](#)
[\(a\)\(1\) Agreement](#)
[\(a\)\(2\) Agreement](#)
[Resolution](#)
[Presentation - est. 10 minutes](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-267](#) Barriers to Affordable Housing Construction.

Recommendation: 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)

Attachments [Memorandum](#)
[Memorandum from Jimenez, 3/4/2022](#)
[Presentation - est. 10 minutes](#)

8.2 [22-268](#) **Funding Award with Goodwill of Silicon Valley for the San José Bridge Program.**

Recommendation: 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)]

Attachments [Memorandum](#)
[Presentation - est. 10 minutes](#)

8.3 [22-269](#)**Actions Related to Implementation and Amendment of the Commercial Linkage Fee Ordinance.****Recommendation:**

(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.

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/Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Supplemental Memorandum, 3/7/2022](#)
[Memorandum from Cohen, Jimenez & Carrasco, 3/4/2022](#)
[Memorandum from Liccardo, 3/8/2022](#)
[Memorandum from Davis, 3/8/2022](#)
[Ordinance](#)
[Resolution](#)
[Presentation](#)
[Letters from the Public](#)

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

Recommendation: 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)

Attachments [Memorandum](#)
[Memorandum from Jimenez, 3/4/2022](#)
[Letters from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

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

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.