



City Council Meeting

Draft Minutes/Synopsis

Tuesday, May 5, 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



MINUTES OF THE CITY COUNCIL MEETING

SAN JOSÉ, CALIFORNIA

TUESDAY, MAY 5, 2020

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 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 was not physically open to the public; it was teleconferenced from remote locations. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations. The Council of the City of San José convened in a Regular Session at 1:32 PM on Tuesday, May 5, 2020. (See Page 9 for Closed Session Minutes)

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

Absent: Councilmembers - All Present.

• **CALL TO ORDER AND ROLL CALL: 1:32 PM.**

INVOCATION

(District 5)

PLEDGE OF ALLEGIANCE

Mayor Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chappie Jones, to move approval, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were accepted, with Item 3.4, added, [* See Amended Item 3.4, "Update On Digital Access and Inclusion for Schools during Covid 19" 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)]. and the added Item 3.6 deferred. [* see new Item 3.6 "Actions Related to The Coronavirus Relief Fund" 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)].
(11-0)

• **CLOSED SESSION REPORT**

No report.

1. CEREMONIAL ITEMS

None presented.

2. CONSENT CALENDAR

Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Consent Calendar was approved, with no changes, and the below listed actions taken as indicated.

(10-0-1. Absent: Jimenez)

2.1 20-518 Approval of City Council Minutes.

Recommendation:

(a) Regular City Council Meeting Minutes of April 9, 2019.

(b) Regular City Council Meeting Minutes of April 14, 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.

Action: The Regular City Council Meeting Minutes of April 9, 2019, and Regular City Council Meeting Minutes of April 14, 2020, were approved.

2.2 20-531 Final Adoption of Ordinances.

Recommendation:

Ord No. 30407 - An Ordinance of the City of San José Retroactively Suspending Late Payment Charges for City-Provided Water Service Billed on a Bi-Monthly Basis and Multi-Family Dwelling Solid Waste Collection Service Billed on a Monthly Basis, with Due Dates Ranging from March 17, 2020 through June 30, 2020.

[Passed for Publication on 4/7/2020 - Item 2.12 (20-407)]

Action: Ordinance No. 30407 was adopted.

2.3 20-519 Approval of City Council Committee Minutes

Recommendation:

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 1, 2020.

(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 8, 2020.

(c) Neighborhood Services and Education Committee Meeting Minutes of March 12, 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.

Action: The City Council Committee Minutes were approved.

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 20-496 Amendment to the Agreement with Graffiti Protective Coatings, Inc. for Graffiti Abatement Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement for Graffiti Abatement Services with Graffiti Protective Coatings, Inc. (Los Angeles, CA) to extend services for up to two additional two-year option terms through June 26, 2024 for a not-to-exceed compensation of \$2,309,076 for June 27, 2020 through June 26, 2022, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

Action: Dropped.

3. STRATEGIC SUPPORT

3.1 20-497 Report of the City Manager, David Sykes.

Recommendation: (a) City Manager's COVID-19 Update (Verbal Report).
(b) City Manager's Report on Other City Matters (Verbal Report)
Heard before Consent

Mayor Sam Liccardo noted that we're going have Public Comments on Item 3.1, starting today

City Manager David Sykes provided updates regarding the City's response to COVID-19, and its community impacts.

Deputy City Manager Kip Harkness, and the leadership team from the City's Emergency Operations Center provided updates on the City's Roadmap through the epidemic, City Response Highest Priority Actions, including efforts to support people experiencing homelessness during the crisis and provide food and household supplies to those in need. The report highlighted the County's revised health order and gave an overview of the resumption of construction activities and in-person inspection services in San José.

Public Comments: Offering comments on the Report of the City Manager were: Blair Beekman, and Wendi Mahaney, (Early Learning Deputy Chief at FIRST 5 Santa Clara County).

Action: No motion was required. Council accepted the verbal report.

3.2 Labor Negotiations Update.

None presented.

3.3 20-498

Resolution Extending the March 6, 2020 Proclamation of a Local Emergency related to COVID-19.**Recommendation:**

Adopt a resolution 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)

There was no presentation for this item.

Public Comments: Blair Beekman offered comments on vaccines, noting that there's a way it can be done and we can prepare for it safely.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79502 was adopted.

(10-0-1. Absent: Jimenez)

3.4 20-499

Update on Digital Access and Inclusion for Schools during COVID-19.**Recommendation:**

(a) Accept staff report on expanding digital inclusion to households of school aged students through various partnerships.

(b) Approve a letter for signature by Council and distribution to internet service providers serving San José to take the following actions in light of the continuing COVID-19 emergency:

(1) Extend the interim free service at least through July 31, 2020;

(2) Sign up households who qualify for the National School Lunch Program (NSLP) without requiring a letter from the school at this time because they are closed and unable to provide verification of eligibility until later in 2020;

(3) Establish a process to designate all families in schools with a high percentage of NSLP students to be eligible for the program by "auto-enrolling" the school.

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

Please Note: Approval of this Update requires 8 or more affirmative votes (2/3)

Deputy City Manager Kip Harkness, Santa Clara County Superintendent of Schools Dr. Mary Ann Dewan, California Emerging Technology Fund (CETF) President and CEO Sunne Wright McPeak, and City of San Jose Librarian Jill Bourne, gave a presentation and responded to questions.

Public Comments: Offering comments on the Update on Digital Access and Inclusion for Schools during COVID-19 were: Lorena Chavez, José Magaña, (San Jose Unified School District Board Member); Kristina Arasmith, Wendi Mahaney, (Early Learning Deputy Chief at FIRST 5 Santa Clara County); Blair Beekman, Priscilla Acuña Mena, (Working Partnerships USA), Maimona Afzal Berta, (Franklin-McKinley Board of Education); and Jeff Buchanan, (Working Partnerships USA).

(Item Continued on the Next Page)

3.4 20-499

Update on Digital Access and Inclusion for Schools during COVID-19. (Cont'd)

Action: Upon motion by Councilmember Sylvia Arenas to move approval, seconded by Councilmember Maya Esparza, and carried unanimously, Update on Digital Access and Inclusion for Schools during COVID-19, was approved, with recommendation to:

- (a) Accept staff report on expanding digital inclusion to households of school-aged students through various partnerships.
- (b) Approve a letter for signature by Council and distribution to internet service providers serving San José to take the following actions in light of the continuing COVID-19 emergency:
 - (1) Extend the interim free service at least through July 31, 2020;
 - (2) Sign up households who qualify for the National School Lunch Program (NSLP) without requiring a letter from the school at this time because they are closed and unable to provide verification of eligibility until later in 2020;
 - (3) Establish a process to designate all families in schools with a high percentage of NSLP students to be eligible for the program by “auto-enrolling” the school.

Additional clarification was given, instructing Staff to:

- Return to Council on May 19th with a presentation that includes the SCCOE, East Side Union High School District, and other key partners as presenting speakers.
- Target Immediate Connectivity Solutions: In collaboration with school districts and SCCOE, review libraries, school sites, and reuse centers that are in areas where lack of access is highly concentrated.
- Work with ESUHD to bring forward next steps to move forward a focused build out of Access East Side. Include Public Works and ESUHSD in this presentation.
- Participate in Digital Inclusion collaborative group under the leadership of Dr. Dewan, that includes City Administration, Councilmembers, School District Administration representatives, School District Board Members, and other key stakeholders.

(11-0)

3.5 20-534

Resolution of Intention to Approve an Amendment to the Contract between the California Public Employees’ Retirement System and the City of San José.**Recommendation:**

Adopt a resolution of intention to approve an amendment to the contract between the California Public Employees’ Retirement System and the City of San José.

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

[Rules Committee referral 4/29/20 - Item A.1.a]

There was no presentation for this item.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Dev Davis, and carried unanimously, Resolution No. 79503 was adopted.

(10-0-1. Noes: Khamis)

3.6 20-540

Actions Related to the Coronavirus Relief Fund.**Recommendation:**

- (a) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Coronavirus Relief Fund.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution in the Coronavirus Relief Fund:
- (1) Establish an estimate for Revenue from the Federal Government in the amount of \$178,295,248; and
 - (2) Establish an appropriation for COVID-19 Emergency Response in the amount of \$45,000,000; and
 - (3) Establish COVID-19 Emergency Response in the amount of \$133,295,248.
- (c) Adopt a resolution to:
- (1) Ratify the Agreement to Provide Meals for Limited Duration During COVID-19 Disaster between the City of San José and Revolution Foods, Inc. (Oakland, CA) (“First Agreement with Revolution Foods”) executed on April 13, 2020 to purchase and deliver ready-to-eat meals primarily to adults aged 19+ experiencing food insecurity due to the impacts of the COVID-19 pandemic beginning March 31, 2020 and ending on June 23, 2020 with a maximum compensation not to exceed \$1,900,000, subject to the appropriation of funds; and
 - (2) Authorize the City Manager to execute Agreement to Provide Meals for Limited Duration between the City of San José with Team San Jose (San Jose) to provide meals to unhoused individuals beginning March 31, 2020 and ending on June 23, 2020 with a maximum compensation not to exceed \$1,071,000 for the initial term, subject to the appropriation of funds.
- (d) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute an Agreement to Provide Meals for Limited Duration During COVID-19 between the City of San José and Revolution Foods, Inc. (Oakland, CA) (“Second Agreement with Revolution Foods”) to procure and deliver up to 100,000 ready-to-eat meals per day to individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic beginning on or around May 11, 2020 and ending on or around August 10, 2020 with a maximum compensation not to exceed \$22,000,000, subject to the appropriation of funds;
 - (2) Negotiate and Execute the Agreement to Provide Meals for a Limited Duration between the City of San José and World Central Kitchen (Washington, DC) to procure and deliver meals to higher risk-eligible individuals aged 60+ for an initial term through May 10, 2020 with a maximum compensation not to exceed \$950,400 or the initial term, subject to the appropriation of funds;
 - (3) Negotiate and Execute the Agreement to Provide Meals for a Limited Duration between the City of San José and The Health Trust (San José, CA) to prepare and deliver frozen meals to higher risk-eligible individuals aged 60+ and to unhouse individuals beginning March 17, 2020 through June 3, 2020 with a maximum compensation not to exceed \$1,295,910 for the initial term, subject to the appropriation of funds; and
 - (4) Execute a Purchase Order with First 5 Santa Clara County (San José, CA) for the purchase of baby formula and feminine hygiene products to families experiencing food insecurity to mitigate the effects of COVID-19 through June 12, 2020 for a maximum not-to-exceed compensation of \$300,000, subject to the appropriation of funds.

(Item Continued on the Next Page)

3.6 20-540 Actions Related to the Coronavirus Relief Fund. (Cont'd)

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

(1) Exercise up to two (2) 45-day options to extend the term of the First Agreement to Provide Meals for Limited Duration During COVID-19 Disaster with Revolution Foods for a maximum not-to-exceed compensation of \$1,147,500 for both options, subject to the appropriation of funds;

(2) Exercise up to two (2) 45-day options to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José with Team San Jose for a maximum not-to-exceed compensation of \$1,147,500 for both options, subject to the appropriation of funds; and

(3) Exercise up to two (2) 11-day options to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José with World Central Kitchen for a maximum not-to-exceed compensation of \$2,613,600 for both options, subject to the appropriation of funds.

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

(City Manager)

Action: Deferred per Orders of the Day.

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 20-533 Actions Related to Temporary Sheltering Operations and Services for COVID-19 Emergency Response.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with Abode Services in the amount of \$664,392 to operate 90 emergency non-congregate shelter trailers provided by the California Governor's Office of Emergency Services, located at a City-owned parking lot at the intersection of Senter Road and Remillard Court, to provide additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to May 1, 2020.

CEQA: Pursuant to Governor's order N-32-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed project will use SB89 funds. (Housing)[Rules Committee referral 4/29/20 - Item A.1.a]

Deferred to 5/12/2020 Per Administration

9. REDEVELOPMENT – SUCCESSOR AGENCY**10. LAND USE****10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

None presented.

MINUTES OF SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

The Council meeting was teleconferenced from remote locations. The Council of the City of San José convened for Closed Session by teleconference at 9:35 AM on Tuesday, May 5, 2020.

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

Absent: Councilmembers - All present.

Upon motion unanimously adopted, Council recessed at 9:35 AM. to a Closed Session by teleconference to: (A) confer with legal counsel existing litigation pursuant to government code section 54956.9(d)(1): 1. Case Name: Bowles v. City, et al.. Name(s) of Parties(s) Involved: John Bowles, City of San Jose, Todd Yo, William Wolfe, Erick Enderle. Court: U.S. District Court, Northern District of California. Case No.: A5:19-cv-01027-NC; Amount of Money or Other Relief Sought: Damages according to proof. (B) confer with legal counsel - anticipated litigation: significant exposure to litigation pursuant to sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code: 1. Claimants: In re: Claim of Great Oaks Water Co. City Department: DOT. (C) confer with legal counsel – anticipated litigation: significant exposure to litigation pursuant to sections 54956.9(d)(2) and (e)(1) of the government code: number of matter(s) to be discussed: 1. (D) confer with real property designated representatives pursuant to government code section 54956.8: 1. property street address, parcel number, or other unique reference of property: pond a18 apn: 015-32-042, 015-32-043. negotiating parties: Nanci Klein for the City of San José and Rechelle Blank for the Santa Clara Valley Water District. under negotiation: the direction will concern price and terms of payment. likely range of value of property: negotiated price based on appraisal and comparable property values. (E) confer with labor negotiator pursuant to government code section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: City of San José and San José Polices' Association, (SJPOA); Nature of negotiations: wages/salaries, hours, working conditions, etc.; Name of Existing Memorandum of Agreement — City of San José and Contract or MOA.

By unanimous consent, Council recessed from the Closed Session at 10:18 AM to reconvene to Regular Session at 1:30 PM by teleconference.

• **OPEN FORUM**

1. Blair Beekman offered comments on rent forgiveness, and noted that property owners should not have 10 to 12 months of possible back rent this coming year, given the large State and Federal economic packages. He recommended a review of the friendly ways the City of Berkeley is implementing its own 12-month forgiveness plans.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 6.33 PM

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

lo/5-5-20 MIN

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