



# **City Council Meeting MINUTES**

**Tuesday, June 21, 2022**

**11:00 AM**

**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

JUNE 21, 2022

### \* 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

**22-981** Closed Session: **See Page 31** for Closed Session Minutes.

Closed Session. Carrasco (9:05)

Absent: Peralez, Esparza, Arenas, Jones.

11:00 a.m. Present: Councilmembers - Carrasco, Arenas, Davis, Mahan, Jimenez, Jones, Cohen, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All present.

### • Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

### • Invocation (District 6)

Reverend Mother Maly Hughes, St. Francis Episcopal Church, provided the Invocation.

### • Orders of the Day

Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 10.1(a) deferred one week.

(10-0-1. Absent: Carrasco.)

### • Closed Session Report

None provided.

# **1. CEREMONIAL ITEMS**

1.1 Councilmember Magdalena Carrasco presented a commendation to Silicon Valley Alliance founder, Sean Kali-rai, the cannabis industry's only Silicon Valley trade organization, honoring them for their work in ensuring that the cannabis industry is represented in an equitable and professional way. (Carrasco)

# **2. CONSENT CALENDAR**

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

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

None provided.

## **2.2 22-989 Final Adoption of Ordinances.**

(a) **Ordinance No. 30782** - An Ordinance of the City of San José Rezoning 34 Properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, One Property from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, Two Properties from the Li Light Industrial Zoning District to the UV Urban Village Zoning District, Three Properties from the R-1-8 Single-Family Residential Zoning District to the UV Urban Village Zoning District, Two Properties from the R-2 Two-Family Residential Zoning District to the UV Urban Village Zoning District, 12 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, One Property from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the PQP Public/Quasi-Public Zoning District, Three Properties from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, Six Properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the A(PD) Planned Development Zoning District to the OS Open Space Zoning District, One Property from the CG Commercial General District Zoning District to the OS Open Space Zoning District, Three Properties from the CN Commercial Neighborhood Zoning District to the OS Open Space Zoning District, Four Properties from the R-1-8 Single-Family Residential Zoning District to the OS Open Space Zoning

*(Item Continued on the Next Page)*

**Final Adoption of Ordinances (Cont'd.)**

District, Eight Properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, Five Properties from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, One Property from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District, Ten Properties from the Split Zoned CG Commercial General and R-2 Two-Family Residential Zoning Districts to the UV Urban Village Zoning District, One Property from the Split Zoned CO Commercial Office, CP Commercial Pedestrian, R-1-8 Single-Family Residential, R-2 Two-Family Residential, and R-M Multiple Residence Zoning Districts to the OS Open Space Zoning District, and Three Properties from the Split Zoned CG Commercial General and R-2 Two-Family Residential Zoning Districts to the CP Commercial Pedestrian Zoning District, All Located on those Certain Real Properties throughout the Alum Rock Avenue and Story Road Planned Growth Areas..

[Passed for Publication on 6/7/2022 - Item 10.1(a) (22-853)]

(b) **Ordinance No. 30783** - An Ordinance of the City of San José Rezoning 113 Properties from R-M Multi-Family Residential to Mun Mixed Use Neighborhood, 102 Properties from R-M Multi-Family Residential to UR Urban Residential, 59 Properties From R-2 Residential to Mun Mixed Use Neighborhood, 13 Properties from R-1-8 Single-Family Residential to PQP Public/Quasi-Public, Two Properties from R-1-8 Single-Family Residential to Mun Mixed Use Neighborhood, Two Properties from R-M Multi-Family Residential to PQP Public/Quasi-Public, Two Properties from CP Commercial Pedestrian to R-1-8 Single-Family Residential, Two Properties from CO Commercial Office to PQP Public/Quasi-Public, One Property from CP Commercial Pedestrian to PQP Public/Quasi-Public, One Property from R-1-5 Single-Family Residential to PQP Public/Quasi-Public, and One Property from R-2 Residential to PQP Public/Quasi-Public, Located in Various Locations on those Certain Real Properties within the City of San José.

[Passed for Publication on 6/7/2022 - Item 10.1(b) (22-854)]

(c) **Ordinance No. 30784** - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.35 Gross Acres Situated on the Southwest Side of the Intersection of Meridian Avenue and Camino Monde (1333 Meridian Avenue) (APN: 284-14-044) from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District.

[Passed for Publication on 6/7/2022 - Item 10.1(c)(1) (22-855)]

Action: (a) Ordinance No. 30782; (b) Ordinance No. 30783, and (c) Ordinance No. 30784 were adopted. (11-0.)

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

None provided.

### **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 22-942 Airport Disadvantaged Business Enterprise Program for Grant Funded Airport Development Projects for Federal Fiscal Years 2023-2025.**

Adopt a resolution:

(a) Approving a proposed overall Disadvantaged Business Enterprise (DBE) participation race-neutral goal of 5.0% for Federal Aviation Administration (FAA) Airport Improvement Program grant funded Airport development projects at the Norman Y. Mineta San José International Airport for Federal Fiscal Years 2023-2025;

(b) Authorizing the City Manager or designee to submit the three-year DBE participation plan to the FAA, which is due by August 1, 2022; and

(c) Authorizing the City Manager to make revisions as requested by the FAA.

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

Action: **Resolution No. 80575** regarding the Airport Disadvantaged Business Enterprise Program was adopted. (11-0.)

### **2.8 22-988 North San José: Settlement with City of Santa Clara.**

(a) Approve a Settlement Agreement between the City of Santa Clara and the City of San José related to the North San José Traffic Impact Fees and authorize the City Manager and City Attorney to execute the Settlement Agreement.

(b) Adopt the following 2022-2023 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

(1) Establish the Montague Expressway - City of Santa Clara Settlement appropriation to the Transportation Department in the amount of \$1,500,000; and

(2) Decrease the North San Jose New Development Reserve by \$1,500,000.

*(Item Continued on the Next Page)*

**2.8 (Cont'd.).**

CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617) (Resolution No. 805050). (City Attorney/City Manager)

Action: (a) The settlement agreement was approved, and (b) Appropriation **Ordinance No. 30788** was adopted. (11-0.)

**2.9 22-763 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through July 21, 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 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. 80576** providing an Extension of AB 361 was adopted. (11-0.)

**2.10 22-944 Declarations Suspending Enforcement of Certain Provisions in Land Use Permits (Al Fresco).**

Adopt a resolution amending the Declaration of the Director of Emergency Services of the City of San José issued July 22, 2020, to extend the term for outdoor business operations on closed public streets until June 30, 2023.

CEQA: Categorically Exempt, File No. ER22-138. CEQA Guidelines Section 15304(e) Minor Alterations to Land. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80577** regarding Suspending Enforcement of Certain Provisions in Land Use Permits was adopted. (11-0.)

**2.11 22-945 Declaration of Surplus and Sale of a Residential Condominium Unit Located at 435 North 2nd Street.**

Adopt a resolution:

(a) Declaring the residential condominium unit located at 435 North 2nd Street, Unit 213 in San José (APN 249-73-047) surplus to the needs of the City;

(b) Waiving the procedures required under Council Policy 7-13;

(c) Approving the sale of the residential condominium unit to Kim Cosmas, or other qualified buyer, for no less than \$588,000;

(d) Approving the payment of closing costs in accordance with Santa Clara County custom, and the buyer's agent fee in the amount of 2.5% of the sales price of \$588,000, or \$14,700, to eXp Realty of California, Inc., or a similar agent, in accordance with Council Policy 7-6; and

(e) Authorizing the City Manager, or her designee, to negotiate and execute a purchase and sale agreement, a Quitclaim deed, and all other documents necessary to complete the transaction.

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

Council District 3. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80578** regarding declaration of Surplus and Sale of a Residential Condominium Unit was adopted. (11-0.)

**2.12 22-946 Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of Block 64 Alleyway Between East Virginia Street and Martha Street. - [RENUMBERED TO ITEM 8.7 (22-1016)]**

**2.13 22-947 Amendment to the Purchase Order with Jensen Landscape Services, LLC for Landscape and Irrigation Maintenance Services.**

Adopt a resolution authorizing the City Manager to amend purchase order OP 59024 with Jensen Landscape Services, LLC (Milpitas, CA) for landscape and irrigation services to extend the term of the purchase order from July 1, 2022, through December 31, 2022, and to increase compensation by \$101,000, for a revised maximum compensation not-to-exceed \$421,000, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. ER19-083. (Finance)

Action: **Resolution No. 80579** regarding an amendment to the Purchase Order with Jensen Landscape Services, LLC was adopted. (11-0.)

**2.14 22-948 Amendment to the Purchase Order with New Image Landscape Company for Green Infrastructure Landscape Maintenance Services.**

Adopt a resolution authorizing the City Manager to take the following actions on OP 61055 with New Image Landscape Company (Fremont, CA) for green infrastructure landscape maintenance services:

- (a) Retroactively approve the issuance of the purchase order from July 1, 2021, through June 30, 2022, for a maximum compensation not-to-exceed \$290,000;
- (b) Extend the term from June 30, 2022, to December 31, 2022; and
- (c) Increase compensation by \$150,000, for a revised maximum compensation not-to-exceed \$440,000.

CEQA: Citywide Exemption, File No. PP18-60, CEQA Guidelines Section 15301, Citywide Landscape Maintenance. (Finance)

Action: **Resolution No. 80580** regarding an amendment to the Purchase Order with New Image Landscape Company was adopted. (11-0.)

**2.15 22-949 Amendment to the Purchase Orders with Sunbelt Controls, Inc. for HVAC Parts & Technical Support Services Specifically for Honeywell, Niagara HVAC System.**

Adopt a resolution authorizing the City Manager to amend purchase orders with Sunbelt Controls, Inc. (Glendale, CA) for HVAC parts and technical support services specifically for Honeywell and Niagara HVAC systems to:

- (a) Amend OP 57263 to retroactively approve increasing compensation to \$320,000; and
- (b) Amend OP 59236 to retroactively extend the term from June 30, 2021, to December 31, 2022, and to increase compensation for a revised maximum compensation not-to-exceed \$420,000.

CEQA: Categorically Exempt, File No. ER21-152, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80581** regarding an amendment to Purchase Orders with Sunbelt Controls, Inc. was adopted. (11-0.)

**2.16 22-950 Amendment to the Agreements with Wells Fargo Bank, National Association for Banking Services.**

Adopt a resolution authorizing the Director of Finance to negotiate and execute amendments to extend the terms of the current agreements with Wells Fargo Bank, National Association for general banking, lock box services and merchant card services, from July 1, 2022 to June 30, 2024, 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. 80582** regarding an amendment to the agreements with Wells Fargo Bank was adopted. (11-0.)

**2.17 22-951 Purchase Order with WECO Industries, LLC for Sewer Cleaning Vacuum Trucks.**

Adopt a resolution authorizing the City Manager to execute a purchase order with WECO Industries, LLC (Vacaville, CA) for the purchase of three sewer cleaning vacuum trucks subject to pricing obtained through the cooperative agreement between Sourcewell and GapVax, Inc. (Johnstown, PA) for a period starting on or about June 21, 2022, and ending on or about December 20, 2022, for an amount not-to-exceed \$1,999,999.

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. 80583** regarding a Purchase Order with WECO Industries, LLC was adopted. (11-0.)

**2.18 22-952 Set a Public Hearing for the Fiscal Year 2022-2023 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.**

Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 9, 2022, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via video conference should the City Council not meet in-person, to approve the placement of the 2022-2023 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2022-2023 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2022-2023 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2022 instead of July 5, 2022; and
- (c) Direct the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

Action: **Resolution No. 80584** regarding Public Hearing for the Fiscal Year 2022-2023 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments was adopted. (11-0.)

**2.19 22-953 Set a Public Hearing for the Fiscal Year 2022-2023 Annual Residential Solid Waste Collection Service Charges.**

Adopt a resolution:

- (a) Setting a Public Hearing for Tuesday, August 9, 2022, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, or via video conference should the City Council not meet in-person, to approve the placement of the 2022-2023 annual

*(Item Continued on the Next Page)*

**2.19 (Cont'd.)**

Residential Solid Waste Collection Service Charges on the 2022-2023 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Directing the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

Action: **Resolution No. 80585** regarding Public Hearing for the Fiscal Year 2022-2023 annual Residential Solid Waste Collection Service Charges was adopted. (11-0.)

**2.20 22-954 Amendment to the Agreement with Graffiti Protective Coatings, Inc for Graffiti Abatement Services.**

Adopt a resolution authorizing the City Manager to negotiate and execute the Fourth Amendment to the Agreement for Graffiti Abatement Services with Graffiti Protective Coatings, Inc. (Los Angeles, CA) to add one additional two-year option for a total of four two-year options to extend services through June 26, 2024, under the same material terms and conditions as the original agreement, for a maximum compensation not to exceed \$2,800,000 for the option term beginning June 27, 2022 and ending June 26, 2024, 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/Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 80586** regarding Amendment to the Agreement with Graffiti Protective Coatings, Inc. was adopted. (11-0.)

**2.21 22-959 Policy Revisions Related to Criminal Allegations Against City Employees with the Potential to Impact the Safety or Financial Health of the Community and/or Other City Employees.**

As recommended by the Rules and Open Government on June 1, 2022, accept the update regarding revisions made to the City's Administrative Leave Policy, City's Investigation Principles Policy, and relevant sections of the San José Police Department's Duty Manual and Internal Affairs Unit guidelines, effective May 27, 2022, related to criminal allegations against City employees with the potential to impact the safety or financial health of the community and/or other City employees.

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

[Rules Committee referral 6/1/2022 - Item C.1]

*(Item Continued on the Next Page)*

## 2.21 (Cont'd.)

Councilmember Sylvia Arenas pulled Item 2.21 with questions for City Attorney, Nora Frimann, who clarified the broadened descriptions of predatory behavior.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, an update regarding revisions made to the City's Administrative Leave Policy, City's Investigation Principles Policy, and relevant sections of the San José Police Department's Duty Manual and Internal Affairs Unit guidelines was accepted. (11-0.)

## 2.22 22-960 **Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2022-2023 Agreements.**

Adopt a resolution, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager, authorizing the Director of Parks, Recreation and Neighborhood Services to apply for, accept funds, negotiate and execute 2022-2023 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment A of the staff memorandum) consistent with Adopted Budget amounts for the following City programs and/or services:

- (a) After School Education and Safety;
- (b) BeautifySJ Initiative;
  - (1) Encampment Trash Program;
  - (2) Litter, Trash, Illegal Dumping Service, and Graffiti Agreements;
  - (3) Interagency Agreements;
  - (4) Memoranda of Understanding;
- (c) BeautifySJ Fiscal Agent Agreement;
- (d) Capital Improvement Program Master Consultant Projects;
- (e) Citywide Aquatics Program;
- (f) Community Service Provider Agreements;
- (g) County of Santa Clara - Behavioral Health Services Department;
- (h) County of Santa Clara Agreement for Senior Nutrition Program;
- (i) Facility Use Agreements;
  - (1) Neighborhood Center Partner Program;
  - (2) Recreation of City Kids Program;
  - (3) Leisure and Recreation Fee Class Vendor Agreements;
- (j) Food and Necessities Distribution Program Agreements;
- (k) Friends of PRNS Non-Profit Organizations;
- (l) Golf Course Agreements;
- (m) Grantmaking Programs;
  - (1) Bringing Everyone's Strengths Together;
  - (2) BeautifySJ Neighborhood Associations Grant Program;
  - (3) Franklin-McKinley Children's Initiative;
  - (4) Safe Summer Initiative Grant;
  - (5) Saint James/Urban Park Activation;

*(Item Continued on the Next Page)*

2.22 (cont'd.)

- (6) Senior Health and Wellness;
  - (7) Spartan-Keyes Neighborhood Action Center;
  - (n) Grant Revenue Agreements;
  - (o) Happy Hollow Park & Zoo;
    - (1) Education Programs;
    - (2) Private Events;
  - (p) Little League Agreements;
  - (q) Mayor's Gang Prevention Task Force;
    - (1) Agreements with subcontracted agencies to implement Task Force programs;
    - (2) Memoranda of Understanding;
    - (3) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph);
  - (r) Mitigation Monitoring and Maintenance Support Services;
  - (s) Park Concessionaires Agreements;
  - (t) San José Police Activity League Agreement;
  - (u) Sponsorship Agreements;
  - (v) Reimbursement Agreements;
  - (w) Right-of-Entry Agreements;
  - (x) Standard Consultant Agreements for Non-Capital Projects; and
  - (y) Summer Food Service Program.
- CEQA: Community Services Provider Agreements: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP16-042; BeautifySJ Grant Program: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; All Other Agreements: Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 80587** regarding Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2022-2023 Agreements was adopted. (11-0.)

**2.23 22-961 Actions Related to the 9699-Mineta San José International Airport General Aviation Run-Up Pad Relocation Re-bid.**

- Adopt a resolution authorizing the Director of Public Works to:
- (a) Award and execute a contract for the construction of the 9699 - Mineta San José International Airport - General Aviation Run-Up Pad Relocation Re-Bid Project to the low bidder, Granite Rock Company, in an amount not to exceed \$1,488,439, contingent upon the award and execution of an Airport Improvement Program (AIP) or Bipartisan Infrastructure Law (BIL) grant from the Federal Aviation Administration (FAA); and
  - (b) Establish a construction contingency of up to 10 percent of the amount of the construction contract for the Project.
- CEQA: File No. PP18-103, Environmental Impact Report for the

*(Item Continued on the Next Page)*

2.23 (Cont'd.)

Amendment to the Norman Y. Mineta San José International Airport Master Plan (Resolution No. 79497). (Public Works/Airport)

Action: **Resolution No. 80588** regarding Actions Related to the 9699-Mineta San José International Airport General Aviation Run-Up Pad Relocation Re-bid was adopted. (11-0.)

2.24 22-962 **Agreement with NN Engineering, Inc. for Consultant Services for the Walk Safe San José: Pedestrian Safety Plan.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consulting service agreement with NN Engineering, Inc. for the Walk Safe San José: Pedestrian Safety Plan from the date of execution through June 30, 2024 for an amount not to exceed \$502,000.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Transportation)

Action: **Resolution No. 80589** regarding an agreement with NN Engineering, Inc. for Consultant Services was adopted. (11-0.)

2.25 22-963 **Amendment to the Funding Agreement with the Peninsula Corridor Joint Powers Board for the Diridon Integrated Station Concept Plan.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the first amendment to the Funding Agreement with Peninsula Corridor Joint Powers Board (Caltrain) to extend the contract term to June 30, 2025.

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. 80590** regarding an amendment to a funding agreement with Peninsula Corridor Joint Powers Board (Caltrain) was adopted. (11-0.)

2.26 22-992 **Approval of San José State University Flag Raising Ceremony Sponsored by Council District 3 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 San José State University (SJSU) Flag Raising Ceremony scheduled on August 22, 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. (Peralez)  
[Rules Committee referral 6/8/2022 - Item B.4]

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

**2.27 22-996 Approval of Puerto Rican Flag Raising Ceremony Sponsored by Council District 3 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 Puerto Rican Flag Raising Ceremony scheduled on July 29, 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. (Peralez)

[Rules Committee referral 6/8/2022 - Item B.5]

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

**2.28 22-1053 Request for Travel Authorization for Mayor Liccardo and Mayor's Staff.**

As recommended by the Rules and Open Government Committee on June 15, 2022, authorize travel, and accept travel payments to the City of San José and designate Mayor Sam Liccardo and Mackenzie Mossing, the Mayor's Deputy Chief of Staff, as the City representatives to attend the France-California Conservation and Climate Exchange Study Tour in Saclay (Paris Region), France and Brussels, Belgium from July 10, 2022 to July 15, 2022. Source of Fund: Santa Clara Valley Open Space Authority and Terre et Cité.

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 6/15/2022 - Item B.2]

Action: The request for travel authorization was approved. (11-0.)

**2.29 22-1057 AB 2181 (Berman): Santa Clara Valley Transportation Authority: Board of Directors.**

As recommended by the Rules and Open Government Committee on June 15, 2022, adopt an oppose position on AB 2181 (Berman) Santa Clara Valley Transportation Authority: Board of Directors.

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

[Rules Committee referral 6/15/2022 - Item B.4]

Action: An oppose position of on AB 2181 (Berman) Santa Clara Valley Transportation Authority: Board of Directors was adopted. (11-0.)

**2.30 22-1061 Approval of National Night Out 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 15, 2022:

- (a) Approve the National Night Out scheduled on August 2, 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. (City Clerk)  
[Rules Committee referral 6/15/2022 - Item B.3]

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

**2.31 22-1065 Retroactive Approval of Multiple Special Events Sponsored by Council District 7 as a 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 June 15, 2022:

- (a) Retroactively approve the Seven Trees Lairon Dumpster Day scheduled on March 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve the Windmill Springs Park Family Movie Night scheduled on March 18, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Lone Bluff St. Patrick's Day Block Party scheduled on March 19, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Retroactively approve the Communications Hill Family Movie Night scheduled on March 19, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Retroactively approve the Alma Neighborhood Dumpster Day scheduled on March 26, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (f) Retroactively approve the Lairon Family Movie Night scheduled on April 1, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (g) Retroactively approve the Stonegate Family Movie Night scheduled on April 7, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (h) Retroactively approve the Meadows Neighborhood Dumpster Day scheduled on April 9, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.
- (i) Retroactively approve the Los Lagos Drive Through Easter Egg Hunt scheduled on April 9, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

*(Item Continued on the Next Page)*

**2.31 (Cont'd.)**

(j) Retroactively approve the Seven Trees FRC Easter Event scheduled on April 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(k) Retroactively approve the Hubbard Family Movie Night scheduled on April 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(l) Retroactively approve the Stonegate Easter Egg Hunt scheduled on April 15, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(m) Retroactively approve the Ramblewood Dumpster Day scheduled on April 16, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(n) Retroactively approve the Dahl Dia de Los Ninos Resource Fair and Family Movie Night scheduled on April 29, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(o) Retroactively approve the Tully Ballfield Dog Park Opening scheduled on May 7, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(p) Retroactively approve the Stonegate Neighborhood Dumpster Day scheduled on May 14, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(q) Retroactively approve the Ramblewood Family Movie Night scheduled on May 20, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

(r) Retroactively approve the Franklin Elementary Family Movie Night scheduled on May 27, 2022 as a City Council sponsored Special Event and approve the expenditure of funds.

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

[Rules Committee referral 6/15/2022 - Item B.6]

Action: The City Sponsored Special Events were retroactively approved. (11-0.)

**2.32 22-1070**

**Retroactive Approval of Almaden Lake Park Clean-up Event Sponsored by Council District 10 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 15, 2022:

(a) Retroactively approve the Almaden Lake Park Clean-up Event scheduled on June 12, 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. (Mahan)

[Rules Committee referral 6/15/2022 - Item B.7]

Action: The City Sponsored Special Event was retroactively approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

City Manager Jennifer Maguire introduced and welcomed Omar Passons as the newest Deputy City Manager on her Leadership Team. She spoke to Mr. Passons' proven record and ability to execute transformative systems, which will serve to advance the City's priority to end homelessness and improve the quality of life for all San Joséans.

- 3.3 22-964 Approval of Various Budget Actions for Fiscal Year 2021-2022. -**  
Adopt the 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council.  
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. (City Manager)  
***Heard Immediately Before Consent***

Budget Director, Jim Shannon responded to questions.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, Appropriation **Ordinance No. 30789** and Funding Sources **Resolution No. 80591** were adopted. (11-0.)

- 3.4 22-965 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2022-2023 Budget, and Resolution Establishing the Fiscal Year 2022-2023 Appropriation Limit.**
- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2022-2023 and the Manager's Final Budget Addendum.
  - (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2022-2023 and the Manager's Final Budget Addendum.
  - (c) Adopt a resolution taking the following actions with respect to the City's 2022-2023 "Gann Limit":
    - (1) Elect the per capita income index as the inflation factor for 2022-2023 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;
    - (2) Elect the County of Santa Clara population growth index as the population factor for 2022-2023; and
    - (3) Establish the Fiscal Year 2022-2023 Appropriation Limit at \$1,403,967,018 in compliance with Article XIII B of the State of California Constitution.

*(Item Continued on the Next Page)*

**3.4 (Cont'd.)**

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. (City Manager)

*Heard Immediately Before Consent*

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, (a) Annual Appropriation **Ordinance No. 30790**; (b) Annual Funding Sources **Resolution No. 80592**; and (c) **Resolution No. 80593** regarding the Gann Limit were adopted. (11-0.)

**3.5 22-966**

**Approval of the Terms of Agreements with the Association of Engineers and Architects, IFPTE, Local 21 (AEA) the Association of Legal Professionals (ALP), the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), the City Association of Management Personnel, IFPTE, Local 21 (Camp), the Municipal Employees' Federation, AFSCME Local 101 (MEF), and the International Union of Operating Engineers, Local No. 3 (OE#3); and Changes for San José Police Dispatcher Association (SJPDA) and Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82) for Fiscal Year 2022-2023.**

Adopt a resolution to:

(a) Approve the terms of an Agreement with the Association of Engineers and Architects, IFPTE, Local 21 (AEA) to provide classifications assigned to AEA with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(b) Approve the terms of an Agreement with the Association of Legal Professionals (ALP) to provide classifications assigned to ALP with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(c) Approve the terms of an Agreement with the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP) to provide classifications assigned to AMSP with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(d) Approve the terms of an Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide classifications assigned to CAMP with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of

*(Item Continued on the Next Page)*

### 3.5 (Cont'd.)

approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(e) Approve the terms of an Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide classifications assigned to MEF with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(f) Approve the terms of an Agreement with the International Union of Operating Engineers, Local No. 3 (OE#3) to provide classifications assigned to OE#3 with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50% consistent with the Agreement that has been signed by all parties, effective June 26, 2022.

(g) Approve compensation changes for classifications and employees assigned to the San José Police Dispatchers' Association (SJPDA) for Fiscal Year 2022-2023 to provide classifications and employees assigned to the San José Police Dispatchers' Association (SJPDA) with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50%, effective June 26, 2022.

(h) Approve compensation changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82) for Fiscal Year 2022-2023 to provide executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82) with an additional pensionable general wage increase of 1.50% based on the rates of pay in the City's Pay Plan as of June 25, 2022, for a total general wage increase of approximately 4.50%, effective June 26, 2022.

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

Councilmember Sylvia Arenas was recused from voting on Item (f) Terms of an Agreement with the International Union of Operating Engineers, Local No. 3 (OE#3) since her husband is represented by this bargaining unit. The item was bifurcated as follows:

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, **Resolution No. 80594** excluding item "f" (Bargaining Unit OE#3) approving the Terms of Agreement and Compensation Changes was adopted. (11-0.)

Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 80594**, item "f" (Bargaining Unit OE#3) only was adopted. (10-0-0-1. Recused: Arenas.)

3.6 22-967

**City of San José 2022 Tax and Revenue Anticipation Notes.**

(a) Adopt a resolution:

(1) Authorizing the issuance and sale of the City of San José 2022 Tax and Revenue Anticipation Notes in an aggregate principal amount not to exceed \$360,000,000 to be sold through a direct bank placement; and

(2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement with Bank of America, N.A. and other related documents, as necessary, in connection with the issuance of the 2022 Notes and authorizing other related actions in connection therewith.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2022-2023:

(1) Increase the estimate for Other Revenue by \$360,000,000; and

(2) Increase the TRAN Debt Service City-Wide Expenses appropriation to the Finance Department by \$360,000,000.

CEQA: Not a Project, File No. PPI7-004, 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. (Finance/City Manager)

***Heard Immediately Before Consent***

Director of Finance Julia H. Cooper offered a presentation and responded to questions. Councilmember Dev Davis suggested Director of Retirement Services Roberto Peña provide an info memo, and she will relay relevant information to Council at a future meeting.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, (a) **Resolution No. 80595** regarding the City of San José 2022 Tax and Revenue Anticipation Notes, and (b) Appropriation **Ordinance No. 30791** and Funding Sources **Resolution No. 80596** were adopted. (11-0.)

3.7 22-968

**Report on Bids and Award of Contract for the 10038-Mineta San José International Airport New Taxiway Victor Phase 1 Project. - DROP**

Report on bids and award and execute a contract for the construction of the 10038 - Mineta San José International Airport - New Taxiway Victor Phase 1 Project (Project) to the low bidder, Granite Construction Company, for the base bid and Add Alternate Nos. 1 and 2 in an amount of \$21,602,842.30, contingent upon the award and execution of an Airport Improvement Program or Bipartisan Infrastructure Law grant from the Federal Aviation Administration (FAA), and approve a contingency in the amount of \$2,160,284.23.

CEQA: File. No ER22-021 New Taxiway Victor Project at the Norman Y. Mineta San José International Airport. (Public Works/Airport)

**DROPPED**

## **4. PUBLIC SAFETY SERVICES**

- 4.1 22-970 Military Equipment Use Policy for the Police Department.**  
(a) Approve an ordinance amending Chapter 2.04 of Title 2 of the San José Municipal Code titled “Military Equipment Use Policy” to add Section 2.04.4030 to to comply with California Assembly Bill 481 governing the funding, acquisition, and use of military equipment by law enforcement agencies, and  
(b) Approve a military equipment use policy, including an inventory, and two additional requested military equipment items.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)  
[Deferred from 6/7/2022 - Item 4.1 (22-868)]

Police Chief Anthony Mata provided an introduction, and Captain Steve Lagorio and Assistant Chief Paul Joseph offered the presentation.

Public Comments: John Lindsay-Poland (American Friends Service Committee) spoke on studies done and policy-making.

Motion: Councilmember Maya Esparza moved approval of the ordinance with staff direction as indicated below in “Action”. The motion was seconded by Councilmember Sergio Jimenez.

Action: (a) **Ordinance No. 30792** amending Title 2 of the San José Municipal Code was passed for publication, and (b) a military equipment use policy was accepted, with staff to follow-up with Council on specific limitations regarding the use of the Long-Range Acoustic Device (LRAD) via an informational memorandum. Including direction that when the Military Equipment Policy returns to Council during the annual report, it include a means for the public to determine when these tools will not be used. This may be accomplished via linking references or explicit language. (11-0.)

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

- 5.1 22-971 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Stevens Creek Blvd & Winchester Blvd Resurfacing Project.**  
(a) Approve award of a construction contract for the 10130 - 2022 Stevens Creek Blvd & Winchester Blvd Resurfacing Project, to the low bidder, O’Grady Paving, Inc., in the amount of \$12,400,003 and approve an approximate 10% contingency in the amount of \$1,240,000.  
(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Cost Sharing Agreement with the City of Santa Clara for pavement maintenance improvements on Stevens Creek Boulevard and Winchester Boulevard as part of the 2022 Stevens Creek Blvd & Winchester Blvd Resurfacing Project. The payment made by the City of Santa Clara shall not exceed \$6,000,000.

*(Item Continued on the Next Page)*

**5.1 (Cont'd.)**

CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1 and 6. (Transportation)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Raul Peralez and carried unanimously, an Award of a construction contract for the resurfacing project was approved; and (b) **Resolution No. 80597** regarding execution of a Cost Sharing Agreement with the City of Santa Clara was adopted. (11-0.)

**5.2 22-972 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Resurfacing #5 Project.**

(a) Approve award of a construction contract for the 10163 - 2022 Local Streets Resurfacing #5 Project, to the lowest bidder, MCK Services Inc., in the amount of \$8,587,317.50.

(b) Approve an approximate 10% contingency in the amount of \$858,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 9 and 10. (Transportation)

*Heard concurrently with Item 5.3*

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Magdalena Carrasco and carried unanimously, an Award of a construction contract to MCK Services Inc., with related contingency was approved. (11-0.)

**5.3 22-973 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Resurfacing #6 Project.**

(a) Approve award of a construction contract for the 10164 - 2022 Local Streets Resurfacing #6 Project, to the lowest bidder, A. Teichert & Son, Inc., in the amount of \$9,056,338.

(b) Approve an approximate 10% contingency in the amount of \$905,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 3, 6 and 10. (Transportation)

*Heard concurrently with Item 5.2*

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Magdalena Carrasco and carried unanimously, an Award of a construction contract to A. Teichert & Son, Inc., with related contingency was approved. (11-0.)

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

## **7. NEIGHBORHOOD SERVICES**

- 7.1 22-974      Guadalupe Gardens Encampment Work Plan.**  
Accept the June 2022 through September 2022 Guadalupe Gardens Encampment work plan.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action. Council District 6. (Parks, Recreation and Neighborhood Services/Housing)

Director of Parks, Recreation and Neighborhood Services, John Cicirelli noted that the FAA has confirmed that they have accepted the Plan to delay till end of September 2022.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, the Guadalupe Gardens Encampment work plan was approved. (11-0.)

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

- 8.1 22-975      Public Hearing on the Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2022-2023.**  
Conduct a Public Hearing and adopt a resolution to:  
(a) Approve the 2022-2023 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and  
(b) Levy the annual Japantown Business Improvement District assessments for Fiscal Year 2022-2023.  
CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), File No. PP08-048. Council District 3. (Economic Development and Cultural Affairs)

Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

It was announced by the City Clerk that no written protests were received.

Action: A public hearing was held and upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 80598** regarding Japantown Business Improvement District Budget Report and Assessments for Fiscal Year 2022-2023 was adopted. (11-0.)

**Actions Related to the Project Homekey 2.0 Funds for the Arena Hotel Located at 817 The Alameda.**

(a) Adopt a resolution:

(1) Accepting an award of \$25,238,236 in Project HomeKey 2.0 funds from the California Department of Housing and Community Development (HCD) in order to address the housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness through the acquisition of and operation of the Arena Hotel located at 817 The Alameda;

(2) Authorizing the City Manager to negotiate and execute an HCD Standard Agreement and all other necessary related documents to accept \$25,238,236 in acquisition funding and operating subsidy from HCD in Project HomeKey 2.0 funds;

(3) Authorizing the City Manager to negotiate and execute an assignment and assumption agreement for the City of San José (City) to assume the role of Buyer in the Purchase and Sale Agreement and Joint Escrow Instructions dated October 14, 2020, first amended on June 30, 2021, second amended on November 30, 2021, third amended on February 28, 2022, and fourth amended on April 26, 2022 (collectively PSA) between Ikaika Ohana as buyer and Mill Valley Motel Investments, Inc., Morgan Hill Motel Investments Inc., Arena Hotel Investments, Inc., and Needles Motel Investments, LLC., collectively as Seller (Seller) for the purchase of the Arena Hotel located at 817 The Alameda, identified as APN 261-01-007 for a price of \$22,900,000 (Project);

(4) Authorizing the Director of Housing to negotiate and execute grant documents and all other documents with Urban Housing Communities, or its affiliate Ikaika Ohana (Developer) regarding the rehabilitation, and operations of and services for the Project for a grant award in the amount of \$23,150,672 from Project Homekey 2.0 Funds and Measure E Funds;

(5) Authorizing the Director of Housing to enter into a Ground Lease with the Developer of the City-owned property located at 817 The Alameda for a term of up to 15 years for the purposes of rehabilitating and operating the Project; and

(6) Approving a total commitment of \$25,238,236 in Project Homekey 2.0 Funds and \$20,857,436 in Measure E Funds totaling \$46,095,672 for the acquisition, rehabilitation and operation of the Project.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from the State of California by \$25,238,236; and

(2) Establish a Project HomeKey 2.0 appropriation to the Housing Department in the amount of \$25,238,236.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the General Fund:

*(Item Continued on the Next Page)*

## 8.2 (Cont'd.)

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$20,857,436; and

(2) Establish a Project HomeKey 2.0 appropriation to the Housing Department in the amount of \$20,857,436.

CEQA: Statutorily Exempt, Public Health and Safety Code Section 50675.1.4, Homekey Round 2 Program - Arena Hotel, File No.

ER21-159. Council District 6. (Housing/Economic Development and Cultural Affairs/City Manager)

Kemit Mawakana, Division Manager, and Director of Housing Jacky Morales-Ferrand provided presentation.

Public Comments: Blair Beekman offered comments.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No. 80599** related to the Project Homekey 2.0 Funds for the Arena Hotel, including (b) Appropriation **Ordinance No. 30793** and Funding Sources **Resolution No. 80607**; and (c) Appropriation **Ordinance No. 30794** were adopted. (11-0.)

## 8.3 22-977 **Actions Related to the Loan Commitments for Four New Affordable Housing Developments.**

(a) Adopt a resolution:

(1) Approving a total commitment of up to \$53,050,885 in Low- and Moderate-Income Housing Asset Funds (“LMIHAF”) and Measure E Funds for Construction-Permanent Loans to the following developments:

(i) UrbanCo-Tamien, LLC, affiliated with Core Communities in partnership with Republic Urban, or an affiliated development entity (Core) for the Tamien Station Affordable Development, located at 1197 Lick Ave, which is being developed to provide 134 affordable rent-restricted apartments, and one unrestricted manager’s home (Tamien Station Affordable), in an amount not to exceed \$16,750,000 in Low and Moderate-Income Housing Asset funds;

(ii) Charities Housing Development Corporation of Santa Clara County or an affiliated development entity (Charities Housing) for The Charles Development, located at 551 Keyes Street, which is being developed to provide 97 affordable rent-restricted apartments, and two unrestricted manager’s homes (The Charles), in an amount not to exceed \$9,675,885 in Measure E funds;

(iii) Charities Housing Development Corporation of Santa Clara County or an affiliated development entity (Charities Housing) for the Alum Rock Multifamily Development (1860 Alum Rock) located at 1860 Alum Rock Avenue, which is being developed to provide 59 affordable rent-restricted apartments, and one unrestricted manager’s home, in an amount not to exceed \$7,500,000 in Measure E funds;

### 8.3 (Cont'd.)

(iv) Danco Communities or an affiliated development entity (Danco) for the West San Carlos Residential Development (also known as “777 West San Carlos Residential”) located at 777 West San Carlos Street, which is being developed to provide 153 rent-restricted apartments, and one unrestricted manager’s home, in an amount not to exceed \$19,125,000 in Low and Moderate-Income Housing Asset funds;

(2) Authorizing the loan terms to allow an increase in the rents and income restrictions up to 60% AMI (low-income) for new tenants in project-based voucher subsidized units in the event of expiration or termination of the contract for Project Based Vouchers for: The Charles, 1860 Alum Rock, and 777 West San Carlos, and for all tenants for all four projects in the event of foreclosure, to the extent the City has determined such increase is needed for the feasibility of the above developments and allowed by other funds;

(3) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents, including any amendments thereto, related to City financing for the Developments; and

(4) Approving a loan-to-value ratio of greater than 100% for the loans above.

(b) Adopt a resolution:

(1) Approving a grant of up to \$247,500 in American Rescue Plan Funds to Danco or an affiliated development entity for costs associated with the development of the proposed childcare center to be located within the West San Carlos Residential Development; and

(2) Authorizing the Director of Housing to negotiate and execute all necessary documents for the grant related to the funds for the childcare center.

(c) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$8,701,377;

(2) Decrease the Measure E - 30% Low-Income Households Reserve by \$8,474,508;

(3) Establish the Measure E - 40% Extremely Low-Income Households appropriation to the Housing Department in the amount of \$8,701,377; and

(4) Establish the Measure E - 30% Low-Income Households appropriation to the Housing Department in the amount of \$8,474,508.

(d) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation by \$35,875,000; and

(2) Increase the Housing Loans and Grants appropriation to the Housing Department by \$35,875,000.

CEQA: The Charles, Alum Rock, and West San Carlos projects are Exempt from CEQA per Public Resources Code Section 21080(b)(1)

*(Item Continued on the Next Page)*

### 8.3 (Cont'd.)

and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Tamien Station (PD20-003): Determination of Consistency with the Mitigated Negative Declaration for Tamien Station Transit Oriented Development Project (Resolution No. 79567), File No. PDC18-025. Council Districts 3, 5, and 6. (Housing/City Manager)

Kemit Mawakana, Division Manager, and Director of Housing Jacky Morales-Ferrand provided a presentation.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, (a) **Resolution No. 80600** regarding actions related to the Loan Commitments for Affordable Housing Developments; (b) **Resolution No. 80601** regarding approval of an American Rescue Plan grant; (c) Appropriation **Ordinance No. 30795**; and (c) Appropriation **Ordinance No. 30796** were adopted. (10-0-1. Absent: Esparza.)

### 8.4 22-978 **Actions Related to the Development of the Kelsey Ayer Station Affordable Apartment Community Located at 447 North First Street.**

(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 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.

(4) Authorizing the Director of Housing or the Director of Housing's designee to negotiate and execute with the County Department of Environmental Health a Covenant regarding contaminated soil and related environmental issues and to negotiate and execute amendments to the City's ground lease or an environmental agreement, as may be necessary for enforcing and securing the obligations of the lessee, the Kelsey Ayer Station LP or affiliate to comply with monitoring and remediation obligations under the Covenant.

*(Item Continued on the Next Page)*

## 8.4 (Cont'd.)

(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. Council District 3.

(Housing/City Manager)

[Deferred from 6/14/2022 - Item 8.2 (22-913)]

Public Comments: A speaker identified as “M” provided comments.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No. 80602** regarding actions related to the Kelsey Ayer Station Affordable Community; and (b) Appropriation **Ordinance No. 30797** were adopted. (10-0-1. Absent: Esparza.)

## 8.5 22-982 **Final Public Hearing on the Fiscal Year 2022-23 Annual Action Plan for the US Department of Housing and Urban Development.**

(a) Adopt a resolution to:

(1) Approve the Fiscal Year 2022-23 Annual Action Plan;

(2) Authorize the Director of Housing to submit the Fiscal Year 2022-23 Annual Action Plan to US Department of Housing and Urban Development; and

(3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2022-23 Annual Action Plan and all related contract amendments, extensions, and changes.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:

(1) Decrease Unrestricted Ending Fund Balance by \$42,754;

(2) Decrease the Plaza Hotel Rehabilitation appropriation by \$1,000,000;

(3) Decrease the Rental Support Case Management appropriation by \$211,224;

(4) Decrease the Contractual Community Services appropriation by \$146,022; and

(5) Establish a Haven Rehabilitation appropriation to the Housing Department in the amount of \$1,400,000.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager)

**DEFERRED TO AUGUST 9, 2022 PER ADMINISTRATION**

**8.6 22-979**

**Action Related to Quick-Build Emergency Interim Housing.**

- (a) Accept the staff report on Quick-Build Emergency Interim Housing.
  - (b) Adopt a resolution to:
    - (1) Approve the following sites for Emergency Interim Housing:
      - (i) Expand the currently under construction Guadalupe Site (City owned);
      - (ii) Expand the existing Rue Ferrari Site (Caltrans owned);
      - (iii) Develop the new Noble Avenue Site (City owned);
      - (iv) Develop the new 85 South @ Great Oaks Boulevard Site (Caltrans owned);
      - (v) Prioritize for future development the 680 North @ Jackson Avenue Site (Caltrans owned); and
      - (vi) Prioritize for future development the 85 South @ Prospect Road Site (Caltrans owned).
    - (2) Approve the initiation of development of Emergency Interim Housing on sites (b) 1-4 in Fiscal Year 2022-2023.
  - (c) Direct the Administration to pursue an extension on the sunset of Assembly Bill 1745 (Shelter Crises Act) to allow for continued operation of bridge and emergency interim housing facilities beyond January 2025.
  - (d) Direct the Administration to report back to the Community and Economic Development Committee in spring 2023 on the progress of development on sites (b) 1-4, including estimated schedules for completion, relevant project obstacles, and estimated costs, and a preliminary projection of pre-development activities, or other assessments, for future development sites (b) 5-6 on the recommended list for Fiscal Year 2023-2024.
- CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

Deputy City Manager, City Manager's Office, Jim Ortbal; Director of Public Works, Matt Cano; Director of Housing Jacky Morales-Ferrand and James Stagi, Housing Development Administrator, Public Works, provided a presentation.

Public Comments: Blair Beekman offered comments.

Motion: Councilmember Raul Peralez moved acceptance of the joint memorandum he coauthored with Mayor Sam Liccardo and Councilmember Pam Foley, including Recommendation #2 from Councilmember Mahan's June 21, 2022 memorandum. Councilmember Dev Davis seconded the motion.

Mayor Sam Liccardo suggested a friendly amendment to explore known encampment zones and return to Council in the August -September range to discuss the extent known around these zones. The amendment was accepted.

Deputy City Manager, City Manager's Office, Jim Ortbal offered to provide an information memo regarding explorations into other sites.

*(Item Continued on the Next Page)*

## 8.6 (Cont'd.)

Action: On a call for the question, the staff report was accepted, and (b) **Resolution No. 80603** regarding actions related to the quick-build emergency interim housing was adopted, including the joint memorandum from Mayor Sam Liccardo and Councilmembers Peralez and Foley, dated June 17, 2022, to:

1. Accept Staff recommendations (a)-(e) with the following amendments
  - a. Recommendation (b)(3): Direct the Housing Department to determine whether the Noble Avenue site should be prioritized or exclusively designated for women, domestic violence survivors, and/or seniors based on their representation within the unhoused community.
  - b. Recommendation (b)(4): Should Caltrans' required setback and future development plans deem the Great Oaks Blvd/Highway 85 site impractical for EIH development, direct staff to coordinate with the Mayor's Office and the council office to pursue an alternative site in District 10. An alternative site selection will not need to return to Council for final approval, but must be viable for development, and identified within the next 120 days.
  - c. Recommendation (e): Return to Council with an update in December 2022.
2. For each of these selected sites, prioritize the housing for those homeless residents in the surrounding neighborhoods to ensure that local neighborhoods directly benefit from the presence of EIH communities.

Also including Recommendation #2 from Councilmember Mahan's June 21, 2022 memorandum, to explore without slowing down the development process:

"Before opening any of the proposed new EIH sites, return to Council with a summary of the steps the City and contracted third-party service providers will take to ensure that neighborhoods hosting new EIH sites experience an improvement in on-street conditions as a result, potentially including but not limited to:

- a. A "local preference" protocol that prioritizes serving unhoused residents within a given radius (e.g. half-mile) of the site.
- b. Enhanced code enforcement and SJPd patrols in the vicinity of the site to ensure it does not, as neighbors often fear, become a magnet for blight and other challenges commonly associated with encampments.
- c. Investments in site-specific and/or neighborhood-wide beautification efforts.
- d. Site-specific community advisory committees that enable neighbors to provide input, ask questions, and otherwise participate in site management."

With staff to provide analysis and evaluation in an information memorandum, and including direction as outlined by Mayor Sam Liccardo to engage in additional exploration of "no encampment zones".

Relative to exploring alternative sites, staff to work with Councilmembers Cohen and Mahan to identify sites that can come into City control quickly and at a reasonable cost (within the 120 days stated in the joint memorandum from Mayor Liccardo and Councilmember Peralez and Foley), including evaluating Pecten Ct. and King Road/Mabury in District 4.

(8-2-1. Noes: Cohen, Mahan. Absent: Esparza.)

8.7 22-1016

**Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of Block 64 Alleyway Between East Virginia Street and Martha Street. -**

Conduct a public hearing and adopt a resolution to authorize the following:

- (a) Approve the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 4,059 square foot portion of the Block 64 alleyway between E. Virginia Street and Martha Street (Vacation Property);
- (b) Conditionally vacate the Vacation Property, which after the satisfaction of the conditions, will be superseded by relocation;
- (c) After satisfaction of the condition, direct the City Clerk to record a certified copy of the resolution of vacation for the Vacation Property with the Office of the Recorder, County of Santa Clara;
- (d) Declare the Vacation Property of the City-owned Block 64 alleyway as “exempt-surplus land” to the needs of the City under Cal. Gov. Code §54221(f)(1)(E) as the land is a former street, right of way, or easement and if being sold to an owner of adjacent property as well as Cal. Gov. Code §54221(f)(1)(C) in that the Vacation property is being exchanged by the City for other lands necessary for the City’s use;
- (e) Direct the City Manager to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed, and all other necessary documents to effectuate the transfer to D’Amico Tire Service Company, Inc., a California Corporation, from the City of San José, for the sale of the portion of the surplus City-owned Vacation Property for the consideration of \$65,241.80 by direct negotiation under San José Municipal Code Section 4.20.070 and in accordance with Council Policy No. 7-13(D)(1) as the transferee is an adjacent property owner and the transaction is for fair market value;
- (f) Authorize the City Manager, or her designee, to negotiate and execute all other documents necessary to accept the fee title ownership of an approximately 3,602 square foot portion of the property owned by James L. D’Amico, known as Assessor’s Parcel Number 472-17-034 (Swap Property) and complete the transactions; and
- (g) Authorize the City Manager to enter into all other documents necessary to effectuate these transactions.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment.  
Council District 3. (Economic Development and Cultural Affairs/Public Works)

**[RENUMBERED FROM ITEM 2.12 (22-946)]**

Public Comments: Erik Schoennauer, representing the Schoennauer Company offered merits to the project and responded to questions posed by Councilmember Sergio Jimenez.

Action: The public hearing was held, and upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80604** regarding the Conditional Summary Vacation, declaration of Surplus and Sale of a portion of property was adopted, (10-0-1. Absent: Esparza.)

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

### **10. LAND USE**

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

- (a) **22-980**            **PD22-011 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 350 Barack Obama Boulevard. - NOT TO BE HEARD BEFORE 1:30 P.M.**  
Adopt a resolution approving a Planned Development Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,265-square foot retail store on an approximately 0.8-gross acre site located on the southeast corner of Barack Obama Boulevard and West San Carlos Street (350 Barack Obama Boulevard, Suite 10).  
CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (10-0-1; Cantrell absent). Council District 6. (Planning, Building and Code Enforcement)  
**Deferred per Orders of the Day.**

**END OF CONSENT CALENDAR**

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

- 10.2 22-997**            **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.**  
(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 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

*(Item Continued on the Next Page)*

## 10.2 (Cont'd.)

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 from 6/14/2022 - Item 10.2 (22-915)]

A presentation was offered by Robert Manford, Deputy Director PBCE and Deputy Director, Office of Economic Development, Chris Burton.

Public Comments: The applicant Allison Koo, spoke to merits of the project. Also offering public comment were Gary Cunningham (D1 Leadership Group), Doris Livezey; Humberto; Christine Headley; Mark Dore; Alice Saelee; Kristian Hayward (Devcon Construction); Erik Putzler (Carpenters Local 505); Kim Carsor; Doug Chesshire (Carpenters Local 405); (Local 405); Joe Lopez (Local 405), Rich Ortego (Local 405), Noe Teran (Local 405), Laura Drocic; Tiffany Martinez; Dave Abrahams, Luann Abrahams, Roberta Witte, Carlos Duran (Nor Cal Carpenters) and Jordan Grimes (Greenbelt Alliance).

Staff, including John Tu, Planning, and Rosalynn Hughey, Director, Planning, Building and Code Enforcement responded to copious questions.

Motion: Councilmember Raul Peralez moved approval, including the joint memorandum from Vice Mayor Chappie Jones, Mayor Sam Liccardo, and Councilmembers Peralez, Davis, and Cohen, dated June 17, 2022. Councilmember Maya Esparza seconded the motion.

Vice Mayor Chappie Jones asked for a friendly amendment to modify #3 from the memo, to include a review after two years. The amendment was accepted.

Action: On a call for the question, the motion carried unanimously, and (a) **Resolution No. 80605** certifying the EIR was adopted; (b) **Ordinance No. 30798** rezoning certain real property was passed for publication; and (c) **Resolution No. 80606** approving a Planned Development Permit was adopted, including the joint memorandum Vice Mayor Chappie Jones, Mayor Sam Liccardo, and Councilmembers Peralez, Davis, and Cohen, dated June 17, 2022, to:

Approve Staff and Planning Commission's recommendation to approve the project with the following conditions, and with Item 3 modified by friendly amendment by Vice Mayor Chappie Jones as noted:

1. Direct the Developer to work with Development Services to explore the option of a pedestrian bridge connecting the site across Saratoga Avenue.
2. Developer shall initiate a community visioning process for the remainder of the El Paseo site.

*(Item Continued on the Next Page)*

**10.2 (Cont'd.)**

3. Developer shall offer free VTA transit passes as an option to all residents of the new project for their time of residence, with a maximum of two passes per unit, *and with this option be reviewed/reevaluated after two years.*

4. Developer shall work with DoT and VTA as part of the Urban Village process for the area.

5. Improve physical aesthetic to include:

- a) A signature piece of architecture at a prominent corner (ie a sign, arch, or other unique feature)
- b) Greenery or a water feature to the large empty space to the left when facing Whole Foods
- c) Update the materials in the 1777 Saratoga building to mirror the buildings on the El Paseo site, including eliminating any metal grate materials
- d) Increase overall urban greening of the project to limit the urban heat island effect on the project site

(10-0-1. Absent: Foley.)

**OPEN FORUM**

- 1. Blair Beekman referenced a technology ordinance and good ideas San Diego has advanced and encouraged sharing information between cities.
- 2. Clarice Bumagut spoke to addressing homelessness and asked leaders of our community to find ways to support these individuals, especially addressing mental health and substance abuse issues. Responding to the Mayor’s question regarding specific encampments that are impacting her neighborhood, she indicated Rinehart Drive and Jackson close to Independence High School.

**ADJOURNMENT**

The Council of the City of San José adjourned at 9:16 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**



**SAN JOSÉ CITY COUNCIL CLOSED SESSION**

**JUNE 21, 2022**

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

Present: Councilmembers - Carrasco (9:05), Davis, Mahan, Jimenez,  
Cohen, Foley; Liccardo.

Absent: Councilmembers - Peralez, Esparza, Arenas, Jones..

Closed Session Item(s) discussed:

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

1. Case Name: Sutter's Place, Inc. dba Bay 101 v. City of San Jose; City Council of San Jose, et al.

Name(s) of Parties(s) Involved: Sutter's Place, Inc. dba Bay 101, City of San Jose, City Council of San Jose, Does 1-5

Court: Superior Court of California, County of Santa Clara

Case No.: 21CV377181

Amount of Money or Other Relief Sought: Damages according to proof

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 4

**C. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

1. Property Street Address, Parcel Number, or Other Unique Reference of Property: 435 N 2<sup>nd</sup> Street, Unit 213 San Jose, CA 95113 (APN: 249-73-047)

Negotiating Parties: Nanci Klein on behalf of the City of San Jose; Charlene Brown of Xp Realty, on behalf of Property Owner

Under Negotiation: The direction will concern price and terms of payment.

Likely Range of Value of Property: Negotiated price based on appraised value, statutory requirements, and comparable property values.

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

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association  
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