



# **City Council Meeting Amended Agenda**

**Tuesday, June 28, 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, 80507, and 80576, Councilmembers may be teleconferencing from remote locations.

**How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

**How to submit written Public Comment before the City Council Meeting:**

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

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

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

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

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

Interpretation is available in Spanish. In your webinar controls, select “Interpretation.” Click the language you would like to hear.

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

**22-1038**      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.**

- Adjournment

This meeting is adjourned in memory of Fernando Perez Lopez who was a beloved husband, father, son and brother. He passed in peace on Tuesday, May 3, 2022, leaving behind his loving wife Martha M. Naranjo Bernabe and two beautiful children Paloma and Fernando. Fernando was very proud of his family and always inspired his family to dream big and be better. His smile and charisma lit up the room wherever he went. Fernando served the City of San José and its residents for over two decades. He worked in gang intervention and Code Enforcement. He was a committed public servant who put others before himself and stived selflessly to improve his community. Fernando leaves behind many colleagues and friends at City Hall. Fernando's heart of gold will be sincerely missed. He will forever be remembered as a loving father and husband, loyal Raiders fan, joyful friend, and strong community advocate.

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

- 1.1 Presentation of a proclamation declaring June 2022 as National Adopt a Cat Month. (Carrasco)
- 1.2 Presentation of a proclamation declaring July 2022 as Park and Recreation Month. (Mahan)

## **2. CONSENT CALENDAR**

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

**2.1 Approval of City Council Minutes.****22-1078 Approval of City Council Minutes.**

**Recommendation:** (a) City Council Regular Meeting Minutes of November 10, 2020. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

**2.2 Final Adoption of Ordinances.****22-1049 Final Adoption of Ordinances.**

**Recommendation:** (a) Ordinance No. 30785 - An Ordinance of the City of San José Amending Title 3 of the San José Municipal Code to Amend Section 3.28.700 and Section 3.28.725 of Chapter 3.28 Related to the City of San José Paying the Normal Contributions for Eligible Tier 1 Members at Thirty Years of Service.  
[Passed for Publication on 6/14/2022 - Item 2.8 (22-886)]  
(b) Ordinance No. 30786 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Add Previously Approved Text within (a) Chapter 20.30, Section 20.30.100 to Rectify Table 20-50, and New Section 20.30.840 'Exemption for Addition'; (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 (e) to Make Other Technical, Non-Substantive, or Formatting Changes within those Sections of Title 20 of the San José Municipal Code.  
[Passed for Publication on 6/14/2022 - Item 10.1(a) (22-914)]  
(c) Ordinance No. 30792 - An Ordinance of the City of San José Adding Section 2.04.4030 to Chapter 2.04 of Title 2 of the San José Municipal Code Titled "Military Equipment Use Policy" to Comply with California Assembly Bill 481 Governing the Funding, Acquisition, and Use of Military Equipment by Law Enforcement Agencies.  
[Passed for Publication on 6/21/2022 - Item 4.1(a) (22-970)]  
(d) Ordinance No. 30798 - Approve an Ordinance of the City of San José Rezoning 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.  
[Passed for Publication on 6/21/2022 - Item 10.2(b) (22-997)]

## 2.3 Approval of Council Committee Minutes.

### 22-1077 Approval of Council Committee Minutes.

**Recommendation:** (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 1, 2022.  
(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 8, 2022.  
(c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 15, 2022.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

## 2.4 Mayor and Council Excused Absence Requests.

## 2.5 City Council Travel Reports.

## 2.6 Report from the Council Liaison to the Retirement Boards.

### 2.7 22-1041 Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.

**Recommendation:** Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:  
(a) A Thirteenth Amendment and Continuation Agreement with Hanson Bridgett LLP for legal services in connection with the City's retirement plans and other benefit plans and programs, retroactively extending the term from July 1, 2022 through June 30, 2023, with no increase in the amount of compensation; and  
(b) A Thirteenth Amendment and Continuation Agreement with Ice Miller LLP for legal services in connection with retiree health and dental benefits and related tax issues, retroactively extending the term from July 1, 2022 through June 30, 2023, with no increase in the amount of compensation.  
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

**2.8    22-998        Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through July 28, 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)



**2.9 22-1008 Boards and Commissions Appointment.**

**Recommendation:** Approve the following Boards and Commissions appointments:

(a) Arts Commission:

(1) District 2 Seat: Appoint Charlie McCollum for a term of July 1, 2022 to June 30, 2026.

(2) District 4 Seat: Appoint Lynne Rosenthal for a term of July 1, 2022 to June 30, 2026.

(3) District 5 Seat: Appoint Jonathan Borca for a term of July 1, 2022 to June 30, 2024.

(b) Clean Energy Community Advisory Commission:

(1) Citywide Seat: Appoint Ted Marena for a term of July 1, 2022 to December 31, 2023.

(c) Planning Commission:

(1) District 1 Seat: Appoint Justin Lardinois for a term of July 1, 2022 to June 30, 2026.

(2) District 4 Seat: Appoint Barinder Ahluwalia for a term of July 1, 2022 to June 30, 2026.

(3) District 5 Seat: Appoint Louis Barocio for a term of July 1, 2022 to June 30, 2026.

(4) District 6 Seat: Appoint Pierluigi Oliverio for a term of July 1, 2022 to June 30, 2026.

(5) District 9 Seat: Appoint Michael Young for a term of July 1, 2022 to June 30, 2026.

(d) Youth Commission:

(1) District 2 Seat: Appoint Kathy Lu for a term of July 1, 2022 to May 31, 2024.

(2) District 3 Seat: Appoint Deitra Hoang for a term of July 1, 2022 to May 31, 2024.

(3) District 6 Seat: Appoint Amiya Bansal for a term of July 1, 2022 to May 31, 2023.

(4) Citywide Seat: Appoint Vendant Janapaty for a term of July 1, 2022 to May 31, 2024.

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 22-1017 Terms of an Agreement with the International Brotherhood of Electrical Workers, Local 332 for the Term of July 1, 2021 through June 30, 2024.**

**Recommendation:** Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local 332 for the term of July 1, 2021, through June 30, 2024, and authorizing the City Manager to execute an agreement with those terms.

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

**2.11 22-1018 Extension of Hiring Incentive Referral Program for City Employees.**

**Recommendation:** Adopt a resolution extending the expiration date for the temporary increase to the Hiring Incentive Referral Program for City employees from June 30, 2022 to December 31, 2022.

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

**2.12 22-1019 Terms of Side Letter Agreements Between the City of San José, the International Union of Operating Engineers, Local No. 3 and the Association of Maintenance Supervisory Personnel IFPTE, Local 21, and Amending the City of San José Pay Plan.**

**Recommendation:** Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the International Union of Operating Engineers, Local No. 3 to provide the following effective July 10, 2022:

(1) Provide employees in the Parking & Traffic Control Officer FT/PT (2451/2452) classification with an approximate 15.17% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

(2) Provide employees in the Senior Parking & Traffic Control Officer (2453) classification with an approximate 13.24% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(b) Approve the terms of a Side Letter Agreement with the Association of Maintenance Supervisory Personnel IFPTE, Local 21 (AMSP) to provide employees in the Parking & Traffic Control Supervisor (2455) classification with an approximate 10.40% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties effective July 10, 2022.

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

(1) Increase the annual salary range of the classification of Parking & Traffic Control Officer FT/PT (2451/2452) to \$57,492.86 - \$69,805.92, effective July 10, 2022;

(2) Increase the annual salary range of the classifications of Senior Parking & Traffic Control Officer (2453) to \$73,158.48 - \$88,916.05, effective July 10, 2022; and

(3) Increase the annual salary range of the classification of Parking & Traffic Control Supervisor (2455) to \$89,074.25 - \$108,524.08, effective July 10, 2022.

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

**2.13 22-1042 Amendment to Resolution 80331 to Modify Plan A regarding 2022 Power Mix and Rates.**

**Recommendation:** Adopt a resolution amending Resolution No. 80331 to modify Plan A as follows:

(a) Continuing to set rates for GreenSource standard service up to 8% above Pacific Gas & Electric (PG&E) generation rates after accounting for the Franchise Fee Surcharge and the Power Charge Indifference Adjustment (PCIA);

(b) Continuing to set rates for San José Clean Energy's (SJCE) lowest-cost service GreenValue at no greater than parity to PG&E generation rates after accounting for the Franchise Fee Surcharge and the PCIA;

(c) Continuing to set rates for TotalGreen, SJCE's 100% renewable energy service, at \$0.005 or \$0.01 per kilowatt-hour above GreenSource, depending on rate class; and

(d) Continuing to set rates for SJCE SJ Cares program, to no less than 5% below PG&E generation rates after accounting for the Franchise Fee Surcharge and the PCIA.

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

**2.14 22-1020 Amendment to the Consultant Services Agreement with the San José Downtown Association.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to include marketing, promotional, placemaking, business development and parking-related services increasing consultant compensation from \$322,355 to an amount not to exceed \$977,355 for services from July 1, 2022 to June 30, 2023.

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)

**2.15 22-1021 Amendment to Purchase Order with Johnson Controls Fire Protection, LP for Fire Sprinkler Systems Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager to amend purchase order OP 60187 with Johnson Controls Fire Protection, LP (Boca Raton, FL) for fire sprinkler systems services to increase the compensation by \$180,000 for a revised maximum compensation not-to-exceed \$500,000 for the term ending October 31, 2022.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 3. (Finance)

**2.16 22-1040 Report on Request for Quotation for eDiscovery Software. - RENUMBERED TO ITEM 3.5**

**Recommendation:** [RENUMBERED TO ITEM 3.5 (22-1079)]

**2.17 22-1022 Amendment to the Purchase Orders with United Site Services of California, Inc. for Portable Restroom and Handwashing Station Rental Services.**

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

- (a) Amend purchase order OP 58765 with United Site Services of California, Inc. (Westborough, MA) for temporary fencing rentals and repair services, portable restroom rental services, and portable handwashing station rental services to increase compensation by \$400,000 for a revised maximum compensation not-to-exceed \$1,355,000, and to retroactively extend the term from December 31, 2021, to June 30, 2022.
- (b) Execute a purchase order with United Site Services of California, Inc. (Westborough, MA) for portable restroom and hand washing station rental services for an initial term starting on or about July 1, 2022, and ending on or about June 30, 2023, for an amount not to exceed \$2,400,000.
- (c) Exercise up to four one-year options to extend the term of the purchase order with the last option year ending on or about June 30, 2027, 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/Housing)

**2.18 22-1043 Agreement with San José Public Library Foundation for the San José Aspires Program.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation as the Fiscal Agent of the San José Aspires program in the amount not to exceed \$1,500,000 for scholarships and the administration of the San José Aspires program.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

**2.19 22-1044 Agreement with San José Public Library Foundation for the San José Learns Funds for Tutoring Services and Library Programs.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$2,550,000 for the fiscal administration of San José Learns funds (\$1,500,000), fiscal administration of the San José Learns Tutoring Expansion funds (\$1,000,000), and for fundraising activities to support Library programs (\$50,000).  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

**2.20 22-1023 Actions Related to the Parent Project Service Agreement with the County of Santa Clara.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to execute the Fifth Amendment to the Parent Project Service Agreement with the County of Santa Clara in the amount of \$330,000, and execute additional amendments and all related documents, including online certifications and reimbursement requests, without further City Council action; and (b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:  
(1) Increase the Parent Project City-Wide Expenses appropriation to the Police Department by \$66,000; and  
(2) Increase the estimate for revenue from Local Government by \$66,000.  
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

**2.21 22-1024 Charcot Avenue Extension Project Environmental Impact Report Decertification.**

**Recommendation:** (a) Approve a Settlement Agreement in the lawsuit entitled Protecting the Children of Orchard School v. City of San José whereby Petitioner agrees to dismiss the CEQA lawsuit against the City of San José in exchange for City Council rescinding the Charcot Avenue Extension Project Environmental Impact Report and payment of fees and costs in the amount of \$115,000.  
(b) Adopt a resolution repealing City Council Resolution No. 79559 adopted on June 9, 2020 to decertify the Charcot Avenue Extension Project Environmental Impact Report.  
CEQA: Statutorily Exempt, File No. PP17-004, CEQA Guidelines Section 15270, Projects which are disapproved. Council District 4. (Transportation)

**2.22 22-1025 Resolution Establishing Speed Limits.**

**Recommendation:** Adopt a resolution to repeal Resolution No. 78961 and set forth speed limits in the City of San José in compliance with state law to:  
(a) Establish a 20 mph business activity district speed limit on six streets; including Evergreen Village Square, and portions of Almaden Avenue, Jackson Street, Post Street, Santa Clara Street, and Willow Street.  
(b) Adopt the speed limit established by the County of Santa Clara for portions of Sierra Road for the segments within the jurisdiction of San José.  
CEQA: Categorically Exempt, PP18-029, CEQA Guideline Section 15301(c), Existing Facilities. Council Districts 3, 4, and 8. (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 22-1035 Citywide Residential Anti-Displacement Strategy Quarterly Status Report.**

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on June 9, 2022, accept the quarterly status report on the Citywide Residential Anti-Displacement Strategy.

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)

[Neighborhood Services and Education Committee referral 6/9/2022 - Item (d)2]

**3.4 22-1045 Actions Related to the Measure T Status Report on the Workplan and Implementation Updates.**

- Recommendation:**
- (a) Accept the status report on the workplan and implementation updates for projects included in approved 2018 Measure T Bond measure;
  - (b) Accept the Measure T Community Oversight Committee's annual report, as identified in Attachment A, on the Measure T -The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program proceeds and allocations for Fiscal Year 2020-21;
  - (c) Approve the proposed site at the intersection of Capitol Expressway and Tuers Road for the construction of new Fire Station 36;  
Adopt the following 2021-2022 Appropriation Ordinance amendments in the Public Safety and
  - (d) Infrastructure Bond Fund:
    - (1) Increase the Measure T - Police Headquarters Infrastructure Upgrades appropriation to the Public Works Department by \$250,000; and
    - (2) Decrease the Measure T - Program Reserve (Public Safety) appropriation by \$250,000.
  - (e) Accept the following:
    - (1) Staff funding recommendation of the funding sources available as shown in Table 2, with the acknowledgment that Fire Station 32 overages based on the current one company scope of work will require using \$2,500,000 of the \$5,000,000 in the Public Safety Program Reserve recommended for Fire Station Rehabilitation and for potential Fire Station overages; and
    - (2) Defer the policy decision in regard to funding projects identified in Table 4 until February 2023.
  - (f) Approve the proposed City Land South of Phelan site as a project to be funded by the Clean Water Program.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works/City Manager)
- [Deferred from 5/17/2022 - Item 3.5 (a)(b)(c)(e)(f) (22-703)]



**3.5 22-1079 Report on Request for Quotation for eDiscovery Software. - RENUMBERED FROM ITEM 2.16**

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

- (a) Negotiate and execute an agreement with Modus eDiscovery, Inc. (Atlanta, GA) to provide eDiscovery Software for the City Attorney's Office, including related professional services such as implementation, training, licensing, hosting, maintenance, and support, for a maximum compensation not to exceed \$83,000 during the initial one-year term beginning on or about July 1, 2022 and ending on or about June 30, 2023, 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 \$17,000 during the initial one-year term, subject to the appropriation of funds; and
- (c) Exercise up to four one-year options to extend the term of the agreement and the software license with the last option ending on or about June 30, 2027 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)  
**[RENUMBERED FROM ITEM 2.16 (22-1040)]**

## **4. PUBLIC SAFETY SERVICES**

**4.1 22-1046 Amendment to Chapter 11.34 of Title 11 of the San José Municipal Code - Regulation of Cruising.**

**Recommendation:** Approve an ordinance repealing Chapter 11.34 of Title 11 of the San José Municipal Code - Regulation of Cruising.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(City Attorney/City Manager)

**4.2 22-1047 Independent Police Auditor 2021 Year End Report. - RECOMMEND DEFERRAL**

**Recommendation:** Accept the 2021 Independent Police Auditor Year End Report.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)  
**RECOMMEND DEFERRAL TO AUGUST 2022 PER ADMINISTRATION**

**4.3 22-1048 San José Police Department Internal Affairs Unit - 2021 Department Initiated Investigations Report. - RECOMMEND DEFERRAL**

**Recommendation:** Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2021.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)  
**RECOMMEND DEFERRAL TO AUGUST 2022 PER ADMINISTRATION**

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES**

**8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1 22-1026 Amendment to the Lease for the Police Vehicle and Evidence Warehouse.**

**Recommendation:** Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Fourth Amendment, to the lease dated May 12, 2003, between Sun Garden Center 3, LLC, as Landlord, and the City of San José, as Tenant, extending the lease for an additional five-year period (expiring July 31, 2031) for the continued use and operation of approximately 30,015 square feet of warehouse space for the Police Evidence Warehouse Unit, and for the continued use and operation of approximately 69,804 square feet of warehouse space for the Police Vehicle Warehouse unit, totaling approximately 99,819 square feet of warehouse space located at 1598 Monterey Road in San José, for a rental rate of approximately \$1,093,708.44 for the first and second years, approximately \$1,129,643.28 for the third and fourth years, and approximately \$1,165,578.12 for the fifth year, totaling \$5,612,281.56 for the term, and all other necessary documents.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 7. (Economic Development and Cultural Affairs)

**8.2 22-1027 Master Agreements for Community Engagement Consultants.**

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

- (a) Negotiate and execute up to nine master agreements for on-call community engagement consultants for a total maximum compensation of up to \$4,000,000. The initial terms of the master agreements will be from July 1, 2022 to June 30, 2025 with City options to extend for two additional years for total contract terms of up to five years;
- (b) Exercise options to extend the master agreements for up to an additional two years under the same terms and conditions; and
- (c) Negotiate and execute amendments to the master agreements to shift funding between the master agreements provided the total maximum compensation does not exceed \$4,000,000.

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

**8.3 22-1029 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 or designee to negotiate and execute agreements and amendments beginning in Fiscal Year 2022-2023 with three one-year options to extend, subject to the appropriation of funds, 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: HomeFirst in the amount of \$2,300,000 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 and Shelter 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 \$3,500,000 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. PP17-003, 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)

[Deferred from 6/14/2022 - Item 8.3 (22-917)]

**8.4 22-1036 Public Hearing on the Local Homelessness Action Plan and Outcome Goals for the Homeless Housing, Assistance and Prevention Program Application. - RECOMMEND DEFERRAL TO AUGUST 9, 2022 PER ADMINISTRATION**

**Recommendation:** Conduct a public hearing on the local homelessness action plan and outcome goals for the Homeless Housing, Assistance and Prevention Program Round 3 grant application to the California Interagency Council on Homelessness.  
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)  
**RECOMMEND DEFERRAL TO AUGUST 9, 2022 PER ADMINISTRATION**

## **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) 22-1037 C22-004 - Conforming Rezoning for Certain Real Property Located at 155 Bernal Road.**

**Recommendation:** Approve an ordinance rezoning an approximately 0.87-gross acre site on that certain real property located on the northwest corner of the intersection of Realm Drive and Bernal Road (155 Bernal Road) from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 10. (Planning, Building and Code Enforcement)

## END OF CONSENT CALENDAR

### 10 Land Use - Regular Agenda

#### 10.2 22-1080 PD22-011 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 350 Barack Obama Boulevard.

**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) [Deferred from 6/21/2022 - Item 10.1(a) (22-980)]

- 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

This meeting is adjourned in memory of Fernando Perez Lopez who was a beloved husband, father, son and brother. He passed in peace on Tuesday, May 3, 2022, leaving behind his loving wife Martha M. Naranjo Bernabe and two beautiful children Paloma and Fernando. Fernando was very proud of his family and always inspired his family to dream big and be better. His smile and charisma lit up the room wherever he went. Fernando served the City of San José and its residents for over two decades. He worked in gang intervention and Code Enforcement. He was a committed public servant who put others before himself and stived selflessly to improve his community. Fernando leaves behind many colleagues and friends at City Hall. Fernando's heart of gold will be sincerely missed. He will forever be remembered as a loving father and husband, loyal Raiders fan, joyful friend, and strong community advocate.

## **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.