



City Council Meeting MINUTES

Tuesday, May 24, 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

MAY 24, 2022

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445 and 80481, Councilmembers may be teleconferencing from remote locations.

• Call to Order and Roll Call

9:30 a.m.- Closed Session

22-745

Closed Session: **See Page 18 for Closed Session Minutes.**

Absent: Esparza, Liccardo.

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

Absent: Councilmembers - Liccardo.

6:00 p.m.- Evening Session

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

Absent: Councilmembers - Liccardo.

• Pledge of Allegiance

Vice Mayor Chappie Jones led the Pledge of Allegiance.

• Invocation (District 5)

Jonathan Borca, Executive Director of the Mexican Heritage Plaza School of Arts and Culture, provided 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 Carrasco presented a proclamation to Sarita Kohli, president & CEO of AACI, which advocates for and serves marginalized and ethnic communities in Santa Clara County, and declared May 2022 as Asian American and Pacific Islander Heritage Month. (Carrasco)
- 1.2 Councilmember Peralez presented a proclamation to Alex Clemens with YIMBY Action, a housing action coalition, and recognized May 2022 as Affordable Housing Month. (Peralez)
- 1.3 Vice Mayor Chappie Jones presented a proclamation recognizing May 26, 2022 as the first annual remembrance day for the VTA railyard tragedy. Carolyn Gonot, VTA General Manager, and John Courtney, President and Business Agent at Amalgamated Transit Union 265, reflected on the horrific event that took place at our VTA station last year and spoke to the first steps in healing. (Mayor)

2. CONSENT CALENDAR

Upon motion by Councilmember Dev Davis, seconded by Councilmember Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Liccardo.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-765 Final Adoption of Ordinances.

(a) **Ordinance No. 30769** - An Ordinance of the City of San José Amending Chapter 10.32 of Title 10 (Public Peace, Morals and Welfare) of the San José Municipal Code to Add a New Part 7 to Require Privately Made Firearms, Commonly Referred to as “Ghost Guns,” to Comply with State Law, Prohibit Nonexempt Persons from Possessing, Selling, Offering for Sale, Transferring, Purchasing, Transporting, Receiving or Manufacturing an Unfinished Firearm Frame or Receiver that has not been Imprinted with a Serial Number and Prohibiting Nonexempt Persons from Possessing, Manufacturing or Assembling a Privately Made Firearm that has not been Imprinted with a Serial Number.

[Passed for Publication on 5/10/2022 - Item 4.1 (22-660)]

(b) **Ordinance No. 30770** - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 5.4 Gross Acres Situated on the Southeast Corner of McEvoy and Dupont Street (226 to 254 McEvoy Street and 205 Dupont Street) (APN: 261-38-005, 018, 037, 057, 064, 065 & 067) from the R-M Multiple Residence Zoning District to an R-M(PD) Planned Development Zoning District.

[Passed for Publication on 5/10/2022 - Item 10.1(b)(2) (22-662)]

Action: (a) Ordinance No. 30769; and (b) Ordinance No. 30770 were adopted. (10-0-1. Absent: Liccardo.)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 22-802 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Carrasco from the Regular Meeting for the City Council on May 17, 2022 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Carrasco)

Action: Excused absences were approved. (10-0-1. Absent: Liccardo.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 22-746 Amendment to the Master Consultant Services Agreement with HNTB Corporation.

Approve a First Amendment to the Master Consultant Services Agreement with HNTB Corporation for professional consulting services, extending the term from June 5, 2022 to December 31, 2023, increasing the maximum compensation by \$500,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

Action: The Amendment to the Master Consultant Services Agreement was approved. (10-0-1. Absent: Liccardo.)

2.8 22-012 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through June 23, 2022 during the Governor's Proclaimed COVID State of Emergency.

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

(Item Continued on the Next Page)

2.8 (Cont'd.)

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)

Action: **Resolution No. 80507** approving Extension of AB 361 was adopted. (10-0-1. Absent: Liccardo.)

2.9 22-747 Set a Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments.

(a) Preliminarily approve the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by City Council.

(b) Adopt a resolution of intention to levy the annual assessment for Fiscal Year 2022-2023, suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for the business tax financial hardship exemption under the City's General Business Tax Ordinance, and set Tuesday, June 14, 2022 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

Action: (a) The report as filed by the Downtown Business Improvement District Advisory Board was preliminarily approved, and (b) **Resolution No. 80508** was adopted. (10-0-1. Absent: Liccardo.)

2.10 22-748 Actions Related to the Purchase Order with Bibliotheca Library Solutions, LLC for Smart Lockers.

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Bibliotheca Library Solutions, LLC (San Rafael, CA) to provide smart lockers and associated software for the Library Department, including related professional services such as implementation, training, maintenance, and support, for a maximum compensation not to exceed \$568,994 during the initial one-year term beginning on or about May 25, 2022 and ending May 24, 2023;

(b) Approve a contingency of \$100,000 for any unanticipated expenses for system installations, maintenance, and support during the initial one-year term, subject to the appropriation of funds; and

(c) Exercise up to nine additional one-year options to extend the term of the purchase order with the last option ending on or about May 24, 2032 in alignment with the software renewal term, subject to the appropriation of funds.

(Item Continued on the Next Page)

2.10 (Cont'd.)

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. 80509** related to the Purchase Order with Bibliotheca Library Solutions, LLC was adopted. (10-0-1. Absent: Liccardo.)

2.11 22-749

Amendment to the Agreements with Universal Protection Service, LP DBA Allied Universal Security Services for Airport Terminal Support and Citywide Security Guard Services.

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute the First Amendment to the Agreement with Universal Protection Service, LP dba Allied Universal Security Services (formerly First Alarm Security & Patrol, Inc., dba First Security Services) for On-Call Airport Terminal Support Services to add up to two additional one-year options for a total of six options to extend the term through June 30, 2024, under the same material terms and conditions as the original agreement, for a maximum compensation of \$405,000 for the option term beginning July 1, 2022 and ending June 30, 2023, subject to the appropriation of funds; and

(b) Negotiate and execute Amendments to the Agreements with Universal Protection Service, LP dba Allied Universal Security Services (formerly First Alarm Security & Patrol, Inc., dba First Security Services) for Citywide Security Guard Services for the Department of Public Works, the Environmental Services Department, the Parks, Recreation and Neighborhood Services Department, the Airport Department, and the Department of Transportation to add up to two additional one-year options for a total of seven options to extend the terms of the agreements through March 31, 2025 under the same material terms and conditions as the original agreement with option term price adjustments subject to changes in living wage and all options 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)

Action: **Resolution No. 80510** related to the Amendment to the Agreements with Universal Protection Service, LP was adopted. (10-0-1. Absent: Liccardo.)

2.12 22-750 Open Purchase Order with Rand Worldwide Subsidiary Inc. for As Required Autodesk Licenses and Training.

Adopt a resolution authorizing the City Manager to execute an open citywide purchase order with Rand Worldwide Subsidiary Inc. (Owing Mills, MD) for up to three one-year option terms through May 6, 2025 for as required Autodesk licenses and training with maximum compensation not to exceed \$320,000 for the option beginning May 7, 2022 and ending May 6, 2023, 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)

Action: **Resolution No. 80511** related to the open citywide purchase order with Rand Worldwide Subsidiary Inc. was adopted. (10-0-1. Absent: Liccardo.)

2.13 22-751 Actions Related to Agreement with Charities Housing for Affordable Housing Located at 71 Vista Montana.

- (a) Adopt a resolution authorizing the Director of Housing to:
- (1) Negotiate and execute an extension to the Exclusive Negotiation Agreement between the City and Charities Housing for development of affordable housing at the City-owned Vista Montana site, located on 71 Vista Montana, San José, CA 95134;
 - (2) Negotiate and execute a Right of Entry Agreement with Charities for predevelopment activities including environmental review; and
 - (3) Negotiate and execute a Predevelopment Loan between the City and Charities in an amount not to exceed \$2,000,000, and any amendments or modifications thereto.
- (b) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Low-and-Moderate Income Housing Asset Fund:
- (1) Decrease the Housing Project Reserve appropriation by \$2,000,000; and
 - (2) Increase the Housing Loans and Grants appropriation by \$2,000,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 4. (Housing/City Manager)

Action: (a) **Resolution No. 80512** related to Agreement between the City and Charities Housing; and (b) Appropriation **Ordinance No. 30777** were adopted. (10-0-1. Absent: Liccardo.)

2.14 22-752 Amendment to the Agreement with Moore, Iacofano, Goltsman Inc. for Design Services for the All-Inclusive Playground at Almaden Lake Park.

Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Master Agreement with Moore, Iacofano, Goltsman Inc. for the All-Inclusive Playground at Almaden Lake Park (Master Agreement No. 663484) to increase the maximum total compensation by \$500,000 from \$750,000 to \$1,250,000 and extend the agreement from April 30, 2023 to December 31, 2024. CEQA: Categorically Exempt, File No. PP19-001, CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Parks, Recreation and Neighborhood Services).

Action: **Resolution No. 80513** related to the amendment to an Agreement with Moore, Iacofano, Goltsman Inc. was adopted. (10-0-1. Absent: Liccardo.)

2.15 22-753 Amendment to the Cost-Sharing Agreement with West Valley Sanitation District for Construction, Operation and Maintenance of Joint Use Sanitary Sewers.

Approve the Second Amendment to the Cost-Sharing Agreement with West Valley Sanitation District extending the term of the Agreement by three years through June 30, 2025, for construction, operation and maintenance of joint use sanitary sewers. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The Amendment to the Cost-Sharing Agreement with West Valley Sanitation was approved. (11-0.)

2.16 22-754 Actions Related to the Vehicle Maintenance and Operations Fund.

Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the Vehicle Maintenance and Operations Fund:

- (a) Increase the estimate for Transfers and Reimbursements by \$647,000;
- (b) Decrease the Unrestricted Ending Fund Balance by \$248,000; and
- (c) Increase the Inventory Purchases appropriation to the Public Works Department by \$895,000.

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. (Public Works/City Manager)

Action: Appropriation **Ordinance No. 30778** and Funding Sources **Resolution No 80514** were adopted. (11-0.)

2.17 22-755 Amendment to the Master Agreement with California Department of Transportation for State-Aid Transportation Projects.

Adopt a resolution authorizing the City Manager or designee to:

(a) Execute the amended Master Agreement with the California Department of Transportation (Caltrans) for State-Aid Transportation Projects; and

(b) Negotiate and execute Program Supplement Agreements, Fund Exchange Agreements, or Fund Transfer Agreements, and any amendments thereto, with Caltrans for State Funded Transportation Programs/Projects enabling the City to receive funds for qualifying programs/projects.

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

Action: **Resolution No. 80515** related to the Master Agreement with California Department of Transportation for State-Aid Transportation Projects was adopted. (10-0-1. Absent: Liccardo.)

2.18 22-756 Amendment to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC. For Parking Spaces at the Convention Center Garage.

Adopt a resolution authorizing the City Manager to execute an amendment to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC (Marriott Hotel) to reduce the number of parking spaces leased from the City at the Convention Center Garage from 193 to 134 spaces.

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts (New or Amended) that will result in no physical changes to the environment. Council District 3. (Transportation)

Action: **Resolution No. 80516** related to the Parking Premises Agreement with SP6 San José Hotel Owner, LLC. was adopted. (10-0-1. Absent: Liccardo.)

2.19 22-798 SB 1100 (Cortese): Open Meetings - Orderly Conduct. - RENUMBERED FROM ITEM 3.4

As recommended by the Rules and Open Government Committee on May 11, 2022, adopt a position of support on SB 1100 (Cortese).

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

[Rules Committee referral 5/11/2022 - Item C.2]

[RENUMBERED FROM ITEM 3.4 (22-784)]

Action: A position of Support on SB 1100 (Cortese) was adopted. (10-0-1. Absent: Liccardo.)

2.20 22-800 Request for Travel Authorization for Mayor Liccardo.

Authorize travel for Mayor Liccardo to Reno, NV from June 3-5, 2022, to attend the United States Conference of Mayors (USCM) 2022 Annual Meeting. Source of Fund: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Liccardo)
[Rules Committee referral 5/18/2022 - Item A.1.a]

Action: Travel Authorization for Mayor Liccardo was accepted. (10-0-1. Absent: Liccardo.)

2.21 22-801 Approval of a Ceremonial Moment of Silence on May 24, 2022, and Approval of City Hall Tower and Rotunda Lighting Display on May 26, 2022, in Remembrance of the Victims of the VTA Tragedy, Sponsored by the Mayor's Office as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

(a) Approve the Ceremonial Moment of Silence at the May 24, 2022 Council Meeting, and approve the City Hall Tower and Rotunda Lighting Display on May 26, 2022 in Remembrance of the Victims of the Valley Transportation Authority (VTA) Tragedy; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
[Rules Committee referral 5/18/2022 - Item A.1.a] (Liccardo)

Action: Approval of the Ceremonial Moment of Silence and Lighting display was approved. (10-0-1. Absent: Liccardo.)

2.22 22-803 VEBA Advisory Committee Appointment.

As recommended by the Rules and Open Government Committee on May 18, 2022, approve the following appointment to the VEBA Advisory Committee for a four-year term, beginning June 1, 2022 and ending on May 31, 2026:
(a) Shane Curtain, as the representative nominated by the Federated unions.
[Rules Committee referral 5/18/2022 - Item B.2] (Human Resources)

Action: The VEBA Advisory Committee Appointment was approved. (10-0-1. Absent: Liccardo.)

2.23 22-806 Retroactive Approval of Dia Del Niño Event Sponsored by Council District 5 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 May 18, 2022:

- (a) Retroactively approve the Dia Del Niño event scheduled on April 30, 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.
- [Rules Committee referral 5/18/2022 - Item B.3]

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

2.24 22-810 Approval of Azerbaijan Flag Raising Event Sponsored by Council District 1 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 May 18, 2022:

- (a) Approve the Azerbaijan Flag Raising Event scheduled on June 3, 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.
- [Rules Committee referral 5/18/2022 - Item B.4] (Jones)

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

2.25 22-814 Approval of Juneteenth Day City Hall Lighting Display and Flag Raising Sponsored by Council District 1 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 May 18, 2022:

- (a) Approve the City Hall Lighting Display and Flag Raising Event for Juneteenth Day scheduled on June 13, 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.
- [Rules Committee referral 5/18/2022 - Item B.5] (Jones)

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

2.26 22-818

Retroactive Approval of Penitencia Neighborhood Association Dumpster Day and Baypointe Park Activation and Neighborhood Celebration and Approval of Alviso Dumpster Day and Vista Montana Neighborhood Celebration Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on May 18, 2022:

- (a) Retroactively approve the Penitencia Neighborhood Association Dumpster Day scheduled on May 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Baypointe Interim Park Activation and Neighborhood Celebration scheduled on May 18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve the Alviso Dumpster Day scheduled on June 4, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve the Vista Montana Neighborhood Celebration scheduled on June 11, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

- (e) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)

[Rules Committee referral 5/18/2022 - Item B.6]

Action: The City Sponsored Special Events were approved. (10-0-1. Absent: Liccardo.)

3. STRATEGIC SUPPORT

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

City Manager Jennifer Maguire signaled publication of the final Flash Report, with more than 200 weekly editions circulated over the past two years, and noting it will transition into a monthly City Manager's 30-Day Roundup. The new monthly report will consist of continued COVID-19 response and recovery information, information about Citywide services, programs, and engaging City news.

Public Comments: Blair Beekman provided comments.

3.2 Labor Negotiations Update

None provided.

3.3 22-757 City Roadmap Third Quarter 2021-2022 Update.

Accept the third quarter status report on the implementation of the Fiscal Year 2021-2022 City Roadmap.

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

Assistant to the City Manager, Erik Chiarella Jensen; Deputy City Manager, Rob Lloyd; Deputy City Manager, City Manager's Office, Kip Harkness; Rosalynn Hughey, Director, Planning, Building and Code Enforcement; Deputy City Manager, Angel Rios, Jr.; and Assistant City Manager, Lee Wilcox gave a presentation.

Public Comments: Christina Johnson, Wendi Mahaney (First 5), Blair Beekman and Brian Darby presented comments.

Motion: Councilmember Sylvia Arenas moved her memorandum dated May 23, 2022 with additional direction to establish a state of emergency for infant formula shortage. Councilmember Maya Esparza seconded the motion.

Deputy Director of Housing, Ragan Henninger, Director of Civic Innovation, Dolan Beckel and Director of Department of Transportation, John Ristow responded to questions.

Councilmember Dev Davis requested a friendly amendment to Item 2c of Councilmember Sylvia Arenas' memo, asking to coordinate with the County's Consumer Protection Agency to explore a Family Friendly Formula Pledge with local retailers. The amendment was accepted.

Action: On a call for the question, the motion carried unanimously, and the City Roadmap Third Quarter 2021-2022 Update was accepted, including the May 23, 2022 memorandum from Councilmember Sylvia Arenas, to:

1. Accept the staff report of the City Roadmap that includes the Enterprise Priority on COVID-19 Pandemic: Community and Economic Recovery for the Food and Necessities Distribution Initiative.
2. Direct the City Manager to:
 - a. Report on the availability of infant formula in San José.
 - b. Coordinate with the County of Santa Clara to amend the existing regional State of Emergency to include the infant formula shortage, similar to New York City's State of Emergency, and report back to Council on June 7, 2022 on any legal challenges to implementation.
 - c. Establish a Family Friendly Formula Pledge with local retailers, grocery stores, and businesses to commit to the Manufacturer Suggested Retail Price (MSRP) of infant formula and the prevention of price gouging.

Including direction to "coordinate with the County to establish a state of emergency for infant formula shortage" similar to the City of New York. Also including amending Item 2c to coordinate with the County's Consumer Protection Agency to explore a Family Friendly Formula Pledge. (9-0-2. Absent: Davis, Liccardo.)

**3.4 22-784 SB 1100 (Cortese): Open Meetings - Orderly Conduct. - RENUMBERED TO ITEM 2.19
[RENUMBERED TO ITEM 2.19 (22-798)]**

3.5 22-797 Public Member Appointment to the Board of Administration for Police and Fire Retirement Plan.

(a) Interview applicant for the Public Member Seat; and
(b) Appoint one applicant as a Public Member to the Police and Fire Retirement Plan Board to a term ending November 30, 2024.
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 5/18/2022 - Item A.1.a]

Public Comments: Blair Beekman provided comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez and carried unanimously, applicant David Kwan was interviewed for the Public Member Seat and appointed as a Public Member to the Police and Fire Retirement Plan Board to a term ending November 30, 2024. (9-0-2. Absent: Davis, Liccardo.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 22-758 Award of Construction Contract for the 2022 Local Streets Microsurfacing Project.

(a) Approve award of a construction contract for the 2022 Local Streets Microsurfacing Project, to the lowest bidder, VSS International, Inc., in the amount of \$3,970,120.
(b) Approve an approximate 10% contingency in the amount of \$397,000.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Public Comments: Blair Beekman provided comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, an Award of a construction contract with the related contingency was approved. (10-0-1. Absent: Liccardo.)

- 5.2 22-759 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: Award of Construction Contract for the 2022 Local Streets Resurfacing #1 Project.**
(a) Approve award of a construction contract for the 2022 Local Streets Resurfacing #1 Project, to the lowest bidder, MCK Services Inc., in the amount of \$9,288,165.
(b) Approve an approximate 10% contingency in the amount of \$928,800.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 8 and 10.
(Transportation)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Raul Peralez and carried unanimously, an Award of a construction contract with the related contingency was approved. (10-0-1. Absent: Liccardo.)

- 5.3 22-760 Award of Construction Contract for the 2022 Major Streets Resurfacing Project.**
(a) Approve award of a construction contract for the 2022 Major Streets Resurfacing Project, to the low bidder, DeSilva Gates Construction LLC, in the amount of \$17,779,779.
(b) Approve an approximate 5% contingency in the amount of \$889,000.
CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, an Award of a construction contract with the related contingency was approved. (10-0-1. Absent: Liccardo.)

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 22-767 Master Service Agreement with Kimley-Horn and Associates, Inc. for Engineering Design and Construction Support Services for Legacy Lagoon Clean Up Phase 2 Project at the San Jose-Santa Clara Regional Wastewater Facility.**
Approve the consultant Master Service Agreement with Kimley-Horn and Associates, Inc. for engineering design and construction support services for Legacy Lagoon Phase 2 Project at the San José-Santa Clara Regional Wastewater Facility, for a full term through June 30, 2028, and a maximum not to exceed amount of \$3,000,000, subject to the appropriation of funds.
CEQA: Addendum to San José/Santa Clara Water Pollution Control Plant Master Plan Final Environmental Impact Report (Resolution No. 76858), File No. ER20-007. Council District 4. (Environmental Services)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, the Master Service Agreement with Kimley-Horn and Associations, Inc. was approved. (10-0-1. Absent: Liccardo.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-761

Actions Related to the Affordable Housing and Sustainable Communities Round 4 Grant for the Roosevelt Park Apartments.

- (a) Adopt a resolution authorizing the City Manager or designee to accept the grant of the California Strategic Growth Council and/or California Department of Housing and Community Development of \$4,014,238, awarded under Round 4 of the Affordable Housing and Sustainable Communities program for the Roosevelt Park Apartments.
 - (b) Adopt a resolution authorizing the City Manager or designee to accept the forgivable loan of the California Department of Housing and Community Development of \$42,170,000 awarded under Round 1 of the California Housing Accelerator Program (Accelerator Program) for the Roosevelt Park Apartments; and enter into, execute and deliver the Standard Agreement for the Accelerator Program loan in connection with Roosevelt Park Apartments, and all other documents required or deemed necessary or appropriate to comply with and implement Accelerator Program loan and Accelerator Program requirements, and to ratify the execution and submittal of the application for the Accelerator Program.
 - (c) Adopt a resolution:
 - (1) Approving a Funding Loan Increase of \$1,880,000 from \$9,415,000 for a total commitment of \$11,295,000; and
 - (2) Authorizing a change in City loan terms to allow an increase in the Development's rents and income up to 60% Area Median Income (low income) for new tenants in subsidized units in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds.
 - (d) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Low-and Moderate-Income Housing Asset Fund:
 - (1) Decrease the Housing Project Reserve appropriation by \$1,880,000;
 - (2) Decrease the Committed Projects Reserve appropriation by \$9,415,000; and
 - (3) Increase the Housing Loans and Grants appropriation to the Housing Department by \$11,295,000.
- CEQA: Mitigated Negative Declaration for the Roosevelt Park Apartments Mixed-Use Development, File No. SP17-027. Council District 3. (Housing/City Manager)

Public Comments: Reagan Curtis, Ryder Gangemi and Maia Shama offered comments.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No 80517** authorizing acceptance of the grant of the California Strategic Growth Council and/or California Department of Housing and Community Development; (b) **Resolution No. 80518** regarding acceptance of the forgivable loan of the California Department of Housing and Community Development; (c) **Resolution No 80519** Approving a Funding Loan Increase; and (d) Appropriation **Ordinance No. 30779** were adopted. (10-0-1. Absent: Liccardo.)

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

OPEN FORUM

1. Jill Borders referenced the housing report given at the CED meeting yesterday, particularly the plight of debt extensions causing affordable housing projects to fail.
2. Blair Beekman spoke to food insecurities, racial inequity and the need for good democratic ideals. He addressed the war in Ukraine and post-war rebuilding of their communities.
3. Humberto Nava urged taking the initiative on labor standards, paying a living wage and health care for construction workers.
4. Roberto addressed laborers' concerns and the need to provide health care with viable wages.

ADJOURNMENT

The Council of the City of San José adjourned at 3:39 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/05-24-2022 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

MAY 24, 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, Mahan, Jimenez,
Jones, Cohen, Peralez, Foley.

Absent: Councilmembers - Esparza, Liccardo.

Closed Session Item(s) discussed:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of
the Government Code:

Number of Matter(s) to be discussed: 2

**B. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT
CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or **Association of Building, Mechanical and Electrical**
Name and Title of **Inspectors (ABMEI)**
Unrepresented
Employees:

Nature of wages/salaries, hours, working conditions, etc.
negotiations:

Name of Existing Memorandum of Agreement – City of San José and
Contract or MOA: Association of Building, Mechanical and Electrical
Inspectors (ABMEI)

How to Obtain a Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
copy of Existing Telephone – Employee Relations: (408) 535-8150
Contract or MOA:

2. Organization or **Association of Engineers & Architects (AEA)**
Name and Title of

- Unrepresented Employees:
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
- 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: **Association of Legal Professionals of San José (ALP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
- 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
4. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
- 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
5. 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

Contract or MOA: 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

6. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**
 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 Brotherhood of Electrical Workers, Local 332 (IBEW)
 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

7. 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

8. 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>

Contract or MOA: Telephone – Employee Relations: (408) 535-8150

9. Organization or **Executive Management and Professional Employees**
Name and Title of **(Unit 99)**

Unrepresented

Employees:

Nature of wages/salaries, hours, working conditions, etc.
negotiations:

Name of Existing Benefits and Compensation Summary - City of San José
Contract or MOA: and Executive Management and Professional
Employees Agreement

How to Obtain a Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
copy of Existing Telephone – Employee Relations: (408) 535-8150
Contract or MOA: