



# **City Council Meeting Amended Agenda**

**Wednesday, July 1, 2020**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
JOHNNY KHAMIS, 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 your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- 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 amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- 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. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

**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](mailto: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.

## ADJOURNED REGULAR MEETING

### \* 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](mailto:city.clerk@sanjoseca.gov) by 12:00 p.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:**

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

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

- 1) By phone (888) 475-4499. Webinar ID: 915 6205 3469. Click \*9 to raise a hand to speak.
- 2) By online <https://zoom.us/j/91562053469>.
  - 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.

### • Call to Order and Roll Call

9:00 a.m. Adjourned Regular Session, to be held virtually at <https://zoom.us/j/91562053469>

- **Orders of the Day**

To be heard after Ceremonial Items

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

### **3. STRATEGIC SUPPORT**

**3.10** [20-809](#)**Potential Ballot Measure to Amend the City Charter.****Recommendation:**

As recommended by the Rules and Open Government Committee on June 24, 2020:

(a) Consideration of a potential November 2020 ballot measure, to amend the Charter to enhance accountability of City Hall through campaign finance reform, and clearer alignment of mayoral authority and responsibilities, or in the alternative, establish and convene a Charter Revision Commission to review mayoral authority and responsibilities for a future election.

(b) If direction is for a potential November 2020 measure, direct the City Clerk to establish an additional meeting date(s) in the final week of July and/or first week of August, if necessary, for public discussion and input on this measure.

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. (Mayor)

[Rules Committee referral 6/24/2020 - Item G.9]

- Attachments**
- [Memorandum](#)
  - [Supplemental Memorandum](#)
  - [Memorandum from Jimenez, 6/23/2020](#)
  - [Memorandum from Peralez, 6/24/2020](#)
  - [Memorandum from Carrasco and Esparza, 6/26/2020](#)
  - [Memorandum from Arenas, 6/26/2020](#)
  - [Memorandum from Jones, 6/26/2020](#)
  - [Memorandum from Diep, 6/28/2020](#)
  - [Memorandum from Khamis, 6/28/2020](#)
  - [Memorandum from Peralez, 6/29/2020](#)
  - [Memorandum from Jimenez, 6/30/2020](#)
  - [Replacement Memorandum from Jones, 6/26/2020](#)
  - [Letter from Assemblymember Chu, 25th District](#)
  - [Letter from SBATF](#)
  - [Letters from the Public - 1 of 11](#)
  - [Letters from the Public - 2 of 11](#)
  - [Letters from the Public - 3 of 11](#)
  - [Letters from the Public - 4 of 11](#)
  - [Letters from the Public - 5 of 11](#)
  - [Letters from the Public - 6 of 11](#)
  - [Letters from the Public - 7 of 11](#)
  - [Letters from the Public - 8 of 11](#)
  - [Letters from the Public - 9 of 11](#)
  - [Letters from the Public - 10 of 11](#)
  - [Letters from the Public - 11 of 11](#)

## **4. PUBLIC SAFETY SERVICES**

**4.1**     [20-740](#)            **Report on Bids and Award of Contract for Construction of the 9071 - Fire Station No. 37 Project.**

**Recommendation:**     (a) Report on bids and award of the construction contract for the 9071 - Fire Station No. 37 Project to the lowest responsive bidder Gonsalves & Stronck, Inc., for the base bid and the Bid Alternates Nos. 1 and 2 in the amount of \$8,715,600 and approval of a 10 percent contingency in the amount of \$871,560.

                                  (b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:

                                  (1) Increase the Measure T - Fire Station 37 appropriation to the Public Works Department in the amount of \$1,995,000;

                                  (2) Decrease the Measure T - Fire Station 36 appropriation by \$1,118,000; and

                                  (3) Decrease the Measure T - Program Reserves (Public Safety) appropriation by \$877,000.

                                  CEQA: Mitigated Negative Declaration, File No. PP09-150. Council District 6. (Public Works/City Manager)

**Attachments**     [Memorandum](#)

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

**5.1**     [20-741](#)            **Actions Related to the 9005 - Mineta San José International Airport - Airfield Electrical System Rehabilitation - Phase 2 Project.**

**Recommendation:**     Adopt a resolution authorizing the Director of Public Works to:

                                  (a) Report on bids and award a construction contract for 9005 - Mineta San José International Airport - Airfield Electrical System Rehabilitation - Phase 2 Project (Project) to the low bidder, Vellutini Corporation dba Royal Electric Company, in an amount of \$4,989,989, contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration in a minimum amount of \$5,000,000; and

                                  (b) Establish a construction contingency of ten percent of the amount of the construction contract for the Project.

                                  CEQA: San José International Airport Master Plan EIR Amendment (Resolution No. 79497), File No. PP18-103. (Public Works/Airport)

**Attachments**     [Memorandum](#)

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



## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 [20-742](#) Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments for Fiscal Year 2020-2021.**

**Recommendation:** Conduct a public hearing and adopt a resolution to:

- (a) Approve the Downtown Business Improvement District budget report for Fiscal Year 2020-2021 as filed or modified by Council;
- (b) Levy the Downtown Business Improvement District assessments for Fiscal Year 2020-2021; and
- (c) Suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for a Business Tax financial hardship exemption under the City's General Business Tax Ordinance.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)  
NOT TO BE HEARD BEFORE 1:30 P.M.

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

### **8.2 [20-743](#) Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments for Fiscal Year 2020-2021.**

**Recommendation:** Conduct a public hearing and adopt a resolution to:

- (a) Approve the 2020-2021 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and
- (b) Levy the annual Japantown Business Improvement District assessments for Fiscal Year 2020-2021.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)  
NOT TO BE HEARD BEFORE 1:30 P.M.

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

**8.3**     [20-744](#)             **Acquisition of Property at North 13th Street and East Santa Clara Street.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute:

(a) A Purchase and Sale Agreement, and all other documents necessary to effectuate the Property transfer to the City, with Santa Clara County Housing Authority for the purchase by the City of 0.37 acres of land located at the northwest corner of North 13th Street and East Santa Clara Street, identified as Assessor's Parcel Number 467-16-091 and APN 467-16-092 ("Property"), for a price of \$2,350,000, with up to \$150,000 reimbursement due to the Housing Authority should the City choose to sell the Property within 10 years without performance of environmental remediation or mitigation; and

(b) A one-year Option to Purchase Agreement with the Santa Clara County Housing Authority, for \$5,000 for the initial one-year term, granting the City the option to purchase 0.34 acres of land located at the northeast corner of North 13th Street and East Santa Clara Street, identified as Assessor's Parcel Number 467-15-010, for a price of \$2,194,200, and to extend the Option to Purchase Agreement up to five years after the term of the initial option period, for no greater than \$5,000 for each one-year option extension.

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

**Attachments**     [Memorandum](#)  
                              [Presentation](#)

**8.4**     [20-745](#)     **Approval of Loan Commitment to Habitat for Humanity East Bay/Silicon Valley for Acquisition of Property Located at 101 S. Jackson for a New Community of Affordable ‘For Sale’ Homes.**

**Recommendation:**

- (a) Adopt a resolution:
- (1) Approving a total commitment of up to \$2,200,000 of the Housing Impact Fee Funds to Habitat for Humanity East Bay/Silicon Valley, Inc., a California nonprofit public benefit corporation for an Acquisition loan for the a new affordable ‘For-Sale’ housing development at the 101 S. Jackson (“101 S. Jackson Development”); and
  - (2) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents related to the loan and the 101 S. Jackson Development.
- (b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance and Funding Source Resolution Amendments in the Multi-Source Housing Fund:
- (1) Increase the revenue estimate for Fees, Rates, and Charges by \$6,289,711;
  - (2) Increase the Ending Fund Balance by \$6,289,711.
- (c) Adopt the following Fiscal Year 2020-2021 Appropriation Ordinance and Funding Source Resolution Amendments in the Multi-Source Housing Fund:
- (1) Increase the estimate for Beginning Fund Balance by \$6,289,711;
  - (2) Increase the Housing Loans and Grants appropriation for the Housing Department by \$2,200,000; and
  - (3) Increase the Ending Fund Balance by \$4,089,711.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 5. (Housing/City Manager)

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

- 8.7     [20-781](#)             **Substantial Amendment to the FY 2019-2020 Annual Action Plan for the U.S. Department of Housing and Urban Development.**

**Recommendation:**

(a) Hold a Public Hearing to allow for public comment and adopt a resolution relating to the following actions regarding amendment to the existing spending plans for Community Development Block Grant (CDBG), and HOME Investment Partnership funds awarded by the U.S. Department of Housing and Urban Development (HUD) to the City:

(1) Approve the following relating to Substantial Amendments to the FY 2019-20 Annual Action Plan to:

(i) Decrease The Health Trust's current HOME allocation of \$2,252,235 by \$419,235 to \$1,833,000 and amend The Health Trust's Rapid Re-housing contract dated December 16, 2019;

(ii) Allocate \$6,517,646 of HOME Investments Partnership (HOME) funding for Tenant Based Rental Assistance (TBRA);

(iii) Award \$2,650,500 of HOME funding to Sacred Heart Community Service for TBRA, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Sacred Heart Community Service;

(iv) Award \$2,400,000 of HOME funding to Catholic Charities of Santa Clara County for TBRA, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Catholic Charities of Santa Clara County;

(v) Award \$346,485 of HOME funding to Next Door Solutions to Domestic Violence for TBRA for victims of domestic violence and their families, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Next Door Solutions to Domestic Violence;

(vi) Award \$1,000,000 of HOME funding to Bill Wilson Center for TBRA for families, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with the Bill Wilson Center;

(vii) Award \$121,161 of HOME funding, \$88,839 of CDBG funding, and \$15,000 of Housing Trust Fund (HTF) funding to YWCA Silicon Valley for rental assistance and motel vouchers for victims of domestic violence and authorize the Director of Housing to negotiate and execute an amendment to the YWCA contract relating to these additional funds dated July 1, 2019;

(viii) Decrease the City's HOME administration allocation of \$242,810 by \$102,695 to \$140,115;

(ix) Add Community Wireless Network Infrastructure as an eligible project under the Acquisition, Rehabilitation and Infrastructure for Affordable Housing Sites and Public Facilities activity;

- (x) Allocate \$100,000 in CDBG funding to the City for the Community Wireless Network Infrastructure project for predevelopment purposes; and
- (xi) Award \$400,000 in CDBG funding to First Five of Santa Clara County to provide family calming kits and authorize the Director of Housing to negotiate and execute a sole source agreement with First Five of Santa Clara County.
- (2) Authorize the City's Housing Department to submit the Substantial Amendment to the U.S. Department of Housing and Urban Development.
- (b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:
- (1) Decrease the Neighborhood Infrastructure Improvements appropriation to the Housing Department by \$588,839;
  - (2) Establish a Community Wireless Network Infrastructure appropriation to the Housing Department in the amount of \$100,000;
  - (3) Establish a Childcare Services appropriation to the Housing Department in the amount of \$400,000; and
  - (4) Establish a Homeless Services appropriation to the Housing Department in the amount of \$88,839.
- (c) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the HOME Investment Partnership Program Fund:
- (1) Decrease the Housing Project Reserve appropriation by \$5,000,000;
  - (2) Decrease the Ending Fund Balance by \$1,517,646; and
  - (3) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$6,517,646.
- (d) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Housing Trust Fund:
- (1) Decrease the Ending Fund Balance by \$15,000; and
  - (2) Increase the Housing and Homeless Projects appropriation to the Housing Department by \$15,000.
- 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. (Housing)
- [Rules Committee referral 6/24/2020 - Item A.1.a]

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

- Open Forum
- Adjournment

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**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 time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. 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 topics related to City business 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.