



City Council Meeting Amended Agenda

Tuesday, June 21, 2022

11:00 AM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/99346843938>**

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

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

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445, 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 ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 7:30 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

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

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

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

Interpretation is available in Spanish and Vietnamese. 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).

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch).

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

22-981 Closed Session Agenda

11:00 a.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 6)

Dana Harris Seeger and Yori Seeger, the School of Visual Philosophy.

- 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 commendation to the Silicon Valley Cannabis Alliance for their work in ensuring that the cannabis industry is represented in an equitable and professional way. (Carrasco)

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.

22-989 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30782 - An Ordinance of the City of San José Rezoning 34 Properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, One Property from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, Two Properties from the Li Light Industrial Zoning District to the UV Urban Village Zoning District, Three Properties from the R-1-8 Single-Family Residential Zoning District to the UV Urban Village Zoning District, Two Properties from the R-2 Two-Family Residential Zoning District to the UV Urban Village Zoning District, 12 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, One Property from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the PQP Public/Quasi-Public Zoning District, Three Properties from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, Six Properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the A(PD) Planned Development Zoning District to the OS Open Space Zoning District, One Property from the CG Commercial General District Zoning District to the OS Open Space Zoning District, Three Properties from the CN Commercial Neighborhood Zoning District to the OS Open Space Zoning District, Four Properties from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning District, Eight Properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, Five Properties from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, One Property from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District, Ten Properties from the Split Zoned CG Commercial General and R-2 Two-Family Residential Zoning Districts to the UV Urban Village Zoning District, One Property from the Split Zoned CO Commercial Office, CP Commercial Pedestrian, R-1-8 Single-Family Residential, R-2 Two-Family Residential, and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, and Three Properties from the Split Zoned CG Commercial General and R-2 Two-Family Residential Zoning Districts to the CP

Commercial Pedestrian Zoning District, All Located on those Certain Real Properties throughout the Alum Rock Avenue and Story Road Planned Growth Areas..

[Passed for Publication on 6/7/2022 - Item 10.1(a) (22-853)]

(b) Ordinance No. 30783 - An Ordinance of the City of San José Rezoning 113 Properties from R-M Multi-Family Residential to Mun Mixed Use Neighborhood, 102 Properties from R-M Multi-Family Residential to UR Urban Residential, 59 Properties From R-2 Residential to Mun Mixed Use Neighborhood, 13 Properties from R-1-8 Single-Family Residential to PQP Public/Quasi-Public, Two Properties from R-1-8 Single-Family Residential to Mun Mixed Use Neighborhood, Two Properties from R-M Multi-Family Residential to PQP Public/Quasi-Public, Two Properties from CP Commercial Pedestrian to R-1-8 Single-Family Residential, Two Properties from CO Commercial Office to PQP Public/Quasi-Public, One Property from CP Commercial Pedestrian To PQP Public/Quasi-Public, One Property from R-1-5 Single-Family Residential to PQP Public/Quasi-Public, and One Property from R-2 Residential to PQP Public/Quasi-Public, Located in Various Locations on those Certain Real Properties within the City Of San José.

[Passed for Publication on 6/7/2022 - Item 10.1(b) (22-854)]

(c) Ordinance No. 30784 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.35 Gross Acres Situated on the Southwest Side of the Intersection of Meridian Avenue and Camino Monde (1333 Meridian Avenue) (APN: 284-14-044) from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District.

[Passed for Publication on 6/7/2022 - Item 10.1(c)(1) (22-855)]

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 22-942 Airport Disadvantaged Business Enterprise Program for Grant Funded Airport Development Projects for Federal Fiscal Years 2023-2025.

Recommendation: Adopt a resolution:

- (a) Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 5.0% for Federal Aviation Administration (FAA) Airport Improvement Program grant funded Airport development projects at the Norman Y. Mineta San José International Airport for Federal Fiscal Years 2023-2025;
- (b) Authorizing the City Manager or designee to submit the three-year DBE participation plan to the FAA, which is due by August 1, 2022; and
- (c) Authorizing the City Manager to make revisions as requested by the FAA.

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

2.8 22-988 North San José: Settlement with City of Santa Clara.

- Recommendation:**
- (a) Approve a Settlement Agreement between the City of Santa Clara and the City of San José related to the North San José Traffic Impact Fees and authorize the City Manager and City Attorney to execute the Settlement Agreement.
 - (b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
 - (1) Establish the Montague Expressway - City of Santa Clara Settlement appropriation to the Transportation Department in the amount of \$1,500,000; and
 - (2) Decrease the North San Jose New Development Reserve by \$1,500,000.

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

2.9 22-763 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through July 21, 2022 during the Governor's Proclaimed COVID State of Emergency.

Recommendation: Adopt a resolution of the Council of the City of San José finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.10 22-944 Declarations Suspending Enforcement of Certain Provisions in Land Use Permits (Al Fresco).

Recommendation: Adopt a resolution amending the Declaration of the Director of Emergency Services of the City of San José issued July 22, 2020, to extend the term for outdoor business operations on closed public streets until June 30, 2023.
CEQA: Categorically Exempt, File No. ER22-138. CEQA Guidelines Section 15304(e) Minor Alterations to Land. (Economic Development and Cultural Affairs)

2.11 22-945 Declaration of Surplus and Sale of a Residential Condominium Unit Located at 435 North 2nd Street.

Recommendation: Adopt a resolution:

- (a) Declaring the residential condominium unit located at 435 North 2nd Street, Unit 213 in San José (APN 249-73-047) surplus to the needs of the City;
 - (b) Waiving the procedures required under Council Policy 7-13;
 - (c) Approving the sale of the residential condominium unit to Kim Cosmas, or other qualified buyer, for no less than \$588,000;
 - (d) Approving the payment of closing costs in accordance with Santa Clara County custom, and the buyer's agent fee in the amount of 2.5% of the sales price of \$588,000, or \$14,700, to eXp Realty of California, Inc., or a similar agent, in accordance with Council Policy 7-6; and
 - (e) Authorizing the City Manager, or her designee, to negotiate and execute a purchase and sale agreement, a Quitclaim deed, and all other documents necessary to complete the transaction.
- CEQA: Not a Project, File No. PP17-003. Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 3. (Economic Development and Cultural Affairs)

2.12 22-946 Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of Block 64 Alleyway Between East Virginia Street and Martha Street. - RENUMBERED TO ITEM 8.7

Recommendation: [RENUMBERED TO ITEM 8.7 (22-1016)]

2.13 22-947 Amendment to the Purchase Order with Jensen Landscape Services, LLC for Landscape and Irrigation Maintenance Services.

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase order OP 59024 with Jensen Landscape Services, LLC (Milpitas, CA) for landscape and irrigation services to extend the term of the purchase order from July 1, 2022, through December 31, 2022, and to increase compensation by \$101,000, for a revised maximum compensation not-to-exceed \$421,000, subject to the appropriation of funds.
CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. ER19-083. (Finance)

2.14 22-948 Amendment to the Purchase Order with New Image Landscape Company for Green Infrastructure Landscape Maintenance Services.

Recommendation: Adopt a resolution authorizing the City Manager to take the following actions on OP 61055 with New Image Landscape Company (Fremont, CA) for green infrastructure landscape maintenance services:

- (a) Retroactively approve the issuance of the purchase order from July 1, 2021, through June 30, 2022, for a maximum compensation not-to-exceed \$290,000;
- (b) Extend the term from June 30, 2022, to December 31, 2022; and
- (c) Increase compensation by \$150,000, for a revised maximum compensation not-to-exceed \$440,000.

CEQA: Citywide Exemption, File No. PP18-600, CEQA Guidelines Section 15301, Citywide Landscape Maintenance. (Finance)

2.15 22-949 Amendment to the Purchase Orders with Sunbelt Controls, Inc. for HVAC Parts & Technical Support Services Specifically for Honeywell, Niagara HVAC System.

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase orders with Sunbelt Controls, Inc. (Glendale, CA) for HVAC parts and technical support services specifically for Honeywell and Niagara HVAC systems to:

- (a) Amend OP 57263 to retroactively approve increasing compensation to \$320,000; and
- (b) Amend OP 59236 to retroactively extend the term from June 30, 2021, to December 31, 2022, and to increase compensation for a revised maximum compensation not-to-exceed \$420,000.

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

2.16 22-950 Amendment to the Agreements with Wells Fargo Bank, National Association for Banking Services.

Recommendation: Adopt a resolution authorizing the Director of Finance to negotiate and execute amendments to extend the terms of the current agreements with Wells Fargo Bank, National Association for general banking, lock box services and merchant card services, from July 1, 2022 to June 30, 2024, 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)

2.17 22-951 Purchase Order with WECO Industries, LLC for Sewer Cleaning Vacuum Trucks.

Recommendation: Adopt a resolution authorizing the City Manager to execute a purchase order with WECO Industries, LLC (Vacaville, CA) for the purchase of three sewer cleaning vacuum trucks subject to pricing obtained through the cooperative agreement between Sourcewell and GapVax, Inc. (Johnstown, PA) for a period starting on or about June 21, 2022, and ending on or about December 20, 2022, for an amount not-to-exceed \$1,999,999.

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

2.18 22-952 Set a Public Hearing for the Fiscal Year 2022-2023 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation: Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 9, 2022, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via video conference should the City Council not meet in-person, to approve the placement of the 2022-2023 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2022-2023 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2022-2023 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2022 instead of July 5, 2022; and
- (c) Direct the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

2.19 22-953 Set a Public Hearing for the Fiscal Year 2022-2023 Annual Residential Solid Waste Collection Service Charges.

Recommendation: Adopt a resolution:

- (a) Setting a Public Hearing for Tuesday, August 9, 2022, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, or via video conference should the City Council not meet in-person, to approve the placement of the 2022-2023 annual Residential Solid Waste Collection Service Charges on the 2022-2023 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and
 - (b) Directing the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

2.20 22-954 Amendment to the Agreement with Graffiti Protective Coatings, Inc for Graffiti Abatement Services.

- Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the Fourth Amendment to the Agreement for Graffiti Abatement Services with Graffiti Protective Coatings, Inc. (Los Angeles, CA) to add one additional two-year option for a total of four two-year options to extend services through June 26, 2024, under the same material terms and conditions as the original agreement, for a maximum compensation not to exceed \$2,800,000 for the option term beginning June 27, 2022 and ending June 26, 2024, 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/Parks, Recreation and Neighborhood Services)

2.21 22-959

Policy Revisions Related to Criminal Allegations Against City Employees with the Potential to Impact the Safety or Financial Health of the Community and/or Other City Employees.

Recommendation: As recommended by the Rules and Open Government on June 1, 2022, accept the update regarding revisions made to the City's Administrative Leave Policy, City's Investigation Principles Policy, and relevant sections of the San José Police Department's Duty Manual and Internal Affairs Unit guidelines, effective May 27, 2022, related to criminal allegations against City employees with the potential to impact the safety or financial health of the community and/or other City employees. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police/City Manager)
[Rules Committee referral 6/1/2022 - Item C.1]

2.22 22-960 Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2022-2023 Agreements.

Recommendation: Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager, authorizing the Director of Parks, Recreation and Neighborhood Services to apply for, accept funds, negotiate and execute 2022-2023 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment A of the staff memorandum) consistent with Adopted Budget amounts for the following City programs and/or services:

- (a) After School Education and Safety;
- (b) BeautifySJ Initiative;
 - (1) Encampment Trash Program;
 - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
 - (3) Interagency Agreements;
 - (4) Memoranda of Understanding;
- (c) BeautifySJ Fiscal Agent Agreement;
- (d) Capital Improvement Program Master Consultant Projects;
- (e) Citywide Aquatics Program;
- (f) Community Service Provider Agreements;
- (g) County of Santa Clara - Behavioral Health Services Department;
- (h) County of Santa Clara Agreement for Senior Nutrition Program;
- (i) Facility Use Agreements;
 - (1) Neighborhood Center Partner Program;
 - (2) Recreation of City Kids Program;
 - (3) Leisure and Recreation Fee Class Vendor Agreements;
- (j) Food and Necessities Distribution Program Agreements;
- (k) Friends of PRNS Non-Profit Organizations;
- (l) Golf Course Agreements;
- (m) Grantmaking Programs;
 - (1) Bringing Everyone's Strengths Together;
 - (2) BeautifySJ Neighborhood Associations Grant Program;
 - (3) Franklin-McKinley Children's Initiative;
 - (4) Safe Summer Initiative Grant;
 - (5) Saint James/Urban Park Activation;
 - (6) Senior Health and Wellness;
 - (7) Spartan-Keyes Neighborhood Action Center;
- (n) Grant Revenue Agreements;
- (o) Happy Hollow Park & Zoo;
 - (1) Education Programs;

(2) Private Events;
(p) Little League Agreements;
(q) Mayor's Gang Prevention Task Force;
(1) Agreements with subcontracted agencies to implement Task Force programs;
(2) Memoranda of Understanding;
(3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph);
(r) Mitigation Monitoring and Maintenance Support Services;
(s) Park Concessionaires Agreements;
(t) San José Police Activity League Agreement;
(u) Sponsorship Agreements;
(v) Reimbursement Agreements;
(w) Right-of-Entry Agreements;
(x) Standard Consultant Agreements for Non-Capital Projects; and
(y) Summer Food Service Program.
CEQA: Community Services Provider Agreements: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-042; BeautifySJ Grant Program: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; All Other Agreements: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

2.23 22-961 Actions Related to the 9699-Mineta San José International Airport General Aviation Run-Up Pad Relocation Re-bid.

Recommendation: Adopt a resolution authorizing the Director of Public Works to:

(a) Award and execute a contract for the construction of the 9699 - Mineta San José International Airport - General Aviation Run-Up Pad Relocation Re-Bid Project to the low bidder, Granite Rock Company, in an amount not to exceed \$1,488,439, contingent upon the award and execution of an Airport Improvement Program (AIP) or Bipartisan Infrastructure Law (BIL) grant from the Federal Aviation Administration (FAA); and

(b) Establish a construction contingency of up to 10 percent of the amount of the construction contract for the Project.

CEQA: File No. PP18-103, Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497). (Public Works/Airport)

2.24 22-962 Agreement with NN Engineering, Inc. for Consultant Services for the Walk Safe San José: Pedestrian Safety Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consulting service agreement with NN Engineering, Inc. for the Walk Safe San José: Pedestrian Safety Plan from the date of execution through June 30, 2024 for an amount not to exceed \$502,000.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Transportation)

2.25 22-963 Amendment to the Funding Agreement with the Peninsula Corridor Joint Powers Board for the Diridon Integrated Station Concept Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the first amendment to the Funding Agreement with Peninsula Corridor Joint Powers Board (Caltrain) to extend the contract term to June 30, 2025.

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

2.26 22-992 Approval of San José State University Flag Raising Ceremony Sponsored by Council District 3 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 June 8, 2022:

(a) Approve the San José State University (SJSU) Flag Raising Ceremony scheduled on August 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. (Perez)

[Rules Committee referral 6/8/2022 - Item B.4]

2.27 22-996 Approval of Puerto Rican Flag Raising Ceremony Sponsored by Council District 3 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 June 8, 2022:

(a) Approve the Puerto Rican Flag Raising Ceremony scheduled on July 29, 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. (Perez)

[Rules Committee referral 6/8/2022 - Item B.5]

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 22-964 Approval of Various Budget Actions for Fiscal Year 2021-2022. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation: Adopt the 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council.

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

TO BE HEARD IMMEDIATELY BEFORE CONSENT

3.4 22-965 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2022-2023 Budget, and Resolution Establishing the Fiscal Year 2022-2023 Appropriation Limit. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation: (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2022-2023 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2022-2023 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2022-2023 "Gann Limit":

- (1) Elect the per capita income index as the inflation factor for 2022-2023 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;
- (2) Elect the County of Santa Clara population growth index as the population factor for 2022-2023; and
- (3) Establish the Fiscal Year 2022-2023 Appropriation Limit at \$1,403,967,018 in compliance with Article XIIIB of the State of California Constitution.

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

TO BE HEARD IMMEDIATELY BEFORE CONSENT

- 3.5 22-966 Approval of the Terms of Agreements with the Association of Engineers and Architects, IFPTE, Local 21 (AEA) the Association of Legal Professionals (ALP), the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), the City Association of Management Personnel, IFPTE, Local 21 (Camp), the Municipal Employees' Federation, AFSCME Local 101 (MEF), and the International Union of Operating Engineers, Local No. 3 (OE#3); and Changes for San José Police Dispatcher Association (SJPDA) and Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82) for Fiscal Year 2022-2023.**

Recommendation: Adopt a resolution to:

- (a) Approve the terms of an Agreement with the Association of Engineers and Architects, IFPTE, Local 21 (AEA) to provide classifications assigned to AEA with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.
- (b) Approve the terms of an Agreement with the Association of Legal Professionals (ALP) to provide classifications assigned to ALP with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.
- (c) Approve the terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) to provide classifications assigned to AMSP with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.
- (d) Approve the terms of an Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide classifications assigned to CAMP with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(e) Approve the terms of an Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide classifications assigned to MEF with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(f) Approve the terms of an Agreement with the International Union of Operating Engineers, Local No. 3 (OE#3) to provide classifications assigned to OE#3 with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(g) Approve compensation changes for classifications and employees assigned to the San José Police Dispatchers' Association (SJPDA) for Fiscal Year 2022-2023 to provide classifications and employees assigned to the San José Police Dispatchers' Association (SJPDA) with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50%, effective June 26, 2022.

(h) Approve compensation changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82) for Fiscal Year 2022-2023 to provide executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82) with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50%, effective June 26, 2022.

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

3.6 22-967 City of San José 2022 Tax and Revenue Anticipation Notes. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation: (a) Adopt a resolution:

(1) Authorizing the issuance and sale of the City of San José 2022 Tax and Revenue Anticipation Notes in an aggregate principal amount not to exceed \$360,000,000 to be sold through a direct bank placement; and

(2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement with Bank of America, N.A. and other related documents, as necessary, in connection with the issuance of the 2022 Notes and authorizing other related actions in connection therewith.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2022-2023:

(1) Increase the estimate for Other Revenue by \$360,000,000; and

(2) Increase the TRAN Debt Service City-Wide Expenses appropriation to the Finance Department by \$360,000,000.

CEQA: Not a Project, File No. PPI7-004, 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. (Finance/City Manager)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

3.7 22-968 Report on Bids and Award of Contract for the 10038-Mineta San José International Airport New Taxiway Victor Phase 1 Project.

Recommendation: Report on bids and award and execute a contract for the construction of the 10038 - Mineta San José International Airport - New Taxiway Victor Phase 1 Project (Project) to the low bidder, Granite Construction Company, for the base bid and Add Alternate Nos. 1 and 2 in an amount of \$21,602,842.30, contingent upon the award and execution of an Airport Improvement Program or Bipartisan Infrastructure Law grant from the Federal Aviation Administration (FAA), and approve a contingency in the amount of \$2,160,284.23.

CEQA: File. No ER22-021 New Taxiway Victor Project at the Norman Y. Mineta San José International Airport. (Public Works/Airport)

4. PUBLIC SAFETY SERVICES

4.1 22-970 Military Equipment Use Policy for the Police Department.

Recommendation: (a) Approve an ordinance amending Chapter 2.04 of Title 2 of the San José Municipal Code titled “Military Equipment Use Policy” to add Section 2.04.4030 to to comply with California Assembly Bill 481 governing the funding, acquisition, and use of military equipment by law enforcement agencies, and
(b) Approve a military equipment use policy, including an inventory, and two additional requested military equipment items.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)
[Deferred from 6/7/2022 - Item 4.1 (22-868)]

5. TRANSPORTATION & AVIATION SERVICES**5.1 22-971 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Stevens Creek Blvd & Winchester Blvd Resurfacing Project.**

Recommendation: (a) Approve award of a construction contract for the 10130 - 2022 Stevens Creek Blvd & Winchester Blvd Resurfacing Project, to the low bidder, O’Grady Paving, Inc., in the amount of \$12,400,003 and approve an approximate 10% contingency in the amount of \$1,240,000.
(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Cost Sharing Agreement with the City of Santa Clara for pavement maintenance improvements on Stevens Creek Boulevard and Winchester Boulevard as part of the 2022 Stevens Creek Blvd & Winchester Blvd Resurfacing Project. The payment made by the City of Santa Clara shall not exceed \$6,000,000.
CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1 and 6. (Transportation)

5.2 22-972 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Resurfacing #5 Project.

Recommendation: (a) Approve award of a construction contract for the 10163 - 2022 Local Streets Resurfacing #5 Project, to the lowest bidder, MCK Services Inc., in the amount of \$8,587,317.50.
(b) Approve an approximate 10% contingency in the amount of \$858,000.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 9 and 10. (Transportation)

5.3 22-973 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Resurfacing #6 Project.

Recommendation: (a) Approve award of a construction contract for the 10164 - 2022 Local Streets Resurfacing #6 Project, to the lowest bidder, A. Teichert & Son, Inc., in the amount of \$9,056,338.
(b) Approve an approximate 10% contingency in the amount of \$905,000.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 3, 6 and 10. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 22-974 Guadalupe Gardens Encampment Work Plan.

Recommendation: Accept the June 2022 through September 2022 Guadalupe Gardens Encampment work plan.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. Council District 6. (Parks, Recreation and Neighborhood Services/Housing)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-975 Public Hearing on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2022-2023. - NOT TO BE HEARD BEFORE 1:30 P.M.

Recommendation: Conduct a Public Hearing and adopt a resolution to:
(a) Approve the 2022-2023 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and
(b) Levy the annual Japantown Business Improvement District assessments for Fiscal Year 2022-2023.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)
NOT TO BE HEARD BEFORE 1:30 P.M.

8.2 22-976 Actions Related to the Project Homekey 2.0 Funds for the Arena Hotel Located at 817 The Alameda.

Recommendation: (a) Adopt a resolution:

(1) Accepting an award of \$25,238,236 in Project HomeKey 2.0 funds from the California Department of Housing and Community Development (HCD) in order to address the housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness through the acquisition of and operation of the Arena Hotel located at 817 The Alameda;

(2) Authorizing the City Manager to negotiate and execute an HCD Standard Agreement and all other necessary related documents to accept \$25,238,236 in acquisition funding and operating subsidy from HCD in Project HomeKey 2.0 funds;

(3) Authorizing the City Manager to negotiate and execute an assignment and assumption agreement for the City of San José (City) to assume the role of Buyer in the Purchase and Sale Agreement and Joint Escrow Instructions dated October 14, 2020, first amended on June 30, 2021, second amended on November 30, 2021, third amended on February 28, 2022, and fourth amended on April 26, 2022 (collectively PSA) between Ikaika Ohana as buyer and Mill Valley Motel Investments, Inc., Morgan Hill Motel Investments Inc., Arena Hotel Investments, Inc., and Needles Motel Investments, LLC., collectively as Seller (Seller) for the purchase of the Arena Hotel located at 817 The Alameda, identified as APN 261-01-007 for a price of \$22,900,000 (Project);

(4) Authorizing the Director of Housing to negotiate and execute grant documents and all other documents with Urban Housing Communities, or its affiliate Ikaika Ohana (Developer) regarding the rehabilitation, and operations of and services for the Project for a grant award in the amount of \$23,150,672 from Project Homekey 2.0 Funds and Measure E Funds;

(5) Authorizing the Director of Housing to enter into a Ground Lease with the Developer of the City-owned property located at 817 The Alameda for a term of up to 15 years for the purposes of rehabilitating and operating the Project; and

(6) Approving a total commitment of \$25,238,236 in Project Homekey 2.0 Funds and \$20,857,436 in Measure E Funds totaling \$46,095,672 for the acquisition, rehabilitation and operation of the Project.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from the State of California by \$25,238,236; and

(2) Establish a Project HomeKey 2.0 appropriation to the Housing Department in the amount of \$25,238,236.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$20,857,436; and

(2) Establish a Project HomeKey 2.0 appropriation to the Housing Department in the amount of \$20,857,436.

CEQA: Statutorily Exempt, Public Health and Safety Code Section 50675.1.4, Homekey Round 2 Program - Arena Hotel, File No.

ER21-159. Council District 6. (Housing/Economic Development and Cultural Affairs/City Manager)

8.3 22-977 Actions Related to the Loan Commitments for Four New Affordable Housing Developments.

Recommendation: (a) Adopt a resolution:

(1) Approving a total commitment of up to \$53,050,885 in Low- and Moderate-Income Housing Asset Funds (“LMIHAF”) and Measure E Funds for Construction-Permanent Loans to the following developments:

(i) UrbanCo-Tamien, LLC, affiliated with Core Communities in partnership with Republic Urban, or an affiliated development entity (Core) for the Tamien Station Affordable Development, located at 1197 Lick Ave, which is being developed to provide 134 affordable rent-restricted apartments, and one unrestricted manager’s home (Tamien Station Affordable), in an amount not to exceed \$16,750,000 in Low and Moderate-Income Housing Asset funds;

(ii) Charities Housing Development Corporation of Santa Clara County or an affiliated development entity (Charities Housing) for The Charles Development, located at 551 Keyes Street, which is being developed to provide 97 affordable rent-restricted apartments, and two unrestricted manager’s homes (The Charles), in an amount not to exceed \$9,675,885 in Measure E funds;

(iii) Charities Housing Development Corporation of Santa Clara County or an affiliated development entity (Charities Housing) for the Alum Rock Multifamily Development (1860 Alum Rock) located at 1860 Alum Rock Avenue, which is being developed to provide 59 affordable rent-restricted apartments, and one unrestricted manager’s home, in an amount not to exceed \$7,500,000 in Measure E funds;

(iv) Danco Communities or an affiliated development entity (Danco) for the West San Carlos Residential Development (also known as “777 West San Carlos Residential”) located at 777 West San Carlos Street, which is being developed to provide 153 rent-restricted apartments, and one unrestricted manager’s home, in an amount not to exceed \$19,125,000 in Low and Moderate-Income Housing Asset funds;

(2) Authorizing the loan terms to allow an increase in the rents and income restrictions up to 60% AMI (low-income) for new tenants in project-based voucher subsidized units in the event of expiration or termination of the contract for Project Based Vouchers for: The Charles, 1860 Alum Rock, and 777 West San Carlos, and for all tenants for all four projects in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the above developments and allowed by other funds;

(3) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Developments; and

(4) Approving a loan-to-value ratio of greater than 100% for the loans above.

(b) Adopt a resolution:

(1) Approving a grant of up to \$247,500 in American Rescue Plan Funds to Danco or an affiliated development entity for costs associated with the development of the proposed childcare center to be located within the West San Carlos Residential Development; and

(2) Authorizing the Director of Housing to negotiate and execute all necessary documents for the grant related to the funds for the childcare center.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$8,701,377;

(2) Decrease the Measure E - 30% Low-Income Households Reserve by \$8,474,508;

(3) Establish the Measure E - 40% Extremely Low-Income Households appropriation to the Housing Department in the amount of \$8,701,377; and

(4) Establish the Measure E - 30% Low-Income Households appropriation to the Housing Department in the amount of \$8,474,508.

(d) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by \$35,875,000; and

(2) Increase the Housing Loans and Grants appropriation to the Housing Department by \$35,875,000.

CEQA: The Charles, Alum Rock, and West San Carlos projects are Exempt from CEQA per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Tamien Station (PD20-003): Determination of Consistency with the Mitigated Negative Declaration for Tamien Station Transit Oriented Development Project (Resolution No. 79567), File No. PDC18-025. Council Districts 3, 5, and 6. (Housing/City Manager)

8.4 22-978 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.

(4) Authorizing the Director of Housing or the Director of Housing's designee to negotiate and execute with the County Department of Environmental Health a Covenant regarding contaminated soil and related environmental issues and to negotiate and execute amendments to the City's ground lease or an environmental agreement, as may be necessary for enforcing and securing the obligations of the lessee, the Kelsey Ayer Station LP or affiliate to comply with monitoring and remediation obligations under the Covenant.

(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. Council District 3.

(Housing/City Manager)

[Deferred from 6/14/2022 - Item 8.2 (22-913)]

8.5 22-982 Final Public Hearing on the Fiscal Year 2022-23 Annual Action Plan for the US Department of Housing and Urban Development. - NOT TO BE HEARD BEFORE 1:30 P.M.

Recommendation:

(a) Adopt a resolution to:

- (1) Approve the Fiscal Year 2022-23 Annual Action Plan;
- (2) Authorize the Director of Housing to submit the Fiscal Year 2022-23 Annual Action Plan to US Department of Housing and Urban Development; and
- (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2022-23 Annual Action Plan and all related contract amendments, extensions, and changes.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:

- (1) Decrease Unrestricted Ending Fund Balance by \$42,754;
- (2) Decrease the Plaza Hotel Rehabilitation appropriation by \$1,000,000;
- (3) Decrease the Rental Support Case Management appropriation by \$211,224;
- (4) Decrease the Contractual Community Services appropriation by \$146,022; and
- (5) Establish a Haven Rehabilitation appropriation to the Housing Department in the amount of \$1,400,000.

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

NOT TO BE HEARD BEFORE 1:30 P.M.

8.6 22-979 Action Related to Quick-Build Emergency Interim Housing.

Recommendation: (a) Accept the staff report on Quick-Build Emergency Interim Housing.
(b) Approve the following sites for Emergency Interim Housing:
(1) Expand the currently under construction Guadalupe Site (City owned);
(2) Expand the existing Rue Ferrari Site (Caltrans owned);
(3) Develop the new Noble Avenue Site (City owned);
(4) Develop the new 85 South @ Great Oaks Boulevard Site (Caltrans owned);
(5) Prioritize for future development the 680 North @ Jackson Avenue Site (Caltrans owned); and
(6) Prioritize for future development the 85 South @ Prospect Road Site (Caltrans owned).
(c) Approve the initiation of development of Emergency Interim Housing on sites (b) 1-4 in Fiscal Year 2022-2023.
(d) Direct the Administration to pursue an extension on the sunset of Assembly Bill 1745 (Shelter Crises Act) to allow for continued operation of bridge and emergency interim housing facilities beyond January 2025.
(e) Direct the Administration to report back to the Community and Economic Development Committee in spring 2023 on the progress of development on sites (b) 1-4, including estimated schedules for completion, relevant project obstacles, and estimated costs, and a preliminary projection of pre-development activities, or other assessments, for future development sites (b) 5-6 on the recommended list for Fiscal Year 2023-2024.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Housing/Public Works/City Manager)

8.7 22-1016 Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of Block 64 Alleyway Between East Virginia Street and Martha Street. - RENUMBERED FROM ITEM 2.12

Recommendation: Conduct a public hearing and adopt a resolution to authorize the following:

- (a) Approve the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 4,059 square foot portion of the Block 64 alleyway between E. Virginia Street and Martha Street (Vacation Property);
- (b) Conditionally vacate the Vacation Property, which after the satisfaction of the conditions, will be superseded by relocation;
- (c) After satisfaction of the condition, direct the City Clerk to record a certified copy of the resolution of vacation for the Vacation Property with the Office of the Recorder, County of Santa Clara;
- (d) Declare the Vacation Property of the City-owned Block 64 alleyway as “exempt-surplus land” to the needs of the City under Cal. Gov. Code §54221(f)(1)(E) as the land is a former street, right of way, or easement and if being sold to an owner of adjacent property as well as Cal. Gov. Code §54221(f)(1)(C) in that the Vacation property is being exchanged by the City for other lands necessary for the City’s use;
- (e) Direct the City Manager to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed, and all other necessary documents to effectuate the transfer to D’Amico Tire Service Company, Inc., a California Corporation, from the City of San José, for the sale of the portion of the surplus City-owned Vacation Property for the consideration of \$65,241.80 by direct negotiation under San José Municipal Code Section 4.20.070 and in accordance with Council Policy No. 7-13(D)(1) as the transferee is an adjacent property owner and the transaction is for fair market value;
- (f) Authorize the City Manager, or her designee, to negotiate and execute all other documents necessary to accept the fee title ownership of an approximately 3,602 square foot portion of the property owned by James L. D’Amico, known as Assessor’s Parcel Number 472-17-034 (Swap Property) and complete the transactions; and
- (g) Authorize the City Manager to enter into all other documents necessary to effectuate these transactions.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment.
Council District 3. (Economic Development and Cultural Affairs/Public Works)

[RENUMBERED FROM ITEM 2.12 (22-946)]

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) **22-980 PD22-011 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 350 Barack Obama Boulevard. - NOT TO BE HEARD BEFORE 1:30 P.M.**

Recommendation: Adopt a resolution approving a Planned Development Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,265-square foot retail store on an approximately 0.8-gross acre site located on the southeast corner of Barack Obama Boulevard and West San Carlos Street (350 Barack Obama Boulevard, Suite 10).
CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (10-0-1; Cantrell absent). Council District 6. (Planning, Building and Code Enforcement)
NOT TO BE HEARD BEFORE 1:30 P.M.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-997 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. - NOT TO BE HEARD BEFORE 6:00 P.M.

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)
[Deferred from 6/14/2022 - Item 10.2 (22-915)]
NOT TO BE HEARD BEFORE 6:00 P.M.

- **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.