



City Council Meeting Amended Agenda

Tuesday, May 24, 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, 80363, 80400, 80445 and 80481, 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 ilegislare 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

[22-745](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session

- **Pledge of Allegiance**

- **Invocation (District 5)**

Dr. Gel Cortez

- **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 declaring May 2022 as Asian American and Pacific Islander Heritage Month. (Carrasco)

1.2 Presentation of a proclamation recognizing May 2022 as Affordable Housing Month. (Perez)

1.3 Presentation of a proclamation recognizing May 26, 2022 as the first annual remembrance day for the VTA railyard tragedy. (Mayor)

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.

[22-765](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30769 - An Ordinance of the City of San José Amending Chapter 10.32 of Title 10 (Public Peace, Morals and Welfare) of the San José Municipal Code to Add a New Part 7 to Require Privately Made Firearms, Commonly Referred to as “Ghost Guns,” to Comply with State Law, Prohibit Nonexempt Persons from Possessing, Selling, Offering for Sale, Transferring, Purchasing, Transporting, Receiving or Manufacturing an Unfinished Firearm Frame or Receiver that has not been Imprinted with a Serial Number and Prohibiting Nonexempt Persons from Possessing, Manufacturing or Assembling a Privately Made Firearm that has not been Imprinted with a Serial Number.

[Passed for Publication on 5/10/2022 - Item 4.1 (22-660)]

(b) Ordinance No. 30770 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 5.4 Gross Acres Situated on the Southeast Corner of McEvoy and Dupont Street (226 to 254 McEvoy Street and 205 Dupont Street) (APN: 261-38-005, 018, 037, 057, 064, 065 & 067) from the R-M Multiple Residence Zoning District to an R-M(PD) Planned Development Zoning District.

[Passed for Publication on 5/10/2022 - Item 10.1(b)(2) (22-662)]

Attachments [Letter from the Public](#)

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[22-802](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Carrasco from the Regular Meeting for the City Council on May 17, 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. (Carrasco)

Attachments [Memorandum](#)**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [22-746](#)**Amendment to the Master Consultant Services Agreement with HNTB Corporation.****Recommendation:**

Approve a First Amendment to the Master Consultant Services Agreement with HNTB Corporation for professional consulting services, extending the term from June 5, 2022 to December 31, 2023, increasing the maximum compensation by \$500,000. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

Attachments [Memorandum](#)
[Agreement](#)

- 2.8** [22-012](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through June 23, 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](#)

- 2.9** [22-747](#) **Set a Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments.**

Recommendation: (a) Preliminarily approve the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by City Council.
 (b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2022-2023, suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for the business tax financial hardship exemption under the City's General Business Tax Ordinance, and set Tuesday, June 14, 2022 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3.
(Economic Development and Cultural Affairs)

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

2.10 [22-748](#)**Actions Related to the Purchase Order with Bibliotheca Library Solutions, LLC for Smart Lockers.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Bibliotheca Library Solutions, LLC (San Rafael, CA) to provide smart lockers and associated software for the Library Department, including related professional services such as implementation, training, maintenance, and support, for a maximum compensation not to exceed \$568,994 during the initial one-year term beginning on or about May 25, 2022 and ending May 24, 2023;
- (b) Approve a contingency of \$100,000 for any unanticipated expenses for system installations, maintenance, and support during the initial one-year term, subject to the appropriation of funds; and
- (c) Exercise up to nine additional one-year options to extend the term of the purchase order with the last option ending on or about May 24, 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 [22-749](#)

Amendment to the Agreements with Universal Protection Service, LP DBA Allied Universal Security Services for Airport Terminal Support and Citywide Security Guard Services.

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the First Amendment to the Agreement with Universal Protection Service, LP dba Allied Universal Security Services (formerly First Alarm Security & Patrol, Inc., dba First Security Services) for On-Call Airport Terminal Support Services to add up to two additional one-year options for a total of six options to extend the term through June 30, 2024, under the same material terms and conditions as the original agreement, for a maximum compensation of \$405,000 for the option term beginning July 1, 2022 and ending June 30, 2023, subject to the appropriation of funds; and
- (b) Negotiate and execute Amendments to the Agreements with Universal Protection Service, LP dba Allied Universal Security Services (formerly First Alarm Security & Patrol, Inc., dba First Security Services) for Citywide Security Guard Services for the Department of Public Works, the Environmental Services Department, the Parks, Recreation and Neighborhood Services Department, the Airport Department, and the Department of Transportation to add up to two additional one-year options for a total of seven options to extend the terms of the agreements through March 31, 2025 under the same material terms and conditions as the original agreement with option term price adjustments subject to changes in living wage and all options 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](#)

2.12 [22-750](#) **Open Purchase Order with Rand Worldwide Subsidiary Inc. for As Required Autodesk Licenses and Training.**

Recommendation: Adopt a resolution authorizing the City Manager to execute an open citywide purchase order with Rand Worldwide Subsidiary Inc. (Owing Mills, MD) for up to three one-year option terms through May 6, 2025 for as required Autodesk licenses and training with maximum compensation not to exceed \$320,000 for the option beginning May 7, 2022 and ending May 6, 2023, 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](#)

2.13 [22-751](#) **Actions Related to Agreement with Charities Housing for Affordable Housing Located at 71 Vista Montana.**

Recommendation: (a) Adopt a resolution authorizing the Director of Housing to:
 (1) Negotiate and execute an extension to the Exclusive Negotiation Agreement between the City and Charities Housing for development of affordable housing at the City-owned Vista Montana site, located on 71 Vista Montana, San José, CA 95134;
 (2) Negotiate and execute a Right of Entry Agreement with Charities for predevelopment activities including environmental review; and
 (3) Negotiate and execute a Predevelopment Loan between the City and Charities in an amount not to exceed \$2,000,000, and any amendments or modifications thereto.
(b) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Low-and-Moderate Income Housing Asset Fund:
 (1) Decrease the Housing Project Reserve appropriation by \$2,000,000; and
 (2) Increase the Housing Loans and Grants appropriation by \$2,000,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 4. (Housing/City Manager)

Attachments [Memorandum](#)

2.14 [22-752](#) Amendment to the Agreement with Moore, Iacofano, Goltsman Inc. for Design Services for the All-Inclusive Playground at Almaden Lake Park.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Master Agreement with Moore, Iacofano, Goltsman Inc. for the All-Inclusive Playground at Almaden Lake Park (Master Agreement No. 663484) to increase the maximum total compensation by \$500,000 from \$750,000 to \$1,250,000 and extend the agreement from April 30, 2023 to December 31, 2024. CEQA: Categorically Exempt, File No. PP19-001, CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Parks, Recreation and Neighborhood Services).

Attachments [Memorandum](#)

2.15 [22-753](#) Amendment to the Cost-Sharing Agreement with West Valley Sanitation District for Construction, Operation and Maintenance of Joint Use Sanitary Sewers.

Recommendation: Approve the Second Amendment to the Cost-Sharing Agreement with West Valley Sanitation District extending the term of the Agreement by three years through June 30, 2025, for construction, operation and maintenance of joint use sanitary sewers. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Attachments [Memorandum](#)
[Agreement](#)

2.16 [22-754](#) Actions Related to the Vehicle Maintenance and Operations Fund.

Recommendation: Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the Vehicle Maintenance and Operations Fund:

- (a) Increase the estimate for Transfers and Reimbursements by \$647,000;
- (b) Decrease the Unrestricted Ending Fund Balance by \$248,000; and
- (c) Increase the Inventory Purchases appropriation to the Public Works Department by \$895,000.

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. (Public Works/City Manager)

Attachments [Memorandum](#)

2.17 [22-755](#) Amendment to the Master Agreement with California Department of Transportation for State-Aid Transportation Projects.

Recommendation: Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute the amended Master Agreement with the California Department of Transportation (Caltrans) for State-Aid Transportation Projects; and
- (b) Negotiate and execute Program Supplement Agreements, Fund Exchange Agreements, or Fund Transfer Agreements, and any amendments thereto, with Caltrans for State Funded Transportation Programs/Projects enabling the City to receive funds for qualifying programs/projects.

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

Attachments [Memorandum](#)
[Agreement](#)

2.18 [22-756](#) Amendment to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC. For Parking Spaces at the Convention Center Garage.

Recommendation: Adopt a resolution authorizing the City Manager to execute an amendment to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC (Marriott Hotel) to reduce the number of parking spaces leased from the City at the Convention Center Garage from 193 to 134 spaces.

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts (New or Amended) that will result in no physical changes to the environment. Council District 3. (Transportation)

Attachments [Memorandum](#)
[Agreement](#)

2.19 [22-798](#) SB 1100 (Cortese): Open Meetings - Orderly Conduct. - RENUMBERED FROM ITEM 3.4

Recommendation: As recommended by the Rules and Open Government Committee on May 11, 2022, adopt a position of support on SB 1100 (Cortese).

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

[Rules Committee referral 5/11/2022 - Item C.2]

[RENUMBERED FROM ITEM 3.4 (22-784)]

Attachments [Memorandum](#)

2.20 [22-800](#) Request for Travel Authorization for Mayor Liccardo.

Recommendation: Authorize travel for Mayor Liccardo to Reno, NV from June 3-5, 2022, to attend the United States Conference of Mayors (USCM) 2022 Annual Meeting. Source of Fund: Mayor/Council Travel Budget.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo)

[Rules Committee referral 5/18/2022 - Item A.1.a]

Attachments [Memorandum](#)
[Supplemental Memorandum](#)

- 2.21** [22-801](#) **Approval of a Ceremonial Moment of Silence on May 24, 2022, and Approval of City Hall Tower and Rotunda Lighting Display on May 26, 2022, in Remembrance of the Victims of the VTA Tragedy, Sponsored by the Mayor's Office as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation: (a) Approve the Ceremonial Moment of Silence at the May 24, 2022 Council Meeting, and approve the City Hall Tower and Rotunda Lighting Display on May 26, 2022 in Remembrance of the Victims of the Valley Transportation Authority (VTA) Tragedy; 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. (Liccardo)
[Rules Committee referral 5/18/2022 - Item A.1.a]

Attachments [Memorandum](#)

- 2.22** [22-803](#) **VEBA Advisory Committee Appointment.**

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2022, approve the following appointment to the VEBA Advisory Committee for a four-year term, beginning June 1, 2022 and ending on May 31, 2026:
(a) Shane Curtain, as the representative nominated by the Federated unions.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 5/18/2022 - Item B.2]

Attachments [Memorandum](#)

2.23 [22-806](#) Retroactive Approval of Dia Del Niño Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2022:
(a) Retroactively approve the Dia Del Niño event scheduled on April 30, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment.(Carrasco)
[Rules Committee referral 5/18/2022 - Item B.3]

Attachments [Memorandum](#)

2.24 [22-810](#) Approval of Azerbaijan Flag Raising Event Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2022:
(a) Approve the Azerbaijan Flag Raising Event scheduled on June 3, 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. (Jones)
[Rules Committee referral 5/18/2022 - Item B.4]

Attachments [Memorandum](#)

2.25 [22-814](#) Approval of Juneteenth Day City Hall Lighting Display and Flag Raising Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2022:
(a) Approve the City Hall Lighting Display and Flag Raising Event for Juneteenth Day scheduled on June 13, 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. (Jones)
[Rules Committee referral 5/18/2022 - Item B.5]

Attachments [Memorandum](#)

- 2.26 [22-818](#)** **Retroactive Approval of Penitencia Neighborhood Association Dumpster Day and Baypointe Park Activation and Neighborhood Celebration and Approval of Alviso Dumpster Day and Vista Montana Neighborhood Celebration Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation: As recommended by the Rules and Open Government Committee on May 18, 2022:

- (a) Retroactively approve the Penitencia Neighborhood Association Dumpster Day scheduled on May 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Baypointe Interim Park Activation and Neighborhood Celebration scheduled on May 18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve the Alviso Dumpster Day scheduled on June 4, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve the Vista Montana Neighborhood Celebration scheduled on June 11, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 5/18/2022 - Item B.6]

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 [22-757](#) City Roadmap Third Quarter 2021-2022 Update.

Recommendation: Accept the third 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)

Attachments [Memorandum](#)
[Memorandum from Arenas, 5/23/2022](#)
[Presentation - est. 20 minutes](#)

3.4 [22-784](#) SB 1100 (Cortese): Open Meetings - Orderly Conduct. - RENUMBERED TO ITEM 2.19

Recommendation: [RENUMBERED TO ITEM 2.19 (22-798)]

3.5 [22-797](#) Public Member Appointment to the Board of Administration for Police and Fire Retirement Plan.

Recommendation: (a) Interview applicant for the Public Member Seat; and
 (b) Appoint one applicant as a Public Member to the Police and Fire Retirement Plan Board to a term ending November 30, 2024.
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 5/18/2022 - Item A.1.a]

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

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

5.1 [22-758](#) Award of Construction Contract for the 2022 Local Streets Microsurfacing Project.

Recommendation: (a) Approve award of a construction contract for the 2022 Local Streets Microsurfacing Project, to the lowest bidder, VSS International, Inc., in the amount of \$3,970,120.
 (b) Approve an approximate 10% contingency in the amount of \$397,000.
 CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

5.2 [22-759](#) City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: Award of Construction Contract for the 2022 Local Streets Resurfacing #1 Project.

Recommendation: (a) Approve award of a construction contract for the 2022 Local Streets Resurfacing #1 Project, to the lowest bidder, MCK Services Inc., in the amount of \$9,288,165.
 (b) Approve an approximate 10% contingency in the amount of \$928,800.
 CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 8 and 10. (Transportation)

Attachments [Memorandum](#)

5.3 [22-760](#) Award of Construction Contract for the 2022 Major Streets Resurfacing Project.

Recommendation: (a) Approve award of a construction contract for the 2022 Major Streets Resurfacing Project, to the low bidder, DeSilva Gates Construction LLC, in the amount of \$17,779,779.
 (b) Approve an approximate 5% contingency in the amount of \$889,000.
 CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 [22-767](#) **Master Service Agreement with Kimley-Horn and Associates, Inc. for Engineering Design and Construction Support Services for Legacy Lagoon Clean Up Phase 2 Project at the San Jose-Santa Clara Regional Wastewater Facility.**

Recommendation: Approve the consultant Master Service Agreement with Kimley-Horn and Associates, Inc. for engineering design and construction support services for Legacy Lagoon Phase 2 Project at the San José-Santa Clara Regional Wastewater Facility, for a full term through June 30, 2028, and a maximum not to exceed amount of \$3,000,000, subject to the appropriation of funds.
CEQA: Addendum to San José/Santa Clara Water Pollution Control Plant Master Plan Final Environmental Impact Report (Resolution No. 76858), File No. ER20-007. Council District 4. (Environmental Services)

Attachments [Memorandum](#)
 [Agreement](#)
 [Supplemental Memorandum, 5/23/2022](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-761](#)**Actions Related to the Affordable Housing and Sustainable Communities Round 4 Grant for the Roosevelt Park Apartments.****Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or designee to accept the grant of the California Strategic Growth Council and/or California Department of Housing and Community Development of \$4,014,238, awarded under Round 4 of the Affordable Housing and Sustainable Communities program for the Roosevelt Park Apartments.
- (b) Adopt a resolution authorizing the City Manager or designee to accept the forgivable loan of the California Department of Housing and Community Development of \$42,170,000 awarded under Round 1 of the California Housing Accelerator Program (Accelerator Program) for the Roosevelt Park Apartments; and enter into, execute and deliver the Standard Agreement for the Accelerator Program loan in connection with Roosevelt Park Apartments, and all other documents required or deemed necessary or appropriate to comply with and implement Accelerator Program loan and Accelerator Program requirements, and to ratify the execution and submittal of the application for the Accelerator Program.
- (c) Adopt a resolution:
- (1) Approving a Funding Loan Increase of \$1,880,000 from \$9,415,000 for a total commitment of \$11,295,000; and
 - (2) Authorizing a change in City loan terms to allow an increase in the Development's rents and income up to 60% Area Median Income (low income) for new tenants in subsidized units in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds.
- (d) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Low-and Moderate-Income Housing Asset Fund:
- (1) Decrease the Housing Project Reserve appropriation by \$1,880,000;
 - (2) Decrease the Committed Projects Reserve appropriation by \$9,415,000; and
 - (3) Increase the Housing Loans and Grants appropriation to the Housing Department by \$11,295,000.
- CEQA: Mitigated Negative Declaration for the Roosevelt Park Apartments Mixed-Use Development, File No. SP17-027. Council District 3. (Housing/City Manager)

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)

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.