



City Council Meeting Amended Agenda

**Tuesday, September 14, 2021
1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/93052835954>**

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 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. 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.

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 10:00 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 930 5283 5954. 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/93052835954>
 - 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>.

• **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-1973 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session – Cancelled

*The previously scheduled Evening Session has been cancelled.

• **Pledge of Allegiance**

• **Invocation (District 8)**

- **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.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 Presentation of a Proclamation recognizing September 16, 2021 as Mexican Independence Day. (Carrasco)
- 1.2 Presentation of a Proclamation for World Alzheimer's Month. (Foley)
- 1.3 Presentation of a Proclamation retroactively recognizing September 6, 2021 as Jaswant Singh Khalra Day. (Arenas)

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.

21-1937 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30651 - An Ordinance of the Council of the City of San José Dedicating as Public Right-of-Way Approximately 299,336 Square Feet of City-Owned Property as Part of Coleman Avenue, Earthquakes Way, Wondo Way, Aviation Avenue and Champions Way.

[Passed for Publication on 8/24/2021 - Item 2.9 (21-1822)]

(b) Ordinance No. 30659 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 28.99-Gross Acre Site Situated on the West Side of East Capitol Expressway, Approximately 1,165 Feet Southerly of Quimby Road (Assessor Parcel Numbers 670-29-032, 670-29-033, 670-29-035, and 670-50-001 To 670-50-005), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

[Passed for Publication on 8/31/2021 - Item 10.1(a)(2) (21-1898)]

(c) Ordinance No. 30660 - An Ordinance of the City of San José Rezoning 51 Properties from the CP Commercial Pedestrian and CN Commercial Neighborhood Zoning District to the CIC Combined Industrial/Commercial Zoning District, Nine Properties from the CP Commercial Pedestrian Zoning District to the LI Light Industrial Zoning District, and Two Properties from the CN Commercial Neighborhood Zoning District to the IP Industrial Park Zoning District, Located in Various Locations in the City of San José.

[Passed for Publication on 8/31/2021 - Item 10.1(b) (21-1899)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

21-1974 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Davis from the Regular Meetings of the Rules and Open Government Committee on August 25, 2021 due to illness.

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

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 21-1975 Airline-Airport Lease and Operating Agreement with All Nippon Airways Co., LTD.**

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

(a) A First Amendment to the Airline-Airport Lease and Operating Agreement with All Nippon Airways Co., LTD. to terminate the agreement early, effective March 31, 2021; and

(b) A retroactive Airline-Airport Non-Signatory Operating Agreement effective April 1, 2021.

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

2.8 21-1976 Amendment to Master Services Agreement with Logik Systems, Inc. for Hosted E-Discovery and Document Management.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth Amendment to the Master Services Agreement with Logik Systems, Inc. for hosted e-discovery and document management, increasing the maximum amount of compensation by \$45,630, for a total compensation amount of \$366,179, and extending the term beginning September 28, 2017 through March 27, 2022.

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

2.9 21-1995 Settlement of Santa Cruz, et al. v. City of San José et al.

Recommendation: Approve a settlement in the case of Santa Cruz, et al. v. City of San Jose, et al. in the amount of \$400,000, and authorize the City Attorney to execute a Settlement Agreement.

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

2.10 21-1978 Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard. - RECOMMEND DEFERRAL

Recommendation:

(a) Adopt a resolution:

(1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection (“Subject Property”);

(2) Conditionally vacating the Subject Property, which after the satisfaction of the condition, will be superseded by relocation;

(3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and

(4) Declaring the Subject Property “exempt surplus land” to the needs of the City.

(b) Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:

(1) Purchase and Sale Agreement with the adjacent property owners Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A), in exchange for the conditionally vacated 674 square feet and Assessor’s Parcel Number 259-35-055 being voluntarily annexed to the Convention Center Facilities District;

(2) Purchase and Sale Agreement with adjacent property owner Bit Holdings Sixty-Eight, Inc. for the sale of approximately 707 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; and

(3) All other documents necessary to complete the transactions.

CEQA: Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, H18-038. Council District 3. (Economic Development and Cultural Affairs/Public Works)

[Deferred from 8/31/2021 - Item 2.8 (21-1886)]

RECOMMEND DEFERRAL TO 9/21/2021 PER ADMINISTRATION

2.11 21-1979 Actions Related to the Purchase Order for Window and Gate Maintenance, Repair, Installation and Replacement Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Pro Door and Glass (San José, CA) for glass, window, and gate maintenance, repair, installation and replacement services at citywide facilities for an initial twelve-month period, starting on or about September 15, 2021 and ending on or about September 14, 2022 for an amount not-to-exceed \$750,000; and
 - (b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about September 14, 2026, subject to the annual appropriation of funds.
- CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. ER19-083. (Finance)

2.12 21-1980 Actions Related to the Purchase Orders for Metal and Steel Fence Maintenance, Repair and Replacement Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with Agbayani Construction, Inc. (San José, CA) and Tucker Construction, Inc. (San José, CA) for metal and steel maintenance, repair, and replacement services for an initial twelve-month period, starting on or about September 15, 2021 and ending on or about September 14, 2022 for a total cumulative compensation not-to-exceed amount of \$1,750,000.
 - (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about September 14, 2026, subject to the annual appropriation of funds.
- CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.13 21-1997 Fourth Quarter Financial Reports for Fiscal Year 2020-2021.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on August 19, 2021, accept the Fourth Quarter (period ending June 30, 2021) Financial Reports for the Fiscal Year 2020-2021 for the following programs:

- (a) Debt Management
- (b) Investment Management
- (c) Revenue Management

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

[Public Safety, Finance and Strategic Support Committee referral 8/19/2021 - Item (d)1]

2.14 21-1996 Destination: Home SV Grant for Supportive or Extremely Low-Income Housing Developments.

Recommendation: Approve a Grant Agreement between Destination: Home SV and the City of San José for up to three years, through June 30, 2024, in the total amount of \$540,000 to expedite applications for supportive or extremely low-income housing developments.

CEQA: Not a Project, File No. PPI 7-004, 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. (Planning, Building and Code Enforcement/Housing)

2.15 21-1981 City Hall Lighting Policy.

Recommendation: Adopt a resolution amending City Council Policy 7-14, City Hall Special Event Lighting Policy, to specifically include San José State University special events.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Public Works)

2.16 21-1982 Actions Related to the 9095- Ramac Park Turf Replacement Project.

Recommendation: (a) Report on bids and award of construction contract for the 9095-Ramac Park Turf Replacement Project to the low bidder, Redgwick Construction Co. for the base bid in the amount of \$2,011,882 and approve a five percent contingency in the amount of \$100,594.

(b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the Ramac Park Turf Replacement appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$234,000; and

(2) Decrease the Future Parkland Dedication Ordinance/Parkland Impact Ordinance Projects Reserve by \$234,000.

CEQA: Categorically Exempt, File No. ER20-192, CEQA Guidelines Section 15302 Replacement or Reconstruction. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

2.17 21-1983 Caltrans Sustainable Transportation Planning Grant.

Recommendation: Adopt a “Resolution of Local Support” to receive grant funds from the Caltrans Sustainable Transportation Planning Grant that indicates the City will:

- (a) Follow all grant program requirements; and
- (b) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC, that are administered by California Department of Transportation (Caltrans), in an amount not to exceed \$797,670 for reimbursement for the following two projects:

- (1) Walk Safe San José, in an amount not to exceed \$398,400; and
- (2) King Road Complete Street Project, in an amount not to exceed \$399,270.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 3, 5, 6, 7 and 8. (Transportation)

2.18 21-2004 Approval of Mexico's Independence Flag Raise Ceremony, Tower and Rotunda Lighting on September 16-22 and Community Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2021:

- (a) Approve the Mexico's Independence Flag Raise Ceremony scheduled on September 16-22, 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. (Carrasco)
[Rules Committee referral 9/1/2021 - Item G.1.a]

2.19 21-2008 Retroactive Approval of Multiple Special Events Sponsored by Council District 7 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation: As recommended by the Rules and Open Government Committee on September 1, 2021:

(a) Retroactively approve the Dahl Kindergarten Promotion scheduled on June 14, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Retroactively approve the Dahl 6th Grade Promotion scheduled on June 15, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(c) Retroactively approve the Owsley Community Safety Meeting scheduled on June 16, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(d) Retroactively approve the Hubbard Movie Night scheduled on July 9, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(e) Retroactively approve the Dumpster Day on Flory Drive scheduled on July 10, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(f) Retroactively approve the Bellevue Soccer Clinic at Bellevue Park scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(g) Retroactively approve the Owsley Movie Night at McLaughlin Park scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(h) Retroactively approve the Owsley Movie Night at McLaughlin Park scheduled on August 6, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(i) Retroactively approve the Rocksprings Zumba scheduled on August 7, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(j) Retroactively approve the Fair Swim Center Pool Party at the Fair Swim Center scheduled on August 13, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(k) Retroactively approve the Communications Hill Movie Night scheduled on August 14, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(l) Retroactively approve the Dumpster Day on Feldspar Drive scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

- (m) Retroactively approve the First Responders Cup scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
 - (n) Retroactively approve the Seven Trees Litter Pick Up scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
 - (o) Retroactively approve the Dumpster Day on Perrymont Avenue scheduled on August 28, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
 - (p) Approve and accept donations from various individuals, businesses or community groups to support the events.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Esparza)
 [Rules Committee referral 9/1/2021 - Item G.1.d]

2.20 21-2013 Approval of Fall Family Festival 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 September 1, 2021:

- (a) Approve Fall Family Festival scheduled on October 24, 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 9/1/2021 - Item G.1.e]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
 TO BE HEARD AT 9:30 A.M.

3.3 21-1984 Actions Related to Purchase Orders for Citywide Radio Upgrade Assurance Program.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute the Radio Upgrade Assurance plan with Motorola Solutions, Inc. (“Motorola”) (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority (“SVRIA”) dated June 26, 2020 for radio equipment and services in an amount not to exceed \$11,500,000, including estimated sales tax, for the ten-year term beginning on or about September 14, 2021 through June 30, 2031, subject to the appropriation of funds;

(b) Execute annual purchase orders with Motorola in accordance with the SVRIA Agreement and the Radio Upgrade Assurance plan for an amount not to exceed \$5,869,516, including estimated sales tax, in the first year of the ten-year term beginning on or about September 14, 2021 through June 30, 2022, subject to the appropriation of funds; and

(c) Amend purchase orders as required for unanticipated changes in requirements, quantities, and sales tax for a contingency amount not to exceed \$800,000 for the ten-year term, 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)

[Deferred from 8/31/2021 - Item 3.4 (21-1913)]

3.4 21-1994 Approval of Citywide Insurance Renewals.

Recommendation: Adopt a resolution authorizing the Director of Finance to:

(a) Select and purchase City property and liability insurance policies for the period of October 1, 2021 to October 1, 2022, at a total cost not to exceed \$4,024,339 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:

(1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage;

(2) Beazley Syndicate 2623/623 at Lloyd’s for Terrorism Insurance;

(3) Axis Surplus Insurance Company and RSUI Indemnity Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis;

(4) National Union Fire Insurance Company of Pittsburgh, PA, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile);

(5) Old Republic Insurance Company, for Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage;

(6) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility;

(7) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;

(8) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability;

(9) Hartford Life and Accident Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and

(10) Berkley Insurance Company for Government Fidelity/Crime Coverage.

(b) Select and purchase Additional Liability Insurance for the period of October 22, 2021 to October 22, 2022 at cost ranging from \$150,000 to \$650,000, 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)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-1985 Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc, HDR Engineering Inc, Brown and Caldwell, and Black & Veatch Corporation for General Engineering Services for the San José - Santa Clara Regional Wastewater Facility Capital Improvement Program.

Recommendation: Approve Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc, HDR Engineering Inc, Brown and Caldwell, and Black & Veatch Corporation to provide general engineering services at the San José - Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2028 in amounts not to exceed \$7,000,000 each, 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.
(Environmental Services)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 21-1986 Disposition and Development Agreement with BXP and Almaden Associates, LP. - TO BE HEARD AFTER ITEM 10.2

Recommendation: Adopt a resolution authorizing the Executive Officer of the Successor Agency to the Redevelopment Agency of the City of San José, after approval by the Redevelopment Dissolution Countywide Oversight Board for Santa Clara County and subsequently by the State of California Department of Finance, to:
(a) Execute an Amended and Restated Disposition and Development Agreement ("DDA") with BXP Almaden Associates, LP for the construction of a mixed-use project consisting of office space, retail space, and a garage ("Project") for the 3.57-gross acre site located on the Northwest Corner of South Almaden Boulevard and Woz Way; and
(b) Negotiate and execute all ancillary documents and agreements referenced in or required under the DDA for the Project.

CEQA: Supplemental Environmental Impact Report to the Downtown Strategy 2040 EIR for the Almaden Office Project, File No. SP20-005 and T21-015. Council District: 3. (Economic Development and Cultural Affairs)
TO BE HEARD AFTER ITEM 10.2

ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

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) **21-1987 C20-002 & SP21-021 - Conforming Rezoning and Special Use Permit for the Property Located at 2586 Seaboard Avenue.**

Recommendation: (1) Approve an ordinance rezoning certain real property of approximately 0.78 acre located on the east side of Seaboard Avenue, approximately 200 feet southeast of West Trimble Road (2586 Seaboard Avenue) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow a day care center for a maximum of 120 children in an existing building, approval of an alternating use parking arrangement, and construction of on-site circulation improvements and two outdoor play areas.

CEQA: Exempt per CEQA Guidelines Section 15303(c) and 15303(e) for New Construction or Conversion of Small Structures. Council District 4. (Planning, Building and Code Enforcement)
[Deferred from 8/24/2021 Item 10.1(a) (21-1824)]

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 21-1988 SP20-005 & T21-015 - Special Use Permit and Vesting Tentative Map for Property Located on the Northwest Corner of South Almaden Boulevard and Woz Way.

Recommendation: (a) Adopt a resolution certifying the Almaden Office Project Supplemental Environmental Impact to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and making certain findings concerning significant impacts, mitigation measures, alternatives, Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).

(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map, to merge existing five parcels to one parcel and to resubdivide for up to 15-commercial condominium units on this 3.57-gross acre site.

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit, to allow the construction of a 16-story office building with two towers totaling approximately 2.1 million square feet, including 37,603 gross square feet of ground floor retail and amenity space and 1,433,301 gross square feet of commercial office space with an alternative parking design (three levels of underground parking including stackers, tandem and valet parking) on a 3.57-gross acre site; and to allow up to 15 commercial condominium units and extended construction hours to include Saturday work from 7:00 AM to 7:00 PM and 24-hour concrete pours for up to 12 days per year over the course of construction.

CEQA: Almaden Office Project Supplement Environmental Impact Report to the Downtown Strategy 2040 EIR. Council District 3. (Planning, Building and Code Enforcement) Planning Commission recommends approval 6-3-2 (Cantrell, Montanez, and Young opposed; Caballero and Oliverio absent).

[Deferred from 8/24/2021 - Item 10.4 (21-1828)]

- **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**

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.