



# **City Council Meeting Amended Agenda**

**Tuesday, May 17, 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](mailto: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](mailto: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 ilegislate application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto: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](mailto: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

**22-691** Closed Session Agenda

1:30 p.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 5)

Yosimar

- 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 Melanoma Awareness Month. (Carrasco)

1.2 Presentation of a proclamation recognizing May 29 to June 4, 2022 as Queer and Transgender Asian Pacific Islander Awareness Week. (Arenas)

1.3 Presentation of a proclamation declaring May 15 to 21, 2022 as National Public Works Week. (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.**

### **22-730 Final Adoption of Ordinances.**

**Recommendation:** (a) Ordinance No. 30764 - An Uncodified Ordinance of the City of San José Extending the Term of the Great Oaks Water Company Nonexclusive Franchise Until July 1, 2032, with No Change in Any Other Terms and Conditions of the Franchise.  
[Passed for Publication on 5/3/2022 - Item 3.3(b) (22-609)]  
(b) Ordinance No. 30765 - An Ordinance of the City of San José Amending Section 15.08.500 of Chapter 15.08; Sections 15.10.030, 15.10.040, 15.10.290, 15.10.300 of Chapter 15.10; Chapter 15.11 of Title 15; and Sections 17.72.530, 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 of the San José Municipal Code to Modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to Clarify Potable Water Conservation Standards.  
[Passed for Publication on 5/3/2022 - Item 6.1(b) (22-611)]  
(c) Ordinance No. 30768 - An Ordinance of the City of San José Amending Chapter 12.06 of the San José Municipal Code to Extend the Campaign Contribution Period for Councilmember and Mayor Elections to 210 Days before the Primary Election and to 60 Days after the Date of the Primary and Runoff Elections, and Specify that Funds Raised During the 60- Day Contribution Period after the Primary and Runoff Election may Only be Used to Retire Campaign-Related Debts and Liabilities and that Any Solicitation for Such Contributions by a Candidate or Candidate-Controlled Committee must Indicate that All Contributions Received During this Period will be Used for this Purpose.  
[Passed for Publication on 5/10/2022 - Item No. 2.13 (22-666)]

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

## **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 22-692 Settlement of Santa Clara Unified School District v. City of San José.**

**Recommendation:** (a) Approve the settlement of a lawsuit brought by Plaintiff Santa Clara Unified School District whereby the City of San José will retain \$1,500,000 in traffic mitigation fees previously paid by Santa Clara Unified School District and return \$3,366,432 plus interest in the amount of \$50,957 and authorize the City Attorney to execute a settlement agreement.

(b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Construction Excise Tax Fund:

(1) Decrease the North San Jose Traffic Impact Fees Reserve appropriation by \$3,417,389; and

(2) Establish the North San Jose Traffic Impact Fee Settlement appropriation to the Transportation Department in the amount of \$3,417,389.

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

**2.8 22-693 Terms of Side Letter Agreements between the City of San José, the International Union of Operating Engineers, Local No. 3, Municipal Employees' Federation, and the City Association of Management Personnel and Amending the Pay Plan.**

**Recommendation:** Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the International Union of Operating Engineers, Local No. 3 (OE#3) to:

(1) Provide employees in the Automation Engineer I (1361) classification with an approximate 5.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Automation Engineer II (1363) classification with an approximate 5.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(3) Provide employees in the Automation Engineer III (1364) classification with an approximate 5.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(b) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to:

(1) Provide employees in the Senior Automation Engineer I (1367) classification with an approximate 5.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Senior Automation Engineer II (1368) classification with an approximate 5.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(c) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide employees in the Automation Engineer Supervisor (1365) classification with an approximate 5.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and



(d) Amend the City of San José Pay Plan as follows:

(1) Increase the annual salary range of the classification of Automation Engineer I (1361) to \$74,048.00 - \$90,084.80, effective May 29, 2022;

(2) Increase the annual salary range of the classification of Automation Engineer II (1363) to \$90,084.80 - \$109,491.20, effective May 29, 2022;

(3) Increase the annual salary range of the classification of Automation Engineer III (1364) to \$99,715.20 - \$121,284.80, effective May 29, 2022;

(4) Increase the annual salary range of the classification of Senior Automation Engineer I (1367) to \$106,600.00 - \$129,833.60, effective May 29, 2022;

(5) Increase the annual salary range of the classification of Senior Automation Engineer II (1368) to \$117,187.20 - \$142,812.80, effective May 29, 2022;

(6) Increase the annual salary range of the classification of Automation Engineer Supervisor (1365) to \$128,918.40 - \$157,081.60, effective May 29, 2022.

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

**2.9 22-729 Terms of Side Letter Agreement Between the City of San Jose and the Municipal Employees' Federation, AFSCME, Local 101 (MEF) and Amending the Pay Plan.**

**Recommendation:** Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide the following:

(1) Provide employees in the Latent Fingerprint Examiner I (2241) classification with an approximate 15.92% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Latent Fingerprint Examiner II (2242) classification with an approximate 14.31% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and

(3) Provide employees in the Latent Fingerprint Examiner III (2246) classification with an approximate 1.27% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council.

(b) Amend the City of San Jose Pay Plan as follows:

(1) Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Latent Fingerprint Examiner I (2241) to \$72,508.80 - \$88,129.60, effective May 29, 2022;

(2) Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Latent Fingerprint Examiner II (2242) to \$81,120.00 - \$98,675.20, effective May 29, 2022; and

(3) Amend the City of San Jose Pay Plan to increase the annual salary range of the classification of Latent Fingerprint Examiner III (2246) to \$100,796.80 - \$122,470.40, effective May 29, 2022.

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

**2.10 22-695 Terms of Side Letter Agreements between the City of San José, the Municipal Employees' Federation, and the City Association of Management Personnel and Amending the Pay Plan.**

**Recommendation:** Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to:

(1) Provide employees in the Code Enforcement Inspector I (3938) classification with an approximate 4.60% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Code Enforcement Inspector II (3939) classification with an approximate 4.60% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and

(b) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide employees in the Code Enforcement Supervisor (3940) classification with an approximate 4.60% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and

(c) Amend the City of San José Pay Plan as follows:

(1) Increase the annual salary range of the classification of Code Enforcement Inspector (3938) to \$72,617.31 - \$87,658.15, effective May 29, 2022;

(2) Increase the annual salary range of the classification of Code Enforcement Inspector II (3939) to \$83,589.63 - \$101,604.26, effective May 29, 2022; and

(3) Increase the annual salary range of the classification of Code Enforcement Supervisor (3940) to \$94,642.08 - \$115,398.07, effective May 29, 2022.

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

**2.11 22-696 Ordinance Amending Chapter 9.10 of Title 9 of the San José Municipal Code (Solid Waste Management) Related to Local Enforcement of Statewide Limits on Single-Use Foodware Accessories and Condiments.**

**Recommendation:** Approve an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to implement the requirements of Assembly Bill 1276 related to local enforcement of statewide limits on single-use foodware accessories and condiments.

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

**2.12 22-697 Actions Related to the Purchase Order for Citywide Graphic Design Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with Ani & Cat LLC (San José, CA), Articulate Solutions, Inc. (Gilroy, CA), Cartwright Design Studio (Montara, CA), Eric Gouldsberry Art Direction (San José, CA), Global Urban Strategies, Inc. (Alhambra, CA), Jill McCoy Design (San José, CA), Kooltura Marketing LLC (San José, CA), Pernsteiner Creative Group, Inc. (San Francisco, CA), Right Angle Design, Inc. (El Dorado Hills, CA), and We The Creative (San Juan Capistrano, CA), for Citywide graphic design services for an initial 12-month period, starting on or about May 20, 2022 and ending on or about May 19, 2023 for a total cumulative compensation amount not-to-exceed \$1,200,000; and (b) Exercise up to six additional one-year options to extend the initial term of the purchase order with the last option year ending on or about May 19, 2029, 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)

**2.13 22-698 Report on Bids and Award of Contract for the 9090-Bundled Park Playground Replacement Project.**

**Recommendation:** Report on bids and award of contract for the 9090 - Bundled Park Playground Replacement project to the low bidder, Goodland Landscape Construction, Inc., for the base bid in the amount of \$3,551,952, and approve a ten percent contingency in the amount of \$355,195.

CEQA: Categorically Exempt, File No. ER21-036, CEQA Guidelines Section 15301, Existing Facilities and Section 15302 Replacement or Reconstruction. Council Districts 1, 2, 3, 5, 7 and 8. (Public Works)

**2.14 22-699 Report on Bids and Award of Contract for the 9509-Newbury Park Project.**

**Recommendation:** (a) Report on bids and award of contract for the 9509 - Newbury Park Project to the low bidder, Stockbridge General Contracting, Inc., for the base bid and bid alternate No. 1 in the amount of \$1,303,900 and approve a five percent contingency in the amount of \$65,195.  
(b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:  
(1) Increase the Newbury Park Development appropriation to the Parks, Recreation and Neighborhood Services Department by \$121,000.  
(2) Decrease the Future Parkland Dedication Ordinance/Parkland Impact Ordinance Projects Reserve by \$121,000.  
CEQA: Addendum to the King and Dobbin Transit Village and US 101-Oakland/Mabury Transportation Development Policy Final Environmental Impact Report, and addenda there to for the Newbury Park Project, File No. PP19-055 (Resolution No. 79533). Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

**2.15 22-700 2022 Major Streets Sealing Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2022 Major Streets Sealing Project, to the low bidder, VSS International, Inc., in the amount of \$3,155,120.  
(b) Approve an approximate 10% contingency in the amount of \$315,500.  
CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**2.16 22-701 Stevens Creek Boulevard Vision Study.****Recommendation:** Adopt a resolution:

- (a) Approving participation in the Stevens Creek Boulevard Vision Study, at a cost of \$238,006, to create a cohesive vision for Stevens Creek Boulevard, including potential transit; and
  - (b) Authorizing the City Manager, or designee to negotiate and execute funding agreements with the City of Santa Clara, City of Cupertino, County of Santa Clara, and the Santa Clara Valley Transportation Authority (VTA) to develop the Vision Study.
  - (c) Authorizing the City Manager, or designee to negotiate and execute the first amendment to the Master City of San José Consultant Agreement with Iteris, Inc. to complete the Vision Study, increasing the maximum total compensation by \$794,400 from \$290,000 to \$1,084,400, and extending the agreement term by 18 months from December 31, 2022 to June 30, 2024.
- CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. Council Districts 1 and 6. (Transportation)

**2.17 22-766 Terms of a Side Letter Agreement between the City of San José, the International Union of Operating Engineers, Local No. 3 (OE#3) and Amending the Pay Plan. - RENUMBERED FROM ITEM 3.4**

**Recommendation:** Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the International Union of Operating Engineers, Local No. 3 (OE#3) to:

(1) Provide employees in the Maintenance Assistant FT/PT (3108/3109) classification with an approximate 3.60% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Maintenance Worker I FT/PT (3113/3112) classification with an approximate 14.60% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(3) Provide employees in the Maintenance Worker II (3114) classification with an approximate 14.30% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(4) Provide employees in the Senior Maintenance Worker (3115) classification with an approximate 9.15% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and

(5) Effective June 26, 2022, Council Policy 3-3 Living Wage Policy will no longer apply to employees represented by OE#3.

(b) Amend the City of San José Pay Plan as follows:

(1) Increase the annual salary range of the classification of Maintenance Assistant FT/PT (3108/3109) to \$47,819.20 - \$60,985.60, effective May 29, 2022;

(2) Increase the annual salary range of the classification of Maintenance Worker I FT/PT (3113/3112) to \$60,028.80 - \$73,008.00, effective May 29, 2022;

(3) Increase the annual salary range of the classification of Maintenance Worker II (3114) to \$66,664.00 - \$81,078.40, effective May 29, 2022; and

(4) Increase the annual salary range of the classification of Senior Maintenance Worker (3115) to \$78,644.80 - \$95,680.00, effective May 29, 2022.

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

**[RENUMBERED FROM ITEM 3.4 (22-694)]**

### **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 22-702 Public Hearing on the 2022-2023 Proposed Operating and Capital Budgets and the 2022-2023 Proposed Fees and Charges for the City of San José.**

**Recommendation:** Conduct a Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2022 to June 30, 2023, the Proposed Five-Year Capital Improvement Program for 2023-2027, and the Proposed Fees and Charges Report for the Fiscal Year 2022-2023. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

#### **3.4 22-694 Terms of a Side Letter Agreement between the City of San José, the International Union of Operating Engineers, Local No. 3 (OE#3) and Amending the Pay Plan. - RENUMBERED TO ITEM 2.17**

**Recommendation:** **[RENUMBERED TO ITEM 2.17 (22-766)]**



**3.5 22-703 Actions Related to the Measure T Status Report on the Workplan and Implementation Updates.**

- Recommendation:** (a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond measure.
- (b) Accept the Measure T Community Oversight Committee's annual report, as identified in Attachment A to the staff memorandum, on the Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program proceeds and allocations for Fiscal Year 2020-2021.
- (c) Approve the proposed site at the intersection of Capitol Expressway and Tuers Road for the construction of new Fire Station 36.
- (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:
- (1) Increase the Measure T - Police Headquarters Infrastructure Upgrades appropriation to the Public Works Department by \$250,000; and
  - (2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$250,000.
- (e) Provide staff direction on a policy decision in regards to funding of projects identified in Tables 2 and 4 of the Public Safety Program Reserve section of the report.
- (f) Approve the proposed City Land South of Phelan site as a project to be funded by the Clean Water Program.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works/City Manager)

**4. PUBLIC SAFETY SERVICES**

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1 22-704 Actions Related to Long-Duration Storage and Wholesale Energy Services.****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 20 megawatts from the Goal Line BESS 1, LLC 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 \$4,400,000 annually and \$66,000,000 in aggregate in Calendar Years 2025 through 2040 for both agreements:

(1) Project Participation Share Agreement between California Community Power (CC Power), the City of San José, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, and Valley Clean Energy; and

(2) Buyer Liability Pass Through Agreement between CC Power, Goal Line BESS 1, LLC (or its affiliate), and the City of San José.

(b) Authorizing the Director of Community Energy Department to negotiate and execute, in consultation with the City Attorney, a Coordinated Operations Agreement between CC Power, the City of San José, Sonoma Clean Power, CleanPower San Francisco, Redwood Coast Energy Authority, Silicon Valley Clean Energy, and Valley Clean Energy addressing operation by CC Power of the Goal Line BESS 1, LLC long-duration storage battery project.

(c) Authorizing the City Manager, or her authorized designee, to negotiate and execute a Wholesale Energy Services Agreement, including Scheduling Agent Services, with Northern California Power Agency for an initial period of three years from the date of execution in an amount not to exceed \$2,267,070 for the first three years and up to three two-year extension options for an additional \$1,627,001 for the first two-year option; \$1,726,085 for the second two-year option; and \$1,831,203 for the third two-year option for a total contract amount not to exceed \$7,451,359, 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.  
(Community Energy)

**6.2 22-705 Republic Services Commercial Solid Waste Customer Service Rates.**

**Recommendation:** (a) Conduct a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

(b) Adopt a resolution increasing the Maximum Commercial Solid Waste Services Rates in the City of San José by 7.80 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.

CEQA: Not a Project, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 22-706 Proposed Spending Plan for Measure E Real Property Transfer Tax Revenue for Fiscal Year 2022-2023 and Amendments to the Spending Plan for Measure E Real Property Transfer Tax for Fiscal Year 2020-2021 and Fiscal Year 2021-2022.**

**Recommendation:** Adopt a resolution:

(a) Approving the proposed spending plan of Measure E Real Property Transfer Tax revenues for fiscal year 2022-2023;

(b) Approving the proposed amendments to the spending plan of Measure E Real Property Transfer Tax revenues for fiscal year 2020-2021;

(c) Approving the proposed amendments to the spending plan of Measure E Real Property Transfer Tax revenues for fiscal year 2021-2022; and

(d) Authorizing the Director of Housing or Director's designee to negotiate and execute agreements with grantees for the activities identified in the fiscal year 2022-2023 Measure E Spending Plan, amended fiscal year 2020-2021 Measure E Spending Plan, and the amended fiscal year 2021-2022 Measure E Spending Plan and all related contract amendments, extensions, and changes.

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 no changes to the physical environment. (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**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

### **10 Land Use - Regular Agenda**

**10.2 22-707**

**City Roadmap - North San José Strategy: Settlement Agreement with City of Santa Clara and GPT21-003, PP21-008 & C21-018 - Amendment to the General Plan and North San José Area Development Policy; Amendment to Title 20 (Zoning Ordinance); and Amendment to Title 14, Chapter 14.29 (North San José Traffic Impact Fee Requirements). - TO BE HEARD IMMEDIATELY AFTER CONSENT**

**Recommendation:**

(a) Approve an Amended Settlement Agreement between the City of Santa Clara and the City of San José related to the North San Jose Traffic Impact Fees and authorize the City Manager and City Attorney to execute the Amended Settlement Agreement to amend Section 1.2 of the existing Settlement Agreement dated November 16, 2006, whereby San Jose agrees to a total value of \$28 million of traffic improvements in lieu of constructing the Trimble Flyover as originally contemplated in the existing Settlement Agreement.

**PART (a) REQUIRES A SEPARATE VOTE FROM THE CITY COUNCIL PRIOR TO TAKING ACTION ON REMAINING ITEMS**

(b) Accept the February 18, 2022 North San José Traffic Impact Fee Plan Update.

(c) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report amending the Envision San José 2040 General Plan and the North San José Area Development Policy (ADP) to:

(1) Remove or modify references to the North San José ADP which will no longer apply to future development in North San José;

(2) Increase the minimum density within the Transit Employment Residential Overlay (TERO) General Plan land use designation from 55 dwelling units per acre to 75 dwelling units per acre and remove the minimum floor area ratio requirement; and

(3) Limit the application of the North San José ADP to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the North San José ADP to the effective date of the resolution making such changes, and making the North San José Traffic Impact Fee inapplicable to future North San José development projects.

(d) Adopt a resolution amending the Envision San Jose 2040 General Plan pursuant to Title 18 of the San José Municipal Code to make modifications and clarifying revisions to remove references to the North San José Area Development Policy and amend the General Plan to raise the minimum density within the TERO Transit Employment Residential Overlay designation.

(e) Approve an ordinance amending San José Municipal Code Title 20 (Zoning Ordinance) to add Chapter 20.65 “Overlay Districts” including the “TERO Transit Employment Residential Overlay District,” and amending the Zoning District Map to include the “TERO Transit Employment Residential Overlay District”.

(f) Approve an ordinance amending San José Municipal Code Title 14, Chapter 14.29 (North San José Traffic Impact Fee Requirements) to limit the application of Chapter 14.29 to projects that received an approved entitlement (general plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the ADP to the effective date of the resolution making such changes, and making the North San José Traffic Impact Fee inapplicable to future North San José development project.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617). Planning Commission recommends approval (9-1-1; Oliverio oppose; Terrens absent). Council Districts 3 and 4. (Planning, Building and Code Enforcement)

[Deferred from 5/3/2022 - Item 10.2 (22-614)]

**TO BE HEARD IMMEDIATELY AFTER CONSENT**

- 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.