



City Council Meeting Amended Agenda

Tuesday, February 23, 2021
11:00 AM

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

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

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

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

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that 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.

*** COVID-19 NOTICE ***

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

How to observe the Meeting (no public comment):

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

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

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

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

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

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

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

For Closed Captions, please visit the City’s YouTube channel:**<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream****<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.****• Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-292 Closed Session Agenda

11:00 a.m. - Regular Session

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

The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (District 2)
- 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

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.

21-380 Approval of City Council Minutes.

Recommendation: (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.

2.2 Final Adoption of Ordinances.

21-291 Final Adoption of Ordinances.

- Recommendation:** (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)]

2.3 Approval of Council Committee Minutes.

21-379 Approval of Council Committee Minutes.

- Recommendation:** (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.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 21-308 Amendment to the Agreements with Team San José for Meals to Unhoused Individuals.**

Recommendation: 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 retroactively adding an additional option to extend the term to January 31, 2021, with no 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.

(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)]

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).

Recommendation: 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;
- (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)

2.9 21-310 Amendment to the Mount Chual Antenna Site Lease Schedule.

Recommendation: 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 for a total of 15 years, with two additional automatic five-year options to renew.

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

2.10 21-311 Amendment to the Master Consultant Agreement with Golder Associates for Environmental Support Services.

Recommendation: 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)

2.11 21-312 Report on Request for Proposal for a Citywide Copier/Multi-Functional Device Solution.

Recommendation: 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;
- (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)

2.12 21-313 Report on Request for Proposal for As-Needed Cybersecurity Products and Services. - RENUMBERED TO ITEM 3.10

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.

Recommendation: 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)

2.14 21-315 Proposed Amendments to the Voluntary Deferred Compensation Plan and PTC Plan.

Recommendation: (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)

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.

Recommendation: 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]

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.

Recommendation: 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]

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.

Recommendation: 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]

2.18 21-360 Deferred Compensation Advisory Committee Appointments.

Recommendation: 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 & Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 2/10/2021 - Item F.1.a]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

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

Recommendation: (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.

Recommendation: (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 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 thereto; Downtown Strategy 2000 Final EIR (Resolution No. 72767), and Addenda thereto, File No. H18-057. Council District 3. (Finance/Housing/City Manager)

3.5 21-318 Actions Related to the 9166 - PAB and PAC Building Elevators Upgrade Re-Bid Project.

Recommendation: 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)

3.6 21-319 Annual Report on Measure T Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Program Proceeds and Allocations.

Recommendation: 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)

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.

Recommendation: 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)

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

Recommendation: (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]

3.9 21-364 Addressing Homelessness through the Duration of the COVID-19 Pandemic. - RENUMBERED TO BE COMBINED WITH ITEM 3.8

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

Recommendation: 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 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 20, 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**

4. PUBLIC SAFETY SERVICES

4.1 21-321 Police Reforms: Independent Investigation of Police Misconduct Work Plan. -RECOMMEND DEFERRAL

Recommendation: 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)

RECOMMEND DEFERRAL 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.

Recommendation: 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)

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.

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

8.2 21-324 Actions Related to the Amendment of the Inclusionary Housing Ordinance.

Recommendation: (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 requirement.
(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)

8.3 21-332 City’s COVID-19 Response: Emergency Rental Assistance Program. - DEFERRED

Recommendation:

(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 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. - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: (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)

TO BE HEARD IMMEDIATELY AFTER CONSENT

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

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

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

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

Recommendation: 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 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)
TO BE HEARD AT 8:00 P.M.

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

Recommendation: 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.

Recommendation: (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.

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)]

10.5 21-330 GP20-003 - General Plan Amendment for Certain Property Located at 1975 Cambrianna Drive.

Recommendation: (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)]

CLOSE THE GENERAL PLAN HEARING (2020 THIRD CYCLE)

• **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.