



City Council Meeting Amended Agenda

Tuesday, January 25, 2022

1:30 PM

Virtual Meeting - <https://sanjoseca.zoom.us/j/99346843938>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



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 your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- 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 amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- 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 and 80343, 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 ilegislate 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.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

22-007 Closed Session Agenda

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session - Cancelled

*The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**

- Invocation (District 1)

- 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 January 25, 2022 as International Holocaust Remembrance Day. (Jimenez)

1.2 Presentation of a proclamation declaring January 24, 2022 as International Day of Education. (Perez)

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.

22-092 Approval of City Council Minutes.

Recommendation: (a) City Council Special Meeting - Climate Smart San José Minutes of November 8, 2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 Final Adoption of Ordinances.

22-044 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30712 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.77 Gross Acres Situated on the South Side of East Santa Clara Street, East of South 26th Street, and North of Shortridge Avenue (1260 East Santa Clara Street; APNs: 467-33-001, 467-33-002, 467-33-003, 467-33-004, 467-33-006, 467-33-007, and 467-33-008) from the CG Commercial General Zoning District and LI Light Industrial Zoning District to a CP(PD) Planned Development Zoning District.
[Passed for Publication on 1/11/2022 - Item 10.2(b) (21-2649)]
(b) Ordinance No. 30713 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.69 Gross Acre Situated on the East Side of South Winchester Boulevard Approximately 270 Feet South of Fireside Drive (1212-1224 South Winchester Boulevard) (APNs: 279-17-020 & 279-17-021) from the R-1-8 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District.
[Passed for Publication on 1/11/2022 - Item 10.3(b) (21-2650)]

2.3 Approval of Council Committee Minutes.

22-093 Approval of Council Committee Minutes.

Recommendation: (a) Special Neighborhood Services and Education Committee Meeting Minutes of November 4, 2021.
(b) Regular Neighborhood Services and Education Committee Meeting Minutes of December 9, 2021.
(c) Regular Neighborhood Services and Education Committee Meeting Minutes of January 13, 2022.
(d) Joint County of Santa Clara/Public Safety, Finance and Strategic Support Committee Special Meeting - Gender-Based Violence and Child Sexual Abuse Minutes of November 5, 2021.
(e) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of November 18, 2021.
(f) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of December 16, 2021.
(g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 17, 2021.
(h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 1, 2021.
(i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 8, 2021.
(j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 5, 2022.
(k) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 12, 2022.
(l) Regular Community and Economic Development Committee Meeting Minutes of November 22, 2021.
(m) Regular Smart Cities and Service Improvements Committee Meeting Minutes of December 2, 2021.
(n) Regular Transportation and Environment Committee Meeting Minutes of December 6, 2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.4 Mayor and Council Excused Absence Requests.**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 22-022 Calling for Municipal Elections on June 7, 2022 and November 8, 2022.**

Recommendation: Adopt a resolution calling for a Regular Municipal Election on June 7, 2022 and a Run-Off Municipal Election on November 8, 2022, if necessary, for the purpose of electing a Mayor and Council Members for Districts 1, 3, 5, 7, and 9 and requesting consolidation with the County of Santa Clara.

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

2.8 22-025 Retroactive Approval of City Hall Tower and Rotunda Lighting Events During January 2022 and February 2022 in Colors Associated with the Celebration of Dr. Martin Luther King Jr. Day, and Tet Vietnamese and Chinese New Year Festivals.

Recommendation: Retroactively approve City Hall Tower and Rotunda lighting scheduled from January 2, 2022 through February 12, 2022 in colors associated with the celebration of Martin Luther King Jr. Day, and Tết Vietnamese and Chinese New Year festivals as a Ceremonial Item.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Manager)

2.9 22-026 Actions Related to California Volunteers for the CaliforniansForAll Youth Workforce Development Program.

Recommendation: (a) Adopt a resolution authorizing the City Manager to:

- (1) Accept the \$13,976,741 grant from California Volunteers for the CaliforniansForAll Youth Workforce Development initiative to continue and expand the Resilience Corps Program; and
- (2) Negotiate and execute any documents necessary to accept the grant.

(b) Adopt the following 2021-2022 Funding Sources Resolution and Appropriation Ordinance Amendments in the General Fund:

- (1) Increase the estimate for Revenue from Federal Government appropriation by \$1,911,903; and
- (2) Establish the CaliforniansForAll Youth Workforce Program City-wide appropriation to the Office of Economic Development and Cultural Affairs in the amount of \$1,911,903.

(c) Adopt a resolution authorizing the City Manager to negotiate and execute agreements with San Jose Conservation Corps, San Jose Public Library Foundation, and as needed to Keep Coyote Creek Beautiful, Trash Punx, Our City Forest, Veggielution, San Jose Downtown Association, Goodwill of Silicon Valley and Guadalupe River Park Conservancy to implement the program in a combined amount not to exceed the grant award.

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

2.10 22-027 Actions Related to the Purchase Orders for Trucking and Debris and Asphalt Hauling Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with One Stop, Inc. dba San José Transport (Gilroy, CA), 101 Trucking, Inc, (Gilroy, CA), and Alviso Rock, Inc (Alviso, CA) for trucking and debris and asphalt hauling services for an initial twelve-month period, starting on or about January 26, 2022 and ending on or about January 25, 2023, for a total cumulative compensation not-to exceed amount of \$593,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about January 25, 2027, subject to the annual appropriation of funds.

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

2.11 22-028 Actions Related to the Purchase Orders for Elgin Crosswing and Broom Bear Street Sweeper Rental Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with Owen Equipment Sales, Inc. (Fairfield, CA) and Municipal Maintenance Equipment, Inc. (Sacramento, CA) for Elgin Crosswing and Broom Bear street sweeper rental services for an initial twelve-month period, starting on or about January 26, 2022 and ending on or about January 25, 2023 for a combined maximum not-to exceed compensation of \$500,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about January 25, 2027, subject to the annual appropriation of funds.

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

2.12 22-029 Actions Related to the Purchase Order with Carahsoft Technology Corp., for a Capital Project Management System.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Carahsoft Technology Corp. (Reston, VA) to provide a capital project management system for the Department of Public Works, including related professional services such as implementation, training, maintenance, and support, for a maximum compensation not to exceed \$139,090 during the initial one-year term beginning on or about January 26, 2022 through January 31, 2023; and
- (b) Exercise up to five additional one-year options to extend the term of the purchase order through January 31, 2028, 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)

2.13 22-030 Actions Related to the Purchase Order with Geveko Markings, Inc. for Preformed Thermoplastic Pavements Striping Materials.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Geveko Markings, Inc. (Gainesville, GA) for preformed thermoplastic pavement striping materials for a twelve-month period, starting on or about January 26, 2022 and ending on January 11, 2023, for an amount not to exceed \$935,868; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about January 25, 2027, subject to the appropriation of funds.

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

2.14 22-031 Actions Related to the Purchase Order with R.A.C. Services, LLC for Enhanced Maintenance and Ambassador Services at St. James Park.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with R.A.C. Services, LLC (Gilroy, CA) for enhanced maintenance and ambassador services at St. James Park for an initial twelve-month period starting on or about January 26, 2022 and ending on or about January 25, 2023, for an amount not-to exceed \$125,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about January 25, 2027, subject to the annual appropriation of funds.

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

2.15 22-032 Amendment to the Turnkey Parkland and Excess Credit Agreement for the Flea Market Project.

Recommendation: Approve the First Amendment to the “Turnkey Parkland and Excess Credit Agreement” to:

- (a) Allow for a one-time payment of \$4,072,599.32 to the City to fund and pursue construction of phase one improvements of Bruzzone Park and Mercado Park; and
- (b) Confirm excess credits (to be applied toward future development in the Flea Market South).

CEQA: Environmental Impact Report for the Flea Market Planned Development Rezoning and General Plan Amendment and addenda thereto, File No. PDC03-108 and GP06-04-01, City Council Resolution No. 73956 and 73738. Council District 4. (Parks, Recreation and Neighborhood Services)

2.16 22-033 Master Agreements with IMEG Corp., Salas O'Brien Engineers Inc., and Advance Design Consultants Inc. for Mechanical, Electrical and Plumbing Consultant Services.

Recommendation: Approve master consultant agreements with IMEG Corp., Salas O'Brien Engineers, Inc., and Advance Design Consultants, Inc for mechanical, electrical, and plumbing consultant services, from the date of execution through December 31, 2024, in a total amount not to exceed \$1,000,000 for each agreement, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

2.17 22-034 Actions Related to the 9112 - All Inclusive Rotary PlayGarden Project.

Recommendation: (a) Report on bids and award of construction contract for the 9112 - All Inclusive Rotary PlayGarden Project to the low bidder, Redwood Engineering Construction, Inc., for the base bid in the amount of \$1,698,000 and approve a ten percent contingency in the amount of \$169,800.

(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the All Inclusive Rotary PlayGarden Project appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$816,000; and

(2) Decrease the Matching Grant Reimbursement Reserve by \$816,000.

CEQA: Categorically Exempt, File No. PP19-002, CEQA Guidelines Section 15301 Existing Facilities. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

2.18 22-052 Retroactive Approval of Summerdale Dumpster Day Sponsored by Council District 4 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 January 12, 2022:

(a) Retroactively approve the Summerdale Dumpster Day scheduled on January 22, 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. (Cohen)

[Rules Committee referral 1/12/2022 - Item G.1.a]

2.19 22-056 Retroactive Approval of Fiesta Navideña 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 January 12, 2022:

(a) Retroactively approve the Fiesta Navideña scheduled on December 4, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

[Rules Committee referral 1/12/2022 - Item G.1.b]

2.20 22-063 Retroactive Approval of Multiple Special Events Sponsored by Council District 2 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 January 12, 2022:

(a) Retroactively approve the Walnut Mobile Home Park Toy Drive held on December 22, 2021 as a City Council sponsored Special Event.

(b) Retroactively approve the Southside Community Center Rotary Senior Luncheon held on December 3, 2021 as a City Council sponsored Special Event.

(c) Retroactively approve the Cottle to Lean Neighborhood Dumpster Day held on November 13, 2021 as a City Council sponsored Special Event.

(d) Approve the expenditure of District 2 office budget funds to purchase gift cards, toys and other materials for the events; and

(e) 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. (Jimenez)

[Rules Committee referral 1/12/2022 - Item G.1.c]

3. STRATEGIC SUPPORT

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

22-035

(a) City Manager's COVID-19 Update (Verbal Report).

(b) City Manager's Report on Other City Matters (Verbal Report).

3.2 Labor Negotiations Update.

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

3.3 22-036 Annual Report on City Services 2020-2021.

Recommendation: Accept the Annual Report on City Services for 2020-2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

3.4 22-013 Appeals Hearing Board Interview.

Recommendation: Interview applicant for appointment to the Appeals Hearing Board:
(a) Appoint applicant to one of the vacant seats on the Appeals Hearing Board for a full term from January 1, 2022 to December 31, 2025;
(b) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

3.5 22-037 Definition of Racial Equity.

Recommendation: Adopt a resolution accepting the proposed definition of racial equity:
"Both a process and an outcome, racial equity is designed to center anti-racism, eliminate systemic racial inequities, and rooted in the acknowledgement of the City of San Jose's historical and existing practices that have led to discrimination and injustices to Black, Indigenous, Latino/a/x, Asian, and Pacific Islander communities. The racial equity process is an explicit, intentional, and continual practice of prioritizing psychologically safe spaces and a sense of belonging for racial groups that have been most negatively impacted in policies and practices. It is action that prioritizes liberation and measurable change, and centers lived experiences of all impacted racial groups.
As an outcome, racial equity is achieved when race can no longer be used to predict life outcomes, and everyone can prosper and thrive."
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

3.6 22-038 SJC Guadalupe Gardens Fencing Project and Temporary Closure of Spring Street and Asbury Streets. - DEFERRED

Recommendation: (a) Accept report on Guadalupe Gardens Fencing including security and activation measures and authorize the City Manager to:

- (1) Execute a pilot program to limit trail access to unauthorized vehicles on Guadalupe River Park trail;
- (2) Develop a Request for Proposals for potential programming and stewardship partners for the Guadalupe Gardens area;
- (3) Receive feedback on the Prototype Park Concept Plan; and
- (4) Allocate the SJC Guadalupe Gardens Fencing Project fund in the amount of \$1,500,000 for protecting the land and authorized uses.

(b) Adopt a resolution delegating authority to the Director of Public Works to award the construction contract for the 9821 - SJC Guadalupe Gardens Fencing Project, in an amount not greater than \$1,500,000.

CEQA: Categorical Exemption, CEQA guidelines Section 15303(e) New Construction or Conversion of Small Structures, File No. ER21-005.
(Airport/Parks, Recreation and Neighborhood Services/Public Works/Transportation/City Manager)

DEFERRED TO 2/8/2022 PER ADMINISTRATION

3.7 22-039 Report on Procurement of Insurance Products for Continuation of an Owner-Controlled Insurance Program for the San Jose-Santa Clara Regional Wastewater Facility.

Recommendation: Adopt a resolution authorizing the Director of Finance to:

- (a) Purchase insurance policies for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program with total cost not to exceed \$7,221,283 including estimated insurance premiums of \$4,661,872 and a total maximum deductible \$2,559,411, as well as a cash collateral fund of \$1,496,471 with premiums to be paid in four (4) annual installments, and subject to the annual appropriation of funds, as follows:
 - (1) Federal Insurance Company: Commercial General Liability Insurance and Workers' Compensation Insurance with a Program Agreement Endorsement stipulating terms of the cash collateral fund management;
 - (2) Allied World Assurance Company, Inc.: Commercial Excess Liability Insurance;
 - (3) Endurance Risk Solutions Assurance Company: Commercial Excess Liability Insurance;
 - (4) Liberty Surplus Insurance Corporation: Commercial Excess Liability Insurance;
 - (5) Great American Assurance Company: Commercial Excess Liability Insurance;
 - (6) Westchester Surplus Lines Insurance Company: Commercial Excess Liability Insurance;
 - (7) Ironshore Specialty Insurance Company: Contractors Pollution Liability Insurance;
 - (8) Berkley Assurance Company: Owners Protective Professional Liability Insurance; and
- (b) Either renew an existing, or secure quotes and purchase a new, Master Builder's Risk Insurance policy with special endorsement for Flood to provide builder's risk coverage through 2026 as necessary, with a projected \$906,000 in premiums, the cost of which is included in the estimated insurance premiums above.

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

4. PUBLIC SAFETY SERVICES

4.1 22-045 Gun Harm Reduction Ordinance.

Recommendation: Consider approving an ordinance amending Title 10 of the San José Municipal Code to add Part 6 to Chapter 10.32 to reduce gun harm by requiring gun owners to obtain and maintain liability insurance and to provide for a fee to apply to gun harm reduction programs.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Attorney)

5. TRANSPORTATION & AVIATION SERVICES**5.1 22-040 Amendment to the Agreements for On-Call Architectural and Engineering Consultant Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:
(a) An amendment to the Kimley-Horn and Associates, Inc.'s existing On-Call Architectural and Engineering Consultant Services Master Agreement at Norman Y. Mineta San José International Airport (SJC and Airport) to increase the maximum compensation by \$2,300,000; and
(b) An amendment to the Aviation, Inc.'s existing On-Call Architectural and Engineering Consultant Services Master Agreement at Norman Y. Mineta San José International Airport to decrease maximum compensation by \$2,300,000.
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)

5.2 22-041 Community Forest Management Plan.

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

6. ENVIRONMENTAL & UTILITY SERVICES**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 22-042 Approval of a Downtown High-Rise Residential Tax and Fee Waiver for the Carlysle at 51 Notre Dame Street.

Recommendation: Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and the Affordable Housing Impact Fee for a downtown residential high-rise at 51 Notre Dame Street in the amount of \$4,390,599 pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6.C.
CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and addenda thereto, Planning File No. SP20-020. Council District 3. (Economic Development and Cultural Affairs/Housing)

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

(a) 22-043 Reorganization/Detachment from the City of San José of Approximately 9.56-Gross Acres Consisting of Two Parcels Located on the Easterly Side of Saratoga Creek Along Lawrence Expressway Between Highway 280 and Bollinger Road (Doyle No. 7). - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: Adopt a resolution supporting the reorganization of territory designated as Doyle No. 7 which involves detachment from the City of San José of approximately 9.56 gross acres of land located at the easterly side of Saratoga Creek along Lawrence Expressway between Highway 280 and Bollinger Road, and the detachment of the same from the affected special districts.
CEQA: Categorically Exempt, File No. ER22-004, CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. Council District 1. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

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 time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. 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 topics related to City business 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.