



City Council Meeting SYNOPSIS

Tuesday, February 23, 2021

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



- **Call to Order and Roll Call**

9:31 a.m. - Closed Session, Call to Order.
Councilmembers Absent: All Present.

1:33 p.m. - Regular Session
Councilmembers: All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 2)**

Muwekma Ohlone Tribe of the San Francisco Bay Area, Tribal Secretary, Gloria E. Arellano-Gomez offered the invocation by informing the history, ancestry, future hopes for indigenous people, and of the Muwekma Tribe in San José.

- **Orders of the Day**

The Orders of the Day were approved.

Councilmember Pam Foley offered that today's meeting would be adjourned in memory of Patricia "Trish" Dowd.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

2.1 **21-380** **Approval of City Council Minutes.**

(a) City Council, the Federated City Employees' Retirement Board, and the Police and Fire Department Retirement Board Joint Meeting Minutes of October 16, 2020.

(b) City Council Community Healing and Economic Recovery Listening Session Meeting Minutes of February 5, 2021. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved.(11-0.)

2.2 **21-291** **Final Adoption of Ordinances.**

(a) Ordinance No. 30526 - An Ordinance of the City of San José Amending Section 3.48.140 of Chapter 3.48 of Title 3 of the San José Municipal Code to Modify Loans. [Passed for Publication on 2/2/2021- Item 2.7 (21-175)] (b) Ordinance No. 30530 - An Ordinance of the City of San José Enacting a Temporary Moratorium on Rent Increases for Tenants, Mobilehome Park Owners, and Mobilehome Residents Residing in Rent-Stabilized Apartments and Mobilehomes, Temporary Suspension of Late Charges for Failure to Pay Apartment Rent Control Fees, Permitting Reduction in Rent Agreements, and Waiver of Repair/Maintenance Application Permit Fees for Rent-Controlled Apartments.[Passed for Publication on 2/2/2021- Item 8.2 (b) (21-259)] (c) Ordinance No. 30534 - An Uncodified Ordinance of the City of San José Establishing Labor Standards Requirements for Hazard Pay for Grocery Store Employees Working During the COVID-19 Health Emergency in San José. [Passed for Publication on 2/9/2021- Item 8.1 (b) (21-280)]

Action: City of San José (a) **Ordinance No. 30526** and (b) **Ordinance No. 30530** and (c) Ordinance No. 30534 an uncodified City of San José ordinance were adopted. (9-1-0-1. Noes: Davis. Recused: Foley.)

2.3 **21-379** **Approval of Council Committee Minutes.**

(a) AD-HOC Committee for Housing Construction and Development Services Meeting Minutes of October 22, 2020. (b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of December 3, 2020. (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 13, 2021. (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 27, 2021. CEQA Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved.(11-0.)

- 2.4 21-405 Mayor and Council Excused Absence Requests.**
 Request for an excused absence for Councilmember Cohen, from the Neighborhood Services and Education Committee on February 11, 2021, due to Authorized City Business for Attending the League of Cities Meeting. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 2/17/2021 - Item A.1.a]
- Action: Excused Absence Approved. (11-0.)
- 2.5 City Council Travel Reports.**
- 2.6 Report from the Council Liaison to the Retirement Boards.**
- 2.7 21-308 Amendment to the Agreements with Team San José for Meals to Unhoused Individuals.**
 Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute Fourth Amendments to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Team San José (San José, CA) to compensate Team San José for providing meals to unhoused individuals by adding an additional option to retroactively continue and extend the term to January 31, 2021, with to increase to the maximum aggregate compensation amount of \$3,338,469, with \$2,545,133 for service in San José and \$793,336 for service in Santa Clara County and outside of San José; and (b) Negotiate and execute amendments to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Hunger at Home (San José, CA) to compensate Hunger at Home for providing meals to unhoused individuals by adding an additional option to retroactively continue and extend the term to January 31, 2021, and increase the compensation by \$49,655 for a maximum aggregate compensation amount of \$1,972,450, with \$1,151,430 for service in San José and \$821,020 for service in Santa Clara County and outside 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) [Deferred from 2/9/2021 - Item 2.9 (21-237)]
- Action: **Resolution No. 79893** regarding the Amendment with Team San José for Meals to Unhoused Individuals was adopted. (11-0.)
- 2.8 21-309 Amendments to Pay Plan and Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees’ Federation, AFSCME, Local 101 (MEF).**
 Adopt a resolution to:(a) Amend the Pay Plan to retitle the classification of Survey Field Supervisor (3782) to Survey Party Chief (3782) effective March 7, 2021;(b) Approve the terms of a side letter agreement between the City and MEF to provide employees in the Instrument Person (3781) classification with an approximate 5.11% base pay increase and provide employees in the Survey Party Chief (Formerly Titled “Survey Field Supervisor”) classification with an approximate 8.46% base pay increase effective March 7, 2021;
- (Item Continued on the Next Page)*

2.8 (Cont'd.)

(c) Amend the Pay Plan to increase the annual salary range of the classification of Instrument Person (3781) to \$71,972.60 - \$87,407.79; and (d) Amend the Pay Plan to increase the annual salary range of the classification of Survey Party Chief (3782) to \$85,027.43 - \$103,368.45 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Action: **Resolution No. 79894** regarding the amendments to pay plan and a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation were adopted. (11-0.)

2.9 21-310

Amendment to the Mount Chual Antenna Site Lease Schedule.-DEFERRED

Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a First Amendment to the Antenna Site Lease Schedule dated August 29, 2001 between the City of San José and Pinnacle Towers LLC, a Delaware limited liability company, to extend the lease term, from March 1, 2021 to February 29, 2036, for a total of 15 years for a total cost of approximately \$540,000, with two additional five-year options to renew for a total cost of approximately \$759,000 if one option term is exercised and \$1,000,000 if both option terms are exercised, 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. (Economic Development)

DEFERRED TO 3/9/2021 PER ADMINISTRATION

2.10 21-311

Amendment to the Master Consultant Agreement with Golder Associates for Environmental Support Services.

Approve the Second Amendment to the Master Consultant Agreement with Golder Associates for environmental consulting services, increasing the amount of compensation by \$250,000, for a total agreement not to exceed \$1,250,000 with no extension in the term of the agreement, set to expire on June 30, 2021. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

Action: The amendment to the Master Consultant Agreement with Golder Associates for Environmental Support Services was approved. (11-0.)

2.11 21-312

Report on Request for Proposal for a Citywide Copier/Multi-Functional Device Solution.

Accept the report on the Request for Proposals and adopt a resolution authorizing the City Manager to: (a) Negotiate and execute an agreement with Toshiba America Business Solutions, Inc. (Lake Forest, CA) to provide a citywide copier/multi-functional device solution for an initial one-year term beginning March 1, 2021 through February 28, 2022 with a total maximum compensation not to exceed \$650,000 for the initial term, subject to the appropriation of funds;

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2.11 (Cont'd.)

(b) Negotiate and execute amendments and change orders as required for unanticipated changes in demand for up to \$65,000 during the initial term and subject to the appropriation of funds for option terms; and (c) Exercise up to nine one-year options to extend the term of the agreement through February 28, 2031, 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: The report on the Request for Proposals was accepted and **Resolution No. 79895** authorizing the City Manager to negotiate and execute agreements was adopted. (11-0.)

2.12 21-313

Report on Request for Proposal for As-Needed Cybersecurity Products and Services. - RENUMBERED TO ITEM 3.10 (21-398)

2.13 21-314

Amendment to the Agreement with SkiData, Inc. for Purchase, Implementation, and Maintenance of a Parking Access and Revenue Control System for the Department of Transportation.

Adopt a resolution authorizing the City Manager to execute the Second Amendment to the Agreement with SkiData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) for the Purchase, Implementation, and Maintenance of a Parking Access and Revenue Control System for the Department of Transportation to add two options consistent with negotiations for a total of ten one-year options through October 31, 2031 under the same terms and conditions for a maximum compensation not to exceed \$6,326,346 for the initial term ending October 31, 2021, subject to the 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. (Finance/Transportation)

Action: **Resolution No. 79896** authorizing the City Manager to execute the Second Amendment to the Agreement with SkiData, Inc. was adopted. (11-0.)

2.14 21-315

Proposed Amendments to the Voluntary Deferred Compensation Plan and PTC Plan.

(a) Approve an ordinance to amend Chapter 3.48 of Title 3 of the San José Municipal Code relating to the administration and provisions of the Deferred Compensation Plan. (b) Adopt a resolution to approve the Basic Plan Document for the Deferred Compensation Plan effective the date of the amended ordinance. (c) Approve an ordinance to amend Chapter 3.50 of Title 3 of the San José Municipal Code relating to the administration and provisions of the PTC Plan. (d) Adopt a resolution to approve the Basic Plan Document for the PTC Plan effective the date of the amended ordinance. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources)

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2.14 (Cont'd.)

Action: (a) **Ordinance No. 30535** regarding the amendment of the San José Municipal Code and provisions of the Deferred Compensation Plan, (b) **Resolution No. 79897** to approve the Basic Plan for the Deferred Compensation Plan, (c) **Ordinance No. 30536** to amend the San José Municipal Code relating to the PTC Plan, and (d) **Resolution No. 79898** regarding the Basic Plan Document for the PTC Plan were adopted. (11-0.)

2.15 21-339

Approval of Dental Health Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on February 10, 2021: (a) Approve the Dental Health Awareness Month scheduled in February 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. (Arenas) [Rules Committee referral 2/10/2021- Item G.1.a]

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

2.16 21-346

Retroactive Approval of Saka Nakodar International Global Awareness 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.

As recommended by the Rules and Open Government Committee on February 10, 2021: (a) Retroactively approve Saka Nakodar International Global Awareness Day on Thursday, February 4, 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. (Arenas) [Rules Committee referral 2/10/2021- Item G.1.b]

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

2.17 21-353

Retroactive Approval of the Winter Walk and Senior Resource Virtual and Drive-Thru Fair Sponsored by Council Districts 10, 9, and 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on February 10, 2021: (a) Retroactively approve the 14th Annual Winter Walk and Senior Resource Virtual and Drive-Thru Fair scheduled on Wednesday, February 17, 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. (Mahan) [Rules Committee referral 2/10/2021 - Item G.1.c]

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

2.18 21-360

Deferred Compensation Advisory Committee Appointments.

As recommended by the Rules and Open Government Committee on February 10, 2021, approve the following appointments to the Deferred Compensation Advisory Committee (DCAC) for a four-year term, beginning March 1, 2021 and ending on March 1, 2025: (a) Jason Santos as the nominee by the “trades organizations” consisting of Association of Building, Mechanical & Electrical Inspectors (ABMEI), International Union of Operating Engineers, Local 3 (OE#3) and International Brotherhood of Electrical Workers (IBEW); (b) David Woolsey as the nominee by the Police Officers’ Association (POA); and (c) Jamal Fountaine as the nominee by the International Association of Firefighters, Local 230 (IAFF). CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (Human Resources) [Rules Committee referral 2/10/2021 - Item F.1.a]

Action: The Deferred Compensation Advisory Committee (DCAC) appointments were approved. (11-0.)

2.19 21-404

Approval of COVID-19 Victims and Survivors Memorial Day Tower and Rotunda Lighting Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on February 17, 2021: (a) Approve the COVID-19 Victims and Survivors Memorial Day Tower and Rotunda Lighting scheduled on March 1, 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. (Foley) [Rules Committee referral 2/17/2021 - Item G.1.a]

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

2.20 21-406

Boards and Commissions Appointments.

As recommended by the Rules and Open Government Committee on February 17, 2021, approve the following Board and Commission appointment: (a) Charter Review Commission: (1) District 4 Seat: Appoint Huy Tran. CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 2/17/2021 - Item A.1.a]

Action: The Board and Commission appointments were approved. (11-0.)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

None provided .

3.2 Labor Negotiations Update.

None Provided.

3.3 21-316 **Actions Related to Agreements for Reimbursement of Food and Necessities Distribution Services. - DEFERRED**

(a) Accept the report on the update on the Interagency Food Distribution. (b) Adopt a resolution authorizing the City Manager to negotiate and execute Agreements for Reimbursement of Food and Necessities Distribution Services with the following cities: Campbell, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas, Monte Serreno, Morgan Hill, Mountain View, Palo Alto, City of Santa Clara, Saratoga, and Sunnyvale, for various meal preparation, delivery and grocery distribution services from March 18, 2020 through September 30, 2020, for \$1,958,446.70 including the amounts specified in Table 2.0 of the staff memorandum with each jurisdiction and based on the same terms and conditions. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager) [Deferred from 1/26/2021 - Item 3.5 (21-142); and 2/9/2021 - Item 3.4 (21-228)]

DEFERRED TO 3/23/2021 PER ADMINISTRATION

3.4 21-317 **Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Arya Apartment and to Increase the Commitment for City Council Approved Construction-Permanent Loan.**

(a) Adopt a resolution: (1) Authorizing the issuance of a multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Arya), Series 2021A” in a principal amount not to exceed \$34,314,000 (the “Series 2021 Note”); (2) Approving the loan of Series 2021 Note proceeds to SAHA Arya, L.P. a California limited partnership created by Satellite Affordable Housing Associates, a California not-for-profit corporation, to finance the construction and development of an 87-unit multifamily development known as the Arya located at 500 Almaden Boulevard (formerly 226 Balbach Street), in San José (the “Development”); (3) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the “2021 Note Documents”); and (4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director, Debt & Treasury Management and Debt Administrator, or their designees, to execute and deliver the Series 2021 Note Documents together with any documents ancillary to the Series 2021 Note Documents.(b) Adopt a resolution: (1) Authorizing an increase of up to \$1,651,122 from \$13,947,984 to \$15,999,106 in the City Council-approved construction-permanent loan commitment to the Borrower; (2) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low-income) for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds; (3) Authorizing the Director of Housing to negotiate and execute an amendment to the ground lease to modify the base lease term as may be required by the Housing and Community Development regulations

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3.4 (Cont'd.)

so long as the total potential term of the lease and option is not increased; (4) Making a determination that, consistent with Government Code Section 37364, the property can be leased without first offering the Property to the public for any other use, since the Property will be used to provide housing affordable to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code or as defined by the United States Department of Housing and Urban Development or its successors, and that this use is in the City's best interests; and (5) Authorizing the Director of Housing to negotiate and execute loan documents, lease documents, amendments, and all other documents related to these actions. (c) Adopt the following Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund: (1) Decrease the Housing Development Reserve appropriation by \$1,651,122; and (2) Increase the Housing Loan and Grants appropriation to the Housing Department by \$1,651,122. CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda there to; Downtown Strategy 2000 Final EIR (Resolution No. 72767), and Addenda thereto, File No. H18-057. Council District 3. (Finance/Housing/City Manager)

Action: (a) **Resolution 79899** regarding the multifamily housing revenue note, (b) **Resolution No. 79900** regarding the City Council-approved construction-permanent Loan, and (c) Appropriation **Ordinance No. 30537** regarding Amendments in the Low and Moderate Income Housing Asset Fund were adopted. (11-0.)

3.5 21-318

Actions Related to the 9166 - PAB and PAC Building Elevators Upgrade Re-Bid Project.

Report on bids and award of a construction contract for the 9166 - PAB and PAC Building Elevators Upgrade Re-Bid Project to the lowest responsive bidder, W. E. Lyons Construction Co., for the base bid in the amount of \$3,030,342 and approval of a fifteen percent contingency in the amount of \$454,551. CEQA: Categorical Exempt, File No. PP19-081, CEQA Guidelines Section 15301(a), Existing Facilities. Council District 3. (Public Works)

Action: The 9166 – PAB and PAC Building Elevators Upgrade Re-Bid Project Report was accepted. (11-0.)

3.6 21-319

Annual Report on Measure T Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program Proceeds and Allocations.

Accept the Measure T Community Oversight Committee's annual report on the Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program proceeds and allocations for Fiscal Year 2019-20. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: The Annual Report on Measure T Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program Proceeds and Allocations was accepted. (11-0.)

3.7 21-320 Master Consultant Agreements with BKF Engineers and Nichols Consulting Engineers for Planning, Design, and Construction Support of Storm Infrastructure Improvements, Including the Charcot Storm Drain Improvement Project.

Approve Master Agreements with BKF Engineers and Nichols Consulting Engineers to support the planning, design, and construction of the City's storm infrastructure improvements, including the Charcot Storm Drain Improvement project from the date of execution through February 28, 2026, with each agreement not to exceed \$5,000,000. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The Master Consultant Agreements with BKF Engineers and Nichols Consulting Engineers for Planning, Design, and Construction Support of Storm Infrastructure Improvements, Including the Charcot Storm Drain Improvement Project were approved. (11-0.)

3.8 21-331 City's COVID-19 Response: County Vaccination Update.

(a) Accept the verbal update on the City's support for County's vaccination program.
(b) As recommended by the Rules and Open Government Committee on February 10, 2021, advocate to the County's Public Health Department to make available COVID-19 vaccinations along with outreach services to unhoused individuals at campsites. 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) [Rules Committee referral 2/10/2021 - Item G.4]

Action: The verbal update on the City's support for the County's vaccination program including to unhoused individuals at campsites was accepted. (11-0.)

3.9 21-364 Addressing Homelessness through the Duration of the COVID-19 Pandemic. - RENUMBERED AND COMBINED WITH ITEM 3.8 (21-331)

3.10 21-398 Report on Request for Proposal for As-Needed Cybersecurity Products and Services. - RENUMBERED FROM ITEM 2.12 AND HEARD BEFORE ITEM 3.4

Accept the report on the Request for Proposals and adopt a resolution authorizing the City Manager to: (a) Negotiate and execute agreements with Adaptable Security Corp. (San José, CA), Illumant (Palo Alto, CA), MGT Consulting Group (Tampa, FL), and RSI Security (San Diego, CA) for as required information systems security assessment services (Package A) through November 30, 2025 and a maximum aggregate compensation not to exceed \$1,600,000, subject to the appropriation of funds; (b) Negotiate and execute amendments to agreements with Spirent Communications (San José, CA) and Tevora Business Solutions, Inc. (Irvine, CA) for as required information systems security assessment services (Package A) through November 30, 2025 to increase compensation by \$80,000 each agreement for an aggregate maximum

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3.10 (Cont'd.)

compensation not to exceed \$800,000, subject to the appropriation of funds; (c) Negotiate and execute an amendment to the agreement with NuHarbor Security Inc. (Colchester, VT) for virtual security operations center services and tools (Package B) to add an additional nine months of services to cover the full initial term ending September 30, 2021, add four one-year options to extend the agreement through September 30, 2025 for ongoing services, software subscriptions, maintenance, and support, and increase compensation by \$126,000 for a maximum compensation not to exceed \$434,280 during the initial term, subject to the appropriation of funds; (d) Negotiate and execute an agreement with Terranova Security (Quebec, Canada) for cybersecurity end user testing and training (Package C) for an initial one-year term ending March 31, 2022 and four one-year options to extend the agreement through March 31, 2026 for a maximum compensation not to exceed \$35,000 during the initial one-year term, subject to the appropriation of funds; (e) Negotiate and execute an agreement with Second Renaissance Inc. (Olney, MD) for as required firewall management services (Package E) through March 31, 2026 and a maximum compensation not to exceed \$550,000, subject to the appropriation of funds; (f) Negotiate and execute an agreement with Insight Public Sector (Herndon, VA) for advanced threat protection (Package F) for an initial one-year term ending March 31, 2022 and four one-year options to extend the agreement through March 31, 2026 for a maximum compensation not to exceed \$95,468 during the initial one-year term, subject to the appropriation of funds; (g) Negotiate and execute agreements with Global Solutions Group (Oak Park, MI), Stealth-ISS Group® Inc. (Arlington, VA), and Second Renaissance (Olney, MD) for as required supplemental advanced cybersecurity services (Package G) through June 30, 2025 and a maximum aggregate compensation not to exceed \$1,500,000, subject to the appropriation of funds; (h) Negotiate and execute amendments to agreements with Spruce Technology, Inc. (Clifton, NJ) and Insight Public Sector, Inc. (Herndon, VA) for as required supplemental advanced cybersecurity services (Package G) through June 30, 2025 to increase compensation by \$180,000 each agreement for a maximum aggregate compensation not to exceed \$1,000,000, subject to the appropriation of funds; and (i) Negotiate and execute amendments and change orders for all agreements as required to address changes in the City's cybersecurity needs and reallocate funding between providers within each Package, consistent with the procurement and the City's standard terms and conditions, 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/Information Technology) **[RENUMBERED FROM ITEM 2.12 (21-313)] TO BE HEARD BEFORE ITEM 3.4**

Action: The report on the Request for Proposals for as-needed Cybersecurity Products and Services was accepted, and **Resolution No. 79901** was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

- 4.1 21-321 Police Reforms: Independent Investigation of Police Misconduct Work Plan. - DEFERRED**
Approve the proposed workplan for independent investigation of police misconduct. 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)
- DEFERRED TO 3/9/2021 PER ADMINISTRATION.**

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 21-322 Preliminary Forecast on Residential Garbage and Recycling Rates.**
Accept the report on potential 2021-2022 customer rate increases for residential garbage and recycling services that are anticipated to be proposed to the City Council in June 2021. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services)

Action: The report on potential 2021-2022 customer rate increases for residential garbage and recycling service rates was accepted. (10-0-1. Absent: Esparza.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 21-325 Authorization to Accept Affordable Housing and Sustainable Communities Round 4 Loan and Grant for the Balbach Site and the Associated Transportation-Related Capital Improvements and to Accept the Infill Infrastructure Grant.**
Adopt a resolution: (a) Authorizing the City Manager or his designee to accept the grant of the California Strategic Growth Council (“SGC”) and/or California Department of Housing and Community Development (“HCD”) of \$18,908,818, awarded under Round 4 of the Affordable Housing and Sustainable Communities (“AHSC”) program for the Balbach Site (“Arya”); and (b) Authorizing the City Manager or his designee to accept the grant of \$3,577,755, awarded by HCD under the Infill Infrastructure Grant Program (“IIG”) previously authorized by Council for new construction capital improvement projects in support of Qualifying Infill Projects or Qualifying Infill Areas, negotiate, enter into, execute and deliver the Standard Agreement for the grant in connection with Arya project, and all other documents required or deemed necessary or appropriate to comply with IIG grant and program requirements. CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041) and Envision San José 2040

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8.1 (Cont'd.)

General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto; Downtown Strategy 2000 Final EIR (Resolution No. 72767) and Addenda there to, File No. H18-057. Council District 3. (Housing)

Action: **Resolution No. 79902** authorizing the City Manager to accept the grant of the California Strategic Growth Council, Housing and Sustainable Communities Round 4 Loan, the Grant for the Balbach Site, Transportation-Related Capital Improvements, and the Infill Infrastructure Grant was adopted. (10-0-1. Absent: Esparza.)

8.2 21-324

Actions Related to the Amendment of the Inclusionary Housing Ordinance.

(a) Accept the staff report. (b) Approve an ordinance amending Chapter 5.08 of Title 5 of the San José Municipal Code, Inclusionary Housing, to modify and add definitions, compliance options and affordable housing requirements. (c) Adopt a resolution amending the 2020-2021 Schedule of Fees and Charges (Resolution No. 72737, as amended) to modify and establish amounts for the compliance options in Sections 5.08.520 and 5.08.525 of Chapter 5.08 of Title 5 of the San José Municipal Code. (d) Adopt a resolution defining geographical areas for use as market areas in connection with Chapter 5.08 of Title 5 of the San José Municipal Code and designating certain areas as Strong Market areas. CEQA: Not a Project. File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

Action: (a) The staff report was accepted. (b) **Ordinance No. 30538** regarding the amendment of Chapter 5.08 of Title 5 of the San José Municipal Code, (c) **Resolution No. 79903** amending the 2020-2021 Schedule of Fees and Charges, and (d) **Resolution No. 79904** defining geographical areas for use as market areas were adopted. (10-0-1. Absent: Esparza.)

8.3 21-332

City's COVID-19 Response: Emergency Rental Assistance Program. - DEFERRED

(a) Accept the staff report on the Emergency Rental Assistance program. (b) Adopt a resolution: (1) Accepting \$30,379,739.90 in Emergency Rental Assistance funds from the U.S. Department of the Treasury and ratifying the City Manager's signing of the award terms;(2) Authorizing the City Manager to negotiate and execute the following grant agreements, including any amendments and revisions to said agreements and any necessary documents to effectuate the grant, to use Emergency Rental Assistance Funds to provide assistance to San José tenants and landlords who have been negatively impacted by the COVID-19 pandemic: (i) With Destination: Home, a supporting organization of Silicon Valley Community Foundation, in an amount not to exceed \$__ million to provide rental assistance, utility relief, and other eligible housing assistance to San José residents, as well as to fund case management and outreach efforts to connect San José residents with rental assistance, utility relief, and other housing assistance. (c) Adopt the following Funding Sources Resolution and Appropriation Ordinance amendments in the Emergency Reserve Fund: (1) Increase the estimate for Revenue from Federal Government by \$30,379,740; and (2) Establish the Emergency Rental Assistance appropriation to the City Manager's Office in the amount

(Item Continued on the Next Page)

8.3 (Cont'd.)

of \$30,379,740. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager)

DEFERRED TO 3/2/2021 PER ADMINISTRATION

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

9.1 21-326 Second Amendment to Agreement with Jones Hall, A Professional Law Corporation, and General Counsel Contracting Authority. - HEARD IMMEDIATELY AFTER CONSENT

(a) Adopt a resolution by the Successor Agency Board authorizing the General Counsel to negotiate and execute a second amendment to an agreement with Jones Hall, a Professional Law Corporation, for bond counsel services for the Successor Agency on an as-needed basis to increase the compensation by \$50,000 to a total amount not to exceed \$160,000. (b) Adopt a resolution by the Successor Agency Board granting the General Counsel of the Successor Agency the same contracting authority granted to the City Attorney by the San José Municipal Code. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: (a) **Successor Agency to the Redevelopment Agency Resolution No. 7083** authorizing the General Counsel to negotiate and execute a second amendment to an agreement with Jones Hall, a Professional Law Corporation and (b) **Successor Agency to the Redevelopment Agency Resolution No. 7084** granting the General Counsel the same contracting authority granted to the City Attorney by the San José Municipal Code were adopted. (10-0-1. Absent: Esparza.)

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

10. LAND USE

10. Land Use - Regular Agenda

GENERAL PLAN HEARING (2020 THIRD CYCLE) FROM 2/9/2021

10.2 21-327 PP20-015 & ER20-265 - Amendment to the San José Citywide Design Standards and Guidelines. - HEARD AT 8:00 P.M.

Adopt a resolution: (a) Approving new “San José Citywide Design Standards and Guidelines” to replace the existing Commercial (1990), Industrial (1992), and Residential (1997) Design Guidelines; and (b) Delegating the authority to the Director of Planning, Building, and Code Enforcement to make minor

(Item Continued on the Next Page)

10.2 (Cont'd.)

clarifications, corrections, or technical changes to the text and diagrams of the San José Citywide Design Standards and Guidelines to be published on the Planning, Building, and Code Enforcement webpage. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building and Code Enforcement) **HEARD AT 8:00 P.M.**

Action: **Resolution No. 79905** amending the San José Citywide Design Standards and Guidelines was adopted. (10-0-1. Absent: Esparza.)

10.3 21-328

PP21-001 - Amendment to Title 13 (Sidewalks, Streets, and Public Spaces) Title 20 (Zoning Ordinance) of the City of San José Municipal Code. - DEFERRED

Approve an ordinance amending Chapter 13.48 (Historic Preservation) of Title 13 and Section 20.100.140 of Chapter 20.100 (Administration) of Title 20 to allow for concurrent review of Historic Preservation Permits and to make other technical, non-substantive or formatting changes within those Chapters and Sections of the San José Municipal Code. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Planning, Building and Code Enforcement)

DEFERRED TO 3/9/2021 PER ADMINISTRATION

10.4 21-329

GP20 004, GPT18 009 and PDC17 022 - General Plan Amendment, General Plan Text Amendment for the Martha Gardens Specific Plan, and a Planned Development Rezoning for Real Property Located at 802 S. 1st Street.

(a) Adopt a resolution adopting the South First Street/East Virginia Street Mixed Use Development Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended. (b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood and Mixed-Use Commercial to Transit Residential for 802 S. 1st Street on a 1.2 gross acre site (File No. GP20 004). (c) Adopt a resolution amending the Martha Gardens Specific Plan to increase the allowable height on the subject site to 80 feet with an addition 10 feet for architectural projections and reduction to zero setback to accommodate the proposed project (File No. GPT18 009). (d) Approve an ordinance rezoning certain real property located on the south east corner of S. First Street and E. Virginia Street (802 S. 1st Street) from CP Commercial Pedestrian and CN Commercial Neighborhood Zoning District to the A(PD) Planned Development Zoning District for up to 246 residential units on approximately 1.2 gross acres.

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10.4 (Cont'd.)

CEQA: Initial Study/Mitigated Negative Declaration for the South First Street/East Virginia Street Mixed Use Development Project. Planning Commission recommends approval (7-0). Council District 3. (Planning, Building and Code Enforcement) [Deferred from 2/9/2021 - Item 10.3 (21-235)]

Action: (a) **Resolution No. 79906** adopting the Mixed Use Development Project Mitigated Negative Declaration, Mitigation Monitoring, and Reporting Program, (b) **Resolution No. 79907** amending the Envision San José 2040 General Plan, (c) **Resolution No. 79908** amending the Martha Gardens Specific Plan, and (d) **Ordinance No. 30539** rezoning certain real property located on the south east corner of S. First Street and E. Virginia Street were adopted. (10-0-1. Absent: Esparza.)

10.5 21-330

GP20-003 - General Plan Amendment for Certain Property Located at 1975 Cambrianna Drive.

(a) Adopt a resolution adopting the Cambrian School District General Plan Amendment Initial Study/Negative Declaration, in accordance with the California Environmental Quality Act, as amended. (b) Adopt a resolution:

(1) Denying the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to allow changing the land use designation from Public/Quasi Public to Residential Neighborhood on an approximately 2.7 gross acre site, located at 1975 Cambrianna Drive; or
(2) *Approving the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to allow changing the land use designation from Public/Quasi Public to Residential Neighborhood on an approximately 2.7 gross acre site, located at 1975 Cambrianna Drive.*

(c) Add an item to the Housing Crisis Workplan to explore policy changes for public school land conversions that could provide more opportunities for housing and revenue for public school districts.

CEQA: Cambrianna Drive General Plan Amendment Initial Study and Negative Declaration. Planning Commission recommends denial (6-0-1, Bonilla absent). Council District 9. (Planning, Building and Code Enforcement) [Deferred from 1/26/2021 - Item 10.2 (21 136); and 2/9/2021 - Item 10.4 (21-236)]

Action: (a) **Resolution No. 79909** regarding the Cambrian School District General Plan and (b)(2) **Resolution No. 79910** approving the Envision San José 2040 General Plan were adopted with the following recommendations by Councilmember Pam Foley: *The following shall be requirements for any residential development of the subject property: (A) Inclusion of on-site affordable units that meet the inclusionary housing ordinance requirement of 15% affordable units with a maximum 80% AMI restriction; and, (B) Construction of at least 14 accessory dwelling units (ADUs). These ADUs shall be restricted through covenants, conditions, and restrictions (CC&R's) to disallow their use for incidental transient occupancy as defined by Section 20.80.150 of the San Jose Municipal Code.*; and (c) to add an item to the Housing Crisis Workplan was Accepted. (9-2-0. Noes: Carrasco, Liccardo.)

• **Open Forum**

1. Ryan D. spoke to COVID-19 death rates and President Biden.
2. Shaneen spoke to the policies and priorities being discussed, was thankful for the pause on the prioritization of electronic billboards, and urban greening implementations plans.
3. Blair Beekman spoke on the final candidates to fill the SJPD Chief position such Deputy Chiefs Anthony Mata and Heather Randol.

• **Adjournment**

The Council of the City of San José meeting adjourned at 11:07 p.m. in the memory of Patricia "Trish" Dowd who passed away on February 6, 2020. Patricia was a District 9 resident, a loving mother, a rock for her friends and family and will always be remembered for her generosity and kind spirit.