



# City Council Meeting Agenda

**Tuesday, June 14, 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, 80481 and 80507, 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](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

**22-884** Closed Session Agenda

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session

\*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Pledge of Allegiance
- Invocation (District 6)
- 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 June 16, 2022 as Norm Mineta Day in the City of San José.  
(Mayor)

1.2 Presentation of a commendation recognizing Cancer CAREpoint's 10th anniversary for their outstanding spirit of community excellence in serving cancer patients and their families throughout Silicon Valley. (Foley)

## **2. CONSENT CALENDAR**

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

**2.1 Approval of City Council Minutes.**

**2.2 Final Adoption of Ordinances.**

**2.3 Approval of Council Committee Minutes.**

**2.4 Mayor and Council Excused Absence Requests.**

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 22-885 Civil Service Commission Unanticipated Vacancy.**

**Recommendation:** Declare an unanticipated vacancy exists on the Civil Service Commission and direct the City Clerk to open the recruitment and employee election for the employee nominated public member to a term ending November 30, 2025.

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

**2.8 22-886 Ordinance Amending the Federated City Employees' Retirement System to Clarify City Payment of Normal Contributions for Employees who Reach 30 Years of City Service.**

**Recommendation:** Approve an ordinance amending Sections 3.28.700 and 3.28.725 of Chapter 3.28 of Title 3 of the San José Municipal Code to clarify that City will pay the normal contributions for Tier 1 members at 30 years of City service credit in the Federated City Employees' Retirement System.

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 22-887 Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF); and Amending the City of San José Pay Plan and Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82).**

**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 effective June 26, 2022:

(1) Provide employees in the Library Clerk FT/PT (6213/6214) classification with an approximate 11.15% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(2) Provide employees in the Senior Library Clerk FT/PT (6215/6216) classification with an approximate 6.50% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(3) Provide employees in the Library Assistant FT/PT (6221/6222) classification with an approximate 3.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(4) Provide employees in the Literacy Program Specialist FT/PT (6238/6237) classification with an approximate 3.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(5) Provide employees in the Librarian I FT/PT (6231/6232) classification with an approximate 2.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(6) Provide employees in the Librarian II FT/PT (6233/6234) classification with an approximate 5.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

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

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

(1) Increase the annual salary range of the classification of Library Clerk FT/PT (6213/6214) to \$52,644.80 - \$63,980.80, effective June 26, 2022;

(2) Increase the annual salary range of the classification of Senior Library Clerk FT/PT (6215/6216) to \$58,136.00 - \$70,616.00, effective June 26, 2022;

(3) Increase the annual salary range of the classification of Library Assistant FT/PT (6221/6222) to \$66,955.20 - \$81,369.60, effective June 26, 2022;

(4) Increase the annual salary range of the classification of Literacy Program Specialist FT/PT (6238/6237) to \$72,134.40 - \$87,547.20, effective June 26, 2022;

(5) Increase the annual salary range of the classification of Librarian I FT/PT (6231/6232) to \$73,881.60 - \$89,793.60, effective June 26, 2022; and

(6) Increase the annual salary range of the classification of Librarian II FT/PT (6233/6234) to \$81,328.00 - \$98,966.40, effective June 26, 2022.

(c) Effective June 26, 2022, Council Policy 3-3 Living Wage Policy will no longer apply to employees in Unit 99 or Unit 81/82 and will no longer be applied to any employees in the City's workforce.

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 22-910 Report on Bids and Award of Contract for 10166 - Repairs of Water Services and Mains: 2022-2025 Project.**

**Recommendation:** Report on bids and award of contract for the 10166 - Repairs of Water Services and Mains: 2022-2025 project to the lowest responsive bidder, San José Water Company in the amount of \$2,922,646.74.  
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302  
Replace or Reconstruction. (Environmental Services)



**2.11 22-892 Third Quarter Financial Reports for Fiscal Year 2021-2022.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on May 19, 2022, accept the Third Quarter (period ended March 31, 2022) Financial Reports for Fiscal Year 2021-2022 for the following programs:

- (a) Debt Management;
- (b) Investment Management;
- (c) Revenue Management; and
- (d) Purchasing & Risk Management.

CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance and Strategic Support Committee referral 5/19/2022 - Item (c)1]

**2.12 22-896 Report on Request for Proposal for a Laboratory Information Management System.**

**Recommendation:** Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Ethosoft, Inc. (Norcross, GA) for a laboratory information management system, including associated professional services such as implementation, training, support, and maintenance, for an initial one-year term beginning on or about June 15, 2022 and ending June 14, 2023, with a total maximum compensation not to exceed \$248,060, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$50,000 during the initial one-year term, subject to the appropriation of funds; and
- (c) Exercise up to nine one-year options to extend the term of the agreement and the software license with the last option ending on or about June 14, 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)

**2.13 22-897      Amendment to the Purchase Order with Kemira Water Solutions, Inc. for Ferrous Chloride.**

**Recommendation:** Adopt a resolution authorizing the City Manager to amend purchase order OP 60556 with Kemira Water Solutions, Inc. (Lawrence, KS) for ferrous chloride to increase compensation by \$670,000, for a revised maximum compensation not-to-exceed \$1,970,000 for the period ending on June 30, 2022.

CEQA: Categorically Exempt, File No. ER21-152, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**2.14 22-898      Agreement with MGT of America Consulting LLC for a Citywide Disparity Study.**

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

- (a) Negotiate and execute an agreement with MGT of America Consulting, LLC (Tampa, FL) for a Citywide disparity study and related services, for an initial term retroactively beginning on or about May 10, 2022 and ending June 30, 2023 with a total maximum compensation not to exceed \$410,470, subject to the appropriation of funds;
- (b) Exercise up to one one-year option to extend the term of the agreement with the last option ending on or about June 30, 2024 with total compensation not to exceed \$500,000, subject to the appropriation of funds; and
- (c) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$89,530 during the term of the 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. (Finance)

**2.15 22-899 Actions Related to the County of Santa Clara Hotel Tax and Fee Refund.**

**Recommendation:** (a) Approve a refund for Transient Occupancy Tax, Convention Center Facilities District Tax, and Hotel Business Improvement District fees, totaling \$1,097,455.63, to the County of Santa Clara, for the period of March 2020 through July 2021.  
(b) Direct the Director of Finance to make the refund payment in accordance with the instructions in the refund claim.  
(c) Adopt the following 2021-2022 Appropriation Ordinance adjustments in the Convention Center Facility District Revenue Fund:  
(1) Establish the Special Tax Refund appropriation to the Finance Department in the amount of \$290,161; and  
(2) Decrease the Unrestricted Ending Fund Balance by \$290,161.  
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/City Manager)

**2.16 22-900 Library Parcel Tax Rates for Fiscal Year 2022-2023.**

**Recommendation:** Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2022-2023 by 3.00% over the fiscal year 2021-2022 rates and approving the placement of the Library Parcel Tax on the fiscal year 2022-2023 Santa Clara County Property Tax Roll.  
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Library)

**2.17 22-901 Amendment to the Agreement with Skidata, Inc. for a Parking Access and Revenue Control System.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the Fourth Amendment to the Agreement with SkiData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) for the purchase, implementation, and maintenance of a Parking Access and Revenue Control System to extend the initial term for an additional six months through December 31, 2022, increase maximum compensation by \$2,353 for a revised not to exceed amount of \$6,328,699, and negotiate and execute up to 10 one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through December 31, 2032 or as may be adjusted to align 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/Transportation)

**2.18 22-902 Naming of a New Public Park at Located at Havana Drive and Midfield Avenue.**

**Recommendation:** Adopt an official name for a new public park based on the following alternatives:

- (a) “Mariposa Park” as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process; or
- (b) Select an alternative park name from the list of qualifying names generated through the public outreach process.

CEQA: Categorically Exempt, File No. ER20-200, Guidelines Section 15332, Infill Development Project. Council District 7. (Parks, Recreation and Neighborhood Services)

**2.19 22-903 City Roadmap - BART and Hight Speed Rail Strategy: Master Agreement with Fugro USA Land Inc. for Owner’s Advisor Services for the BART Silicon Valley Phase II Extension and the Downtown West Projects.**

**Recommendation:** Approve a Master Agreement with Fugro USA Land Inc. to provide owner’s advisor services for the BART Silicon Valley Phase II Extension and Downtown West projects from the date of execution through December 31, 2030, in an amount not to exceed \$3,000,000. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3, 4 and 6. (Public Works)

**2.20 22-904 Approval of a Construction Contingency Increase for the Tech Interactive Blue Tile Replacement Project at the Tech Museum of Innovation.**

**Recommendation:** Approve an increase in the construction contingency for the Tech Interactive Blue Tile Replacement Project at the Tech Museum of Innovation in an amount of \$120,000, from \$115,500 to \$235,500, to pay for additional work completed by the Contractor due to unforeseen project elements.

CEQA: Categorically Exempt, File No. PP19-030, CEQA Guidelines Section 15301 Existing Facilities. (Public Works)

**2.21 22-905      Amendment to the Agreement with Cal Engineering & Geology, Inc. for Engineering Services for the 8721 - San José Family Camp Project (SCSJG89/PW1138).**

**Recommendation:** Approve a Second Amendment to the Master Agreement with Cal Engineering & Geology, Inc. (CEG) to increase the maximum total compensation by \$20,000 from \$673,222 to \$693,222 and extend the agreement from December 31, 2022 to December 31, 2024, for the sole purpose of allowing the consultant to continue providing consulting services through completion of San José Family Camp Project.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Public Works)

**2.22 22-906      Amendment to the Master Parking Rate Schedule for a Commercial Real Estate Parking Program and Various Parking Programs and Rates.**

**Recommendation:** Adopt a resolution amending the Master Parking Rate Schedule to establish a Commercial Real Estate Parking Program at City owned and operated facilities and update various parking programs and rates.  
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares and Charges. Council District 3.  
(Transportation)

### **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 22-907      Mayor's June Budget Message for Fiscal Year 2022-2023.**

**Recommendation:** (a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2022-2023.  
(b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

**3.4 22-908 Approval of the 2022-2023 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.**

**Recommendation:** (a) Adopt resolutions approving the Operating Budget for 2022-2023 for the City of San José, the Capital Budget for 2022-2023 for the City of San José, and the Five-Year Capital Improvement Program for 2023-2027 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2022-2023.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

**3.5 22-909 Amendment to the Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. for Comprehensive Workers' Compensation Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. to extend the term of the Agreement from July 1, 2022 to June 30, 2025 and to increase the compensation by \$16,618,903 for a total amount of compensation not to exceed of \$32,582,834, subject to 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. (Human Resources)

## **4. PUBLIC SAFETY SERVICES**

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

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

**6.1 22-911 Climate Smart San José Existing Building Electrification Framework. -  
TO BE HEARD CONCURRENTLY WITH ITEMS 6.2 AND 10.3**

**Recommendation:** Accept the Electrify San José: Framework for Existing Building Electrification.  
CEQA Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Environmental Services)

**TO BE HEARD CONCURRENTLY WITH ITEMS 6.2 AND 10.3**

**6.2 22-895 City Roadmap - Climate Smart American Cities Climate Challenge: Climate Smart San José: Carbon Neutral San José by 2030 Acceleration Strategy. -  
TO BE HEARD CONCURRENTLY WITH ITEM 6.1 AND 10.3**

**Recommendation:** Pending referral from Transportation and Environment Committee on June 6, 2022, accept the strategy for acceleration of work in Climate Smart San José needed to put the City firmly on a path to achieve its carbon neutral goal by 2030.  
CEQA: File No. PP18-009, Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Environmental Services/Transportation)  
[Pending Transportation and Environment Committee referral 6/6/2022 - Item (d)4]

**TO BE HEARD CONCURRENTLY WITH ITEM 6.1 AND 10.3**

## **7. NEIGHBORHOOD SERVICES**

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

**8.1 22-912 Public Hearing on the Downtown Business Improvement District Budget Report and Assessments for Fiscal Year 2022-2023.**

**Recommendation:** Conduct a Public Hearing and adopt a resolution to:  
(a) Approve the Downtown Business Improvement District budget report for Fiscal Year 2022-2023 as filed or modified by City Council;  
(b) Levy the Downtown Business Improvement District assessments for Fiscal Year 2022-2023; and  
(c) Suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for a Business Tax financial hardship exemption under the City's General Business Tax Ordinance.  
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

**8.2 22-913 Actions Related to the Development of the Kelsey Ayer Station Affordable Apartment Community Located at 447 North First Street.**

**Recommendation:** (a) Adopt a resolution:

(1) Authorizing the Director of Housing to negotiate and execute lease riders to the ground lease in favor of the California Tax Credit Allocation Committee (TCAC), the California Housing Finance Agency (CalHFA), and the California Department of Housing and Community Development (HCD) and to execute lender's consents to these lease riders; and

(2) Authorizing a change in the City loan terms to allow an increase in the Kelsey Ayer Station Apartments (Development) rents and income restrictions that are below 60% of Area Median Income (AMI) up to 60% of AMI for all new tenants in units with 811 Project Based Vouchers in the event of expiration or termination of contract for 811 Project Based Vouchers, and for all new tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the Development and allowed by other funds; and

(3) Approving a loan increase of \$1,500,000 to the original \$12,825,000 for a total loan commitment of \$14,325,000.

(b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Affordable Housing Impact Fee Fund:

(1) Decrease the Housing Project Reserve appropriation by \$8,500,000; and

(2) Establish a Housing Loans and Grants appropriation to the Housing Department in the amount of \$8,500,000.

CEQA: Exempt, File No. ER20-109 per Public Resources Code 15369, Ministerial Project pursuant Section 21080(b)(1) and CEQA Guidelines Section to Government Code Section 65913.4; and Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)



**8.3 22-917 Actions Related to the Grant Agreements for Multiple Homelessness Programs for Fiscal Year 2022-2023.**

**Recommendation:** (a) Adopt a resolution authorizing the Director of Housing to negotiate and execute agreements and amendments beginning in Fiscal Year 2022-2023 with three one-year options to extend, subject to appropriation, the following priorities serving individuals and families experiencing homelessness categorized by service type, each of which includes one or more agreements:

(1) Basic Needs Services:

(a) SOAR Program: HomeFirst in the amount of \$2,000,000 from July 1, 2022 - December 31, 2023.

(b) SOAR Expansion Program:

(i) HomeFirst in the amount of \$2,300,000 from July 1, 2022 - June 30, 2023; and

(ii) City of San Jose in the amount of \$700,000 from July 1, 2022 - June 30, 2023.

(c) Safe Parking Programs:

(i) Amigos de Guadalupe in the amount of \$500,000 from July 1, 2022 - June 30, 2023; and

(ii) Life Moves in the amount of \$1,520,000 from July 1, 2022 - June 30, 2023.

(d) Mobile Hygiene and Rest Stop: WeHope in the amount of \$1,000,000 from July 1, 2022 - June 30, 2023.

(e) Employment Initiative: Destination: Home in the amount of \$125,000 from July 1, 2022 - June 30, 2023.

(f) Meals Without Borders: Opening Doors in the amount of \$200,000 from July 1, 2022 - June 2023.

(g) Community Access to Resources and Education Program: West Valley Community Services in the amount of \$50,000 from July 1, 2022 - June 30, 2023.

(h) UPLIFT Transit Pass Program: County of Santa Clara in the amount of \$100,000 from July 1, 2022 - June 30, 2023.

(i) 2023 Homeless Census and Survey: County of Santa Clara in the amount of \$100,000 from July 1, 2022 - June 30, 2023.

- (2) Housing Opportunities:
  - (a) Emergency Interim Housing Programs:
    - (i) HomeFirst in the amount of \$7,400,000 from July 1, 2022 - June 30, 2023;
    - (ii) HomeFirst in the amount of \$68,630 from July 1, 2021 - June 30, 2022;
    - (iii) PATH in the amount of \$2,880,000 from July 1, 2022 - June 30, 2023; and
    - (iv) LifeMoves in the amount of \$3,200,000 from July 1, 2022 - June 30, 2023.
  - (b) Bridge Housing Communities: HomeFirst in the amount of \$4,011,000 from July 1, 2022 - June 30, 2023.
  - (c) Non-Congregate Motel Sheltering Programs:
    - (i) Abode in the amount of \$423,000 from July 1, 2022 - September 30, 2022; and
    - (ii) Abode in the amount of \$1,250,000 from July 1, 2022 - June 30, 2023.
  - (d) Scattered-Site Motel Sheltering Programs:
    - (i) YWCA in the amount of \$250,000 from July 1, 2022 - June 30, 2023; and
    - (ii) LifeMoves in the amount of \$3,950,000 retroactive from April 1, 2022 - June 30, 2023.
  - (e) Rapid Rehousing Programs:
    - (i) HomeFirst in the amount of \$2,000,000 from July 1, 2022 - June 30, 2023;
    - (ii) LifeMoves in the amount of \$1,250,000 from July 1, 2022 - June 30, 2023; and
    - (iii) Bill Wilson Center in the amount of \$1,250,000 from July 1, 2022 - June 30, 2023.
  - (f) Employment Development Programs:
    - (i) JobTrain in the amount of \$450,000 from July 1, 2022 - June 30, 2023; and
    - (ii) International Rescue Committee in the amount of \$450,000 from July 1, 2022 - June 30, 2023.
- (b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Housing Authority Litigation Award Fund:
  - (1) Decrease Unrestricted Ending Fund Balance by \$900,000; and
  - (2) Establish a Job Readiness Training Project appropriation to the Housing Department in the amount of \$900,000.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund:

(1) Decrease Unrestricted Ending Fund Balance by \$2,000,000; and

(2) Increase the Homelessness Prevention System appropriation to the Housing Department by \$2,000,000.

CEQA: Not a Project, File No. PP17-009, Agreements and Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.  
(Housing/City Manager)

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

- 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.

- Council will recess until 6:00 p.m.

## **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) **22-914 PP22-002 - An Ordinance of the City of San José Amending Title 20 (Zoning Code) of the San José Municipal Code. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

**Recommendation:** Approve an ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) to add previously approved text in (a) Chapter 20.30, Section 20.30.100 to rectify Table 20-50, and new Section 20.30.840 ‘Waiver’; (b) Chapter 20.40, Section 20.40.100 to rectify Table 20-90; (c) Chapter 20.50, Section 20.50.100 to rectify Table 20-110, and Section 20.50.110 ‘Commercial support’; (d) Chapter 20.75, Section 20.75.200 to rectify Table 20-156; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.  
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building and Code Enforcement)  
**TO BE HEARD IMMEDIATELY AFTER CONSENT**

**END OF CONSENT CALENDAR****10 Land Use - Regular Agenda**

**10.2 22-915 PDC19-049 & PD20-006 - Planned Development Rezoning and Planned Development Permit on a Certain Real Property Located at 1312 El Paseo de Saratoga and 1777 Saratoga Avenue.**

**Recommendation:** (a) Adopt a resolution certifying the El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Environmental Impact Report, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA)  
(b) Approve an ordinance of the City of San José rezoning a certain real property of approximately 10.76 gross acres situated east of the intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway, from the CG Commercial General and CP Commercial Pedestrian Zoning Districts to a CG(PD) Planned Development Zoning District.  
(c) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of approximately 126,345 square feet of existing commercial buildings, the removal of 120 trees (20 ordinance-size, 100 non-ordinance-size) for the construction of four mixed-use buildings consisting of 994 residential units and 165,949 square feet of commercial space, extended construction hours (15-hour concrete pours between 6:00 am to 9:00 pm daily over a 15-day period), and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 21 ABC License) at a future grocery store in an approximately 56,603-square foot tenant space on an approximately 10.76-gross acre site.  
CEQA: El Paseo & 1777 Saratoga Avenue Mixed-Use Village Project Environmental Impact Report (EIR). Planning Commission recommends approval (9-1-1, Garcia opposed; Cantrell absent). Council District 1. (Planning, Building and Code Enforcement)

**10.3 22-916      Parking/Transportation Demand Management (TDM) Ordinance Update  
Policy Direction. - TO BE HEARD CONCURRENTLY WITH ITEM 6.1  
AND 6.2**

**Recommendation:** Accept the report on Parking/Transportation Demand Management (TDM) ordinance update and direct the administration to develop, for Council Consideration, the following (Title 20) Zoning Code Amendments:

- (a) Removal of mandatory minimum off-street parking requirements (except in areas where the City has defined contractual agreements regarding parking) and implements, a market-based parking approach; and
- (b) Revisions to the City's Transportation Demand Management (TDM) requirements for new developments (except for small projects); and
- (c) TDM program for ongoing monitoring and compliance of new developments citywide.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Transportation)

**TO BE HEARD CONCURRENTLY WITH ITEM 6.1 AND 6.2**

- 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.