



# **City Council Meeting MINUTES**

**Tuesday, March 22, 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



## MINUTES OF THE CITY COUNCIL

**MARCH 22, 2022**

### **\* COVID-19 NOTICE \***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323 and 80343, Councilmembers will be teleconferencing from remote locations.

### **• Call to Order and Roll Call**

9:30 a.m.- Closed Session

**22-349** Closed Session: **See Page 18 for Closed Session Minutes.**

1:30 p.m. Present: Councilmembers - Carrasco, Arenas, Davis, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Esparza.

### **• Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

### **• Invocation (District 3)**

Father Jon Pedigo, Catholic Charities of Santa Clara County, offered a prayer from Hildegard of Bingen for the Invocation.

### **• Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

### **• Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

1.1 Councilmember Pam Foley presented a proclamation declaring March 25, 2022, as Greek Independence Day. (Foley)

## **CEREMONIAL ITEMS (Cont'd.)**

- 1.2 Councilmember Raul Peralez and Mayor Sam Liccardo presented a proclamation recognizing Cerebral Palsy Awareness Month in the City of San José, and honored members of the San José Rockets, a power soccer team supported by the City of San José Therapeutic Recreation Services. (Peralez)
- 1.3 Councilmember Matt Mahan presented a proclamation declaring April 1, 2022, as Assyrian New Year. (Mahan)

## **2. CONSENT CALENDAR**

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Esparza.)

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 22-372 Final Adoption of Ordinances.**

(a) Ordinance No. 30733 - An Ordinance of the City of San José Amending Title 4 of the San José Municipal Code by Amending Chapter 4.10 to Consolidate, Streamline, Update and Clarify the Manner in which the City Will Conduct Contractor Debarments. [Passed for Publication on 3/8/2022 - Item 2.12(a) (22-260)]

Action: (a) Ordinance No. 30733 was adopted. (10-0-1. Absent: Esparza.)

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

None provided.

### **2.4 22-424 Mayor and Council Excused Absence Requests.**

Request for excused absence for:

- (a) Councilmember Esparza from the Regular Meeting of the Neighborhood Services and Education Committee on March 10, 2022 due to illness; and
- (b) Councilmember Jimenez from the Joint Special Meeting of the Neighborhood Services and Education Committee and County regarding child well-being on March 25, 2022 due to authorized City business. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza & Jimenez)
- [Rules Committee referral 3/16/2022 - Item A.1.a]

Action: The requests for excused absences were accepted. (10-0-1. Absent: Esparza.)

## 2.5 City Council Travel Reports.

None provided.

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

None provided.

### 2.7 22-350 **Actions Related to the City Grant Program for Eligible San José Small Businesses Impacted by the COVID-19 Pandemic.**

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Enterprise Foundation to manage and implement a grant program utilizing American Rescue Plan Act funding in an amount not to exceed \$2,750,000, for a term from April 1, 2022 to December 31, 2022 to provide financial assistance to eligible San José small businesses that have been negatively impacted by the COVID-19 pandemic. CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80419** implementing a grant program utilizing American Rescue Plan Act funding was adopted. (10-0-1. Absent: Esparza.)

### 2.8 22-351 **Actions Related to Purchase Orders for Infor EAM Professional and Technical Services from Accenture.**

Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase order with attached addendum with Accenture LLP (formerly known as Advoco, LLC) (Berkeley, CA) to provide professional and technical services for Infor EAM, software used to manage equipment maintenance services, repair and parts requests, and associated work orders, for the Department of Public Works, for an initial two-year term beginning on or about March 23, 2022 through March 22, 2024 for a total amount not to exceed \$254,200;
- (b) Execute purchase order with attached addendum with Accenture LLP to provide professional and technical services for Infor EAM, software used to manage equipment maintenance services, repair and parts requests, and associated work orders, for the Environmental Services Department for an initial one-year term beginning on or about March 23, 2022 through March 22, 2023 for a total amount not to exceed \$45,100;
- (c) Exercise additional one-year options to extend the term of the purchase orders, with three options for the Department of Public Works and four options for the Environmental Services Department, with the last option year ending on or about March 22, 2027 for both departments, subject to the appropriation of funds; and
- (d) Negotiate and execute additional purchase orders with Accenture LLP to provide Infor EAM professional and technical services for other City departments as requested, subject to substantially the same

*(Item Continued on the Next Page)*

## 2.8 (Cont'd.)

material terms and conditions and 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)

Action: **Resolution No. 80420** related to Purchase Orders for Infor EAM Professional and Technical Services was adopted. (10-0-1. Absent: Esparza.)

## 2.9 22-352 **EMS Trust Fund Agreement with the County of Santa Clara to Provide Funding of First Responder Category C - Benefit to EMS Systems Users Funds.**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with the County of Santa Clara for the City to receive an amount not to exceed \$40,416 to fund the purchase of mechanical chest compression device systems that benefit the Santa Clara County Emergency Medical Services system (EMS Trust Fund, Category C - Benefit to EMS System User Funds).

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Increase the estimate for Revenue from Local Agencies by \$40,416; and

(2) Establish a County of Santa Clara EMS Trust Fund - 2022 appropriation to the Fire Department in the amount of \$40,416.

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

Action: (a) **Resolution No. 80421** related to a funding agreement for Benefit to EMS Systems Users Funds; and (b) Appropriation **Ordinance No. 30737** and Funding Sources **Resolution No 80422** were adopted. (10-0-1. Absent: Esparza.)

## 2.10 22-353 **Actions Related to the Agreements with San José Conservation Corps and Downtown Streets, Inc. for Park and Trail Maintenance Services.**

(a) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute a Continuation and Amendment to the two Agreements to Provide Park Maintenance Services with Downtown Streets, Inc. and San José Conservation Corps to extend the term through June 30, 2023, with no change in maximum compensation to Downtown Streets, Inc., and an increase in the maximum compensation from \$1,081,450 to \$1,331,450 for San José Conservation Corps; and

(2) Negotiate and execute an Agreement with San José Conservation Corps with a term beginning on April 1, 2022 through March 30, 2023 for services at the Coyote Creek Trail to improve the safety of trail users by providing visitor services, performing light landscaping and maintenance, and reporting large repair and other issues to responsible parties for a maximum compensation not to exceed \$308,790.

*(Item Continued on the Next Page)*

**2.10 (Cont'd.)**

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish the Affordable Housing and Sustainable Communities Grant - Coyote Creek Trail City-wide Expenses appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$308,790; and

(2) Increase the estimate for Revenue from the State of California by \$308,790.

CEQA: Categorically Exempt, File No. PP14-052, CEQA Guidelines Section 15301.c, Existing Facilities. (Parks, Recreation and Neighborhood Services/City Manager)

Action: (a) **Resolution No. 80423** related to a agreements with San José Conservation Corps and Downtown Streets, Inc.; and (b) Appropriation **Ordinance No. 30738** and Funding Sources **Resolution No 80424** were adopted. (10-0-1. Absent: Esparza.)

**2.11 22-354 Award of Contract for the 9743 - Transit Boarding Island for Tenth, Eleventh, East San Fernando, and East San Salvador Streets.**

(a) Report on bids and award of contract for the 9743 - Transit Boarding Islands (10th, 11th, East San Fernando, and East San Salvador Streets) to the low bidder, Sposeto Engineering, Inc., in the total amount of \$1,535,827.

(b) Approve a 10 percent contingency in the amount of \$153,583.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 3. (Public Works/Transportation)

Action: The Award of Contract for the 9743 - Transit Boarding Island for Tenth, Eleventh, East San Fernando, and East San Salvador Streets with related contingencies was approved. (10-0-1. Absent: Esparza.)

**2.12 22-355 Transportation Fund for Clean Air Grant Funding Agreement 2021-2022.**

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority in an amount not to exceed \$701,622 for reimbursement of work that occurs on or after July 1, 2021.

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:

(1) Establish the TFCA 2021-2022 San Jose Adaptive Retiming appropriation to the Transportation Department in the amount of \$200,000; and

*(Item Continued on the Next Page)*

## 2.12 (Cont'd.)

(b)(2) Increase the estimate for Revenue from Local Agencies by \$200,000.

(c) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

(1) Establish the TFCA 2021-2022 San Jose Bikeway Upgrades appropriation to the Transportation Department in the amount of \$75,124; and

(2) Increase the estimate for Revenue from Local Agencies by \$75,124.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation/City Manager)

Action: (a) **Resolution No. 80425** related to the Transportation Fund for Clean Air (TFCA) grant agreement; (b) Appropriation **Ordinance No. 30739** and Funding Sources **Resolution No 80426**; and (c) Appropriation **Ordinance No. 30740** and Funding Sources **Resolution No 80427** were adopted. (10-0-1. Absent: Esparza.)

## 2.13 22-421 **First Amendment to the On-Demand Agreement with Safer LLC for Performance Guarantee at the Airport.**

Approve the First Amendment to the On-Demand Agreement with Safer LLC at the Norman Y. Mineta San José International Airport to authorize the Director of Airport to adjust the required performance guarantee.

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

[Rules Committee referral 3/16/2022 - Item A.1.a]

Action: The First Amendment to the On-Demand Agreement with Safer LLC at the Norman Y. Mineta San José International Airport was approved. (10-0-1. Absent: Esparza.)

## 2.14 22-422 **Boards and Commissions Appointments.**

Approve the following Boards and Commissions appointments:

(a) Library Commission:

(1) District 5 Seat: Appoint Anarita Reyes for a term ending June 30, 2025.

(b) Youth Commission:

(1) District 5 Seat: Appoint Andrew Lieu for a term ending May 31, 2023.

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

[Rules Committee referral 3/16/2022 - Item A.1.a]

Action: The Commission appointments for the Library Commission and Youth Commission were approved. (10-0-1. Absent: Esparza.)

**2.15 22-420 Approval of recognizing March 25, 2022 as Greek Independence Day 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.**

As recommended by the Rules and Open Government Committee on March 16, 2022:

- (a) Approve March 25, 2022 as Greek Independence Day as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the Greek Flag Raising Ceremony scheduled on March 25, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) Approve the Greek Independence Day Tower and Rotunda Lighting Ceremony as a City Council sponsored Special Event and approve the expenditure of funds. (Foley)

[Rules Committee referral 3/16/2022 - Item B.4]

Action: The City Sponsored Special Event was approved. (10-0-1. Absent: Esparza.)

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

City Manager Jennifer Maguire congratulated the Happy Hollow Zoo Picnic Basket Café for receiving 3 Star Green Restaurant certification, certifying that it has achieved a combination of environmental accomplishments including waste reduction, sustainable food sourcing, water and energy efficiency, in addition to having delicious food!

#### **3.2 Labor Negotiations Update.**

None provided.

**3.3 22-365 Options for Campaign Finance Regulations Related to Public Financing, Foreign Influence in Elections, and Other Limits on Corporations and Other Entities.**

- (a) Accept the memorandum to Council discussing options for regulations related to public campaign financing, prohibitions on campaign contributions from foreign-influenced business entities, and other limits on corporations and entities with conflicts of interest donating to candidates for office.

- (b) Provide direction to staff to further develop or implement the options discussed in the memorandum to Council.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney) [Deferred from 11/16/2021 - Item 3.6 (21-2421)]

*(Item Continued on the Next Page)*



### 3.3 (Cont'd.)

Public Comments: Sameena Usman (Government Relations Consultant for CAIR-SFBA), Jaria Jaug, (representing State Assemblymember Alex Lee), Blair Beekman, Jeffrey Buchanan (Working Partnerships), Brian Pors (UA Local 393), Ron Fein (Free Speech for People), Araceli Rueda, Roma Dawson, Andrea Peña, Brian Darby, Edmundo (UA Local 393), Jill Borders; SEIU representative Forest Peterson; Hector Morenom, Alex Shoor, and Michael Sozan (Center for American Progress) provided their perspective on the topic.

City Clerk Toni Taber, responded to questions regarding software needs and staffing requirements.

Motion: Councilmember David Cohen moved approval, including the joint memorandum dated November 16, 2021, with direction to staff to further develop or implement the options discussed in the memorandum to Council. Councilmember Sergio Jimenez seconded the motion.

Councilmember Dev Davis said she cannot support the motion on the floor unless the approach is more comprehensive. Ron Fein (RL Fein, Inc) and Michael Sozan (Center for American Progress) provided input.

Action: On a call for the question, the motion carried, and the joint memorandum from Councilmembers Cohen, Jimenez and Foley dated 11/16/21 was approved, with direction to staff to further develop or implement the options discussed in the memorandum to Council.  
(9-1-1. Noes: Davis. Absent: Esparza.)

### 3.4 22-371 Legal Defense Fund. - DROPPED PER ADMINISTRATION

## 4. PUBLIC SAFETY SERVICES

## 5. TRANSPORTATION & AVIATION SERVICES

### 5.1 22-356 Federal Aviation Administration Grant Funding for the Airport Terminal Americans with Disabilities Act Projects.

Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, Airport Terminal Program grants from the Federal Aviation Administration under the Infrastructure Investment and Jobs Act of 2021, referred to as the Bipartisan Infrastructure Law in a total amount not to exceed \$40,000,000 for the Airport Terminal Americans with Disabilities Act (ADA) projects below:

- (a) Phase 2 Terminal A Ground Transportation Center - accessibility improvements to terminal ground transportation infrastructure and other terminal ground transportation elements;
- (b) Phase 3a Terminal Package - accessibility improvements to terminal interior spaces; and
- (c) Phase 3b Consolidated Rental Car Facility (CONRAC) - accessibility improvements to exterior and interior locations around the building.

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

Director of Aviation, John Aitken, A.A.E. responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 80428** related to the Federal Aviation Administration Grant Funding for the Airport Terminal Americans with Disabilities Act Projects was adopted.  
(9-0-2. Absent: Carrasco, Esparza.)

**5.2     22-423     Federal Aviation Administration Grant Funding for the Airport Terminal Roofing Projects.**

Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, Airport Terminal Program grants from the Federal Aviation Administration under the Infrastructure Investment and Jobs Act of 2021, referred to as the Bipartisan Infrastructure Law in a total amount not to exceed \$6,125,000 for the Airport Terminal Roofing projects below:

- (a) Terminal A Roof Replacement;
- (b) Terminal A+ Roof Replacement;
- (c) Federal Inspection Station Roof Replacement; and
- (d) Terminal B Skylight Refurbishment.

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

[Rules Committee referral 3/16/2022 - Item A.1.a]

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80429** related to the Federal Aviation Administration Grant Funding for the Airport Terminal Roofing Projects was adopted. (10-0-1. Absent: Esparza.)

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

**6.1     22-357     Storm Drain System Improvement Project Rebid.**

Report on bids and award of construction contract to the low bidder, Ranger Pipelines, Inc., in the amount of \$6,333,000 for the 8748 - Storm Drain System Improvement Project Rebid and approve a 20 percent construction contingency in the amount of \$1,266,600.

CEQA: Statutory Exemption, ER20-208, CEQA Guideline Section 15269(b) Emergency Projects. (Environmental Services/Public Works)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, the report on the Storm Drain System Improvement Project was accepted.  
(10-0-1. Absent: Esparza.)

## **7. NEIGHBORHOOD SERVICES**

### **7.1     22-361            Amendment to Chapter 9.44 - Regulation of Smoking of Title 9, Health and Safety of the San José Municipal Code in Alignment with City Council Policy Priority #18: Smoke Free Housing. - DROP**

As recommended by the Neighborhood Services and Education Committee on December 9, 2021, approve an ordinance amending Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code to prohibit smoking inside multifamily housing units, except for smoking or vaping of cannabis, and to reduce the exposure to secondhand smoke in alignment with and completion of City Council Policy Priority #18: Smoke Free Housing.

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

[Neighborhood Services and Education referral 12/9/2021 - Item (d)3]

**DROPPED PER RULES AND OPEN GOVERNMENT COMMITTEE**

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

### **8.1     22-362            Fiscal Year 2022-2023 Annual Action Plan Priorities.**

Hold a public hearing on funding priorities for Fiscal Year 2022-2023 Annual Action Plan for the use of federal funds from the U.S.

Department of Housing and Urban Development and provide Housing Department staff with input on the proposed funding priorities for the City's next Annual Action Plan.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Housing)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Blair Beekman provided comments.

Mayor Sam Liccardo closed the public hearing.

Action: The public hearing was held. No vote was required.

**8.2      22-369      Report on the Status of California’s COVID-19 Recovery Act, State’s COVID-19 Rental Assistance Program, and Implementation of Local Eviction Diversion and Settlement Program.**

(a) Accept the staff report on the status of California’s COVID-19 Rental Housing Recovery Act, the State’s COVID-19 rental assistance program, and the Housing Department’s efforts to prevent at-risk households from eviction by providing rental assistance in the City of San José.

(b) Direct the City Manager to implement an Eviction Diversion and Settlement Program in partnership with the County of Santa Clara’s Office of Supportive Housing, Sacred Heart Community Services and the Superior Court of Santa Clara County.

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

Deputy Director of Housing, Ragan Henninger and Emily Hislop, Housing, Planning & Policy Housing Department provided a presentation. Christopher Alexander, City Attorney’s Office, responded to questions.

Public Comments: Community Navigator Raymond Mendoza, Gabrielle (LUNA), Jeremy Barousse, (Amigos De Guadalupe Center for Justice), Emily Ramos (Silicon Valley@Home), Peter Sellars, Anil Pavar (California Apartment Association), Gabriella and Bertha (LUNA).

Motion: Councilmember Magdalena Carrasco moved to accept the staff report and asked that staff return with more information. Councilmember Sylvia Arenas seconded the motion, asking that staff work with the City Attorney and return with an urgency ordinance.

Councilmember Raul Peralez asked for a friendly amendment to include a funding request, and to ensure there are adequate resources to provide this additional support and requesting that staff return in two weeks with an urgency ordinance. The friendly amendments were approved.

Action: On a call for the question, the staff report was accepted, with direction to the City Manager to implement an Eviction Diversion and Settlement Program, with additional direction given to staff to return with an urgency ordinance in two weeks. An additional request was made by Councilmember Raul Peralez that adequate funding resources be ensured to provide the support required. (6-4-1. Noes: Davis, Foley, Mahan, Liccardo. Absent: Esparza.)

**8.3 22-363 Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Element and the Housing Successor to the Redevelopment Agency Annual Report.**

(a) Accept the Calendar Year 2021 Annual Progress Report on the implementation of the San José 2014-2023 Housing Element; and

(b) Accept the Fiscal Year 2020-2021 Housing Successor to the Redevelopment Agency Annual 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. (Planning, Building, and Code Enforcement/Housing)

Principal Planner, PBCE, Ruth Cueto and Division Manager, Housing, Kristen Clements offered an introduction, and Division Manager, Michael Brilliot provided a presentation.

Public Comments: Mathew Reed Silicon Valley@Home and Blair Beekman provided comments.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Pam Foley and carried unanimously, the Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Element and the Housing Successor to the Redevelopment Agency Annual Report were accepted. (10-0-1. Absent: Esparza.)

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar - No Land Use items on Consent Calendar.**

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

**10.2 22-384 GP21-016, GP21-017, C21-041, C21-042 & PP21-014 - General Plan Amendments, Rezonings, and Municipal Code Changes for the North First Street Local Transit Village.**

(a) Adopt a resolution approving the following:

(1) General Plan Amendment to modify the North 1st Street Local Transit Village boundary and change the General Plan Land Use Designations on the Land Use/Transportation diagram on specified properties within the boundary of the Urban Village Plan area; and

(2) Adoption of the North 1st Street Local Transit Village Plan as the guiding policy document for new development and identified public improvements within the urban village area.

(b) Adopt a resolution approving a General Plan Amendment changing the General Plan Land Use Designation on the land use/transportation diagram on specified properties located adjacent to the North 1st Street Local Transit Village boundary.

(c) Approve an ordinance amending the regulation of maximum height limitations in San José Municipal Code Section 20.85.020.

(d) Approve an ordinance rezoning specified properties within the North 1st Street Local Transit Village as follows:

*(Item Continued on the Next Page)*

- (1) Twenty-four properties from the CO Commercial Office and CN Commercial Neighborhood zoning districts to the CP Commercial Pedestrian zoning district;
  - (2) One property from the CN Commercial Neighborhood zoning district to the R-1- 8 Single-Family Residence zoning district;
  - (3) Thirty-two properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence, and R-M Multiple Residence zoning districts to the TR Transit Residential zoning district;
  - (4) Twelve properties from the CO Commercial Office, CP Commercial Pedestrian, and R-2 Two-Family Residence zoning districts to the UR Urban Residential zoning district; and
  - (5) Nine properties from the CO Commercial Office, CG Commercial General, and CN Commercial Neighborhood zoning districts to the UVC Urban Village Commercial zoning district.
- (e) Approve an ordinance rezoning specified properties in the vicinity of the North 1st Street Local Transit Village as follows:
- (1) Forty-four properties from the CO Commercial Office, CN Commercial Neighborhood, R-2 Two-Family Residence, R-M Multiple Residence, and A(PD) Planned Development zoning districts to the CP Commercial Pedestrian zoning district;
  - (2) Two properties from the R-1-8 Single-Family Residence zoning district to the MUC Mixed-Use Commercial zoning district;
  - (3) Three properties from the R-1-8 Single-Family Residence and CO Commercial Office Zoning District to the OS Open Space Zoning District;
  - (4) Four properties from the CO Commercial Office, R-1-8 Single-Family Residence, and LI Light Industrial zoning districts to the PQP Public/Quasi Public zoning district;
  - (5) Forty-three properties from R-2 Two-Family, R-M Multiple Residence, CO Commercial Office, CP Commercial Pedestrian, and A(PD) Planned Development zoning districts to the R-1-8 Single-Family Residence zoning district;
  - (6) Six properties from CO Commercial Office, LI Light Industrial, and R-1-8 Single-Family Residence zoning districts to the TR Transit Residential zoning districts; and
  - (7) Eleven properties from the CO Commercial Office and LI Light Industrial zoning districts to the UR Urban Residential 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. Planning Commission recommends approval with the following addition: Add the North 1st Street Local Transit Village to the same pilot program for small business displacement as the Alum Rock and Five Wounds Urban Villages (9-2; Garcia and Oliverio opposed). (Planning, Building and Code Enforcement)
- [Deferred from 3/15/2022 - Item 10.4 (22-318)]

*(Item Continued on the Next Page)*

## 10.2 (Cont'd.)

Planning, Building and Code Enforcement offered an introduction, and Division Manager, Michael Brilliot offered a presentation.

Public Comments: Mario, Blair Beekman, Alex Shoor (Catalyze SV), Jill Boarders, Antonina and “Call-in User 1” provided comments.

Motion: Councilmember Raul Peralez moved approval of staffs’ recommendations, including the memorandum he cosigned with Mayor Sam Liccardo dated March 18, 2022. Vice Mayor Chappie Jones seconded the motion. A clarification was made regarding the Planning Commission recommendation, rather than adding North First Street to the Alum Rock pilot, instead North First Street be part of the Citywide approach.

Action: On a call for the question, the motion carried unanimously, and (a) **Resolution No. 80430** related to modification of the North 1<sup>st</sup> Street Local Transit Village boundary and changes to the General Plan Land Use Designations, and (b) **Resolution No. 80431** approving a General Plan Amendment were adopted; and (c) **Ordinance No. 30741** amending the regulation of maximum height limitations; (c) **Ordinance No. 30742** regarding rezoning specified properties within the North 1<sup>st</sup> Street Local Transit Village; and (d) **Ordinance No. 30743** regarding rezoning specified properties in the vicinity of the North 1<sup>st</sup> Street Local Transit Village, were passed for publication.

Also including the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez dated March 18, 2022, with clarification that North First Street should be part of the Citywide approach rather than adding it to the Alum Rock pilot.

1. Approve the Staff and Planning Commission recommendations
  2. Direct Planning staff to add brief contextual language to the Plan that acknowledges the County’s Civic Center property (the old San José City Hall) and provides an overview of expected uses and densities, with an emphasis on ground-floor commercial and active uses along North First Street, and a sufficiently high density appropriate for the site’s adjacency to a light rail station. The Plan should specifically also consider the City-owned sites in the Civic Center area, and the opportunities for redevelopment and densification.
  3. Direct Planning staff to increase the height category on the 880/west side parcel to 135 feet, to reflect the opportunity for density without neighborhood impacts.
  4. Direct OED Staff to add language that embraces an intent to transition the North First Street corridor to more neighborhood-serving businesses over time, to diversify the excessive concentration of bail bonds businesses in this area.
- (8-0-3. Absent: Carrasco, Esparza, Jimenez.)

## **OPEN FORUM**

1. Caller User\_1 complained of development of the City and a neglected downtown area.
2. Blair Beekman spoke on natural disaster issues and the future of energy issues. He urged constructive approaches to peaceful solutions and offered comments on rent forgiveness.
3. Jill Borders complimented the City's success with the 311 app and her positive results with the app in removal of an abandoned appliance. She asked that the Planning Department develop a way to help the public understand the City's complicated project numbering.
4. Gabby Mendoza spoke on the need to use the term 'unhoused' rather than 'homeless'.

## **ADJOURNMENT**

The Council of the City of San José adjourned at 7:30 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

*Ruth Krantz*

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council \_\_\_\_\_

**Attest:**

**Toni J. Taber, CMC**  
**City Clerk**

rmk/03-22-2022 MIN



**JOINT CITY OF SAN JOSE CITY COUNCIL/HOUSING AUTHORITY  
MARCH 22, 2022**

**Called to Order at 7:19 p.m.**

Present: Councilmembers - Carrasco, Arenas, Davis, Mahan, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Esparza, Jimenez.

**1. 22-364 Support for the 2023 Moving to Work Annual Plan.**

Board of Commissioners of the City of San José Housing Authority (City Housing Authority) adopt a resolution authorizing the:

- (a) City Housing Authority Board's Executive Director to submit a letter to the Santa Clara County Housing Authority (SCCHA) Board to support the 2023 Moving to Work (MTW) Annual Plan; and
- (b) Executive Director of the SCCHA Board and the Chair of the SCCHA Board of Commissioners to execute documents required in connection with the 2023 MTW Plan submittal in the name of the City Housing Authority.

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

Deputy Director of Housing, Ragan Henninger answered questions.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, **Resolution No. 80432** regarding support for the 2023 Moving to Work Annual Plan was adopted, with the inclusion of the joint memorandum from Mayor Sam Liccardo and Councilmembers Peralez, Carrasco and Mahan dated March 18, 2022, to:

1. Accept staff recommendations for adopting a resolution in support of the 2023 Moving to Work (MTW) Annual Plan.
  2. For the development of the 2024 MTW Plan, direct staff to work with the Santa Clara County Housing Authority (SCCHA) around supporting an operational subsidy for the City's interim ("quick-build") housing sites and an expansion of the onsite San José Bridge employment programs that both aid residents of interim housing sites and converted motels to take steps toward self-sufficiency while performing jobs that sustain the communities in which they are housed. Such jobs might include, but are not limited to maintenance and groundskeeping, cooking, shuttle-driving, security, and building management.
- (9-0-2. Absent: Esparza, Jimenez.)

**ADJOURNMENT**

The Joint City of San José Council/Housing Authority Council of the City of San José adjourned at 7:22 p.m.



## **SAN JOSÉ CITY COUNCIL CLOSED SESSION**

**MARCH 22, 2022**

The Council of the City of San José convened into Closed Session at 9:30 a.m.  
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Davis, Esparza, Mahan, Jimenez,  
Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - All present.

Closed Session Item(s) discussed:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1): 1. Case Name: Diaz, Katrina, et al., v. Tyler Charles Krauel, et al., Name(s) of Parties(s) Involved: KATRINA DIAZ, an Individual; SAMANTHA MORENO, an Individual; PRESTON VANDYKE, a minor by through his GAL, Katrina Diaz; LEVI VANDYKE, a minor by and through his GAL, Katrina Diaz TYLER CHARLES KRAUEL; SAN JOSE POLICE DEPARTMENT; CITY OF SAN JOSE and DOES 1 to 50  
Court: Kern County Superior Court Case No.: BCV-19-103310 Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: National Association for Gun Rights, Inc; Mark Sikes v. City of San Jose, et al., Name(s) of Parties(s) Involved: NATIONAL ASSOCIATION FOR GUN RIGHTS, INC., a nonprofit corporation, and MARK SIKES, an individual, CITY OF SAN JOSE, a public entity, JENNIFER MAGUIRE, in her official capacity as City Manager of the City of San Jose, and the CITY OF SAN JOSE CITY COUNCIL Court: United States District Court, Northern District of California NORA FRIMANN, CITY ATTORNEY SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA Page 2  
Case No.: 5:22-cv-00501-VKD Amount of Money or Other Relief Sought: Injunctive Relief, Declaratory Judgment, And Nominal Damages
3. Case Name: Howard Jarvis Taxpayers Assn., et al., v. Cit of San Jose, et al., Name(s) of Parties(s) Involved: SILICON VALLEY TAXPAYERS ASSN., SILICON VALLEY PUBLIC ACCOUNTABILITY FOUNDATION, JIM BARRY, and GEORGE ARRINGTON, CITY OF SAN JOSE, and ALL PERSONS INTERESTED in the matter of San Jose Ordinance No. 30716, establishing an Annual Gun Harm Reduction Fee Court: Santa Clara County Superior Court Case No.: 22CV395596 Amount of Money or Other Relief Sought: Damages according to proof B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1
- C. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:  
City Negotiator: Jennifer Schembri, Director of Employee Relations Employee Organizations:
  1. Organization or Name and Title of Unrepresented Employees: City Association of Management Personnel Agreement (CAMP) Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508> Telephone – Employee Relations: (408) 535- 8150 SAN

2. Organization or Name and Title of Unrepresented Employees: Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF) Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508> Telephone – Employee Relations: (408) 535- 8150 3.
- Organization or Name and Title of Unrepresented Employees: International Union of Operating Engineers, Local No. 3 (OE#3) Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3) How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508> Telephone – Employee Relations: (408) 535- 815

## **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.