



City Council Meeting Amended Agenda

Tuesday, June 22, 2021

11:00 AM

Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>

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



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 8:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

For Closed Captions, please visit the City’s YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

Interpretation is available in Spanish, Vietnamese and Mandarin. In your webinar controls, select “Interpretation.” Click the language you would like to hear.
Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch).
Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).

- **Call to Order and Roll Call**

8:30 a.m. - Closed Session

[21-1438](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)
[6/8/21 Closed Session Agenda](#)

11:00 a.m. - Regular Session

6:00 p.m. - Evening Session – Cancelled
*The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**
- **Invocation (District 6)**

Chaplain Bryan Allen-San Jose Police Chaplaincy.

- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

SEE NEW ITEM 2.28, "Expediting the Commission Appointment Process for Various Commissions" TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d); Council Agenda Items' Placement After Rules During Social Distancing Period Resolution No. 79485.

- **Adjournment**

The City Council will adjourn in honor and memory of the victims of the Valley Transportation Authority Rail Yard tragedy.

- **Closed Session Report**

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[21-1519](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30613 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.90-Gross Acre, Situated on the West Side of Silver Creek Road, Approximately 200 Feet Northwest of the Intersection of East Capitol Expressway and Silver Creek Road (3155 Silver Creek Road) (APN: 670-15-018) from the (LI)PD Planned Development Zoning District to the CN Commercial Neighborhood Zoning District.

[Passed for Publication on 6/8/2021- Item 10.1(b)(1) (21-1333)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [21-1443](#) Resolution Remembering the Victims of the Valley Transportation Authority Rail Yard Mass Shooting on May 26, 2021.**

Recommendation: As recommended by the Rules and Open Government Committee on June 2, 2021, adopt a resolution remembering the victims of the Valley Transportation Authority Rail Yard mass shooting that occurred on May 26, 2021.

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

(Peralez)

[Rules Committee referral 6/2/2021 - Item (G)3]

Attachments [Memorandum](#)

[Resolution](#)

2.8 [21-1483](#) Planning Commission Appointment.

Recommendation: Appoint the following applicants to the Planning Commission:

(a) Citywide: Appoint Charles Cantrell to a term ending June 30, 2024;

(b) District 4: Appoint Maribel Montanez to a term ending June 30, 2022;

(c) District 7: Appoint Sylvia Ornelas Wise to a term ending June 30, 2024; and

(d) District 9: Appoint Michael Young to a term ending June 30, 2022.

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

Attachments [Memorandum](#)

[Applications](#)

[Conflict of Interest Memo](#)

[Ordinance](#)

2.9 [21-1445](#) **California Community Choice Association 2021-2022 Membership.**

Recommendation: Adopt a resolution authorizing the Director of the Community Energy Department to continue the City’s annual membership with the California Community Choice Association (“CalCCA”) for fiscal year 2021-2022 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)

Attachments [Memorandum](#)
[Resolution](#)

2.10 [21-1446](#) **Declaration of Surplus and Sale of Portion of City-Owned Property Located Along Graham Avenue.**

Recommendation: Adopt a resolution:
(a) Declaring the subject property “exempt surplus land” under California Government Code §54221(f)(1)(B) as the land is not necessary for the City of San José’s use, is less than 5,000 square feet, is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes, and is being transferred to a contiguous property owner;
(b) Approving the sale of City-owned property located along Graham Avenue at the northwest corner of Goodyear and Sherman Streets, identified as a portion of Assessor’s Parcel Number 434-07-084, to Jonathon Elliott for \$45,000 by direct negotiation under San José Municipal Code Section 4.20.070 as the transferee is an adjacent property owner; and
(c) Authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, the deed, and all other documents necessary to complete the transaction.

CEQA: Categorically Exempt, File No. ER21-090, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 3. (Economic Development)

Attachments [Memorandum](#)
[Agreement](#)
[Resolution](#)

- 2.11** [21-1447](#) **Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2021-2022.**

Recommendation: Adopt an annual resolution authorizing the City Manager or his 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 programs funded by other sources, including, but not limited to, novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2021 to June 30, 2022 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, 2018 to June 30, 2022 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, sub grant 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 (ETPL), 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, 2021 to June 30, 2022, 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, 2022), 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.

(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, 2022).

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)

Attachments [Memorandum](#)

2.12 [21-1485](#) **Non-Profit Charitable Reuse Agreements.**

Recommendation: 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, 2021 through June 30, 2022.

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

[Deferred from 6/15/2021 - Item 2.10 (21-1367)]

Attachments [Memorandum](#)
[Agreement - Goodwill of Silicon Valley](#)
[Agreement - HOPE Services](#)
[Agreement - Salvation Army of San Jose](#)

2.13 [21-1464](#) **Actions Related to the Grant Agreement with the United States Environmental Protection Agency for the Clean Creeks, Healthy Watersheds Project.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute a grant agreement and other related documents with the United States Environmental Protection Agency (EPA) to fund the Clean Creeks, Healthy Watersheds Project if awarded for the term of July 1, 2021 through June 30, 2025, with a grant to the City in the amount of \$1,540,000, at a cost to the City over the term of the Agreement of \$1,540,000.
 - (2) Negotiate and execute agreements upon award of the grant with:
 - (i) Keep Coyote Creek Beautiful, a non-profit 501(c)(3) corporation, for the term July 1, 2021 through June 30, 2025, to conduct volunteer trash cleanups and community outreach and education in an amount not to exceed \$500,000; and
 - (ii) South Bay Clean Creeks Coalition, a non-profit 501(c)(3) corporation, for the term July 1, 2021 through June 30, 2025, to conduct volunteer trash cleanups and community outreach and education in an amount not to exceed \$500,000.
- (b) Adopt the following FY 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the estimate for Revenue from the Federal Government by \$385,000; and
 - (2) Establish a Citywide Clean Creeks, Healthy Watersheds appropriation to the Environmental Services Department in the amount of \$385,000.

CEQA: Categorically Exempt, File No. ER21-100, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment. Council Districts 2, 3, 4, 6, 7, and 9. (Environmental Services/City Manager)

Attachments [Memorandum](#)
[Resolution](#)

2.14 [21-1465](#) **Amendment to the Agreement with Santa Clara Valley Habitat Agency to Manage the Burrowing Owl Habitat.**

Recommendation: Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement between the Santa Clara Valley Habitat Agency and the City of San José for Burrowing Owl Habitat Management at the San José-Santa Clara Regional Wastewater Facility to increase the term from July 1, 2016 through June 30, 2026.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services)

Attachments [Memorandum](#)
[Supplemental Memorandum, 6/15/2021](#)
[Agreement](#)

2.15 [21-1449](#) **Actions Related to the Suspension of the Affordable Housing Impact Fee. - DEFERRED**

Recommendation: Adopt a resolution amending Resolution No. 77218, as previously amended by Resolutions No. 78010, 78392, 78473, 78576, and 79294 (collectively the “Housing Impact Fee Resolution”), to suspend the Affordable Housing Impact Fee program for new projects approved on or after May 1, 2021.
CEQA: Not a Project. File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Housing)
DEFERRED TO 6/29/2021 PER ADMINISTRATION

Attachments [Resolution](#)

2.16 [21-1444](#) **Agreement with Destination: Home SV for Emergency Rental Assistance Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a contract with Destination: Home SV, a supporting organization of Silicon Valley Community Foundation, in an amount not to exceed \$2,112,000 through December 31, 2022 to assist low-income San José residents with obtaining assistance for rental and utility relief.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

Attachments [Memorandum](#)

2.17 [21-1450](#) **Actions Related to the Winchester Ranch Turnkey Parkland Agreement.****Recommendation:**

(a) Approve a Turnkey Parkland Agreement between the City of San José and Pulte Home Company, LLC, a Michigan limited liability Company, to satisfy the requirements of the City's Park Impact Ordinance (San José Municipal Code Chapter 14.25) and Parkland Dedication Ordinance (San José Municipal Code Chapter 19.38) which includes:

- (1) Dedication of a 2.01 gross acre site to the City;
- (2) Design and construction of park improvements on this site; and
- (3) Payment of City Design and Review Fees.

(b) Adopt a Master Plan for a public park.

(c) Adopt an official name for the park based on the following alternatives:

- (1) "Winchester Orchard Park" as recommended by staff and the Parks and Recreation Commission as a result of a public naming process; or,
- (2) Select an alternative park name from the list of eligible names generated through the public outreach process and that was considered in a public forum.

(d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Establish the Winchester Orchard Park Design, Review, and Inspection appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$342,000; and

(2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$342,000.

CEQA: Winchester Ranch Residential Project Certified Environmental Impact Report (Resolution No. 79376), File Nos. GP18 014, GPT19 004, PDC18 037, PD19 019, PT19 023. Council District 1. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum Agreement](#)
[Letters from the Public](#)

- 2.18** [21-1451](#) **Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2021-2022 Agreements.**

Recommendation:

Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) The City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment A of the staff memorandum);
- (b) The City Manager to accept any funds exceeding the figures identified in Attachment A of the staff memorandum for the specified programs and purposes identified as "Compensation Paid to the City of San José," provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
- (c) The Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2021-2022 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B of the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety;
 - (2) BeautifySJ Initiative;
 - (i) Encampment Trash Program;
 - (ii) Litter, Trash, and Illegal Dumping Service Agreements, where applicable;
 - (iii) Memoranda of Understanding;
 - (3) BeautifySJ Fiscal Agent Agreement
 - (4) Citywide Aquatics Program;
 - (5) Community Service Provider Agreements;
 - (6) Facility Use Agreements;
 - (7) Food and Necessities Distribution Program Agreements;
 - (8) Friends of PRNS Non-Profit Organizations;
 - (9) Golf Course Agreements;
 - (10) Grant Programs;
 - (i) Bringing Everyone's Strengths Together;
 - (ii) BeautifySJ Neighborhood Associations Grant Program;
 - (iii) Franklin-McKinley Children's Initiative;
 - (iv) Safe Summer Initiative Grant;

- (v) Saint James and Public Life;
 - (vi) Senior Health and Wellness;
 - (vii) Spartan-Keyes Neighborhood Action Center;
 - (11) Grant Revenue Agreements;
 - (12) Happy Hollow Park & Zoo;
 - (i) Education Programs;
 - (ii) Private Events;
 - (13) Leisure and Recreation Fee Class Vendor Agreements;
 - (14) Little League Agreements;
 - (15) Mayor's Gang Prevention Task Force;
 - (i) Memoranda of Understanding;
 - (ii) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph)
 - (16) Mitigation Monitoring and Maintenance Support Services;
 - (17) Neighborhood Center Partner Program;
 - (18) Park Concessionaires Agreements;
 - (19) San José Police Activity League Agreement;
 - (20) Recreation of City Kids Program;
 - (21) Reimbursement Agreements;
 - (22) Right-of-Entry Agreements;
 - (23) Standard Consultant Agreements for Non-Capital Projects;
 - (24) Summer Food Service Program.
- CEQA: Categorically Exempt, File No. PP16-042, CEQA Guidelines Section 15301, Existing Facilities. (Parks, Recreation and Neighborhood Services).

Attachments [Memorandum](#)
[Resolution](#)

2.19 [21-1452](#) **Agreement with the Peninsula Corridor Joint Powers Board for the San José Diridon Station Integrated Concept Plan.**

Recommendation: Adopt a resolution authorizing the City Manager or his designee to negotiate and execute the Funding Agreement between the City of San José and the Peninsula Corridor Joint Powers Board in an amount not to exceed \$718,734, to fund development and delivery of the Diridon Integrated Station Concept Plan.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6. (Transportation)

Attachments [Memorandum](#)

2.20 [21-1453](#) **Amendment to the Funding Agreement with VTA for the U.S. 101/Zanker Road Project.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority (VTA) for the US 101/Zanker Road Project to extend the term of the agreement to December 31, 2023.

CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council District 3. (Transportation)

Attachments [Memorandum](#)

2.21 [21-1491](#) **Retroactive Approval of Make Music Day 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.**

Recommendation: As recommended by the Rules and Open Government Committee on June 9, 2021:

(a) Retroactively approve Make Music Day scheduled on June 21, 2021 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 6/9/2021 - Item G.1.a]

Attachments [Memorandum](#)

2.22 [21-1498](#) **Retroactive Approval of Alzheimer's and Brain Awareness Month Proclamation and Tower and Rotunda Lighting Sponsored by Council District 3 and District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on June 9, 2021:

(a) Retroactively approve the Alzheimer's and Brain Awareness Month proclamation and Tower and Rotunda lighting from June 20-25, 2021 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.

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

[Rules Committee referral 6/9/2021 - Item G.1.d]

Attachments [Memorandum](#)
[Letters from the Public](#)

2.23 [21-1565](#) **Report on Request for Proposal and Actions Related to Employee Health Services. - RENUMBERED FROM ITEM 3.6**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Concentra to provide employee health services with an initial term beginning July 1, 2021 through June 30, 2024, with three options to extend annually through June 30, 2021 for total compensation not to exceed \$1,095,000 for the initial 3 year term and a total amount not to exceed \$375,950 for Option 1, \$387,229 for Option 2 and \$398,845 for Option 3, for a maximum total amount of compensation not to exceed \$2,257,024, subject to annual appropriation of funds.

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

[RENUMBERED FROM ITEM 3.6 (21-1486)]

Attachments [Memorandum](#)

2.24 [21-1594](#) **Approval of Parks and Recreation Month 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.**

Recommendation: As recommended by the Rules and Open Government Committee on June 16, 2021:
(a) Approve July 2021 as Parks and Recreation Month to be recognized by the 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.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 6/16/2021 - Item G.1.a]

Attachments [Memorandum](#)

2.25 [21-1601](#) **Retroactive Approval of Northwood Park Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on June 16, 2021:
(a) Retroactively approve the Northwood Park Dumpster Day scheduled on June 19, 2021 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.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 6/16/2021 - Item G.1.b]

Attachments [Memorandum](#)

2.26 [21-1605](#) **Approval of Three Neighbor Day Events 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.**

Recommendation: As recommended by the Rules and Open Government Committee on June 16, 2021:

(a) Retroactively approve the Shadowbrook Neighbor Day held on May 22, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the VEP Neighbor Day scheduled on June 19, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Approve the Playa del Rey Neighbor Day scheduled on June 26, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) 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. (Mahan)
[Rules Committee referral 6/16/2021 - Item G.1.c]

Attachments [Memorandum](#)

2.27 [21-1609](#) **Approval of Proclamation for National Immigrant Heritage Month 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.**

Recommendation: As recommended by the Rules and Open Government Committee on June 16, 2021:

(a) Approve National Immigrant Heritage Month scheduled on June 22, 2021 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.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 6/16/2021 - Item G.1.d]

Attachments [Memorandum](#)

2.28 [21-1615](#) **Expediting the Commission Appointment Process for Various Commissions.**

Recommendation: Approve an Ordinance of the City of San José amending Sections 2.08.2140, 2.08.2220, 2.08.2640, 2.08.2830, 2.08.3040, 2.08.3240, and 2.08.3440 of Chapter 2.08 of Title 2 of the San José Municipal Code to Expedite the Appointment Process for Various Commissions When the Council Appointment Advisory Commission is Unable to Meet.

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

Attachments [Memorandum](#)
[Ordinance](#)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 8:30 A.M.

3.3 [21-1454](#) **Approval of Various Budget Actions for Fiscal Year 2020-2021. - TO BE HEARD IMMEDIATELY BEFORE CONSENT**

Recommendation: Adopt the 2020-2021 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)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

Attachments [Approval of Various Budget Actions for FY 20-21 Memo](#)

3.4 [21-1455](#) **Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2021-2022 Budget, and Resolution Establishing the Fiscal Year 2021-2022 Appropriation Limit. - TO BE HEARD IMMEDIATELY BEFORE CONSENT**

Recommendation: (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2021-2022 and the Manager’s Final Budget Addendum.
(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2021-2022 and the Manager’s Final Budget Addendum.
(c) Adopt a resolution taking the following actions with respect to the City’s 2021-2022 “Gann Limit”:
 (1) Elect the per capita income index as the inflation factor for 2021-2022 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 2021-2022; and
 (3) Establish the Fiscal Year 2021-2022 Appropriation Limit at \$1,314,478,566 in compliance with Article XIII B of the State Constitution.

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)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

Attachments [\(a\)\(b\) Memorandum](#)
 [\(c\) Memorandum](#)
 [Resolution](#)

3.5 [21-1456](#) **Extension of the Proclamation of Local Emergency Related to COVID-19.**

Recommendation: Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services’ proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

Attachments [Memorandum](#)
 [Resolution](#)

3.6 [21-1486](#) **Report on Request for Proposal and Actions Related to Employee Health Services.**

Recommendation: RENUMBERED TO ITEM 2.23 (21-1565)

3.7 [21-1448](#) **City of San José General Obligation Bonds, Series 2021ABC.**

Recommendation: Adopt a resolution authorizing the City to issue its general obligation bonds in an aggregate principal amount not to exceed \$225,000,000, and directing the execution of a Fiscal Agent Agreement and certain other related documents, and authorizing actions related thereto. 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)

Attachments [Memorandum](#)
[Resolution](#)
[Agreement - Preliminary Official Statement](#)
[Agreement - Continuing Disclosure Certificate](#)
[Agreement - Fiscal Agent Agreement](#)
[Agreement - Notice of Sale](#)
[Presentation - 5 minutes](#)

3.8 [21-1457](#) **City of San José 2021 Tax and Revenue Anticipation Note. - TO BE HEARD IMMEDIATELY BEFORE CONSENT**

Recommendation:

(a) Adopt a resolution:

(1) Authorizing the issuance and sale of the City of San José 2021 Tax and Revenue Anticipation Note (the “2021 Note”) in an aggregate principal amount not to exceed \$285,000,000 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 2021 Note 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 2021-2022:

(1) Increase the estimate for Other Revenue in the amount of \$285,000,000; and

(2) Increase the Citywide TRAN Debt Service appropriation to the Finance Department in the amount of \$285,000,000.

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. (Finance/City Manager)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

Attachments [Memorandum](#)
[Agreement - Note Purchase](#)
[Resolution](#)

- 3.9 [21-1458](#) **Actions Related to the Agreements Between the City of San José and the East Side Union High School District for Community Wireless Network. - DEFERRED**

Recommendation:

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

(1) Negotiate and execute the Third Amendment to the Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to increase funding by \$1,377,741 for a revised total funding amount of \$5,476,183 for ongoing operations, maintenance, support, and technology refreshes for the James Lick, William C. Overfelt, and Yerba Buena High School attendance areas and to extend the term of the agreement through December 31, 2026.

(2) Negotiate and execute the Third Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to reflect final costs for the William C. Overfelt and Yerba Buena High School attendance areas, reduce compensation by \$43,972 for a revised maximum compensation of \$3,263,018 for the initial term ending December 31, 2021, and add scope of work and estimated costs for technology refreshes at the James Lick, William C. Overfelt and Yerba Buena High School attendance areas during agreement option terms through December 31, 2026, subject to the appropriation of funds.

(3) Negotiate and execute a Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to design, build, and/or maintain a Community Wireless Network in the District for a term of five years through 2026, with the City's contribution amount not to exceed \$3,900,000 to fund the implementation, maintain services and replacement of technology for five attendance areas: Independence, Andrew P. Hill, Oak Grove, Mt. Pleasant, and Silver Creek.

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

(1) Increase the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department by \$1,377,769; and

(2) Increase the estimate for Revenue from Local Agencies by \$1,377,769.

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

(Library/Finance/City Manager)

[Deferred from 6/15/2021 - Item 3.13 (21-1405)]

DEFERRED TO 6/29/2021 PER ADMINISTRATION

3.10 [21-1582](#) **Annual Merit Increases And Additional Executive Leave For Council Appointees. - RECOMMEND DEFERRAL**

Recommendation: Approving a 2.5% merit increase for the City Attorney and City Clerk, effective July 1, 2021, and granting an additional forty (40) hours of executive leave to each of these Council Appointees for the payroll calendar year 2021.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

RECOMMEND DEFERRAL TO 6/29/2021

3.11 [21-1583](#) **City Auditor Appointment and Compensation Package/Employment Agreement and Salary Setting. - RECOMMEND DEFERRAL**

Recommendation:

(a) Adopt a resolution reappointing Joe Rois as City Auditor and approving compensation for services as City Auditor for a term beginning July 1, 2021 and ending June 30, 2025 consistent with the following terms and the attachment in this memo:

(1) Salary: The starting salary will be \$210,000 annually. In addition to this starting salary, the City Auditor will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$220,500.

(2) Executive Management Benefits: As executive management, the City Auditor will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The City Auditor will continue to receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage.

(3) Vacation and Executive Leave: The City Auditor will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The City Auditor has zero (0) hours remaining of executive leave in the 2021 calendar year and will not be eligible for additional executive leave in 2021. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate.

(4) Outside Employment: The City Auditor will not engage in outside employment without City Council approval.

(b) Adjust the annual compensatory range for the City Auditor to better align with other jurisdictions' chief auditors, and amend the City of San José Pay Plan to a salary range of \$145,117 to \$240,000, effective July 1, 2021.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

RECOMMEND DEFERRAL TO 6/29/2021

3.12 [21-1584](#)**Independent Police Auditor Appointment and Compensation Package/Employment Agreement and Salary Setting. - RECOMMEND DEFERRAL****Recommendation:**

(a) Adopt a resolution reappointing Shivaun Nurre as Independent Police Auditor (IPA) and approving compensation for services as Independent Police Auditor for a term beginning January 1, 2021 and ending December 31, 2024 consistent with the following terms and the attachment in this memo:

(1) Salary: The new salary will be \$230,000 annually effective July 1, 2021. In addition to this new salary, the IPA will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$241,500 effective July 1, 2021.

(2) Executive Management Benefits: As executive management, the IPA will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The IPA will also receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage. The IPA will also receive a monthly cell phone and data stipend, which is currently \$35 for cell phone use and/or \$40 for data plan use. However, the IPA has waived this stipend as she currently has a City-issued cell phone.

(3) Vacation and Executive Leave: The IPA will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The IPA has twenty-eight (28) hours remaining of executive leave in the 2021 calendar year and will not be eligible for additional executive leave in 2021. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate.

(4) Outside Employment: The IPA will not engage in outside employment without City Council approval.

(b) Adjust the annual compensatory range for the Independent Police Auditor to better align with other jurisdictions' chief police auditors, and amend the City of San José Pay Plan to a salary range of \$145,117 to \$263,000, effective July 1, 2021.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

RECOMMEND DEFERRAL TO 6/29/2021

4. PUBLIC SAFETY SERVICES

- 4.1 [21-1459](#) **Independent Police Auditor 2020 Year End Report. - TO BE HEARD CONCURRENTLY WITH ITEM 4.2**

Recommendation: Accept the 2020 Independent Police Auditor Year End Report.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)
TO BE HEARD CONCURRENTLY WITH ITEM 4.2

Attachments [2020 IPA Year End Report](#)

- 4.2 [21-1460](#) **San José Police Department Internal Affairs Unit - 2020 Department Initiated Investigations Report. - TO BE HEARD CONCURRENTLY WITH ITEM 4.1**

Recommendation: Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
TO BE HEARD CONCURRENTLY WITH ITEM 4.1

Attachments [Memorandum](#)

4.3 [21-1487](#) **Police Reforms Work Plan: Reimagining Community Safety Status Report. - TO BE HEARD AT 6:30 P.M.**

Recommendation:

(a) As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept a status report on the Police Reforms Work Plan: Reimagining Community Safety work.

(b) Discussion and direction to the Administration on:

(1) Expanding the scope of the Reimagining Community Safety process;

(2) The organizational framework and leadership model for the process; and

(3) The City's commitment of resources in support of the process. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(City Manager)

[Public Safety, Finance and Strategic Support Committee referral 5/20/2021 - Item (d)1]

[Deferred from 6/8/2021 - Item 4.1 (21-1323); 6/15/2021 - Item 4.3 (21-1406)]

TO BE HEARD AT 6:30 P.M.

Attachments

[Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Supplemental Memorandum, 6/18/2021](#)

[Memorandum from Liccardo, Jones & Peralez, 6/17/2021](#)

[Presentation - est. 25 minutes](#)

[Presentation - PSFSS, 5/20/2021](#)

[Letters from the Public](#)

5. TRANSPORTATION & AVIATION SERVICES

5.1 [21-1461](#) **Award of Contract for the 2021 Major Streets Sealing Project.**

Recommendation: Approve award of a construction contract for the 2021 Major Streets Sealing Project, to the low bidder, Graham Contractors, Inc. in the amount of \$4,478,003.59 and approve an approximate 10% contingency in the amount of \$447,800.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

5.2 [21-1462](#) **Award of Contract for the 2021 Local Streets Microsurfacing Project.**

Recommendation: (a) Approve award of a construction contract for the 2021 Local Streets Microsurfacing Project, to the low bidder, Graham Contractors, Inc., in the amount of \$3,536,791.90.
(b) Approve an approximate 10% contingency in the amount of \$353,600.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

5.3 [21-1463](#) **Award of Contract for the 2021 Local Streets Resurfacing #3 Project.**

Recommendation: (a) Approve award of a construction contract for the 2021 Local Streets Resurfacing #3 Project, to the low bidder, MCK Services, Inc. in the amount of \$7,986,987.50.
(b) Approve an approximate 10% contingency in the amount of \$798,600.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2, 4, 5, 8 and 10. (Transportation)

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

8.1 [21-1473](#) **Housing Crisis Workplan Status Report. - DEFERRED****Recommendation:**

As recommended by Community and Economic Development Committee on May 24, 2021, accept the report on progress implementing the City Council approved Housing Crisis Workplan. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Housing/Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 5/24/2021 - Item (d)4]

DEFERRED TO 8/10/2021 PER ADMINISTRATION

Attachments

[Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Presentation, 5/24/2021](#)

8.2 [21-1476](#) **Approval of the Affordable Housing Siting Policy. - DEFERRED****Recommendation:**

(a) Accept the staff report regarding the proposed City of San José's Affordable Housing Siting Policy authorizing a plan to allocate Housing Department development funding as follows:

(1) In Phase One (initial three-year period), 30 percent of affordable housing development located in Category 1 neighborhoods, 50 percent in Category 2 neighborhoods, and 20 percent in Category 3 neighborhoods as shown in the Siting Policy Map;

(2) In Phase Two (after initial three-year period), 60 percent of affordable housing development located Category 1 neighborhoods, 30 percent in Category 2 neighborhoods, and 10 percent in Category 3 neighborhoods; and

(3) Limit funding in high-impacted census block groups where 50 percent or more of existing homes are deed-restricted and the block group contains 200 or more affordable homes.

(b) Adopt a resolution approving the Affordable Housing Siting Policy and the Siting Policy Map.

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

(Housing)

DEFERRED TO 6/29/2021 PER RULES AND OPEN
GOVERNMENT COMMITTEE

Attachments [Memorandum](#)

[Resolution](#)

8.3 [21-1586](#) **Sunset the 2021 Moratorium on Rent Increases for Tenants and Mobilehome Residents and Owners Financially Impacted by COVID-19 on June 30, 2021.**

Recommendation:

(a) Accept the staff report to sunset 2021 COVID-19 Rent Increase Moratorium, Ordinance No. 30530, for rent stabilized tenants and mobilehome residents on the expiration date of June 30, 2021.

(b) Terminate waiver of late registration fees and permitting fees for repairs/maintenance for rent stabilized apartments and mobilehomes covered under Chapter 17.22 and 17.23 of the San José Municipal Code, previously established under Ordinance No. 303530.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

Attachments

[Memorandum](#)

[Supplemental Memorandum, 6/21/2021](#)

[Letters from the Public](#)

8.4 [21-1587](#) **Enact an Urgency and Companion Ordinance Implementing an Eviction Moratorium Through August 31, 2021 for Tenants Financially Impacted By COVID-19.**

Recommendation:

(a) Accept the staff report providing findings that support enacting a temporary moratorium through August 31, 2021 on evictions to protect tenants currently financially impacted by COVID-19 while the State and local rental assistance programs commence distribution of rental payments to the most vulnerable residents.

(b) Adopt an Urgency Ordinance enacting a temporary moratorium on no-cause evictions, and evictions due to nonpayment of rent for residential tenants, mobilehome owners and residents, who, before the notice to pay rent or quit expire:

(1) Pay at least 50% of the July and August monthly rent; and

(2) Provide to the property owner or manager a signed Declaration stating they are:

(i) Currently experiencing COVID-19-related financial distress; and

(ii) Have applied or will apply within 14 days for rental assistance.

(3) Invoke the urgency provisions in the City Charter, as an emergency measure for the immediate preservation of the public peace, health and/or safety, to include additional provisions protecting against eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19.

PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).

(c) Approve a Companion Ordinance through August 31, 2021 enacting a temporary moratorium on no-cause evictions, and evictions due to nonpayment of rent for residential tenants, mobilehome owners and residents, who, before the notice to pay rent or quit expire:

(1) Pay at least 50% of July and August monthly rent; and

(2) Provide to the property owner or manager signed Declaration stating they are:

(i) Currently experiencing COVID-19-related financial distress; and

(ii) Have applied or will apply within 14 days for rental assistance.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

- Attachments** [Memorandum](#)
[Memorandum from Liccardo, Peralez & Arenas, 6/18/2021](#)
[Memorandum from Carrasco & Esparza, 6/18/2021](#)
[Memorandum from Cohen, 6/22/2021](#)
[\(b\) Ordinance](#)
[\(c\) Ordinance](#)
[Presentation - 5 minutes](#)
[Presentation- 5 minutes](#)
[Letters from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) [21-1479](#) GP19-007 - City-Initiated General Plan Amendment for Property Located at 2078 and 0 Evans Lane.

Recommendation: RENUMBERED TO ITEM 10.6 (21-1566)

- (b) [21-1478](#) **C19-016 & CP18-027 - Conforming Rezoning and Site Development Permit for Property Located on the northeast corner of Story Road and South Jackson Avenue.**

Recommendation:

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Rotten Robbie on Story Road project and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).
 - (2) Approve an ordinance rezoning the approximately 0.53-gross acre site located on the northeast corner of Story Road and South Jackson Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.53-gross acre site.
 - (3) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 20 ABC License - Beer and Wine only) with late night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site.
- CEQA: Initial Study/Mitigated Negative Declaration (IS/MND) for the Rotten Robbie on Story Road. Council District 5. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Ordinance](#)
[\(1\) Resolution](#)
[\(3\) Resolution](#)

- (c) [21-1567](#) PP20-002 - Amendment to Title 23 (The Sign Code) of the San José Municipal Code. RENUMBERED FROM ITEM 10.2

Recommendation: Approve an ordinance to amend Chapter 23.02 - General Provisions to repeal Section 23.02.1370, “Sign Variances”; amend Chapter 23.04, Part 2, Downtown Sign Zone, and incorporate changes to Section 23.04.120, “Types of Signs,” to allow roof signs on buildings of 80 feet in height or greater; and to make other non-substantive, ministerial, technical, or typographical changes to various Sections of said Chapter 23.04 of the Sign Code.

CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

[RENUMBERED FROM ITEM 10.2 (21-1477)]

Attachments [Memorandum](#)
[Ordinance](#)
[Letters from the Public](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 [21-1477](#) PP20-002 - Amendment to Title 23 (The Sign Code) of the San José Municipal Code.

Recommendation: RENUMBERED TO ITEM 10.1(c) (21-1567)

10.3 [21-1480](#)

GP20-008 & C21-001 - City-Initiated General Plan Amendment and Conforming Rezoning for the Berryessa BART Urban Village Plan. - TO BE HEARD AFTER ITEM 4.3 AND CONCURRENTLY WITH ITEM 10.4

Recommendation:

(a) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution 77617) and Addenda thereto in accordance with CEQA.

(b) Adopt a resolution approving the following:

(1) General Plan Amendment (GP20-008) to the Envision San José 2040 General Plan to amend the “Planned Job Capacity and Housing Growth Areas by Horizon” table in Appendix 5 and make changes to the Land Use/Transportation Diagram for properties within the boundaries of the Urban Village planning area as shown on the Berryessa BART Urban Village Land Use Diagram; and

(2) Adoption of the Berryessa BART Urban Village Plan as the guiding policy document for new development and identified public improvements within the urban village area.

(c) Approve an ordinance rezoning certain real property of approximately 28.9 gross acres (C21-001) located in the East District area of the Berryessa BART Urban Village Plan area generally bounded by Berryessa Road to the north; Penitencia Creek, Salamoni Court and Berryessa Station Way to the east; Mabury Road to the south; and Santa Clara Valley Transportation Authority right-of-way to the west from the A(PD) Planned Development zoning district and IP Industrial Park zoning district to the PQP Public/Quasi-Public zoning district (APNs 254-17-008 and 254- 17-110), from the A(PD) Planned Development zoning district to the CP Commercial Pedestrian zoning district (APN 254-17-111), from the IP Industrial Park zoning district to the PQP Public/Quasi-Public zoning district (APN: 254-17- 083), and from the IP Industrial Park zoning district to the CP Commercial Pedestrian zoning district (APNs 254-17-112 and 254-17-113).

CEQA: Initial Study/Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto. Planning Commission recommends approval (5-1-1; Garcia opposed, Caballero absent). Council District 4. (Planning, Building and Code Enforcement)

[Deferred from 6/8/2021 - Item 10.2 (21-1335)]

TO BE HEARD AFTER ITEM 4.3 AND CONCURRENTLY WITH ITEM 10.4

Attachments [Memorandum](#)[Attachment 1](#)[Attachment 2](#)[Attachment 3](#)[Attachment 4](#)[Attachment 5](#)[Memorandum from Liccardo, Cohen & Jimenez, 6/18/2021](#)[Memorandum from Peralez, 6/22/2021](#)[Memorandum from Carrasco, 6/22/2021](#)[Memorandum from Peralez, 6/22/2021](#)[Ordinance](#)[\(a\) Resolution](#)[\(b\) Resolution](#)[Presentation - 16 minutes](#)[Letters from the Public 1 of 3](#)[Letters from the Public 2 of 3](#)[Letters from the Public 3 of 3](#)

10.4 [21-1481](#) **PDC17-051 - Planned Development Rezoning for Real Property Located at 1590 Berryessa Road. - TO BE HEARD AFTER ITEM 4.3 AND CONCURRENTLY WITH ITEM 10.3**

Recommendation:

- (a) Adopt a resolution certifying the San José Flea Market Southside Rezoning Environmental Impact Report and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.
- (b) Approve an ordinance rezoning certain real property an approximately 61.5-gross acre site located at 1590 Berryessa Road (Assessor Parcel Numbers 254-17-052, 053, 007, 084, 095) from the A(PD) Planned Development Zoning District to CP(PD) Planned Development Zoning District to allow up to 3,450 residential units and up to 3.4 million square feet for commercial uses.
- (c) Approve an ordinance repealing Section 14.30.035 of Chapter 14.30 of Title 14 of the San José Municipal Code to apply the US-101/Oakland/Mabury Traffic Impact Fee to the current project.
- (d) Adopt a resolution amending the US-101/Oakland/Mabury Transportation Development Policy to provide a credit to the current project's Traffic Impact Fee obligation.

CEQA: The San José Flea Market Southside Rezoning EIR. Planning Commission recommends approval (5-1-1; Garcia opposed, Caballero absent. Council District 4. (Planning, Building and Code Enforcement) [Deferred from 6/8/2021 - Item 10.3 (21-1336)]

TO BE HEARD AFTER ITEM 4.3 AND CONCURRENTLY WITH ITEM 10.3

Attachments[Memorandum](#)[Supplemental Memorandum, 6/21/2021](#)[Attachment 1](#)[Attachment 2](#)[Attachment 3](#)[Attachment 4 - Replacement](#)[Attachment 5](#)[Memorandum from Liccardo, Cohen & Jimenez, 6/18/2021](#)[Memorandum from Jones, 6/21/21](#)[Memorandum from Peralez, 6/22/2021](#)[Memorandum from Carrasco, 6/22/2021](#)[Memorandum from Peralez, 6/22/2021](#)[\(a\) Resolution \(1\)](#)[\(a\) Resolution \(2\)](#)[\(b\) Ordinance](#)[\(c\) Ordinance](#)[\(d\) Resolution](#)[Presentation - 16 minutes](#)[Letters from the Public 1 of 3](#)[Letters from the Public 2 of 3](#)[Letters from the Public 3 of 3](#)

10.5 [21-1482](#) **C21-010 - City Initiated Conforming Rezoning for Properties Located at 0 Sierra Road, 0 Miracle Mountain Drive and 0 Casa Loma Road.**

Recommendation: Approve an ordinance rezoning certain real properties of six parcels totaling approximately 2,029-gross acres located in various locations east and south of the Urban Service Area boundary, including the East Foothills of San José on Sierra Road, on Miracle Mountain Drive north of the Boulder Ridge Golf Club, and in South San José on Casa Loma Road, from the R-1-1 Zoning District to the OS Open Space Zoning District.

CEQA: Initial Study/Addendum (File No. ER20-187) to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)
[Deferred from 6/8/2021 - Item 10.4 (21-1334)]

Attachments [Memorandum](#)
[Ordinance](#)

10.6 [21-1566](#) **GP19-007 - City-Initiated General Plan Amendment for Property Located at 2078 and 0 Evans Lane. RENUMBERED FROM ITEM 10.1(a)**

Recommendation: (1) Adopt a resolution adopting the Evans Lane General Plan Amendment Negative Declaration for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act.
(2) Adopt a resolution approving the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation from Mixed Use Neighborhood to Urban Residential on an approximately 5.93-gross-acre site, located at 2078 and 0 Evans Lane (APNs 456-09-016 and 456-09-017).

CEQA: Evans Lane General Plan Amendment Negative Declaration. Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)
[RENUMBERED FROM ITEM 10.1(a) (21-1479)]

Attachments [Memorandum](#)
[\(1\) Resolution](#)
[\(2\) Resolution](#)
[Presentation - est. time 3 minutes](#)

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

The City Council will adjourn in honor and memory of the victims of the Valley Transportation Authority Rail Yard tragedy.

JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA

11:00 a.m.

June 22, 2021

Virtual Meeting

- Call to Order and Roll Call

1. [21-1488](#) **Issuance of City of San Jose Financing Authority Commercial Paper Notes for San Jose Clean Energy Operations and Related Budget Actions. - TO BE HEARD AFTER ITEM 3.7**

Recommendation:

(a) City Council take the following actions:

(1) Adopt a resolution authorizing the issuance by the City of San José Financing Authority (the "Authority") of City of San José Financing Authority Lease Revenue Commercial Paper Notes ("CP Notes") to finance the purchase of power and other operating costs of San José Clean Energy ("SJCE") in an amount not to exceed \$95.0 million, subject to the satisfaction of certain conditions.

(2) Adopt a resolution authorizing the City Manager and the Director of Finance, or their authorized designees, to negotiate, execute and deliver a Second Amendment to the Revolving Credit Agreement with Barclays Bank PLC amending certain terms and provisions of the Revolving Credit Agreement in connection with the issuance of CP Notes secured by General Fund lease payments to finance the purchase of power and other operating costs of SJCE.

(3) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the San Jose Clean Energy Fund:

(i) Increase the estimate for Financing Proceeds by \$15,000,000;

(ii) Decrease the estimate for Fees, Rates and Charges by \$13,050,000;

(iii) Increase the Cost of Energy appropriation to the Community Energy Department in the amount of \$22,925,000; and

(iv) Decrease the Unrestricted Ending Fund Balance by \$20,975,000.

(b) City of San José Financing Authority Board (the "Authority Board") adopt a resolution authorizing the issuance of CP Notes to finance the purchase of power and other operating costs of SJCE in an amount not to exceed \$95.0 million, subject to the satisfaction of certain conditions. 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/City Manager)

TO BE HEARD AFTER ITEM 3.7

- Attachments**
- [Memorandum](#)
 - [\(a\)\(1\) Resolution](#)
 - [\(a\)\(2\) Resolution](#)
 - [\(b\) Resolution](#)
 - [Agreement - Second Amendment to Revolving Credit](#)
 - [Presentation- 12 minutes](#)

- Open Forum
- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.