City Council Meeting
MINUTES

Tuesday, June 7, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually - https://sanjoseca.zoom.us/j/99346843938

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10

MINUTES OF THE CITY COUNCIL

JUNE 7, 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

9:30 a.m.- Closed Session

22-865 Closed Session: **See Page 31 for Closed Session Minutes.**

Absent: Esparza.

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

Absent: Councilmembers - All Present.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Invocation (District 6)

Nicole Altamirano, CEO, Silicon Valley Pride, provided the Invocation, highlighting the LGBTQ+ community and celebrating the many freedoms they have fought hard to achieve.

• Orders of the Day

Upon motion by Councilmember Pam Foley, seconded by Councilmember Raul Peralez and carried unanimously, the Orders of the Day and the Amended Agenda were approved. Note: Items 3.3, 3.5, and 3.7 were deferred during the meeting and are to be reagendized for June 14, 2022.

• Closed Session Report

None provided.

1. CEREMONIAL ITEMS

1.1 Councilmember Carrasco declared June 2022 as Immigrant Heritage Month and presented a proclamation to Yurina Guzman, Community Organizer with Latinos United for a New America (LUNA), an organization promoting a clear understanding of what the needs of the Latino community are in East San Jose. (Carrasco)

1.2 Councilmembers Dev Davis and Pam Foley presented a proclamation to Nicole Altamirano, Silicon Valley Pride, celebrating June 2022 as Pride Month. The City's ongoing support of our LGBTQ+ community, proudly give voice to a community that other parts of our nation are trying to silence. (Davis & Foley)

2. CONSENT CALENDAR

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sergio Jimenez and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated.

Public Comments: Blair Beekman and Brian Darby provided comments on the balance of the Consent Calendar.
(11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 22-799 Final Adoption of Ordinances.

(a) **Ordinance No. 30772** - An Ordinance of the City of San José Amending Chapter 9.10 of the San José Municipal Code (Solid Waste Management) Implementing the Requirements of Assembly Bill 1276 and Adding a New Part 19 Related to Local Enforcement of Statewide Limits on Single-Use Foodware Accessories and Condiments. [Passed for Publication on 5/17/2022 - Item 2.11 (22-696)]
(b) **Ordinance No. 30775** - An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (Zoning Ordinance) to Add Chapter 20.65 Entitled "Overlay Districts" Including the Establishment of the Transit Employment Residential (Tero) Overlay Zoning District, and Amending the Zoning District Map to Add the Tero Overlay Zoning District. [Passed for Publication on 5/17/2022 - Item 10.2(e) (22-707)]
(c) **Ordinance No. 30776** - An Ordinance of the Council of the City of San José Amending Various Sections of Chapter 14.29 of Title 14 of the San José Municipal Code Relating to the Traffic Impact Fee on Development within the North San José Area Development Policy Boundaries. [Passed for Publication on 5/17/2022 - Item 10.2(f) (22-707)]

Action: (a) Ordinance No. 30772; (b) Ordinance No 30775; and (c) Ordinance No. 30776 were adopted. (11-0.)

2.3 22-864 **Approval of Council Committee Minutes.**

(a) Joint County of Santa Clara/Neighborhood Services and Education Committee Meeting Minutes of March 25, 2022.
(b) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of April 21, 2022.
(c) Regular Community and Economic Development Committee Meeting Minutes of April 25, 2022.
(d) Regular Transportation and Environment Committee Meeting Minutes of May 2, 2022.
(e) Regular Smart Cities and Service Improvement Committee Meeting Minutes of May 5, 2022.
(f) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of May 19, 2022.
(g) Special Neighborhood Services and Education Committee Meeting Minutes of May 19, 2022.
(h) Regular Community and Economic Development Committee Meeting Minutes of May 23, 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 accepted. (11-0.)

2.4 22-819 **Mayor and Council Excused Absence Requests.**

Request for excused absence for:
(a) Councilmember Davis from the Regular Meeting for the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on May 4, 2022 due to illness.
(b) Councilmember Arenas from the Regular Meeting for the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on May 18, 2022 due to illness.
(c) Councilmember Esparza from the Regular Meeting for the Community and Economic Development Committee on May 23, 2022 due to illness.
(d) Councilmember Cohen from the Regular Meeting for:
(1) Rules and Open Government Committee and Committee of the Whole on May 25, 2022 due to vacation;
(2) Rules and Open Government Committee and Committee of the Whole on June 1, 2022 due to vacation; and
(3) Smart Cities and Service Improvements Committee on June 2, 2022 due to vacation.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis, Arenas, Esparza and Cohen)

Action: The Mayor and Council excused absences were approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 22-869 Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.

Adopt a resolution authorizing the City Attorney to negotiate and execute a Ninth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San Jose, et al, to extend the term through June 30, 2025 and increase the amount of compensation by $400,000, for a total amount of compensation not to exceed $2,300,000.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: **Resolution No. 80520** regarding an amendment to an agreement with Hanson Bridgett LLP was adopted. (11-0.)

2.8 22-824 Amendment to the Master Agreement for Placement Services with FUSE Corps.

Adopt a resolution authorizing the City Manager to negotiate and execute the following amendments to the Master Agreement for Placement Services between the City of San José and FUSE Corps to:
(a) Extend the term of the Agreement for two years from July 1, 2022 to June 30, 2024, with the ability to exercise additional one-year options to extend the term as long as the contract not-to-exceed amount has not been spent, subject to the appropriation of funds; and
(b) Increase the annual program fee per FUSE Fellow from $150,000 to $180,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (City Manager)

Action: **Resolution No. 80521** regarding an amendment to a Master Agreement with FUSE Corps was adopted. (11-0.)

2.9 22-825 Terms of Side Letter Agreements between the City of San José, the Municipal Employees' Federation, and City Association of Management Personnel, IFPTE, Local 21, Amending the Pay Plan, and Implementation of an Animal Shelter Veterinarian Hiring Incentive.

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 12, 2022:

(1) Provide employees in the Animal Care Attendant I FT/PT (3254/3257) classification with an approximate 3.87% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

(2) Provide employees in the Animal Health Technician FT/PT (3253/3260) classification with an approximate 12.99% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(b) Amend the City of San José Pay Plan as follows:

(1) Retitle the following classifications:

(i) Animal Care Attendant I (3254) (formerly Animal Care Attendant); and

(ii) Animal Care Attendant I PT (3257) (formerly Animal Care Attendant PT)

(2) Create the following classifications effective June 12, 2022:

(i) Animal Care Attendant II (3261) with a salary range of $49,587.20 - $60,278.40 annually; and

(ii) Animal Care Attendant II PT (3262) with a salary range of $49,587.20 - $60,278.40 annually.

(3) Increase the annual salary range of the classifications of Animal Care Attendant I (3254) to $45,510.40- $55,328.00, effective June 12, 2022;

(4) Increase the annual salary range of the classification of Animal Care Attendant I PT (3257) to $45,510.40- $55,328.00, effective June 12, 2022;

(5) Increase the annual salary range of the classifications of Animal Health Technician FT/PT (3253/3260) to $54,080.00 - $65,686.40, effective June 12, 2022; and

(6) Increase the annual salary range of the classification of Principal Power Resources Specialist (5254) to $144,711.84 - $180,888.61, effective June 12, 2022.

(c) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) creating an Animal Shelter Veterinarian Hiring Incentive Pilot Program for new hires into the Animal Shelter Veterinarian (FT) classification, effective June 12, 2022, for a period of up to two years.

(d) Approve creating an Animal Shelter Veterinarian Hiring Incentive Pilot Program for new hires in the Division Manager classification overseeing the Veterinarian Program, effective June 12, 2022, for a period of up to two (2) years.

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

2.9 (cont'd.)

Action: **Resolution No. 80522** regarding terms of a Side Letter Agreement between the City of San José, the Municipal Employees' Federation, and City Association of Management Personnel, IFPTE, Local 21, Amending the Pay Plan, and Implementation of an Animal Shelter Veterinarian Hiring Incentive was adopted. (11-0.)

2.10 22-826 California Community Choice Association 2022-2023 Membership.

Adopt a resolution authorizing the Director of the Community Energy Department to continue the City of San José's annual membership with the California Community Choice Association for fiscal year 2022-2023 at a cost not to exceed $600,000.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Community Energy)

Action: **Resolution No. 80523** regarding continuing the City's California Community Choice Association 2022-2023 Membership was adopted. (11-0.)

2.11 22-827 Set a Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments.

(a) Preliminarily approve the 2022-2023 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council.
(b) Adopt a resolution of intention to:
(1) Levy the annual assessment for Fiscal Year 2022-2023; and
(2) Set Tuesday, June 21, 2022, at 1:30 p.m. as the date and time for the Public Hearing on the levy of the proposed assessments.
CEQA: Statutorily Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development and Cultural Affairs)

Action: (a) The prelimary 2022-2023 Budget Report was accepted, and **Resolution No. 80524** levying the annual assessment and setting the public hearing date was adopted. (11-0.)

2.12 22-828 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2022-2023.

Adopt an annual resolution authorizing the City Manager or designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:
(a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA Program and workforce

(Item Continued on the Next Page)

2.12 (cont'd.)

programs funded by other sources, including, but not limited to, novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2022, to June 30, 202,3 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2022 to June 30, 2026 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.

(c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(d) All grant applications, grant agreements, subgrant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2022, to June 30, 2023, subject to annual appropriation of funds by the WDB.

(f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2023), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

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2.12 (cont'd.)

(g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2023).
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment.
(Economic Development and Cultural Affairs)

Action: **Resolution No. 80525** regarding Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2022-2023 was adopted. (11-0.)

2.13 22-858 SCA 2 (Allen): Repeal of Article XXXIV.

As recommended by the Rules and Open Government Committee on May 11, 2022, adopt a position of support for State Constitutional Amendment (SCA) 2 (Allen), which would repeal Article XXXIV of the State of California Constitution (Article 34) which requires a public referendum vote for any publicly-funded housing development with 49% or more restricted affordable units.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Housing)
[Rules Committee referral 5/11/2022 - Item B.8]

Action: A position of support for SCA 2 (Allen): Repeal of Article XXXIV was adopted. (11-0.)

2.14 22-829 Amendment to the Master Consultant Agreement with CDM Smith for Construction Management and Inspection Services.

Approve the First Amendment to the 9438 - Master Consultant Agreement with CDM Smith, Inc. for construction management and inspection services to alter authorized travel expenses with no increase to the maximum total compensation.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

Action: An Amendment to the Consultant Agreement was approved. (11-0.)

2.15 22-851 San José Hotel Business Improvement District Annual Report for Fiscal Year 2022-2023.

Adopt a resolution:
(a) Approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2022-2023, as filed or modified by Council; and
(b) Confirming the San José Hotel Business Improvement District assessments as proposed by San José Hotels, Inc. or as modified by Council.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development and Cultural Affairs)

Action: **Resolution No. 80526** regarding San José Hotel Business Improvement District was adopted. (11-0.)

2.16 22-830 Non-Profit Charitable Reuse Agreements.

Approve charitable reuse agreements with Goodwill of Silicon Valley for $249,323; The Salvation Army for $88,109; and HOPE Services for $4,340, each with a term from July 1, 2022 through June 30, 2023.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: The Non-Profit Charitable Reuse Agreements were approved. (11-0.)

2.17 22-831 Transformative Climate Communities Planning Grant Application.

Adopt a resolution authorizing the Environmental Services Department, working with the Department of Transportation, to apply for and accept a Transformative Climate Communities Planning Grant for $300,000, or any other amount awarded, and delegating the authority to the City Manager, or designee, including Sarah Zarate to negotiate and execute all related documents if awarded.
CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. Council Districts 3, 5, 7. (Environmental Services)

Action: **Resolution No. 80527** regarding the Transformative Climate Communities Planning Grant was adopted. (11-0.)

2.18 22-832 Amendment to Purchase Orders for Fuel and Petroleum Products as Needed.

Adopt a resolution authorizing the City Manager to:
(a) Amend open purchase order OP 60662 with Tom Lopes Distributing, Inc., dba Western States Oil Co, Inc. (San José, CA) for fuel and petroleum products as needed to:

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2.18 (Cont'd.)

(1) Retroactively approve the seven one-year options that extended the term to July 31, 2022;
(2) Increase compensation by $2,120,000 for a revised maximum compensation not-to-exceed $7,620,000 through the seventh option term ending July 31, 2022;
(3) Negotiate and execute a purchase order to extend services for up to two additional option terms for a total of nine options through July 31, 2024, subject to the appropriation of funds;
(b) Amend open purchase order OP 60659 with Bosco Oil, Inc., dba Valley Oil Company (Mountain View, CA) for fuel and petroleum products as needed to:
(1) Retroactively approve the seven one-year options that extended the term to July 31, 2022;
(2) Negotiate and execute a purchase order to extend services for up to two additional option terms for a total of nine options through July 31, 2024, subject to the appropriation of funds; and
(c) Approve a contingency of $380,000 for any unforeseen changes in the dynamic commodity market for fuel and petroleum products, 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. 80528** regarding an Amendment to Purchase Orders for Fuel and Petroleum Products was adopted. (11-0.)

2.19 22-833 Actions Related to the Second Street Studios Project Located at 1144 Second Street.

Adopt a resolution:
(a) Approving an increase to the existing City Council-approved construction-permanent loan commitment to First Community Housing, a California non-profit public benefit corporation, for the Second Street Studios project located at 1144 South Second Street (Project) by $1,000,000 in low- and moderate-income housing asset funds from $19,158,673 to $20,158,673; and
(b) Authorizing the Director of Housing, or the Director of Housing's designee to negotiate and execute loan documents and all other documents regarding City construction and permanent financing for the project, including any amendments or modifications thereto;
(c) Adopt the following appropriation ordinance amendments in the low- and moderate-income housing asset fund:
(1) Decrease the housing project reserve by $1,000,000; and
(2) Increase the housing loans and grants appropriation to the Housing Department by $1,000,000.
CEQA: Categorically Exempt, File No. ER22-100, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Housing/City Manager)

2.19 (Cont'd.)

Councilmember Maya Esparza pulled Item 2.19 to offer support to the recommendations and to pose question regarding the police department's security assessment. Deputy Director of Housing Rachel VanderVeen spoke.

Motion: Councilmember Maya Esparza moved approval of actions related to the Second Street Studios Project Located at 1144 Second Street with additional direction that the City coordinate with the County for security assessment. Councilmember Pam Foley seconded the motion.

Councilmember Sergio Jimenez requested a friendly amendment to increase the threshold of the loan to accommodate any anything that may arise during the course of the assessment. The amendment was accepted.

Action: On a call for the question, the motion carried unanimously, and **Resolution No. 80529** regarding actions Related to the Second Street Studios Project, and (c) Appropriation **Ordinance No. 30780** were adopted, with additional direction that the City coordinate with the County for security assessment and increase the threshold of the loan to accommodate any anything that may arise during the course of the assessment.
(11-0.)

2.20 22-834 Actions Related to the 2021 Internet Crimes Against Children Award.
(a) Adopt a resolution accepting the 2021 California Governor's Office of Emergency Services Internet Crimes Against Children Task Force Grant in the amount of $950,000; and authorizing the City Manager to execute the Grant Agreement and execute additional amendments and all related documents, including online certifications at time of award acceptance and reimbursement requests, without further City Council action.
(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
(1) Establish the 2021-2022 Internet Crimes Against Children State Grant City-Wide Expenses appropriation to the Police Department in the amount of $357,171; and
(2) Increase the estimate for Revenue from State of California by $357,171.
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. (Police/City Manager)

Action: (a) **Resolution No. 80530** accepting the Task Force Grant; and (b) Appropriation **Ordinance No. 30781** and Funding Sources **Resolution No 80531** were adopted. (11-0.)

2.21 22-835 Amendment to the Agreement with the City of Milpitas for Animal Care and Services.

Adopt a resolution authorizing the City Manager to execute a Second Amendment to the agreement for animal services between the City of Milpitas and the City of San José Animal Care and Services Division to extend the 2018 animal care services agreement from July 1, 2022 through June 30, 2023, with compensation of $510,000 for FY 2022-2023.

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

Action: **Resolution No. 80532** regarding an Amendment to the Agreement with the City of Milpitas was adopted. (11-0.)

2.22 22-836 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2022-2023.

Adopt a resolution:

(a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2022-2023 as filed or modified by Council;

(b) Confirming the individual assessments as proposed, or as modified by Council; and

(c) Directing the Director of Public Works to deliver the assessment role to the County of Santa Clara for collection with the property taxes.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Works)

Action: **Resolution No. 80533** regarding the Willow Glen Community Benefit and Improvement District Annual Report was adopted. (11-0.)

2.23 22-837 Maintenance District Budget Reports for Fiscal Year 2022-2023.

Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2022-2023 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 4, 8 and 10. (Public Works)

Action: **Resolution No. 80534** (District 1); **Resolution No. 80535** (District 2); **Resolution No. 80536** (District 5); **Resolution No. 80537**(District 8); **Resolution No. 80538** (District 9); **Resolution No. 80539** (District 11); **Resolution No. 80540** (District 13); **Resolution No. 80541** (District 15); **Resolution No. 80542** (District 18); **Resolution No. 80543** (District 19); **Resolution No. 80544** (District 20); **Resolution No. 80545** (District 21); and **Resolution No. 80546** (District 22) were adopted. (11-0.)

2.24 22-838 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.

(a) Approve the proposed Fiscal Year 2021/22- 2026/27 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
(b) Approve the Fiscal Year 2020-2021 Rule 20B (In-Lieu Fee) Undergrounding Master Plan.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program were approved. (11-0.)

2.25 22-839 Transportation Development Act, Article 3 (TDA3) State Grant for Bicycle and Pedestrian Projects.

Adopt a resolution:
(a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2022-2023 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of $1,410,036 for bicycle and pedestrian projects;
(b) Making the certifications and assurances required under the TDA3 grant; and
(c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from MTC, and to negotiate and execute any grant documents to effectuate the grant.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

Action: **Resolution No. 80547** regarding (TDA3) State Grant for Bicycle and Pedestrian Projects was adopted. (11-0.)

2.26 22-840 Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the US 101/Blossom Hill Road Interchange Improvement Project.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority to expand the scope of services to include the construction of the Odette Morrow Spur Trail extension as part of the US 101/Blossom Hill Road Interchange Improvement Project and for the City to contribute the amount of $55,000.
CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (Transportation)

Action: **Resolution No. 80548** regarding the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority was adopted. (11-0.)

2.27 22-841 Amendment to the Lease Agreement with BP Almaden Associates LLC for the Almaden/Woz Parking Lot.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Fifteenth Amendment to the Lease Agreement with BP Almaden Associates LLC (Landlord) for the lease of the Almaden/Woz parking lot to extend the term, reduce the lease rate, and allow Landlord access to a portion of the lot.

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

Action: **Resolution No. 80549** regarding an Amendment to the Lease Agreement with BP Almaden Associates LLC was adopted. (11-0.)

2.28 22-842 Amendment to the Consultant Agreement with Arup North America Limited for Development of a Citywide Access and Mobility Plan.

Approve the retroactive Second Amendment to the Consultant Agreement with Arup North America Limited (ARUP) for development of a citywide Move San José Plan (formerly Access and Mobility Plan); increase the compensation amount for the completion of certain tasks; and increase the maximum total compensation by $104,091 from $1,684,000 to $1,788,091.

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

Action: An Amendment to the Agreement with Arup North America Limited (ARUP) was adopted. (11-0.)

2.29 22-873 Approval of Various Events Sponsored by Council District 2 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 25, 2022:

(a) Approve the Coronado Avenue Activation Series scheduled from April 30, 2022 through June 25, 2022 as City Council sponsored Special Events and approve the expenditure of funds for the series:

(1) April 30, 2022, Culture Night Market, retroactive approval;
(2) May 14, 2022, Culture Night Market, retroactive approval;
(3) May 27, 2022, Movie Night;
(4) May 28, 2022, Culture Night Market;
(5) June 4, 2022, Culture Night Market;
(6) June 10, 2022, Movie Night; and
(7) June 25, 2022, Culture Night Market.

(b) Approve the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed $50 for a free raffle; and

(Item Continued on the Next Page)

2.29 (Cont'd.)

(c) 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. (Jimenez)
[Rules Committee referral 5/25/2022 - Item B.2]

Action: The various City Council sponsored Special Events were approved. (11-0.)

2.30 22-876 Retroactive Approval of James Lick Resource Fair Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 25, 2022:
(a) Retroactively approve the James Lick Resource Fair scheduled on April 13, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 5/25/2022 - Item B.3]

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

2.31 22-880 Approval of Meadowfair Neighborhood Cleanup Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 25, 2022:
(a) Approve the Meadowfair Neighborhood Cleanup scheduled on June 11, 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. (Arenas)
[Rules Committee referral 5/25/2022 - Item B.4]

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

2.32 22-933 Request for Travel Authorization for Mayor Liccardo.

Authorize travel, accept travel payments to the City of San José, and designate Mayor Liccardo as the City representative to Doha, Qatar to participate in a mayoral delegation organized and funded by the State of Qatar from June 9 - 14, 2022.
[Rules Committee referral 6/1/2022 - Item A.1.a] (Liccardo)

Councilmember Pam Foley moved bifurcation of the Consent Calendar, asking that this item be heard separately. Vice Mayor Chappie Jones seconded the motion.

Councilmember Dev Davis expressed that Qatar is at odds with our values, citing labor abuses and discrimination against women and the LGBTQ+ community. Mayor Sam Liccardo explained his reasons for wanting to represent the City by participating in the mayoral delegation, noting Qatar will be hosting the World Cup and citing his interest in their water technology.

Public Comments: Blair Beekman, Jill Borders and Ruthie Callahan offered comments.

Action: Mayor Liccardo's request for travel authorization to Doha, Qatar was not approved. (4-7. Noes: Peralez, Carrasco, Davis, Esparza, Arenas, Foley, Mahan.)

2.33 22-921 Approval of Seventh Annual Fourth of July Fireworks Festival 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 and Approval of District 10 Abierto Funds Grant for Almaden Valley Women's Club as Non-Profit Partner in this Event.

As recommended by the Rules and Open Government Committee on June 1, 2022:
(a) Approve the Seventh Annual Fourth of July Fireworks Festival scheduled on July 4, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Approve and accept donations from various individuals, businesses or community groups to support the event; and
(c) Approve the grant of D10 Abierto Funds in the amount of $44,000 to the Almaden Valley Women's Club to support this event.
[Rules Committee referral 6/1/2022 - Item B.2] (Mahan)

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

2.34 22-925 **Retroactive Approval of Mother's Day Celebration Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on June 1, 2022:
(a) Retroactively approve the Mother's Day Celebration scheduled on May 11, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
[Rules Committee referral 6/1/2022 - Item B.3] (Ca

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

2.35 22-932 **Retroactive Approval of Leadership Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on June 1, 2022:
(a) Retroactively approve the Leadership Event scheduled on May 6, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
[Rules Committee referral 6/1/2022 - Item B.4] (Carrasco)

Action: The City Council sponsored Special Event was retroactively 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 22-843 Board of Fair Campaign and Political Practices Interview.

(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 to June 14, 2022 during meeting due to time constraints.

3.4 22-870 Infant Formula (City Roadmap Third Quarter 2021-2022 Update).

Accept the report relating to direction to coordinate with the County of Santa Clara on the City's desire to have the County:
(a) Report on the availability of infant formula in San José;
(b) Establish a regional State of Emergency to include the infant formula shortage, similar to New York City's State of Emergency, and report back to Council on any legal challenges to implementation; and
(c) Request the County's Consumer Protection Agency to establish a Family Friendly Formula Pledge with local retailers, grocery stores, and businesses to commit to the Manufacturer Suggested Retail Price (MSRP) of infant formula and the prevention of price gouging.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (City Clerk)
[Referred from 5/24/2022 - Item 3.3 (22-757)]

Deputy City Manager, Angel Rios, Jr. provided a presentation.

Public Comments: Dana Burnett and Marisol (Catholic Charities); Egypt, Bridgett, Becca Horwitz, Blair Beekman and Tim James provided public testimony.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, the report was accepted with direction as outlined in Councilmember Sylvia Arenas memorandum dated May 23, 2022. (11-0.)

3.5 22-844 Proposed Ballot Measure on City Charter Amendment for the November 8, 2022 General Election.

(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 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 to June 14, 2022 during meeting due to time constraints.

3.6 22-845 Renewal of Downtown San José Property-Based Business Improvement District.

(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)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Jill Borders offered public comment.

Mayor Sam Liccardo closed the public hearing.

City Clerk Toni Taber, indicated that there were no ballot submissions today, and results from those ballots previously received will be tabulated during the week. No further ballots will be accepted.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, the item was deferred to June 14, 2022, with the Clerk directed to report the results of the tabulation of ballots. (11-0.)

3.7 22-861 Protecting Reproductive Rights in the City of San José.

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.

(Item Continued on the Next Page)

3.7 (Cont'd.)

(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 to June 14, 2022 during meeting due to time constraints.

4. PUBLIC SAFETY SERVICES

4.1 22-868 Military Equipment Use Policy for the Police Department. - DEFERRED

Approve a military equipment use policy, including an inventory, and two additional requested military equipment items, and an ordinance adding Section 2.04.4030 to Chapter 2.04 of Title 2 of the San José Municipal Code titled "Military Equipment Use Policy" to comply with California Assembly Bill 481 governing the funding, acquisition, and use of military equipment by law enforcement agencies.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Police)
DEFERRED TO 6/21/2022 PER ADMINISTRATION

5. TRANSPORTATION & AVIATION SERVICES

5.1 22-846 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Resurfacing #2 Project.

(a) Approve award of a construction contract for the 2022 Local Streets Resurfacing #2 Project, to the lowest bidder, MCK Services Inc., in the amount of $11,197,870.
(b) Approve an approximate 10% contingency in the amount of $1,119,000.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 3, and 6. (Transportation)

Public Comments: Blair Beekman provided comments.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, an award of a construction contract to MCK Services Inc., with related contingencies, was approved. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 22-847 Report on Bids and Award of Contract for 9670 - Alviso Main Replacement Project.

Report on bids and award of contract for 9670 - Alviso Main Replacement Project to the lowest responsive bidder, Cratus, Inc., in the amount of $3,467,700 and approval of a contingency in the amount of $346,770.
CEQA: Exempt, File No. PP17-050, CEQA Guidelines Section 15301, Existing Facilities; Section 15302 Replacement or Reconstruction.
Council District 4. (Environmental Services/Public Works)

Action: The report on Bids and Award of Contract for 9670 - Alviso Main Replacement Project, with related contingencies, was approved. (11-0.)

6.2 22-848 Sewer Service and Use Charge and Storm Sewer Service Charge Rates.

(a) Hold a Public Hearing on the City of San José's 2022-2023 Sewer Service and Use Charge rates.
(b) Adopt a resolution increasing the Sewer Service and Use Charge rates for all customers to the rates identified in Attachment A to the staff memorandum, effective July 1, 2022, resulting in an overall fund increase of approximately nine percent.
(c) Adopt a resolution maintaining the Storm Sewer Service Charge rates at 2021-2022 levels as identified in Attachment B to the staff memorandum, effective July 1, 2022.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services.
(Environmental Services)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Red, Jeff Kershaw, Thad Smith, Blair Beekman and Indu Chakawarthy offered public comment.

Mayor Sam Liccardo closed the public hearing.

Director, Environmental Services, Kerrie Romanow, spoke to the increases, and staff responded to additional questions.

City Clerk Toni Taber indicated that subsequent to ESD's Supplemental Memorandum dated June 2, 2022, the City Clerk's Office has received 23 additional sanitary sewer protests. Therefore, the total number of valid written protests is (209 + 23) 232 for the proposed sanitary sewer rates.
The total of all written protests during the public protest period, together with the 5 speakers protesting the rate changes today, represents less than one percent of all customers impacted by the change in sanitary sewer rates.

(Item Continued on the Next Page)

6.2 (Cont'd.)

Therefore, the Clerk indicated that Council may consider staff's recommendation for sanitary Sewer Service and Use Charge rate increases.

Action: The public hearing was held, and upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Raul Peralez and carried unanimously, (b) **Resolution No. 80553** increasing the Sewer Service and Use Charge rates, and (c) **Resolution No. 80554** maintaining the Storm Sewer Service Charge rates at 2021-2022 levels were adopted. (11-0.)

6.3 22-849 Public Hearing on Residential Garbage and Recycling Rates for Single Family and Multi-Family Residential Solid Waste Services.
(a) Hold a Public Hearing on the proposed 2022-2023 Residential Garbage and Recycling rates and charges.
(b) Adopt a resolution effective July 1, 2022 to:
(1) Increase residential solid waste service rates for single-family households up to eight percent; and
(2) Increase residential solid waste service rates for multi-family households up to four percent.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services.
(Environmental Services)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Hang vu, Red, Indu, Thad Smith and Blair Beekman offered comments.

Mayor Sam Liccardo closed the public hearing.

Director, Environmental Services, Kerrie Romanow, spoke to the increases, and staff responded to additional questions.

City Clerk Toni Taber indicated that subsequent to ESD's Supplemental Memorandum dated June 2, 2022, the City Clerk's Office has received 49 additional Residential Garbage and Recycling rate protests. Therefore, the total number of valid written protests is 303 for the proposed Residential Garbage and Recycling rates. The total of all written protests during the public protest period, together with the 5 speakers protesting the rate changes today, represents less than one percent of all customers impacted by the change in Residential Garbage and Recycling rates.

Therefore, the Clerk indicated that Council may consider staff's recommendation for Residential Garbage and Recycling rate increases.

Action: The public hearing was held, and upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, (b) **Resolution No. 80555** regarding Residential Garbage and Recycling Rates for Single Family and Multi-Family Residential Solid Waste Services was adopted. (11-0.)

6.4 22-850 Public Hearings on San José Municipal Water System Potable and Recycled Water Rates and Charges for 2022-2023.

(a) Hold Public Hearings on San José Municipal Water System 2022-2023 potable (drinking) and recycled water rates and charges on increases up to the amount in the hearing notices.
(b) Adopt a resolution increasing San José Municipal Water System potable (drinking) water rates and charges in Attachment A to the staff memorandum, effective July 1, 2022, to the amount in the public notices.
(c) Adopt a resolution increasing San José Municipal Water System recycled water rates and charges in Attachment A to the staff memorandum, effective July 1, 2022, to the amount in the public notice.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services. Council Districts 2, 4, 7, and 8. (Environmental Services)

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

Environmental Services Department Deputy Director Jeff Provenzano responded to questions.

City Clerk Toni Taber indicated that subsequent to ESD's Supplemental Memorandum dated June 2, 2022, the City Clerk's Office has received 6 additional potable water rate protests. Therefore, the total number of valid written protests is (75 + 6) 81 for the proposed potable water rates. No protests have been received in response to the proposed recycled water rates.

The total of all written protests received during the public protest period represents less than one percent of all customers impacted by the change in water retail rates.

Therefore, the Clerk indicated that Council may consider staff's recommendation for Municipal Water System rate increases.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember David Cohen and carried unanimously, the public hearing was held, and (b) **Resolution No. 80556** increasing San José Municipal Water System potable (drinking) water rates and charges, and (c) **Resolution No. 80557** increasing San José Municipal Water System recycled water rates and charges were adopted. (11-0.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

The Successor Agency to the Redevelopment Agency of the City of San José was Convened.

9.1 22-852 Successor Agency Board to the San José Redevelopment Agency July 1, 2022 - June 30, 2023 Administrative Budget and Annual Recognized Obligation Payment Schedule 2022-2023.

Successor Agency Board to the San José Redevelopment Agency adopt resolutions approving:
(a) The Administrative Budget for July 1, 2022 through June 30, 2023; and
(b) The Recognized Obligation Payment Schedule 2022-23 (ROPS 22-23) and authorizing payment of expenditures for items on ROPS 22-23, which details the obligations of the Successor Agency for the period of July 1, 2022 through June 30, 2023.
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. (Finance)
HEARD AFTER ITEM 10.1

Mayor Sam Liccardo opened the public hearing.

Public Comments: Blair Beekman offered comments.

Mayor Sam Liccardo closed the public hearing.

Action: The public hearing was held, and upon motion by Councilmember David Cohen, seconded by Councilmember Raul Peralez and carried unanimously, The Administrative Budget for July 1, 2022 through June 30, 2023 was approved, and (b) SARA **Resolution No. 7087** approving the Administrative Budget for July 1, 2022 through June 30, 2023, and (b) SARA **Resolution No. 7088** Recognized Obligation Payment Schedule 2022-23 (ROPS 22-23) and authorizing payment of expenditures for items on ROPS 22-23 were adopted. (11-0.)

The Successor Agency to the Redevelopment Agency of the City of San José was adjourned.

10. LAND USE

10.1 Land Use on Consent Calendar - HEARD IMMEDIATELY AFTER CONSENT

(a) 22-853 **C22-016, C22-017, C22-018, C22-019, C22-020, C22-021, C22-024 - City Initiated Conforming Rezoning of 105 Certain Real Properties at Various Locations in District 5.**

Approve 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 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

(Item Continued on the Next Page)

10.1 (a) (Cont'd.)

Two-Family Residential Zoning Districts to the CP Commercial Pedestrian Zoning District, on those certain real properties located throughout the Alum Rock Avenue and Story Road planned growth areas.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 5. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, **Ordinance No. 30782** regarding City Initiated Conforming Rezoning of 298 Certain Real Properties at Various Locations in District 1 was passed for publication. (11-0.)

(b) 22-854 C22-025, C22-026, C22-027, C22-028 - City Initiated Conforming Rezoning of 298 Certain Real Properties at Various Locations in District 1.
Approve an ordinance rezoning 113 properties from R-M Multifamily Residence Zoning District to MUN Mixed Use Neighborhood Zoning District, 102 properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, 59 properties from R-2 Two-Family Residence Zoning District to MUN Mixed Use Neighborhood Zoning District, 13 properties from R-1-8 Single Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, two properties from R-1-8 Single Family Residence Zoning District to MUN Mixed Use Neighborhood Zoning District, two properties from R-M Multifamily Residence Zoning District to PQP Public/Quasi-Public Zoning District, two properties from CP Commercial Pedestrian Zoning District to R-1-8 Single Family Residence Zoning District, two properties from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District, one property from CP Commercial Pedestrian Zoning District to PQP Public/Quasi-Public Zoning District, one property from R-1-5 Single Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, and one property from R-2 Two Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, on those certain real properties located in various locations in Council District 1.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 1. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, **Ordinance No. 30783** regarding City Initiated Conforming Rezoning of 298 Certain Real Properties at Various Locations in District 1 was passed for publication. (11-0.)

10.1 (Cont'd.)

(c) 22-855 C22-002 & SP21-043 - City Initiated Conforming Rezoning and Special Use Permit for the Property Located at 1333 Meridian Avenue. -
(1) Approve an ordinance rezoning an approximately 1.35 gross acre site located on the southwest side of the intersection of Meridian Avenue and Camino Monde (1333 Meridian Avenue) from the CO Commercial Office Zoning District to the CP Commercial Pedestrian Zoning District.
(2) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the addition of a 300-square foot mobile clinic vehicle to be stationed and operated within the rear parking area of an existing medical office building on an approximately 1.35 gross acre site located on the southwest side of the intersection of Meridian Avenue and Camino Monde (1333 Meridian Avenue).
CEQA: Categorical Exemption per Section 15301(e) Existing Facilities including Additions to Structures that have negligible or no expansion of use. Council District 6. (Planning, Building and Code Enforcement)

Councilmember Pam Foley pulled Item 10.2(c) to address mitigation of parking concerns. Robert Manford, Deputy Director, PBCE and staff responded to questions.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Sonya Tetnovsa (Indian Health Center SCV), Reymundo C. Espinoza (Gardner Health Services), Aegean Lee (Meyerholz Elementary School), Gerardo Loera (Indian Health Center), Blair Beekman, Marsha, Ami, Jill Borders, and Giovani offered comments.

Gerardo Loera and Sonya Tetnoysa responded to questions posted to them by Council.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, (1) **Ordinance No. 30784** regarding City Initiated Conforming Rezoning for property located at 1333 Meridian Avenue was passed for publication; and (2) **Resolution No. 80558** approving a Special Use Permit was adopted. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda – NONE.

OPEN FORUM

1. Javier Fernandez asked for support out of control global warming, noting radical effects of weather. He held up a sign warning of global warming and urging installation of solar on every roof, both residential and commercial.

2. Blair Beekman spoke to the balance between renewables and fossil fuel use and how we may work towards a renewable future.

3. Indu Chakravathly provided outreach on how residents can redesign the City's programs for waste pickup as an option for raising rates.

4. Giovani urged the elimination of fracking and use of fossil fuels.

5. Jill Borders asked how public could be more informed regarding rate protests.

6. Brian Darby offered comments on environmental concerns.

ADJOURNMENT

The Council of the City of San José adjourned at 5:03 p.m. in memory of in memory of Thang Do who passed away on May 8, 2022 at the age of 62. It is an honor to recognize Thang for his remarkable story as a refugee who fled from Vietnam in 1975. He built an incredible life in the South Bay and left many contributions to our community including being a co-founding member of the Progressive Vietnamese American Organization (PIVOT) and for his outstanding accomplishment of being the lead architect in the first-of-its-kind Vietnamese American Service Center on Tully Road, a project he called a milestone of his career.

Minutes Recorded, Prepared and Respectfully Submitted by,

Ruth Krantz
Ruth Krantz, CMC
Deputy City Clerk, City of San Jose

Approved at Council _____

Attest:

Toni J. Taber, CMC
City Clerk

rmk/06-07-2022 MIN

SAN JOSÉ CITY COUNCIL CLOSED SESSION

JUNE 7, 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 (9:46), Davis, Mahan, Jimenez, Jones, Cohen, Peralez, Foley; Liccardo.

Absent: Councilmembers - Esparza,.

Closed Session Item(s) discussed:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

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

Number of Matter(s) to be discussed: 2

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

1.

Case Name: People of the State of California, ex rel., et al. v Citizens for Free Speech and Equal Justice, LLC

Name(s) of Parties(s) Involved: PEOPLE OF THE STATE OF CALIFORNIA, ex rel. CITY ATTORNEY OF THE CITY OF SAN JOSE, and CITY OF SAN JOSE, a municipal corporation, CITIZENS FOR FREE SPEECH AND EQUAL JUSTICE, LLC; a California limited liability corporation; GTL ENTERPRISES, LLC; a California limited liability corporation; LOTUS GLASS, INC., a California corporation; ATOUR AMIRKHAS, an individual; GRACE AMIRKHAS, an individual; LOTUS SHIN, an individual; and DOES 1 through 50

Court: Superior Court of California, County of Santa Clara

Case No.: 20CV364689

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

2.

Case Name: Citizens for Free Speech and Equal Justice, LLC v. City of San Jose

Name(s) of Parties(s) Involved:	CITIZENS FOR FREE SPEECH AND EQUAL JUSTICE, LLC; CITY OF SAN JOSE,
Court:	United States District Court; For the Northern District of California
Case No.:	5:18-cv-01919-BLF
Amount of Money or Other Relief Sought:	Damages according to proof

3.

Case Name:	Citizens for Free Speech and Equal Justice, LLC v. City of San Jose
Name(s) of Parties(s) Involved:	CITIZENS FOR FREE SPEECH AND EQUAL JUSTICE, LLC., CITY OF SAN JOSE
Court:	United States District Court; For the Northern District of California
Case No.:	5:20-cv-03905-BLF
Amount of Money or Other Relief Sought:	Damages according to proof

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

City Negotiator:Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1.

Organization or Name and Title of Unrepresented Employees:	**Association of Building, Mechanical and Electrical Inspectors** (ABMEI)
Nature of negotiations:	wages/salaries, hours, working conditions, etc.
Name of Existing Contract or MOA:	Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)
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

2.

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

	Unrepresented Employees:	
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)
	How to Obtain a copy of Existing Contract or MOA:	Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150
3.	Organization or Name and Title of Unrepresented Employees:	**Association of Legal Professionals of San José** (ALP)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Memorandum of Agreement – City of San José and Association of Legal Professionals of San José
	How to Obtain a copy of Existing Contract or MOA:	Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150
4.	Organization or Name and Title of Unrepresented Employees:	**Association of Maintenance Supervisory Personnel** (AMSP)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary
	How to Obtain a copy of Existing Contract or MOA:	Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150
5.	Organization or Name and Title of Unrepresented Employees:	**City Association of Management Personnel Agreement** (CAMP)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing	Benefit & Compensation Summary — City of San José

	Contract or MOA:	and City Association of Management Personnel Agreement
	How to Obtain a copy of Existing Contract or MOA:	Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150
6.	Organization or Name and Title of Unrepresented Employees:	**International Brotherhood of Electrical Workers, Local 332** (IBEW)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)
	How to Obtain a copy of Existing Contract or MOA:	Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150
7.	Organization or Name and Title of Unrepresented Employees:	**Municipal Employees' Federation, AFSCME Local 101, AFL-CIO** (MEF)
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO
	How to Obtain a copy of Existing Contract or MOA:	Web: http://www.sanjoseca.gov/index.aspx?NID=508 Telephone – Employee Relations: (408) 535-8150
8.	Organization or Name and Title of Unrepresented Employees:	**International Union of Operating Engineers, Local No. 3** (OE#3**)**
	Nature of negotiations:	wages/salaries, hours, working conditions, etc.
	Name of Existing Contract or MOA:	Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
	How to Obtain a copy of Existing	Web: http://www.sanjoseca.gov/index.aspx?NID=508

	Contract or MOA:	Telephone – Employee Relations: (408) 535-8150
9.	Organization or Name and Title of Unrepresented Employees:	**Executive Management and Professional Employees (Units 99, 81/82)**
	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