



City Council Meeting Amended Agenda

Tuesday, March 17, 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

Councilmember Carrasco will be participating via audio/video teleconference from an off-site location:

10010 Clayton Rd, San Jose, CA 95127

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[20-019](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

Councilmember Carrasco will be participating via audio/video teleconference from an off-site location:

10010 Clayton Rd, San Jose, CA 95127

- Invocation (District 3)
- Pledge of Allegiance
- Orders of the Day

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

* SEE NEW ITEM 3.8, “Incorporate Governor’s Executive Order Regarding Teleconference Requirements in the Brown Act into City Open Government (Sunshine) Resolution.” 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. Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).

* SEE NEW ITEM 3.9, “Local Assistance Framework.” 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. Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).

* SEE AMENDED ITEM 8.2(c), “Actions Related to a Moratorium on Evictions and Income Loss Due to COVID-19” TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).

*SEE NEW ITEM 8.3, "Small Business Assistance Related to Novel Coronavirus." 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. Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).

*NEW ITEM 8.3, “Small Business Assistance Related to Novel Coronavirus.” TO BE HEARD CONCURRENTLY WITH ITEM 8.2, “Actions Related to a Moratorium on Evictions and Income Loss Due to COVID 19”

- Closed Session Report

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.

[20-304](#) Approval of City Council Minutes.

Recommendation: Regular City Council Meeting Minutes of March 3, 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments [Council Minutes - 3/3/20](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[20-357](#) Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Jimenez, from the Regular Meeting of Smart Cities and Service Improvements Committee on March 5, 2020, due to personal travel.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 3/11/2020 - 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 [20-273](#) **Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to *Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.* - DEFERRED**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$500,000, for a total amount not to exceed \$1,900,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
DEFERRED TO 3/24/20 PER ADMINISTRATION

- 2.8 [20-241](#) **Declaration and Recording a Statement of the Results of the March 10, 2020 Community Facilities District No. 8 Election. - DROP - TO BE RENOTICED TO 4/7/20**

Recommendation: Adopt a resolution declaring and recording a statement of the results of the March 10, 2020 Community Facilities District No. 8 all mail ballot election.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
DROP - TO BE RENOTICED TO 4/7/20

- 2.9 [20-243](#) **Approval of the Terms of an Agreement with the Peace Officer Park Ranger Association (POPRA), International Union of Operating Engineers, Local Union No. 3 (OE#3) for the Term of January 1, 2020 Through June 30, 2023.**

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Peace Officer Park Ranger Association (POPRA), International Union of Operating Engineers, Local Union No. 3 (OE#3) for the term of January 1, 2020 through June 30, 2023, and authorizing the City Manager to execute the agreement with those terms.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

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

2.10 [20-244](#) **Annual Summary of Labor Negotiations. - RENUMBERED TO 3.7****Recommendation:**

Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations.

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)

RENUMBERED TO 3.7 (20-328)

Attachments [Memorandum](#)

2.11 [20-245](#) **Resolution of Intention to Approve an Amendment to the Contract between the California Public Employees' Retirement System and the City of San José. - DEFERRED****Recommendation:**

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

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

DEFERRED TO 3/24/20 PER ADMINISTRATION

Attachments [Memorandum](#)

[Resolution](#)

2.12 [20-246](#) **Action Related to the City Healthcare Program.****Recommendation:**

Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement related to the lump sum healthcare program between the City of San José and the bargaining units listed below:

- (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI)
- (2) Association of Engineers and Architects, IFPTE Local 21 (AEA)
- (3) Association of Legal Professionals (ALP)
- (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
- (5) City Association of Management Personnel, IFPTE Local 21 (CAMP)
- (6) San José Fire Fighters, IAFF Local 230 (IAFF)
- (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
- (8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF)
- (9) International Union of Operating Engineers, Local No. 3 (OE#3)
- (10) San José Police Officers' Association (POA)
- (11) Peace Officer Park Ranger Association

(b) Approve the lump sum for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units.

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

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

2.13 [20-238](#) **Approval of City Hall Free Use on Saturday By District 6 Office for the 2020 South Bay Trans Day of Visibility on April 4, 2020. -DROP**

Recommendation: Adopt a resolution authorizing “Free Use” for events and activities held at City Hall on Saturday, April 4, 2020 for the 2020 South Bay Trans Day of Visibility co-hosted by the Council District 6 Office and Billy DeFrank LGBTQ Community Center.
CEQA: Not a Project. PP17-011. Temporary Special Events resulting in no changes to the physical environment. (Davis)
DROP

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

2.14 [20-247](#) **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); and 3/3/20 - Item 2.9 (20-222)]
DEFERRED TO 3/24/20 PER ADMINISTRATION

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

2.15 [20-248](#) **Designation of Official Authorized to Apply for Disaster Assistance.**

Recommendation: Adopt a resolution designating City of San José officials to be authorized to apply for Federal and State Disaster Assistance.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance)

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

2.16 [20-249](#) **Actions Related to Purchase Orders for Interior and Exterior Painting Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with AG Painting Services (Stockton, CA), Armstrong Painting, Inc. (Stockton, CA), and Daniko Property Maintenance, Inc. (Petaluma, CA) for interior and exterior painting services for the Department of Public Works for an initial twelve-month period, starting on or about March 17, 2020 and ending on or about March 16, 2021 for a total cumulative compensation not-to exceed amount of \$330,000; and

(b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about March 16, 2025, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. ER19-083, CEQA Guidelines 15301, Existing Facilities. (Finance)

Attachments [Memorandum](#)

2.17 [20-250](#) **Actions Related to the Purchase Order with San Diego Police Equipment Company, Inc. for Duty and Practice/Training Ammunition.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Exercise option two of four with San Diego Police Equipment Company, Inc. (San Diego, CA) for the purchase of ammunition for duty and practice/training on behalf of the San José Police Department with a new period starting on or about July 1, 2020 and ending on or about June 30, 2021, for an amount not to exceed \$550,000; and

(b) Exercise up to two additional one-year options to extend the term of the purchase order with the last option year ending on or about June 30, 2023, subject to 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)

Attachments [Memorandum](#)

2.18 [20-251](#) **Action Related to the Purchase Order with Scott’s PPE Recon, Inc. for Turnout Gear Inspection, Cleaning, Repair, and Alternation Services.**

Recommendation:

Adopt a resolution to authorize the City Manager to:

(a) Execute a purchase order with Scott’s PPE Recon, Inc. (Lodi, CA) for turnout gear inspection, cleaning, repair, and alteration services for the San José Fire Department for a twelve-month period, starting on or about March 20, 2020 and ending on or about March 19, 2021, for an amount not to exceed \$220,000; and

(b) Exercise up to three one-year options to extend the term of the purchase order with the last option year ending on or about March 19, 2024, 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)

Attachments [Memorandum](#)

2.19 [20-252](#) **Amendment to the City Pay Plan for Various Classifications.**

Recommendation:

Adopt a resolution to amend the City of San José Pay Plan effective March 17, 2020, to:

(a) Create the Senior Environmental Program Manager (5214) classification with a salary range of \$112,963 - \$148,973 annually.

(b) Retitle the Environmental Services Program Manager (5213) classification to Environmental Program Manager (5213) classification.

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

(Human Resources)

Attachments [Memorandum](#)

[Resolution](#)

2.20 [20-255](#) **Library and Education Commission and Use of Title Changes for Commissioners.**

Recommendation: (a) Approve an ordinance amending Sections 2.08.3200 and 2.08.3220 of Chapter 2.08 of Title 2 of the San José Municipal Code to change the name of the Library and Early Education Commission to the Library and Education Commission and changing the subject matter expertise of the early education-specific seats to education subject matter expertise to align with the goals of the San José Education Initiative Policy.
(b) Adopt a resolution approving revisions to Council Policy 0-4, “Consolidated Policy Governing Boards and Commissions,” changing the name of the Library and Early Education Commission to the Library and Education Commission, changing the subject matter expertise of the early education-specific seats to education subject matter expertise to align with the goals of the San José Education Initiative Policy, and clarifying use of title by City Commissioners.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Clerk/City Manager)

Attachments [Memorandum](#)
 [\(a\) Ordinance](#)
 [\(b\) Resolution](#)

2.21 [20-262](#) **Amendment to the Agreement with CMG Landscape Architecture for the 8496 - St. James Park Phase I Design Project.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a third amendment to the agreement for consultant services with CMG Landscape Architecture for St. James Park Phase I Design Project (Master Agreement No. 662484-0) to increase the maximum total compensation by \$25,000, from \$1,000,000 to \$1,025,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.22 [20-256](#) **Amendment to the City-Generated Zone Tow Services Agreements.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute Third Amendments to the Agreements for City-Generated Zone Tow Services retroactive to January 1, 2020 through June 30, 2020 with one option to extend through the end of the contract term March 31, 2021 with the following tow operators (also known as SJ Towers):

- (1) Alongi Brothers, Inc. (San José, CA)
- (2) Century Tow (San José, CA)
- (3) City Towing, Inc. (San José, CA)
- (4) Courtesy Tow Services, Inc. (San José, CA)
- (5) Matos Auto Towing & Transport (San José, CA)
- (6) Motor Body Company, Inc. (San José, CA)

(b) The proposed amendment includes the following terms and conditions and revisions:

- (1) Reducing the contract compensation fee from \$59 to \$41;
- (2) Modify the definition of “Qualified Vehicles” and related list of qualified vehicle types eligible for reimbursement to include all vehicles types that otherwise meet the criteria for “Qualified Vehicles” under the contract; and
- (3) Credit the tow operators for operator expenses and lost profits related to disposing of all qualified vehicles that meet the defined criteria, against the proposed \$41 contract fee that is required to be remitted to the City.

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

Attachments [Memorandum](#)

2.23 [20-264](#) **Actions Related to Mayor and Councilmembers' Travel to Washington, D.C. for the Silicon Valley Leadership Group's Annual Spring Advocacy Trip. - DROP**

Recommendation: 1. Approve travel and related travel expenses to Washington, D.C. and request excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Silicon Valley Leadership Group Annual Spring Advocacy Trip:
(a) Mayor Liccardo (Source of Funds: Mayor/Council Travel Budget; Dates: March 30-31, 2020; Missed Meetings: None)
(b) Councilmember Khamis (Source of Funds: Council District 10 Office Funds; Dates: March 30-31, 2020; Missed Meetings: None)
2. Approve use of the Mayor/Council Travel Budget for travel expenses:
(a) Mayor Liccardo
3. Approve the receipt of gifts received in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.120.B.
CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (Mayor/Khamis)
DROP

Attachments [\(a\) Memorandum - Mayor](#)
[\(b\) Memorandum - Khamis](#)

2.24 [20-280](#) **Approval of the Scottish Flag Raising Sponsored by Council District 10, in Cooperation with the South Bay Scottish Society, 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 March 4, 2020:
(a) Approve the Scottish Flag Raising scheduled on April 6, 2020 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. (Khamis)
[Rules Committee referral 3/4/20 - Item G.1.a]

Attachments [Memorandum](#)

2.25 [20-288](#) **Approval of Assyrian New Year (Assyrian Flag Raising) Sponsored by Council District 10 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 March 4, 2020:
(a) Approve Assyrian New Year (Assyrian Flag Raising) scheduled on March 20, 2020 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. (Khamis)
[Rules Committee referral 3/4/20 - Item G.1.b]

Attachments [Memorandum](#)

2.26 [20-289](#) **Approval of Annual Greek Flag Raising Sponsored by Council District 10 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 March 4, 2020:
(a) Approve the Annual Greek Flag Raising scheduled on March 25, 2020 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. (Khamis)
[Rules Committee referral 3/4/20 - Item G.1.c]

Attachments [Memorandum](#)

2.27 [20-356](#) **SB 1025 (Umberg) Libraries: Student Success Cards.**

Recommendation: As recommended by the Rules and Open Government Committee on March 11, 2020, adopt a position of support for SB 1025 (Umberg).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Library)
[Rules Committee referral 3/11/20 - Item G.4]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

[20-363](#) City Manager's Report.

Attachments [Memorandum from Peralez Presentation](#)
[Memorandum from Chief Garcia](#)

3.2 Labor Negotiations Update.

3.3 [20-257](#) **Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax.**

Recommendation: Consideration and discussion of the draft framework related to certain transfers of real property to nonprofits and the proposed real property transfer tax on the March 3, 2020 ballot.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Housing/City Manager)
[Deferred from 2/11/2020 - Item 3.4 (20-133)]

Attachments [Memorandum](#)
[Memorandum from Khamis, 2/7/2020](#)
[Memorandum from Mayor, Peralez, Diep, Davis, 3/13/2020](#)
[Letters from the Public](#)

3.4 [20-258](#)**Actions Related to the Public Safety Power Shutoff Events After Action Report.****Recommendation:**

Accept the Public Safety Power Shutoff Events After Action Report and direct staff to take appropriate actions to implement the following recommendations:

- (a) Renew focus on Access and Functional Needs planning, with a forward-leaning approach to solidify the City's commitment to our vulnerable populations;
- (b) Update the Power Vulnerability Plan to include lessons learned, including further study critical facility redundant power and transportable power generation to ensure future resiliency to Public Safety Power Shutoff events;
- (c) Continue to improve relationship with PG&E and the County to allow for ongoing open communication before, during and after an event;
- (d) Conduct a review of how to leverage existing City data platforms to more efficiently capture costs associated with large-scale emergencies and disasters;
- (e) Update Emergency Operations Center technology tools to better capture situation status and reporting, including Geographic Information Systems resources.

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

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

3.5 [20-259](#) **Amendment to the Agreement with Delta Dental of California for DHMO and PPO Dental Insurance Group Plans and Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an Amendment to the Vendor Agreement with Delta Dental of California for DHMO and PPO dental insurance group plans and administrative services for City employees, retirees, and their dependents and beneficiaries extending the term of the Agreement from December 31, 2020, to December 31, 2023, and increasing the not to exceed Agreement amount from \$57,434,000 to a revised total plan amount not to exceed \$97,958,000, subject to the appropriation of funds by the City Council;

(b) Negotiate and execute any group plan or policy contracts, Evidence of Coverage documents, Business Associate Agreements, or other ancillary documents necessary to facilitate the above Amendment until December 31, 2023; and

(c) Subject to the terms of City's collective bargaining agreements, terminate the agreement(s) or group plan contract(s) in the event that Delta Dental of California's proposed annual renewal rates are not acceptable by the City Manager.

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

Attachments [Memorandum](#)

3.6 [20-302](#) **Approval of the Fiscal Year 2020-2021 Mayor's March Budget Message.**

Recommendation:

(a) Conduct a Public Hearing on the FY 2020-2021 Mayor's March Budget Message.

(b) Approve the FY 2020-2021 Mayor's March Budget Message.

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

[Pending 3/11/20 Rules Committee approval]

Attachments [March Budget Message for Fiscal Year 2020-2021](#)
[Letter from Library Commission](#)
[Letters from the Public](#)

3.7 [20-328](#) **Annual Summary of Labor Negotiations. - RENUMBERED FROM 2.10****Recommendation:**

Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations.
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)
RENUMBERED FROM 2.10 (20-244)

Attachments [Memorandum](#)

3.8 [20-364](#) **Incorporate Governor’s Executive Order Regarding Teleconference Requirements in the Brown Act into City Open Government (Sunshine) Resolution.****Recommendation:**

Adopt a resolution modifying City public meetings and amending the City’s Consolidated Open Government and Ethics Resolution No. 77135 to incorporate Section 11 of the Governor’s Executive Order N-25-20 regarding teleconference requirements in the Brown Act to allow City legislative bodies to hold public meetings via teleconferencing or otherwise electronically without noticing the teleconferenced locations on the agenda, without making teleconferenced locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the location specified in the meeting notice, and without requiring a quorum of the members of the local body to participate from locations with the City’s jurisdiction.
Not a Project, File No. PP17-008. General Procedure & Policy Making resulting in no changes to the physical environment. (City Clerk)

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

3.9 [20-365](#) **Local Assistance Framework.**

Recommendation: Accept an update regarding the Local Assistance Framework to aid San José residents, small businesses, and nonprofit community-based organizations with impacts related to the COVID-19 pandemic, including state, federal, and philanthropic assistance.
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)

Attachments [Memorandum](#)
[Supplemental Memorandum, 3/17/2020](#)
[Presentation](#)
[Letters from the Public](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****5.1** [20-260](#) **Award of Construction Contract for the 2020 Major Streets Concrete and ADA Ramps Project.**

Recommendation: (a) Approve award of a construction contract for the 2020 Major Streets Concrete and ADA Ramps Project, to the low bidder, Wattis Construction Company, Inc. in the amount of \$1,576,234.
(b) Approve an approximate five percent contingency in the amount of \$78,801.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [20-261](#) **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 2/25/20 - Item 6.6 (20-181) and 3/3/20 - Item 6.2 (20-208)]

DEFERRED TO 3/24/20 PER ADMINISTRATION

Attachments [Memorandum](#)
 [Supplemental Memorandum](#)
 [Supplemental Memorandum, 2/12/2020](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-263](#) **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.**

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 from 3/3/2020 - Item 8.1 (20-206)]

Attachments [Memorandum](#)

[\(c\) Resolution](#)

8.2 [20-358](#) **Actions Related to a Moratorium on Evictions and Income Loss Due to COVID-19.**

Recommendation:

(a) Approve an ordinance that establishes a moratorium on non-payment of rent evictions for tenants with incomes affected by the novel coronavirus (COVID-19). Specifically, the ordinance would:

1. temporarily prohibit the eviction of a residential tenant for non-payment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19; and
2. Provide that the moratorium will commence upon the Council's adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium would expire in thirty days unless extended.

(b) Adopt an urgency ordinance that establishes a moratorium on non-payment of rent evictions for tenants with incomes affected by the COVID-19 virus. Specifically, the ordinance would:

1. Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID 19; and
2. Provide that the moratorium will commence upon the Council's adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium would expire in thirty days unless extended.

Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)

(c) Adopt a resolution declaring the commencement of a thirty-day temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19, and setting forth the facts constituting such urgency.

(d). Discuss and direct the City Attorney to return with an ordinance and urgency ordinance that establishes a moratorium for non-payment of rent for small business tenants with incomes affected by the COVID-19 virus.

(e). Discuss creating a funding pool and/or budget changes for San José residential tenants and small businesses for those impacted by the COVID-19 virus.

CEQA: Not a Project, PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment, and PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Mayor)

- Attachments**
- [Memorandum Presentation](#)
 - [\(a\) Ordinance](#)
 - [\(b\) Ordinance](#)
 - [\(c\) Resolution](#)
 - [Memorandum 3/9/2020 from Diep](#)
 - [Memorandum 3/9/2020 from Foley](#)
 - [Memorandum 3/9/2020 from Arenas](#)
 - [Memorandum 3/10/2020 from Carrasco](#)
 - [Memorandum from Jones and Carrasco, 3/13/2020](#)
 - [Letters from the Public](#)

8.3 [20-362](#) **Small Business Assistance Related to Novel Coronavirus.**

- Recommendation:** To bring much-needed relief to small businesses in San José adversely impacted by COVID-19, approve direction to the City Manager to:
1. Take the following actions:
 - a. Work with our Congressional delegation to urge the Trump Administration and the Small Business Administration to formally declare a disaster stemming from COVID-19 infections in Santa Clara County or geographic region that includes Santa Clara County so that federal assistance may be directed here specifically;
 - b. Reach out to the Governor's office to request priority for Santa Clara County over any state or federal assistance dollars, reflecting our heightened vulnerability;
 - c. Through the 2020-2021 Budget Process, set aside funding for our Office of Economic Development so they can build the capacity to:
 - i. Provide technical assistance to small businesses eligible for SBA loans;
 - ii. Become a singular resource for small businesses in need to learn about the various private and government relief programs available to them;
 - d. Reach out to the Silicon Valley Community Foundation and corporate partners in San José such as Google, Cisco, Adobe, and Apple in attempt to create a relief fund to give grants assisting small businesses impacted by COVID-19 to cover employee wages, rent, and other fixed costs similar to the \$5M fund Amazon has created for Seattle;
 - e. Reach out to the Silicon Valley Organization, other ethnic and minority chambers of commerce, and small business owners to create a Small Business Recovery Task Force to advise us on policy recommendations and assist with outreach to the business community;
 - f. Reassess the purpose of work2future to see what additional resources they may need to provide workforce training for an anticipated wave of newly unemployed workers due to COVID-19 under their current mandate or whether in light of these new circumstances we must broaden their mission;
 - g. Partner with local business organizations on co-marketing for a Shop Local campaign and delivery options;
 - h. Reduce or waive fees for city parking meters and garages during the crisis; and
 2. Explore the possibility of:
 - a. Deferring collection of business taxes until February 2021;

- b. Deferring payment of utility bills;
- c. Providing no-interest loans to qualified small businesses, to be paid back with federal assistance monies or private grants as these resources become available.

CEQA: Not a Project, PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment, and PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Diep)

TO BE HEARD CONCURRENTLY WITH ITEM 8.2 PENDING ORDERS OF THE DAY

Attachments [Memorandum from Diep, 3/12/2020](#)
[Memorandum from Jones and Carrasco, 3/13/2020](#)
[Letters from the Public](#)

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

- **Notice of City Engineer's Pending Decision on Final Maps**

FOR RECEIPT:

Tract: 10539

Location: 555 South Winchester Boulevard

District: 1

Lots/Units: 9/96

Type: Condominium

Developer: Pulte Group

FOR APPROVAL:

Tract: 10456

Location: 15980 Carlton Ave

District: 9

Lots/Units: 1/6

Type: SFD

Proposed Decision: Approved

Developer: Carlton Partners LLC

- **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.