City Council Meeting
Amended Agenda

Tuesday, August 16, 2022
1:30 PM
Hybrid Meeting - Council Chambers and Virtually -
https://sanjoseca.zoom.us/j/88957084529

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:

- **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.
- 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.sanjose.legistar.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 many 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 No. 80628, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

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

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

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

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

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

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

1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. 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/88957084529
a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
d. When called, please limit your remarks to the time limit allotted.

- Call to Order and Roll Call

9:30 a.m.- Closed Session

22-1174 Closed Session Agenda

1:30 p.m.- Regular Session

- Pledge of Allegiance
- Invocation (District 7)

The Khmer Krom Buddhist monks - the Khemara Rangsey Temple.

- Orders of the Day

  To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

  To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring August 21, 2022 as National Senior Citizens Day to recognize the achievements of the more mature representatives of our nation and show our appreciation for their dedication, accomplishments, and services they give throughout their lives. (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.

2.3 Approval of Council Committee Minutes.

22-1264 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 August 3, 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 22-1175 Actions Related to the 9112 - All Inclusive Rotary Playgarden Project.

Recommendation: Approve a $71,500 increase in the construction contingency for the 9112 - All-Inclusive Rotary PlayGarden Project from $169,800 to $241,300 for three additional Bid Alternate items.
CEQA: Categorically Exempt, File No. PP19-002, CEQA Guidelines Section 15301 Existing Facilities. Council District 6. (Public Works)

2.8 22-1176 Resolution of Local Support for Caltrans Sustainable Transportation Planning Grants.

Recommendation: Adopt a "Resolution of Local Support" to receive grant funds from the Caltrans Sustainable Transportation Planning Grant that indicates the City will:
(a) Follow all grant program requirements.
(b) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with the Metropolitan Transportation Commission that are administered by the California Department of Transportation, in an amount not to exceed $674,451 for reimbursement for the following two projects:
(1) San José Decision Support System, in an amount not to exceed $265,000, and
(2) North San José Multimodal Transportation Improvement Plan, in an amount not to exceed $409,451.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

2.9 22-1221 Retroactive Purchase of Raffle Prizes.

Recommendation: As recommended by the Rules and Open Government Committee on August 3, 2022, retroactively approve the purchase of Airpods for the National Night Out's raffle giveaway.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 8/3/2022 - Item B.13]

2.10 22-1228 **Approval of Canoas Garden Dumpster Day Event Sponsored by Council District 9 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 August 3, 2022:
(a) Approve the Canoas Garden Dumpster Day Event scheduled on August 20, 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. (Foley)
[Rules Committee referral 8/3/2022 - 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 22-1177 **Agreement with Concern: Employee Assistance Program for Employee Assistance Program and Critical Incident Response Program.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City and Concern: Employee Assistance Program for an Employee Assistance Program and Critical Incident Response Program for a four-year term for the period of January 1, 2023, through December 31, 2026, with an option to extend an additional two years, for a total cost not to exceed $3,481,561, subject to the annual appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

3.4 22-1178 **Actions Related to the 9739-Payne Avenue Park Project.**

Recommendation: Report on bids and award of contract for the 9739 - Payne Avenue Park to the low bidder, Azul Works, Inc. for the base bid in the amount of $3,904,774 and approve a five percent contingency in the amount of $195,239.

CEQA: Categorically Exempt, File No. ER19-082, CEQA Guidelines Section 15332, In-Fill Development Projects. Council District 1. (Public Works/Parks, Recreation and Neighborhood Services)

4. PUBLIC SAFETY SERVICES

4.1 22-1179 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)
[Deferred from 6/28/2022 - Item 4.2 (22-1047)]
RECOMMEND DEFERRAL TO 08/30/2022 PER ADMINISTRATION

4.2 22-1180 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)
[Deferred from 6/28/2022 - Item 4.3 (22-1048)]
RECOMMEND DEFERRAL TO 8/30/2022 PER ADMINISTRATION

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-1265 Community Stabilization and Opportunity Pathways Fund Commission.

Recommendation: Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to:
(a) Amend Section 2.08.080 authorizing the Community Stabilization and Opportunity Pathways Fund Commission to establish its own procedural rules and regulations; and
(b) Add a new Part 50 establishing the Community Stabilization and Opportunity Pathways Fund Commission.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development and Cultural Affairs)
[Deferred from 8/9/2022 - Item 8.1 (22-1137)]

8.2 22-1266 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, subject to appropriation of funds.
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)
[Deferred from 6/28/2022 - Item 8.2 (22-1027); 8/9/2022 - Item 8.2 (22-1140)]

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum
- 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.