



# **City Council Meeting Minutes**

**Tuesday, June 14, 2022**  
**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

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

*Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400, 80445, 80481 and 80507, Councilmembers may be teleconferencing from remote locations.*

• **Call to Order and Roll Call**

**9:00 a.m.- Closed Session. 22-884:** *See pages 24-26 for Closed Session Minutes.*

Councilmembers Absent: All present virtually.

**11:05 a.m.- Regular Session.**

Councilmembers Present: All present.

**6:00 p.m.- Evening Session**

Councilmembers Absent: Esparza

• **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

• **Invocation (District 6)**

Cathedral of Faith, Pastor, Robert Mize opened in prayer and provided the Invocation.

• **Orders of the Day**

There were no changes to the Orders of the Day. No vote was required.

Councilmember Sylvia Arenas offered that today's meeting would be adjourned in honor and memory of the victims of the Uvalde (Robb Elementary) School Shooting: Makenna Lee Elrod, Layla Salazar, Maranda Mathis, Nevaeh Bravo, Jose Manuel Flores Jr., Xavier Lopez, Tess Marie Mata, Rojelio Torres, Eliahna "Ellie" Amyah Garcia, Eliahna A. Torres, Annabel Guadalupe Rodriguez, Jackie Cazares, Uziyah Garcia, Jayce Carmel Luevanos, Maite Yuleana Rodriguez, Jailah Nicole Silguero, Irma Garcia, Amerie Jo Garza, Alexandria "Lexie" Aniyah Rubio, Alithia Ramirez, Irma Garcia, and Eva Mireles.

• **Closed Session Report**

City Attorney, Nora Frimann reported a GEICO settlement of \$15,080 approved during Closed Session.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Pam Foley presented a commendation to Executive Director, Dawn Hogg and staff members of Cancer CAREpoint. She spoke on the importance of this commendation and recognized Cancer CAREpoint's 10<sup>th</sup> anniversary for their outstanding spirit of community excellence in serving cancer patients and their families throughout Silicon Valley.
- 1.2 Councilmember Sylvia Arenas presented a proclamation to members of the Bayanihan Fil-am Foundation, declaring June 12, 2022 as Philippines Independence Day.

# **2. CONSENT CALENDAR**

Public Comments: Blair Beekman spoke to the items on the Consent Calendar.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, the Consent Calendar was approved *as a whole*, Items 2.18 and 2.22 were pulled for comment, including acceptance of the joint memorandum for *Item 2.22*, from Mayor Sam Liccardo and Councilmember Raul Perez, dated June 10, 2022, recommending: Approve staff recommendation with the following revisions: (1) Exempt in-fill office/ commercial Downtown projects that have: (a) Submitted a complete development application to the City on or before the date of this Council's vote (June 14, 2022); (b) Commenced negotiations with Department of Transportation (DOT) staff on prospective terms for a parking agreement prior to June 14, 2022 under the existing master parking rate schedule. Documentation should be provided. (2) Authorize the City Manager and DOT to complete negotiations with projects that meet Recommendation #1 and execute parking agreements. (3) Allow DOT staff discretion to negotiate with future applicants long term leases that may exceed the new rate schedule, if necessary for building financing, and subject to City Council approval. The below listed actions were taken as indicated. (11-0.)

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

None provided.

## **2.2 Final Adoption of Ordinances.**

None provided.

## **2.3 22-983 Approval of Council Committee Minutes.**

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 4, 2022. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 11, 2022. (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 18, 2022. (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 25, 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.

Action: The Council Committee Minutes were approved. (11-0.)

## 2.4 Mayor and Council Excused Absence Requests.

None provided.

## 2.5 City Council Travel Reports.

None provided.

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

None provided.

### 2.7 22-885

#### **Civil Service Commission Unanticipated Vacancy.**

Declare an unanticipated vacancy exists on the Civil Service Commission and direct the City Clerk to open the recruitment and employee election for the employee nominated public member to a term ending November 30, 2025. CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Action: The City Clerk was directed to open the recruitment and employee election for the Civil Service Commission Unanticipated Vacancy. (11-0.)

### 2.8 22-886

#### **Ordinance Amending the Federated City Employees' Retirement System to Clarify City Payment of Normal Contributions for Employees who Reach 30 Years of City Service.**

Approve an ordinance amending Sections 3.28.700 and 3.28.725 of Chapter 3.28 of Title 3 of the San José Municipal Code to clarify that City will pay the normal contributions for Tier 1 members at 30 years of City service credit in the Federated City Employees' Retirement System. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Ordinance No. 30785** was passed for publication. (11-0.)

### 2.9 22-887

#### **Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF); and Amending the City of San José Pay Plan and Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82).**

Adopt a resolution to: (a) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME Local 101 (MEF) to provide the following effective June 26, 2022: (1) Provide employees in the Library Clerk FT/PT (6213/6214) classification with an approximate 11.15% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (2) Provide employees in the Senior Library Clerk FT/PT (6215/6216) classification with

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## 2.9 (Cont'd.)

an approximate 6.50% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (3) Provide employees in the Library Assistant FT/PT (6221/6222) classification with an approximate 3.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (4) Provide employees in the Literacy Program Specialist FT/PT (6238/6237) classification with an approximate 3.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (5) Provide employees in The Librarian I FT/PT (6231/6232) classification with an approximate 2.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; (6) Provide employees in the Librarian II FT/PT (6233/6234) classification with an approximate 5.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and (7) Effective June 26, 2022, Council Policy 3-3 Living Wage Policy will no longer apply to employees represented by MEF. (b) Amend the City of San José Pay Plan as follows: (1) Increase the annual salary range of the classification of Library Clerk FT/PT (6213/6214) to \$52,644.80 - \$63,980.80, effective June 26, 2022; (2) Increase the annual salary range of the classification of Senior Library Clerk FT/PT (6215/6216) to \$58,136.00 - \$70,616.00, effective June 26, 2022; (3) Increase the annual salary range of the classification of Library Assistant FT/PT (6221/6222) to \$66,955.20 - \$81,369.60, effective June 26, 2022; (4) Increase the annual salary range of the classification of Literacy Program Specialist FT/PT (6238/6237) to \$72,134.40 - \$87,547.20, effective June 26, 2022; (5) Increase the annual salary range of the classification of Librarian I FT/PT (6231/6232) to \$73,881.60 - \$89,793.60, effective June 26, 2022; and (6) Increase the annual salary range of the classification of Librarian II FT/PT (6233/6234) to \$81,328.00 - \$98,966.40, effective June 26, 2022. (c) Effective June 26, 2022, Council Policy 3-3 Living Wage Policy will no longer apply to employees in Unit 99 or Unit 81/82 and will no longer be applied to any employees in the City's workforce. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. 80559** was adopted. (11-0.)

## 2.10 22-910

### **Report on Bids and Award of Contract for 10166 - Repairs of Water Services and Mains: 2022-2025 Project.**

Report on bids and award of contract for the 10166 - Repairs of Water Services and Mains: 2022-2025 project to the lowest responsive bidder, San José Water Company in the amount of \$2,922,646.74. CEQA: Exempt, File No. PP17-050, CEQA: Guidelines Section 15301, Existing Facilities; Section 15302 Replace or Reconstruction. (Environmental Services)

Action: The report on bids and award of contract for the 10166 Repairs of Water Services and Mains: 2022 2025 Project was accepted. (11-0.)

**2.11 22-892**

**Third Quarter Financial Reports for Fiscal Year 2021-2022.**

As recommended by the Public Safety, Finance and Strategic Support Committee on May 19, 2022, accept the Third Quarter (period ended March 31, 2022) Financial Reports for Fiscal Year 2021-2022 for the following programs: (a) Debt Management; (b) Investment Management; (c) Revenue Management; and (d) Purchasing & Risk Management. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance) [Public Safety, Finance and Strategic Support Committee referral 5/19/2022 – Item (c)1]

Action: The Third Financial Reports for Fiscal Year 2021 2022 was accepted. (11-0.)

**2.12 22-896**

**Report on Request for Proposal for a Laboratory Information Management System.**

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:(a) Negotiate and execute an agreement with Ethosoft, Inc. (Norcross, GA) for a laboratory information management system, including associated professional services such as implementation, training, support, and maintenance, for an initial one-year term beginning on or about June 15, 2022 and ending June 14, 2023, with a total maximum compensation not to exceed \$248,060, subject to the appropriation of funds; (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$50,000 during the initial one-year term, subject to the appropriation of funds; and (c) Exercise up to nine one-year options to extend the term of the agreement and the software license with the last option ending on or about June 14, 2032 in alignment with the software renewal term, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: The report on the Request for Proposal for a Laboratory Information Management System was accepted, and **Resolution No. 80560** was adopted. (11-0.)

**2.13 22-897**

**Amendment to the Purchase Order with Kemira Water Solutions, Inc. for Ferrous Chloride.**

Adopt a resolution authorizing the City Manager to amend purchase order OP 60556 with Kemira Water Solutions, Inc. (Lawrence, KS) for ferrous chloride to increase compensation by \$670,000, for a revised maximum compensation not-to-exceed \$1,970,000 for the period ending on June 30, 2022. CEQA: Categorically Exempt, File No. ER21-152, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80561** was adopted. (11-0.)

**2.14 22-898**

**Agreement with MGT of America Consulting LLC for a Citywide Disparity Study.**

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute an agreement with MGT of America Consulting, LLC (Tampa, FL) for a Citywide disparity study and related services, for an initial term retroactively beginning on or

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## 2.14 (Cont'd.)

about May 10, 2022 and ending June 30, 2023 with a total maximum compensation not to exceed \$410,470, subject to the appropriation of funds; (b) Exercise up to one one-year option to extend the term of the agreement with the last option ending on or about June 30, 2024 with total compensation not to exceed \$500,000, subject to the appropriation of funds; and (c) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$89,530 during the term of the agreement, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-002. Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Finance)

Action: **Resolution No. 80562** was adopted. (11-0.)

## 2.15 22-899

### **Actions Related to the County of Santa Clara Hotel Tax and Fee Refund.**

(a) Approve a refund for Transient Occupancy Tax, Convention Center Facilities District Tax, and Hotel Business Improvement District fees, totaling \$1,097,455.63, to the County of Santa Clara, for the period of March 2020 through July 2021. (b) Direct the Director of Finance to make the refund payment in accordance with the instructions in the refund claim. (c) Adopt the following 2021-2022 Appropriation Ordinance adjustments in the Convention Center Facility District Revenue Fund: (1) Establish the Special Tax Refund appropriation to the Finance Department in the amount of \$290,161; and (2) Decrease the Unrestricted Ending Fund Balance by \$290,161. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/City Manager)

Action: The refund for Transient Occupancy Tax was approved and (c) Appropriation **Ordinance No. 30787** was adopted. (11-0.)

## 2.16 22-900

### **Library Parcel Tax Rates for Fiscal Year 2022-2023.**

Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2022-2023 by 3.00% over the fiscal year 2021-2022 rates and approving the placement of the Library Parcel Tax on the fiscal year 2022-2023 Santa Clara County Property Tax Roll. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Library)

Action: **Resolution No. 80563** was adopted. (11-0.)

## 2.17 22-901

### **Amendment to the Agreement with Skidata, Inc. for a Parking Access and Revenue Control System.**

Adopt a resolution authorizing the City Manager to negotiate and execute the Fourth Amendment to the Agreement with SkiData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) for the purchase, implementation, and maintenance of a Parking Access and Revenue Control System to extend the initial term for an additional six months through December 31, 2022, increase maximum compensation by \$2,353 for a revised not to exceed amount of \$6,328,699, and

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## 2.17 (Cont'd.)

negotiate and execute up to 10 one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through December 31, 2032 or as may be adjusted to align with the software renewal term, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Finance/Transportation)

Action: **Resolution No. 80564** was adopted. (11-0.)

## 2.18 22-902

### **Naming of a New Public Park at Located at Havana Drive and Midfield Avenue.**

Adopt an official name for a new public park based on the following alternatives: (a) “Mariposa Park” as recommended by staff and the Parks and Recreation Commission and as a result of a public outreach process; or (b) Select an alternative park name from the list of qualifying names generated through the public outreach process. CEQA: Categorically Exempt, File No. ER20-200, Guidelines Section 15332, Infill Development Project. Council District 7. (Parks, Recreation and Neighborhood Services)

Councilmember Sylvia Arenas requested to pull Item 2.18 to express her gratitude and provide a photo of the park.

Public Comments: Myra (Latinos United) and Tony Romero (Latinos United) offered public testimony regarding the item.

Action: The official name, “Mariposa Park” for a new public park located at Havana Drive and Midfield was approved. (11-0.)

## 2.19 22-903

### **City Roadmap - BART and Hight Speed Rail Strategy: Master Agreement with Fugro USA Land Inc. for Owner’s Advisor Services for the BART Silicon Valley Phase II Extension and the Downtown West Projects.**

Approve a Master Agreement with Fugro USA Land Inc. to provide owner’s advisor services for the BART Silicon Valley Phase II Extension and Downtown West projects from the date of execution through December 31, 2030, in an amount not to exceed \$3,000,000. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3, 4 and 6. (Public Works)

Action: The City Roadmap BART and Hight Speed Rail Strategy Master Agreement with Fugro USA Land Inc. was approved. (11-0.)



**2.20 22-904**

**Approval of a Construction Contingency Increase for the Tech Interactive Blue Tile Replacement Project at the Tech Museum of Innovation.**

Approve an increase in the construction contingency for the Tech Interactive Blue Tile Replacement Project at the Tech Museum of Innovation in an amount of \$120,000, from \$115,500 to \$235,500, to pay for additional work completed by the Contractor due to unforeseen project elements. CEQA: Categorically Exempt, File No. ER22-147, CEQA Guidelines Section 15301 Existing Facilities. Council District 3. (Public Works)

Action: The Construction Contingency Increase for the Tech Interactive Blue Tile Replacement Project at the Tech Museum of Innovation was approved. (11-0.)

**2.21 22-905**

**Amendment to the Agreement with Cal Engineering & Geology, Inc. for Engineering Services for the 8721 - San José Family Camp Project (SCSJG89/PW1138).**

Approve a Second Amendment to the Master Agreement with Cal Engineering & Geology, Inc. (CEG) to increase the maximum total compensation by \$20,000 from \$673,222 to \$693,222 and extend the agreement from December 31, 2022 to December 31, 2024, for the sole purpose of allowing the consultant to continue providing consulting services through completion of San José Family Camp Project. 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 Second Amendment to the Master Agreement with Cal Engineering & Geology, Inc. was approved. (11-0.)

**2.22 22-906**

**Amendment to the Master Parking Rate Schedule for a Commercial Real Estate Parking Program and Various Parking Programs and Rates.**

Adopt a resolution amending the Master Parking Rate Schedule to establish a Commercial Real Estate Parking Program at City owned and operated facilities and update various parking programs and rates. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares and Charges. Council District 3. (Transportation)

Councilmember Raul Peralez requested to pull Item 2.22 for further discussion.

Action: **Resolution No. 80565** was adopted. Also including acceptance of the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated June 10, 2022, recommending: Approve staff recommendation with the following revisions: (1) Exempt in-fill office/ commercial Downtown projects that have: (a) Submitted a complete development application to the City on or before the date of this Council's vote (June 14, 2022); (b) Commenced negotiations with Department of Transportation (DOT) staff on prospective terms for a parking agreement prior to June 14, 2022 under the existing master parking rate schedule. Documentation should be provided. (2) Authorize the City Manager and DOT to complete negotiations with projects that meet Recommendation #1 and execute parking agreements. (3) Allow DOT staff discretion to negotiate with future applicants long term leases that may exceed the new rate schedule, if necessary for building financing, and subject to City Council approval. (11-0.)

**2.23 22-999**

**Funding Agreement with Caltrans for Improvements on the Warm Springs Quiet Zone.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Funding Agreement between the City of San José and the California Department of Transportation which commits the City to receive \$8,000,000 in state funds and to use them towards implementing improvements on the Warm Springs quiet zone. CEQA: Categorically Exempt, File No. ER20-170, CEQA Guidelines Section 15301(c), Existing Facilities. District 3. (Transportation) [Rules Committee referral 6/8/2022-Item A.1.a]

Action: **Resolution No. 80566** was adopted. (11-0.)

**2.24 22-1007**

**Support the California Plastic Waste Reduction Regulations Ballot Initiative.**

As recommended by the Rules and Open Government Committee on June 8, 2022: (a) Adopt a position of support for the California Plastic Waste Reduction Regulations Ballot Initiative, an eligible ballot measure which would help reduce waste from single-use plastics, expand access to recycling, and generate billions of dollars each year for climate programs, wildlife protection, and environmental justice. (b) Direct the City Manager to draft a letter that conveys the City's support for the initiative and distribute the letter to stakeholders. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 6/8/2022 - Item C.1]

Action: The position of support for the California Plastic Waste Reduction Regulations Ballot Initiative was accepted. (11-0.)

**2.25 22-1003**

**Approval of Buena Vista Dumpster Day Sponsored by Council District 6 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 June 8, 2022: (a) Approve the Buena Vista Dumpster Day scheduled on June 18, 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. (Davis) [Rules Committee referral 6/8/2022 - Item B.6]

Action: The City Council sponsored Special Event was approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

None provided.

**3.2 Labor Negotiations Update.**

None provided.

### 3.3 22-907

#### **Mayor's June Budget Message for Fiscal Year 2022-2023.**

(a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2022-2023. (b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Public Comments: Chad Dutton, Dawn Coppin, Marc Landgraf (Open Space Authority), Jeremy Barousse, Blair Beekman, Greg P., Mariam Vernon, Jill Borders, Hilary Thorsen, Robert Hernandez, Becca Horwitz, Kami Zimmer, Lindsey Mansfield, Lucia Ortiz, Sharon (South Bay Human Trafficking Coalition), Barbara Morrone, Victor Vasquez, Oscar Quiroz-Medran, Caller '9157', Emily Schwing, Vanessa P., Lorena Chavez, Lauren Babb, Caller '0506', Wendi Mahaney-Guraboo, Paula Escobar (Evergreen Valley High School Student), and Thao Le offered public testimony regarding the item.

Motion: Councilmember David Cohen made the motion to approve the Mayor's June Budget Message for Fiscal Year 2022-2023, to adopt (b) **Resolution No. 80567**, including acceptance of the joint memorandum he co-authored with Councilmember Pam Foley dated June 10, 2022; also including acceptance of the memorandum from Councilmember Sylvia Arenas and Councilmember Magdalena Carrasco, *excluding recommendation 1 and the clarifications suggested by Mayor Sam Liccardo*, dated June 10, 2022; also including acceptance of *1(a) with staff discretion and 1(b) with County input* of the memorandum from Councilmember Maya Esparza dated June 13, 2022; and also including acceptance of *recommendation 1(a), 1(c), and 2 only* of the joint memorandum from Councilmember Raul Peralez, Councilmember Magdalena Carrasco, Councilmember Dev Davis, Councilmember Sylvia Arenas dated June 10, 2022; and acceptance of the memorandum from Mayor Sam Liccardo dated June 10, 2022. Councilmember Sergio Jimenez seconded the motion.

Councilmember Pam Foley requested to bifurcate MBA #23 to recuse herself.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen and carried unanimously, MBA #23 was bifurcated to recuse Councilmember Pam Foley. (10-1-0. Recused: Foley)

Vice Mayor Chappie Jones requested to recuse Councilmember Cohen from page 23 of the memorandum (Promoting Our Business and Entertainment Districts).

Action: Upon motion by Vice Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, Councilmember Cohen was recused from page 23 of the memorandum, (Promoting Our Business and Entertainment Districts). (10-1-0. Recused: Cohen)

Action: On a call for question, the motion carried unanimously, the Mayor's June Budget Message for Fiscal Year 2022-2023 was approved and (b) **Resolution No. 80567** was adopted. Including acceptance of the memorandum from Councilmember David Cohen and Councilmember Pam Foley dated June 10, 2022, recommending: (1) Accept the Mayor's Budget Message (2) Ensure that Library Staff are provided discretion to determine the appropriate list of libraries where hours should be extended to Sundays, utilizing operational, equity, proximity, and usage considerations.

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### 3.3 (Cont'd.)

Including acceptance of the memorandum from Councilmember Sylvia Arenas and Councilmember Magdalena Carrasco, *excluding recommendation 1 and the clarifications suggested by Mayor Sam Liccardo*, dated June 10, 2022, recommending: ~~(1) Accept the memo from Councilmembers Peralez, Carrasco, Davis, and Arenas.~~ (2) Accept the Mayor's Budget Message and include the following: (a) As included in the base budget, adopt MBA #9 - Office of Equality Assurance Staffing and Policy Work, with the amendment that verbal updates on this work report quarterly to the Community and Economic Development Committee. (b) As included in the base budget, adopt MBA #12 - Recruitment, Hiring, and Retention Strategies, with the amendment that verbal updates on this work report quarterly to the Public Safety, Finance, & Strategic Support Committee. (c) Include in the adoption of MBA #31 PRNS Fee Cost Recovery Levels and Title I School Programming Options, that the item return to Neighborhood Services and Education Committee for further action, and that the item return to Council in the Mid-Year budget with budgetary corrections to ensure the second half of the fiscal year budget more accurately reflects these changes in budgetary policy. (d) Include in the adoption of MBA #41 – Rebuilding the San José Police Department, with an amendment to dedicate 4 out of the 75 positions in the Police Department to the Sexual Assault Investigations Unit for 2.0 FTE Crime Intelligence Analysts, with one specifically assigned to Gender Based Violence, and 2.0 FTE Advocates to address the rising rates of gender-based violence and the service backlog for survivors. e. BD #75 Transforming School Cultures. (3) Direct the City Manager to prioritize in the funding allocations in the 2021-2022 Annual Report creating a reserve for Fire Station Capital Cost Overruns to plan for possible overruns in the Measure T Public Safety programs.

Including acceptance of 1(a) with staff discretion and 1(b) with County input of the memorandum from Councilmember Maya Esparza dated June 13, 2022, recommending: (1) Accept the Mayor's June Budget Message with additional direction to the City Manager to prioritize the following actions that align with the recommendations from the Santa Clara County Hate Prevention and Inclusion Task Force: (a) With the adoption of MBA #41, Rebuilding the San José Police Department, prioritize the addition of a Crime and Intelligence Analyst Position during the 2023- 2024 budget development process; and (b) Funding of up to \$100,000 in FY 22-23 from the Budget Stabilization Reserve or another identified source for a Warmline to report hate incidents.

Including acceptance of *recommendation 1(a), 1(c), and 2 only* of the joint memorandum from Councilmember Raul Peralez, Councilmember Magdalena Carrasco, Councilmember Dev Davis, and Councilmember Sylvia Arenas dated June 10, 2022, recommending: (1) Accept the Mayor's Budget Message and June 10th Supplemental Memo regarding San Pedro Street and Post Street and include the following: (a) Amend the Mayor's June 10th Supplemental memo that the proposed Post Street pilot be extended to a full year rather than six months. ~~(b) BD #10 Hedding and N. Bayshore Improvement.~~ (c) MBA #29 Repeal of San José Municipal Code Chapter 11.34 - Regulation of Cruising. (2) Direct the City Manager to invest in re-vitalizing our arts, hospitality, and visitor sectors to spur business recovery, job growth and economic fiscal health by identifying long-term budget policy strategies that can guide to the continued long-term investment of our Transient Occupancy Tax (TOT) program that serves the art, culture, and hospitality industries and return back the next fiscal year to Council with these strategies.

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### 3.3 (Cont'd.)

Also including acceptance of the memorandum from Mayor Sam Liccardo dated June 10, 2022. Councilmember Foley requested to bifurcate MBA #23 to recuse herself, which was accepted by Councilmember Cohen. Vice Mayor Jones made a motion to recuse Councilmember Cohen from page 23 of the memorandum, (Promoting Our Business and Entertainment Districts), which was seconded by Councilmember Mahan. The memorandum recommends to: (1) Approve the City Manager's Proposed Budget with the additional direction outlined in this memorandum for purposes of adopting a final budget for Fiscal Year 2022-2023. (2) Adopt a resolution authorizing the City Manager to negotiate and execute agreements for projects approved in the Mayor's Budget Message when amounts exceed the City Manager's existing contract authority provided that any required environmental review for the project has been completed. (3) Authorize the changes proposed in the following Manager's Budget Addenda and incorporate them in the Adopted Budget, except in cases where the Addenda are amended or superseded by the contents of this Budget Message. MBA #3 Fiscal Sustainability of Interim Housing Operations and Maintenance Costs MBA #8 Office of Retirement Services' 2022-2023 Proposed Administrative Budget MBA #13 Team San José 2022-2023 Performance Measures MBA #14 Final 2022-2023 City Initiatives Roadmap and Backlog MBA #15 Mayor's Gang Prevention Task Force San José Bringing Everyone's Strengths Together Resource Allocation Plan MBA #16 Disability Community Engagement and Service Evaluation MBA #17 Recommendation on the 2023-2027 Proposed Capital Improvement Program MBA #23 Proposed 2022-2023 Arts and Cultural Development Grants MBA #31 PRNS Fee Cost Recovery Levels MBA #37 2022-2023 Revised General Fund Revenue Estimates and Recommended Expenditure Allocations MBA #38 Accounts Receivable Amnesty Program Pilot (Equity Lens) MBA #40 2022-2023 Proposed Fees and Charges Report Amendment MBA #41 Rebuilding the San José Police Department MBA #42 Recommended Amendments to the 2022-2023 Proposed Operating and Capital Budgets. (10-0-1. Absent: Esparza)

### 3.4 22-908

#### **Approval of the 2022-2023 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.**

(a) Adopt resolutions approving the Operating Budget for 2022-2023 for the City of San José, the Capital Budget for 2022-2023 for the City of San José, and the Five-Year Capital Improvement Program for 2023-2027 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption. (b) Adopt a resolution establishing the Schedule of Fees and Charges for 2022-2023. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Public Comments: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Dev Davis and carried unanimously, (a)(1) **Resolution No. 80568**, (a)(2) **Resolution No. 80569**, (a)(3) **Resolution No. RES2023- No. 80570**, and (b) **Resolution No. 80571** were adopted. (10-0-1. Absent: Esparza.)

***City Council recessed for dinner from 5:05 p.m. to 6:03 p.m.***

3.5 22-909

**Amendment to the Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. for Comprehensive Workers' Compensation Services.**

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Pacific Secured Equities, DBA Intercare Holdings Insurance Services, Inc. to extend the term of the Agreement from July 1, 2022 to June 30, 2025 and to increase the compensation by \$16,618,903 for a total amount of compensation not to exceed of \$32,582,834, subject to 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)

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 80572** was adopted. (9-0-2. Absent: Cohen, Esparza.)

3.6 22-984

**Board of Fair Campaign and Political Practices Interview. –  
HEARD IMMEDIATELY BEFORE CONSENT**

(a) Interview applicant for appointment to the Board of Fair Campaign and Political Practices. (b) Appoint one (1) applicant to a term ending March 1, 2023. **PLEASE NOTE: APPROVAL OF THIS ITEM REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. San José Municipal Code Section 2.08.1610.** (c) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Deferred from 6/7/2022 - Item 3.3 (22-843)]

Action: The applicant interviewed for the appointment to the Board of Fair Campaign and Political Practices was conducted, and Baltazar Lopez was appointed to a term end March 1, 2023. (10-1-0. Noes: Davis.)

*City Council recessed for lunch from 12:15 p.m. to 1:17 p.m.*

3.7 22-985

**Proposed Ballot Measure on City Charter Amendment for the November 8, 2022 General Election. - HEARD IMMEDIATELY BEFORE CONSENT**

(a) Consider options, including the equity framework as shown in the two resolutions presented, for a proposed ballot measure for the November 8, 2022 statewide general election to amend the San José City Charter to make the board governing municipal ethics and campaigns a Charter-level commission; allow residents who are not electors and/or citizens to serve on the Planning, Civil Service, and Salary Setting Commissions; update Charter language to be gender neutral; and require the City Council to adopt equity values, standards, and assessment processes. (b) Consider the Administration's update on outreach regarding adding a Native Land Acknowledgment recognizing San José's indigenous ancestors to the proposed Charter amendments. (c) Adopt a

*(Item Continued on the Next Page)*

### 3.7 (Cont'd.)

resolution of the City Council: (1) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the statewide general election on November 8, 2022, to submit to the electors of the City of San José the following measure: “Shall the City Charter be amended to add the City’s ethics and elections commission (Board of Fair Campaign and Political Practices) to the Charter; remove requirements that members of the Planning, Civil Service, and Salary Setting Commissions be electors and/or citizens; remove gender-specific language; and require the City Council to adopt equity values, standards, and assessments in making certain decisions?” (2) Directing the City Clerk, pursuant to California Elections Code section 12111, to cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the Mercury News, a newspaper of general circulation within the city of San José, instead of printing the full text of the measure in the Sample Ballot; (3) Authorizing the City Council or any member or members of the City Council to submit a ballot argument in favor of the measure, pursuant to California Elections Code section 9282; (4) Authorizing the submittal of rebuttal arguments pursuant to California Elections Code section 9285; (5) Directing the City Attorney to prepare an impartial analysis of the measure pursuant to California Elections Code section 9280; and (6) Directing the City Clerk to take all other actions necessary to place this measure on the November 8, 2022 ballot. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (City Manager) [Deferred from 6/7/2022 - Item 3.5 (22-844)]

City Clerk, Toni Taber; Director, Office of Racial Equity, Zulma Maciel; Director, Office of Administration, Policy, and Intergovernmental Relations, Sarah Zarate; and Assistant to the City Manager, Michelle McGurk offered the presentation and responded to questions.

Public Comments: Blair Beekman, Lillian Camarena, and Sarah Marti offered public testimony regarding the item.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, (c) **Resolution No. 80573** was adopted, *excluding the Native Land Acknowledgment, and the Section 608 Charter exception*. Including acceptance of the joint memorandum from Councilmember Sergio Jimenez, Councilmember David Cohen, and Councilmember Pam Foley dated June 2, 2022, recommending: That the City Council approve placing on the November 2022 ballot a charter amendment with the following text: Section 608. Equity Values The Mayor and City Council shall adopt and maintain a statement of values promoting racial and social equity, inclusion, and racial and social justice which shall provide guidance to City officers and employees in their conduct while discharging their public responsibilities, including development and implementation of decisions, policies, budgets, programs, standards, assessments, and practices of the City of San Jose. (8-1-2. Noes: Davis. Absent: Arenas, Esparza.)



**3.8 22-986**

**Renewal of Downtown San José Property-Based Business Improvement District. HEARD IMMEDIATELY BEFORE CONSENT**

(a) Conduct a public hearing for the expansion and renewal of a Property-Based Improvement District (PBID) in Downtown San José and authorize the City Clerk to tabulate the ballots. (b) Adopt a resolution by the City Council, as the property owner of parcels within the proposed PBID, authorizing the execution of a ballot in favor of the expansion and renewal of the Downtown San José PBID and the imposition of an assessment in the amount of \$748,264 with annual increases of up to 5% for all parcels and up to an additional 5% on Commercial and Enterprise Government parcels over the next nine years. (c) Direct the City Clerk to report the results of the tabulation of ballots. (d) In the event that the PBID is approved by a majority of weighted assessments of property owners, adopt a resolution by the City Council: (1) Approving the PBID Management Plan and Engineer's Report; (2) Approving and imposing the respective assessments; and (3) Directing the Director of Public Works to deliver the assessment role to the County of Santa Clara for collection with the property taxes. CEQA: Not a Project, PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and 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. Council Districts 3 and 6. (Public Works/Transportation) [Deferred from 6/7/2022 - Item 3.6 (22-845)]

City Clerk, Toni Taber offered the presentation and responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, a public hearing was held, and (b) **Resolution No. 80574** and (d) **Resolution No. RES2023- No. 80575** were adopted. (9-0-2. Absent: Arenas, Esparza.)

**3.9 22-987**

**Protecting Reproductive Rights in the City of San José. - HEARD IMMEDIATELY BEFORE CONSENT**

As recommended by the Rules and Open Government Committee on May 18, 2022: (a) Discuss creating public safety protections for women seeking abortion procedures, anyone assisting the individual seeking an abortion, as well as protection for providers of abortion services. (b) Direct the City Attorney's office to research and recommend the best legal protection that our city can provide beyond a ceremonial sanctuary city status, as well as potential land use protections for providers of abortion services, and return to council with (a) recommendation(s). CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Davis, Carrasco, Esparza, Arenas, and Foley) [Rules Committee referral 5/18/2022 - Item C.1] [Deferred from 6/7/2022 - Item 3.7 (22-861)]

City Attorney, Nora Frimann spoke to the actions the City is taking and responded to questions.

Public Comments: Caller 'Starving People' and Blair Beekman offered public testimony regarding the item.

Action: The discussion on public safety protections of reproductive rights in the City of San José was conducted. No vote was required.

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

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

- 6.1     22-911             Climate Smart San José Existing Building Electrification Framework. -  
HEARD CONCURRENTLY WITH ITEMS 6.2 AND 10.3**  
Accept the Electrify San José: A Framework for Existing Building Electrification.  
CEQA Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262,  
Feasibility and Planning Studies. (Environmental Services)

Director, Environmental Services Department, Kerrie Romanow; Director, Environmental Services Department (ESD), Zach Struyk; Deputy Director, ESD, Julie Benabente; and Division Manager, Department of Transportation, Ramses Madou offered the presentation and responded to questions.

Mayor Sam Liccardo stated at 7:30 p.m. that public comment would only be one- minute.

**Public Comments for Items 6.1, 6.2, and 10.3** : Susan Butler Graham (Mothers Out Front), Rabi Abonour (Natural Resources Defense Council), Linda Hutchins-Knowles (Mothers Out Front), Glen Garfunkel (San Jose Community Energy Advocates), Paul Fogarty, Crystal Hernandez, Erica Pinto, Teresa Xu, Roma Dawson, Karen Rosenberg, Maya Perlash, Emily Schwing, Adina Levin, Mikhail Haurylau, Blair Beekman, Brin Darby, Ryan Globus, Gwyn Azar, Tim W., Michael Hazelton, Caller ‘Wandering Fieryrabbit’, Chloe K., Ruth Callahan, Ali Sapirman, Giovanni, Lalo Mendez, Jenny Green (Mothers Out Front), Zachary Meyer, Alexander Melendrez, Saman De Silva, Hoai-An Troung, Tami S., Laura Feinstein, Mathew Reed, Eugene Bradley, Isabella Luong, Diane Bailey, Stephanie Morris, Enrique Navarro, Jared Johnson, Gary Ding, Dashiell Leeds, David Noel, Ria Narang, Patrick Siegman, Daniela Castaneda, Alex Shoor, Bruce Naegal, and Edward Saurin offered public testimony regarding the item.

**Action**: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, the Climate Smart San José Existing Building Electrification Framework was accepted. (9-1-1. Noes: Davis. Absent: Esparza.)

- 6.2     22-895             City Roadmap - Climate Smart American Cities Climate Challenge: Climate  
Smart San José: Carbon Neutral San José by 2030 Acceleration Strategy. -  
HEARD CONCURRENTLY WITH ITEM 6.1 AND 10.3**  
As recommended by the Transportation and Environment Committee on June 6, 2022,  
accept the strategy for acceleration of work in Climate Smart San José needed to put the  
City firmly on a path to achieve its carbon neutral goal by 2030. CEQA: File No.  
PP18-009, Determination of Consistency with the Envision San José 2040 General Plan  
EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda  
thereto. (Environmental Services/Transportation) [Transportation and Environment  
Committee referral 6/6/2022 – Item (d)4]

Director, Environmental Services Department, Kerrie Romanow; Director, Environmental Services Department (ESD), Zach Struyk; Deputy Director, ESD, Julie Benabente; and Division Manager, Department of Transportation, Ramses Madou offered the presentation and responded to questions.  
(Item Continued on the Next Page)

## 6.2 (Cont'd.)

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, the City Roadmap- Climate Smart American Cities Climate Challenge: Climate Smart San José: Carbon Neutral San José by 2030 Acceleration Strategy was accepted. Including acceptance of the staff memorandum from City Clerk, Toni Taber dated June 14, 2022, recommending: As recommended by the Transportation and Environment Committee on June 6, 2022, accept the strategy for acceleration of work in Climate Smart San José needed to put the City firmly on a path to achieve its carbon neutral goal by 2030. CEQA: File No. PP18-009, Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Environmental Services/Transportation) [Transportation and Environment Committee referral 6/6/2022 - Item (d)4]

Also Including acceptance of the supplemental memorandum from Kerrie Romanow dated June 9, 2022, recommending: Based on input received at the June 6, 2022, Transportation and Environment (T&E) Committee meeting, this supplemental memorandum recommends updating the vision statement in the Carbon Neutrality by 2030 Pathway to “San José will become a better, stronger and more resilient community by accelerating climate action and achieving carbon neutrality by 2030.”

Also including acceptance of the memorandum from Vice Mayor Chappie Jones, Councilmember David Cohen, and Councilmember Pam Foley dated June 14, 2022, recommending: (1) Direct staff to return to Council by February 2023 with recommendations on establishing a Climate Commission, so that it can be considered for funding as part of the FY23-24 budget process. (a) The commission’s scope of responsibility should include, but not be limited to, the following: (i) Advising and making recommendations to staff on San José climate and environmental policy (ii) Providing feedback on staff recommendations to the Council and the Transportation and Environment Committee (iii) Identifying and vetting potential strategies for meeting San José’s Climate Smart goals (iv) Monitoring best practices employed by other municipalities around the world v. Serving as the community’s voice in matters related to San José environmental and climate policy (b) The commission’s composition should include, among others, the following: (i) Technical experts with experience in clean energy, power planning, transportation, planning and building, environmental law, and other relevant fields (ii) Climate scientists (iii) Climate and environmental advocacy organizations (iv) Community representatives (v) One seat should be reserved for a youth representative (2) Merge the Clean Energy Community Advisory Commission, with its role in providing advice on SJCE operations and clean energy production, with the Climate Commission. (a) The current members of the CECAC will serve out the remainder of their CECAC terms on the Climate Commission. (3) Return to Council with information on staffing and funding needs for establishing a climate commission, and with recommendations on pathways to meeting those needs. (4) Direct the Environmental Services Department to continue evaluating the following and vet with stakeholders as needed, and return to the Transportation and Environment Committee with recommendations on both options by the end of the calendar year as part of the reach code evaluation timeline: (a) Updating the city’s roof space design standards to minimize its carbon footprint and expand use of solar on rooftop. (b) Mitigation of carbon emissions from building materials in the form of embodied carbon. (9-1-1. Noes: Davis. Absent: Esparza.)

***Councilmember Maya Esparza left for the remainder of the Council Meeting at 6:06 p.m. due to a family emergency.***

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 22-912**

#### **Public Hearing on the Downtown Business Improvement District Budget Report and Assessments for Fiscal Year 2022-2023. - NOT HEARD BEFORE 1:30 P.M.**

Conduct a Public Hearing and adopt a resolution to: (a) Approve the Downtown Business Improvement District budget report for Fiscal Year 2022-2023 as filed or modified by City Council; (b) Levy the Downtown Business Improvement District assessments for Fiscal Year 2022-2023; and (c) Suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for a Business Tax financial hardship exemption under the City's General Business Tax Ordinance. CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs.

Public Comment: Blair Beekman offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 80576** was adopted. (10-0-1. Absent: Esparza.)

### **8.2 22-913**

#### **Actions Related to the Development of the Kelsey Ayer Station Affordable Apartment Community Located at 447 North First Street. - DEFERRED**

(a) Adopt a resolution: (1) Authorizing the Director of Housing to negotiate and execute lease riders to the ground lease in favor of the California Tax Credit Allocation Committee (TCAC), the California Housing Finance Agency (CalHFA), and the California Department of Housing and Community Development (HCD) and to execute lender's consents to these lease riders; and (2) Authorizing a change in the City loan terms to allow an increase in the Kelsey Ayer Station Apartments (Development) rents and income restrictions that are below 60% of Area Median Income (AMI) up to 60% of AMI for all new tenants in units with 811 Project Based Vouchers in the event of expiration or termination of contract for 811 Project Based Vouchers, and for all new tenants in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the Development and allowed by other funds; and (3) Approving a loan increase of \$1,500,000 to the original \$12,825,000 for a total loan commitment of \$14,325,000. (b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Affordable Housing Impact Fee Fund: (1) Decrease the Housing Project Reserve appropriation by \$8,500,000; and (2) Establish a Housing Loans and Grants appropriation to the Housing Department in the amount of \$8,500,000. CEQA: Exempt, File No. ER20-109 per Public Resources Code 15369, Ministerial Project pursuant Section 21080(b)(1) and CEQA Guidelines Section to Government Code Section 65913.4; and Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)

**DEFERRED TO 6/21/2022 PER ADMINISTRATION**

### **Actions Related to the Grant Agreements for Multiple Homelessness Programs for Fiscal Year 2022-2023. - DEFERRED**

(a) Adopt a resolution authorizing the Director of Housing to negotiate and execute agreements and amendments beginning in Fiscal Year 2022-2023 with three one-year options to extend, subject to appropriation, the following priorities serving individuals and families experiencing homelessness categorized by service type, each of which includes one or more agreements: (1) Basic Needs Services: (a) SOAR Program: HomeFirst in the amount of \$2,000,000 from July 1, 2022 - December 31, 2023. (b) SOAR Expansion Program: (i) HomeFirst in the amount of \$2,300,000 from July 1, 2022 - June 30, 2023; and (ii) City of San Jose in the amount of \$700,000 from July 1, 2022 - June 30, 2023. (c) Safe Parking Programs: (i) Amigos de Guadalupe in the amount of \$500,000 from July 1, 2022 - June 30, 2023; and (ii) Life Moves in the amount of \$1,520,000 from July 1, 2022 - June 30, 2023. (d) Mobile Hygiene and Rest Stop: WeHope in the amount of \$1,000,000 from July 1, 2022 - June 30, 2023. (e) Employment Initiative: Destination: Home in the amount of \$125,000 from July 1, 2022 - June 30, 2023. (f) Meals Without Borders: Opening Doors in the amount of \$200,000 from July 1, 2022 - June 2023. (g) Community Access to Resources and Education Program: West Valley Community Services in the amount of \$50,000 from July 1, 2022 - June 30, 2023. (h) UPLIFT Transit Pass Program: County of Santa Clara in the amount of \$100,000 from July 1, 2022 - June 30, 2023. (i) 2023 Homeless Census and Survey: County of Santa Clara in the amount of \$100,000 from July 1, 2022 - June 30, 2023. (2) Housing Opportunities: (a) Emergency Interim Housing Programs: (i) HomeFirst in the amount of \$7,400,000 from July 1, 2022 - June 30, 2023; (ii) HomeFirst in the amount of \$68,630 from July 1, 2021 - June 30, 2022; (iii) PATH in the amount of \$2,880,000 from July 1, 2022 - June 30, 2023; and (iv) LifeMoves in the amount of \$3,200,000 from July 1, 2022 - June 30, 2023. (b) Bridge Housing Communities: HomeFirst in the amount of \$4,011,000 from July 1, 2022 - June 30, 2023. (c) Non-Congregate Motel Sheltering Programs: (i) Abode in the amount of \$423,000 from July 1, 2022 - September 30, 2022; and (ii) Abode in the amount of \$1,250,000 from July 1, 2022 - June 30, 2023. (d) Scattered-Site Motel Sheltering Programs: (i) YWCA in the amount of \$250,000 from July 1, 2022 - June 30, 2023; and (ii) LifeMoves in the amount of \$3,950,000 retroactive from April 1, 2022 - June 30, 2023. (e) Rapid Rehousing Programs: (i) HomeFirst in the amount of \$2,000,000 from July 1, 2022 - June 30, 2023; (ii) LifeMoves in the amount of \$1,250,000 from July 1, 2022 - June 30, 2023; and (iii) Bill Wilson Center in the amount of \$1,250,000 from July 1, 2022 - June 30, 2023. (f) Employment Development Programs: (i) Job Train in the amount of \$450,000 from July 1, 2022 - June 30, 2023; and (ii) International Rescue Committee in the amount of \$450,000 from July 1, 2022 - June 30, 2023. (b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Housing Authority Litigation Award Fund: (1) Decrease Unrestricted Ending Fund Balance by \$900,000; and (2) Establish a Job Readiness Training Project appropriation to the Housing Department in the amount of \$900,000. (c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund: (1) Decrease Unrestricted Ending Fund Balance by \$2,000,000; and (2) Increase the Homelessness Prevention System appropriation to the Housing Department by \$2,000,000. CEQA: Not a Project, File No. PP17-009, Agreements and Contracts (New or Amended) resulting in no physical changes to the

*(Item Continued on the Next Page)*

### 8.3 (Cont'd.)

environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing/City Manager)

**DEFERRED TO 6/28/2022 PER ADMINISTRATION**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

#### **10.1(a) 22-914 PP22-002 - An Ordinance of the City of San José Amending Title 20 (Zoning Code) of the San José Municipal Code. – NOT HEARD BEFORE 1:30 P.M.**

Approve an ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) to add previously approved text in (a) Chapter 20.30, Section 20.30.100 to rectify Table 20-50, and new Section 20.30.840 ‘Waiver’; (b) Chapter 20.40, Section 20.40.100 to rectify Table 20-90; (c) Chapter 20.50, Section 20.50.100 to rectify Table 20-110, and Section 20.50.110 ‘Commercial support’; (d) Chapter 20.75, Section 20.75.200 to rectify Table 20-156; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (10-0-1; Cantrall absent). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, **Ordinance No. 30786** was passed for publication. (10-0-1. Absent: Esparza.)

### **END OF CONSENT CALENDAR**

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

#### **10.2 22-915 PDC19-049 & PD20-006 - Planned Development Rezoning and Planned Development Permit on a Certain Real Property Located at 1312 El Paseo de Saratoga and 1777 Saratoga Avenue. - DEFERRED**

(a) Adopt a resolution certifying the El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project Environmental Impact Report, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA) (b) Approve an ordinance of the City of San José rezoning a certain real property of approximately 10.76 gross acres situated east of the intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway, from the CG Commercial General and CP

*(Item Continued on the Next Page)*



## 10.2 (Cont'd.)

Commercial Pedestrian Zoning Districts to a CG(PD) Planned Development Zoning District. (c) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of approximately 126,345 square feet of existing commercial buildings, the removal of 120 trees (20 ordinance-size, 100 non-ordinance-size) for the construction of four mixed-use buildings consisting of 994 residential units and 165,949 square feet of commercial space, extended construction hours (15-hour concrete pours between 6:00 am to 9:00 pm daily over a 15-day period), and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 21 ABC License) at a future grocery store in an approximately 56,603-square foot tenant space on an approximately 10.76-gross acre site. CEQA: El Paseo & 1777 Saratoga Avenue Mixed-Use Village Project Environmental Impact Report (EIR). Planning Commission recommends approval (9-1-1, Garcia opposed; Cantrell absent). Council District 1. (Planning, Building and Code Enforcement)

### **DEFERRED TO 6/21/2022 PER RULES AND OPEN GOVERNMENT COMMITTEE**

## 10.3 22-916

### **Parking/Transportation Demand Management (TDM) Ordinance Update Policy Direction. -HEARD CONCURRENTLY WITH ITEM 6.1 AND 6.2**

Accept the report on Parking/Transportation Demand Management (TDM) ordinance update and direct the administration to develop, for Council Consideration, the following (Title 20) Zoning Code Amendments: (a) Removal of mandatory minimum off-street parking requirements (except in areas where the City has defined contractual agreements regarding parking) and implements, a market-based parking approach; and (b) Revisions to the City's Transportation Demand Management (TDM) requirements for new developments (except for small projects); and (c) TDM program for ongoing monitoring and compliance of new developments citywide. 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 Commission recommended approval (5-2-3-0 Bonilla and Garcia opposed; Casey, Caballero and Montanez absent). (Planning, Building and Code Enforcement/Transportation)

Director, Environmental Services Department, Kerrie Romanow; Director, Environmental Services Department (ESD), Zach Struyk; Deputy Director, ESD, Julie Benabente; and Division Manager, Department of Transportation, Ramses Madou offered the presentation and responded to questions.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, the report on Parking/Transportation Demand Management (TDM) Ordinance Update Policy Direction was accepted.

Also including acceptance of the memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones, Councilmember Raul Peralez, Councilmember Magdalena Carrasco, and Councilmember Pam Foley dated June 10, 2022, recommending: To approve staff's recommendation for elimination of parking minima citywide, with the following additional direction: (1) Craft a Transportation Demand Management (TDM) ordinance and set of

*(Item Continued on the Next Page)*



### 10.3 (Cont'd.)

measures that appear clear, transparent, cost-effective, easy to implement, and equitable. The subsequent TDM program should have the capacity for project monitoring, enforcement, evaluation and if necessary, recalibration. (2) Accelerate the implementation of changes such that the City: a. Ensures that it no longer halts the approval of the relocation of any business in San José due to mandatory parking minimum, where the business owner has satisfied themselves that available parking suffices; b. Enables the development of affordable and multifamily housing. (3) Return to the City Council with a final ordinance prior to the end of 2022.

### • Open Forum

1. Blair Beekman spoke to the importance of having an open public process.
2. Giovani addressed the importance of gas efficient cars.

### • Adjournment

The Council of the City of San José adjourned at 9:45 pm p.m. in honor and memory of the victims of the Uvalde (Robb Elementary) School Shooting: Makenna Lee Elrod, Layla Salazar, Maranda Mathis, Nevaeh Bravo, Jose Manuel Flores Jr., Xavier Lopez, Tess Marie Mata, Rojelio Torres, Eliahna "Ellie" Amyah Garcia, Eliahna A. Torres, Annabel Guadalupe Rodriguez, Jackie Cazares, Uziyah Garcia, Jayce Carmel Luevanos, Maite Yuleana Rodriguez, Jailah Nicole Silguero, Irma Garcia, Amerie Jo Garza, Alexandria "Lexie", Aniyah Rubio, Alithia Ramirez, Irma Garcia, and Eva Mireles. May these angels rest in peace.

Minutes Recorded, Prepared, and Respectfully Submitted by,



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Yasmin Johnson  
Deputy City Clerk, City of San José

Approved at Council on: 5/9/23

Attest By:



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Toni J. Taber, CMC  
City Clerk, City of San José

## CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 14, 2022

The Council of the City of San José convened into Closed Session at 9:34 a.m.

This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Esparza, Foley  
Jimenez, Khamis, Peralez, Jones, Liccardo.

Absent: Councilmembers - All present.

### CLOSED SESSION ITEM(S) DISCUSSED:

#### A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimants(s): In re Claim of Geico Insurance aso Nicole Dong  
City Department: DOT

#### B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: ANTHONY SUNG CHO v CITY OF SAN JOSE, et al.  
Name(s) of Anthony Cho, City of San Jose, Zachary David Preuss, Tyler  
Parties(s) Involved: Moran, Matthew Rodriguez, and Steven Gaona, and DOES 1-  
10, inclusive  
Court: United States District Court, Northern District of California  
Case No.: 5:21-cv-05503-VKD  
Amount of Money Damages according to proof  
or Other Relief  
Sought:
2. Case Name: YURIDIA OCHOA V EDGARDO GARCIA, et al.  
Name(s) of Yuridia Ochoa, City of San José, Eric Mosunic, Michael  
Parties(s) Involved: Santos, Donald Guess, Jaime Orozco, Todd McMahon, and  
Doe 6 To 10  
Court: United States District Court, Northern District of California  
Case No.: 5:21-cv-02456-BLF  
Amount of Money Damages according to proof  
or Other Relief  
Sought:

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

**Employee Organizations:**

- |   |   |
|---|---|
| <b>1.</b> Organization or Name and Title of Unrepresented Employees:<br>Nature of negotiations:<br>Name of Existing Contract or MOA:<br><br>How to Obtain a copy of Existing Contract or MOA: | <b>Association of Building, Mechanical and Electrical Inspectors (ABMEI)</b><br><br>wages/salaries, hours, working conditions, etc.<br><br>Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)<br>Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
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| <b>2.</b> Organization or Name and Title of Unrepresented Employees:<br>Nature of negotiations:<br>Name of Existing Contract or MOA:<br>How to Obtain a copy of Existing Contract or MOA: | <b>Association of Engineers &amp; Architects (AEA)</b><br><br>wages/salaries, hours, working conditions, etc.<br><br>Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)<br>Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
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| <b>3.</b> Organization or Name and Title of Unrepresented Employees:<br>Nature of negotiations:<br>Name of Existing Contract or MOA:<br>How to Obtain a copy of Existing Contract or MOA: | <b>City Association of Management Personnel Agreement (CAMP)</b><br><br>wages/salaries, hours, working conditions, etc.<br><br>Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement<br>Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
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| <b>4.</b> Organization or Name and Title of Unrepresented Employees:<br>Nature of negotiations: | <b>San José Police Officers' Association (SJPOA)</b><br><br>wages/salaries, hours, working conditions, etc. |
|---|---|

Name of Existing Contract or MOA:  
How to Obtain a copy of Existing Contract or MOA:

Memorandum of Agreement — City of San José and San José  
Polices' Association  
Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

5. Organization or Name and Title of Unrepresented Employees:

**Executive Management and Professional Employees (Unit 99)**

Nature of negotiations:

wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA:

Benefits and Compensation Summary - City of San José and Executive Management and Professional Employees 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

By unanimous consent, Council recessed from the Closed Session at 10:36a.m.; to reconvene in Regular Open Session at 11:05 a.m.