



City Council Meeting Amended Agenda

Tuesday, May 5, 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 <https://www.sanjose.legistar.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. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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 ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 12:00 p.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:

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: 915 6205 3469 Click *9 to raise a hand to speak.
- 2) By online: <https://sanjoseca.zoom.us/j/91562053469>
 - 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.

• Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order

1) By phone (888) 475-4499. Webinar ID is 915 6205 3469 Click *9 to raise a hand to speak.

2) By online: <https://sanjoseca.zoom.us/j/91562053469>

[20-025](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

- Invocation (District 5)
- 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 AMENDED ITEM 3.4, "UPDATE ON DIGITAL ACCESS AND INCLUSION FOR SCHOOLS DURING 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. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d).

* SEE NEW ITEM 3.6 "Actions Related to the Coronavirus Relief Fund" 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. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d).

- 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.

[20-518](#) **Approval of City Council Minutes.**

Recommendation: (a) Regular City Council Meeting Minutes of April 9, 2019.
(b) Regular City Council Meeting Minutes of April 14, 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 [\(a\) 4/9/2019 CC MINUTES](#)
[\(b\) 4/14/2020 CC MINUTES DRAFT](#)

2.2 Final Adoption of Ordinances.

[20-531](#) **Final Adoption of Ordinances.**

Recommendation: Ord No. 30407 - An Ordinance of the City of San José Retroactively Suspending Late Payment Charges for City-Provided Water Service Billed on a Bi-Monthly Basis and Multi-Family Dwelling Solid Waste Collection Service Billed on a Monthly Basis, with Due Dates Ranging from March 17, 2020 through June 30, 2020.
[Passed for Publication on 4/7/2020 - Item 2.12 (20-407)]

2.3 Approval of Council Committee Minutes.

[20-519](#) **Approval of Council Committee Minutes.**

Recommendation:

- (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 1, 2020.
- (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 8, 2020.
- (c) Neighborhood Services and Education Committee Meeting Minutes of March 12, 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

- [\(a\) ROGC MIN 4-1-20](#)
- [\(b\) ROGC MIN 4-8-20](#)
- [\(c\) NSE MIN 3-12-20](#)

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 [20-496](#) Amendment to the Agreement with Graffiti Protective Coatings, Inc. for Graffiti Abatement Services. - DROP

Recommendation:

- Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement for Graffiti Abatement Services with Graffiti Protective Coatings, Inc. (Los Angeles, CA) to extend services for up to two additional two-year option terms through June 26, 2024 for a not-to-exceed compensation of \$2,309,076 for June 27, 2020 through June 26, 2022, 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)
- DROP

Attachments [Agreement](#)

3. STRATEGIC SUPPORT

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

- [20-497](#) (a) City Manager’s COVID-19 Update (Verbal Report)
(b) City Manager’s Report on Other City Matters (Verbal Report)
TO BE HEARD BEFORE CONSENT

Attachments [Presentation](#)

3.2 Labor Negotiations Update.

- 3.3 [20-498](#) **Resolution Extending the March 6, 2020 Proclamation of a Local Emergency related to COVID-19.**

Recommendation: Adopt a resolution extending the March 6, 2020 Director of Emergency Services’ proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19 in the City of San José.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

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

- 3.4 [20-499](#) **Update on Digital Access and Inclusion for Schools during COVID-19.**

Recommendation: (a) Accept staff report on expanding digital inclusion to households of school aged students through various partnerships.
(b) Approve a letter for signature by Council and distribution to internet service providers serving San José to take the following actions in light of the continuing COVID-19 emergency:

- (1) Extend the interim free service at least through July 31, 2020;
- (2) Sign up households who qualify for the National School Lunch Program (NSLP) without requiring a letter from the school at this time because they are closed and unable to provide verification of eligibility until later in 2020;
- (3) Establish a process to designate all families in schools with a high percentage of NSLP students to be eligible for the program by “auto-enrolling” the school.

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

3.5 [20-534](#) **Resolution of Intention to Approve an Amendment to the Contract between the California Public Employees' Retirement System and the City of San José.**

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)
[Rules Committee referral 4/29/20 - Item A.1.a]

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

3.6 [20-540](#) **Actions Related to the Coronavirus Relief Fund.**

Recommendation:

- (a) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Coronavirus Relief Fund.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution in the Coronavirus Relief Fund:
- (1) Establish an estimate for Revenue from the Federal Government in the amount of \$178,295,248; and
 - (2) Establish an appropriation for COVID-19 Emergency Response in the amount of \$45,000,000; and
 - (3) Establish COVID-19 Emergency Response in the amount of \$133,295,248.
- (c) Adopt a resolution to:
- (1) Ratify the Agreement to Provide Meals for Limited Duration During COVID-19 Disaster between the City of San José and Revolution Foods, Inc. (Oakland, CA) (“First Agreement with Revolution Foods”) executed on April 13, 2020 to purchase and deliver ready-to-eat meals primarily to adults aged 19+ experiencing food insecurity due to the impacts of the COVID-19 pandemic beginning March 31, 2020 and ending on June 23, 2020 with a maximum compensation not to exceed \$1,900,000, subject to the appropriation of funds; and
 - (2) Authorize the City Manager to execute Agreement to Provide Meals for Limited Duration between the City of San José with Team San Jose (San Jose) to provide meals to unhoused individuals beginning March 31, 2020 and ending on June 23, 2020 with a maximum compensation not to exceed \$1,071,000 for the initial term, subject to the appropriation of funds.
- (d) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute an Agreement to Provide Meals for Limited Duration During COVID-19 between the City of San José and Revolution Foods, Inc. (Oakland, CA) (“Second Agreement with Revolution Foods”) to procure and deliver up to 100,000 ready-to-eat meals per day to individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic beginning on or around May 11, 2020 and ending on or around August 10, 2020 with a maximum compensation not to exceed \$22,000,000, subject to the appropriation of funds;
 - (2) Negotiate and Execute the Agreement to Provide Meals for a Limited Duration between the City of San José and World Central Kitchen (Washington, DC) to procure and deliver meals to higher risk-eligible individuals aged 60+ for an initial term through May 10, 2020 with a maximum compensation not to exceed \$950,400 or the

initial term, subject to the appropriation of funds;

(3) Negotiate and Execute the Agreement to Provide Meals for a Limited Duration between the City of San José and The Health Trust (San José, CA) to prepare and deliver frozen meals to higher risk-eligible individuals aged 60+ and to unhouse individuals beginning March 17, 2020 through June 3, 2020 with a maximum compensation not to exceed \$1,295,910 for the initial term, subject to the appropriation of funds; and

(4) Execute a Purchase Order with First 5 Santa Clara County (San José, CA) for the purchase of baby formula and feminine hygiene products to families experiencing food insecurity and to mitigate the effects of COVID-19 through June 12, 2020 for a maximum not-to-exceed compensation of \$300,000, subject to the appropriation of funds.

(e) Adopt a resolution authorizing the City Manager to:

(1) Exercise up to two (2) 45-day options to extend the term of the First Agreement to Provide Meals for Limited Duration During COVID-19 Disaster with Revolution Foods for a maximum not-to-exceed compensation of \$1,147,500 for both options, subject to the appropriation of funds;

(2) Exercise up to two (2) 45-day options to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José with Team San Jose for a maximum not-to-exceed compensation of \$1,147,500 for both options, subject to the appropriation of funds; and

(3) Exercise up to two (2) 11-day options to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José with World Central Kitchen for a maximum not-to-exceed compensation of \$2,613,600 for both options, subject to the appropriation of funds.

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

Attachments [Supplemental Memorandum, 5/4/2020](#)
[Letters from the Public](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-533](#) Actions Related to Temporary Sheltering Operations and Services for COVID-19 Emergency Response.--RECOMMEND DEFERRAL

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with Abode Services in the amount of \$664,392 to operate 90 emergency non-congregate shelter trailers provided by the California Governor's Office of Emergency Services, located at a City-owned parking lot at the intersection of Senter Road and Remillard Court, to provide additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to May 1, 2020.

CEQA: Pursuant to Governor's order N-32-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed project will use SB89 funds. (Housing)

[Rules Committee referral 4/29/20 - Item A.1.a]

RECOMMEND DEFERRAL TO 5/12/2020 PER ADMINISTRATION

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

**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.