



City Council Meeting Amended Agenda

Tuesday, March 3, 2020

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



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

Welcome to the San José City Council meeting!

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

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

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

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

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

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

[20-017](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session, Council Chambers, City Hall

- Invocation (District 3)

Mariachi Academy of Music

- Pledge of Allegiance

- Orders of the Day

* SEE NEW ITEM 3.4, "The City's Response to Novel Corona Virus Infections in Santa Clara County." TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION AND THE NEED TO TAKE ACTION AROSE AFTER THE POSTING OF THE AGENDA. Council's Rules of Conduct, Resolution No. 79367, Rule 3(d)."

* NEW ITEM 3.4, "The City's Response to Novel Corona Virus Infections in Santa Clara County" TO BE HEARD CONCURRENTLY WITH ITEM 3.1, "Report of the City Manager"

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

- Adjournment

This meeting will be adjourned in honor of Vincent Tarpey, a beloved community member.

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation recognizing March 5, 2020 as World Lymphedema Day. (Davis)

1.2 Presentation of a Proclamation declaring March as Women's History Month to recognize the significant contributions women have made in San José's history and the world. (Carrasco)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[20-221](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ord No. 30366 - An Ordinance of the City of San José Amending the Commercial Solid Waste and Recyclable Material Collection Franchise for the North District to Allied Waste Services of North America, LLC DBA Allied Waste Services of Santa Clara County; and Superseding Ordinance No. 28937. [Passed for Publication on 2/25/20 - Item 6.2(c) (20-177)]

(b) Ord No. 30367 - An Ordinance of the City of San José Amending the Commercial Solid Waste and Recyclable Material Collection Franchise for the South District to Allied Waste Services of North America, LLC DBA Allied Waste Services of Santa Clara County; and Superseding Ordinance No. 28936. [Passed for Publication on 2/25/20 - Item 6.2(d) (20-177)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[20-231](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Arenas, from the Regular Meeting of the Rules and Open Government Committee on February 26, 2020, due to illness.

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

[Rules Committee referral 2/26/2020 - Item A.1.a]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [20-201](#)**Amendment to Lease of Airport Premises with G2 Secure Staff, LLC.****Recommendation:**

Approve a Seventh Amendment to Lease of Airport Premises with G2 Secure Staff, LLC to extend the term for three years, from January 1, 2020 through December 31, 2022, with annual revenue to the City of approximately \$123,656.

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

Attachments [Memorandum](#)
[Agreement](#)

2.8 [20-202](#)**Settlement of San José Police Officers' Association Claims.****Recommendation:**

Approve a settlement between the City and the San José Police Officers' Association ("SJPOA") in the amount of \$763,305.99 to affected SJPOA members and \$10,000 for attorney fees to the SJPOA and authorize the City Attorney to execute a Settlement Agreement.

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

Attachments [Memorandum](#)
[Agreement](#)

2.9 [20-222](#) Pond A-18 Surplus Property. - DEFERRED

Recommendation: Adopt a resolution declaring the City's Pond A-18 property (Assessor's Parcel Numbers 015-32-042 and 015-32-043) as exempt surplus land under Cal. Gov. Code §54221 as the land is surplus to the needs of the City.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution no. 76858), File No. PP20-006. Council District 4. (Environmental Services/Economic Development)

[(Deferred from 2/25/20 - Item 2.8 (20-168)]

DEFERRED TO 3/17/2020 PER ADMINISTRATION

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

2.10 [20-230](#) Retroactively Approval District 4 Health Fair Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Retroactively approve the District 4 Health Fair scheduled on February 23, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.
(c) Retroactively approve the expenditure of District funds for event flyers, snacks for volunteers, table cloths, art supplies for a kids' craft table, and other professional program-related supplies.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)

[Rules Committee referral 2/26/20 - Item A.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

3.3 [20-203](#) **Approval of a New City Council Policy on Suicide Prevention.**

Recommendation: Adopt a resolution approving a new City Council Policy 0-45, entitled “Suicide Prevention Policy.”

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

Attachments [Memorandum](#)
[Resolution](#)
[Memorandum from Peralez, 2/28/2020](#)
[Letters from the Public](#)

3.4 [20-240](#) **The City's Response to Novel Corona Virus Infections in Santa Clara County.****Recommendation:**

1. Seek Council approval to place on the agenda a discussion and any necessary action to enable the City's robust response to the public health emergency announced by the County related to the COVID-19, particularly in light of the revelation of seven infected County residents.
 - a. Consideration of the matter shall be placed on the agenda pursuant to Government Code Section 54954.2(b)(2), such that information gathered over the last 72 hours has given rise to a need for urgent attention to mitigate more widespread infection of novel coronavirus among residents of the City of San José.
 2. Request that the City Manager or his designee inform the Council during that meeting about:
 - a. The status of the City's Emergency Operations Center activation;
 - b. The status of the City's preparatory efforts-in collaboration with public health experts at the County, State, and Federal authorities-in anticipation of a potentially larger report of infections in the days ahead,
 - c. A description of the actions may need to be taken immediately by the City-and a discussion of the threshold by which the City should determine that additional actions must be undertaken-to protect the health and safety of our residents and employees, with particular attention to the halt of public gatherings in city facilities; and
 - d. How the City may participate in a communications strategy with the County to ensure more ubiquitous public awareness of proactive measures that individuals should take to mitigate the spread of COVID-19, particularly in monolingual and other hard-to-reach communities, through social media, and youth-targeted channels.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

(Mayor)

TO BE HEARD CONCURRENTLY WITH ITEM 3.1 PENDING
ORDERS OF THE DAY

Attachments [Memorandum](#)
 [Presentation](#)
 [Letters from the Public](#)

4. PUBLIC SAFETY SERVICES

4.1 [20-204](#) **Unmanned Aircraft System Policy and Procedures.**

Recommendation: Accept and approve the Police Department's proposed policies and procedures regarding the use of Unmanned Aircraft Systems.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Police)

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

5. TRANSPORTATION & AVIATION SERVICES**6. ENVIRONMENTAL & UTILITY SERVICES****6.1** [20-205](#) **Report on Bids and Award of Contract for 8927 - Fowler Pump Station Replacement Project.**

Recommendation: (a) Report on bids and award of contract for 8927 - Fowler Pump Station Replacement project to the low bidder, JMB Construction, Inc., in an amount not to exceed \$2,759,500 and approval of a project contingency in the amount of \$551,900.
(b) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Water Utility Capital Fund:
(1) Increase the Fowler Pump Station Replacement appropriation to the Environmental Services Department in the amount of \$1,190,000; and
(2) Decrease the Unrestricted Ending Fund Balance by \$1,190,000.
CEQA: Categorically Exempt, File No. PP19-034, CEQA Guidelines Section 15301(b), Existing Facilities. Council District 8. (Environmental Services/City Manager)

Attachments [Memorandum](#)

6.2 [20-208](#) **Agreement with Valley Water for the Sale of Pond A-18 for the Shoreline Levee Project. - DEFERRED**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Valley Water for the sale of Pond A-18 and related easements to support the Shoreline Levee Project consistent with the criteria directed by the Treatment Plant Advisory Committee and Council in October of 2015 and 2017.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858) and all addenda thereto. File No. PP20-006. Council District 4. (Environmental Services/Economic Development)

[Deferred from 2/25/2020 - Item 6.6 (20-181)]

DEFERRED TO 3/17/2020 PER ADMINISTRATION

Attachments [Memorandum](#)
[Supplemental Memorandum](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-206](#) **Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Refinance and Rehabilitate the Vista Park II Apartments. - DEFERRED**

Recommendation:

(a) Allow under Section I, B. of the City Council Policy 1-16, Policy for the Issuance of Multifamily Housing Revenue Bonds, to permit the California Municipal Finance Authority (“CMFA”) to issue private-activity bonds for the acquisition and rehabilitation of the Vista Park II, an 83-unit apartment complex located at 3975 Vistapark Dr. by Vista Park II, L.P. a California limited partnership.

(b) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance not to exceed \$20,000,000 in tax-exempt private-activity bonds by CMFA to refinance and rehabilitate the Project and to pay certain expenses incurred in connection with the issuance of the bonds.

(c) Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds by CMFA in a principal amount not to exceed \$20,000,000 to be used to finance the Project and to pay certain expenses incurred in connection with the issuance of the tax-exempt private activity bonds.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. Council District 10. (Housing)

DEFERRED TO 3/17/2020 PER ADMINISTRATION

Attachments [Memorandum](#)

[\(c\) Resolution](#)

8.2 [20-207](#) Housing Opportunities for Persons with Aids Permanent Supportive Housing Grant Award from the U.S. Housing and Urban Development Department.

Recommendation:

(a) Adopt a resolution authorizing the Director of Housing to:

(1) Accept the Housing Opportunities for Persons with AIDS Permanent Supportive Housing (“HOPWA PSH”) competitive grant award of \$1,256,461 from the United States Department of Housing and Urban Development to continue supporting permanent supportive housing activities for low-income persons living with HIV/AIDS and their families; and

(2) Negotiate and execute a three-year grant agreement awarding \$1,222,902 in HOPWA PSH funding to The Health Trust for the Housing for Health Program retroactive to November 15, 2019.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from Federal Government in the amount of \$1,256,461; and

(2) Increase the HOPWA PSH appropriation to the Housing Department in the amount of \$1,256,461.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

No Land Use items on Consent Calendar.

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

- **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**

This meeting will be adjourned in honor of Vincent Tarpey, a beloved community member.

**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.