



City Council Meeting Amended Agenda

Tuesday, June 2, 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:

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

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

- 1) By phone (888) 475-4499. Webinar ID: 915 6205 3469. Click *9 to raise a hand to speak.
- 2) By online <https://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 95430875993 Click *9 to raise a hand to speak.

2) By online: <https://sanjoseca.zoom.us/j/95430875993>

CLOSED SESSION ONLY. For open session, please see [<https://zoom.us/j/91562053469>]

[20-028](#)

Closed Session Agenda

Attachments [Agenda](#)

11:00 a.m. - Regular Session

- **Invocation (District 6)**

Gabrielle Antolovich - Billy DeFrank LGBTQ+ Community Center

- **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, "Ratification of both May 31, 2020 Proclamation of Local Emergency Resulting from Civil Unrest and May 31, 2020 Emergency Order Imposing a Curfew" 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. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.F.1.b; 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.

[20-612](#)

Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of May 21, 2019.
 - (b) Regular City Council Meeting Minutes of June 4, 2019.
 - (c) Regular City Council Meeting Minutes of April 28, 2020.
 - (d) Regular City Council Meeting Minutes of May 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

- [\(a\) 5/21/2019 CC DRAFT MINUTES](#)
 - [\(b\) 6/4/2019 CC DRAFT MINUTES](#)
 - [\(c\) 4/28/2020 CC DRAFT MINUTES](#)
 - [\(d\) 5/12/2020 CC DRAFT MINUTES](#)
- [Letters from the Public](#)

2.2 Final Adoption of Ordinances.

[20-580](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ord No. 30411 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add a New Part Related to the Establishment of the Coronavirus Relief Fund.

[Passed for Publication on 5/12/2020 - Item 3.4 (20-556)]

(b) Ord No. 30415 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10.34 Gross Acres Situated on the Northwest Corner of Kiely Boulevard and Northlake Drive (360-400 Saratoga Avenue) (APN: 303-25-044 and 303-25-052) from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District.

[Passed for Publication on 5/12/2020 - Item 10.1(a) (20-527)]

(c) Ord No. 30420 - An Ordinance of the City of San José Amending Uncodified Ordinance No. 30382 which Established a Temporary Moratorium on Evictions due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss due to the Novel Coronavirus (COVID-19), to Include the Following Provisions: a) Allow Affected Tenants with Seven Days Following Service of a Nonpayment of Rent Notice to Notify Their Landlords if They Have Been Financially Impacted, b) Expand the Definition of Affected Tenant, c) Add Anti-Retaliation Protection, d) Add a Prohibition on Notices Served in Bad Faith, e) Add a Prohibition of Late Fees, Interest, and Penalty Charges to Affected Tenants during Moratorium, and f) Add a Repayment Period through December 31, 2020.

[Passed for Publication on 5/19/2020 - Item 8.3 (20-568)]

(d) Ord No. 30421 - An Ordinance of the City of San José Amending Section 17.23.310 of Part 3 of Chapter 17.23 of Title 17 of the San José Municipal Code to Not Require Landlords Who Have Entered into Reduced Rent Agreements to Use the Reduced Rent Charged Pursuant to Such Agreement when Calculating the Annual General Increase.

[Passed for Publication on 5/19/2020 - Item 8.4 (20-575)]

(e) Ord No. 30422 - An ordinance of the City of San José Amending Title 20 of the San José Municipal Code Section 20.30.100 of Chapter 20.30, Section 20.40.100 of Chapter 20.40, Section 20.70.200 of Chapter 20.70, Section 20.75.200 of Chapter 20.75, Chapter 20.190, and Section 20.200.1265 of Chapter 20.200 to Include Permanent Supportive Housing, Low Barrier Navigation Center, and Ministerial Approvals to the Municipal Code; and Adding a New Chapter 20.195 Ministerial Approvals and a New Section 20.200.705 Low Barrier Navigation Center to Chapter 20.200 of Title 20 of the San José Municipal Code.

[Passed for Publication on 5/19/2020 - Item 10.1(a) (20-567)]

Attachments [\(c\) Ordinance](#)

2.3 Approval of Council Committee Minutes.

[20-637](#)

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 22, 2020.

(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 6, 2020.

(c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 20, 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 [\(a\) 4-22-2020 ROGC Minutes](#)
[\(b\) 5-6-2020 ROGC Minutes](#)
[\(c\) 5-20-2020 ROGC Minutes](#)

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 [20-586](#) **Amendment to Legal Services Agreement with Hawkins, Delafield & Wood LLP for Regional Wastewater Facility Capital Program.**

Recommendation: Approve a Fourth Amendment to the Legal Services Agreement with Hawkins, Delafield & Wood LLP, to extend the term of the agreement from June 30, 2020 through June 30, 2024 and revise the scope of services, at no additional cost to the City, to support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended), resulting in no physical changes to the environment. (City Attorney)

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

2.8 [20-587](#) **Amendment to Title 3 of the San José Municipal Code Amending the Police and Fire Department Retirement Plan to Allow for Continuation of Survivorship Benefits for Active Fire Members Killed in the Line of Duty.**

Recommendation: Approve an ordinance amending Section 3.36.1290 of Chapter 3.36 of Title 3 of the San José Municipal Code to allow spouses and domestic partners of active Fire members killed in the line of duty to continue their survivorship benefits in the event that they remarry or re-establish a domestic partnership. 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](#)
[Ordinance](#)

2.9 [20-588](#) **Deaccession of Items in the City's Collections for History San José.**

Recommendation: Approve the recommendation of the proposed deaccession of items in the City's collections in accordance with the History San José Collections Management Policy. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Economic Development)

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

2.10 [20-589](#)**Council Policy Priority #13: Cannabis Equity and State of California Equity Act Grant Funding and Related Appropriation Ordinance and Funding Source Resolution Amendments.****Recommendation:**

(a) Adopt a resolution ratifying the City Manager's or designee's execution of a grant agreement with the State of California Governor's Office of Business and Economic Development to receive \$149,300 in Local Equity Grant Funding, including any extensions or amendments thereof and any subsequent grant agreement with the Governor's Office of Business and Economic Development in relation thereto, in order to conduct a cannabis equity assessment and further program development of the City's Cannabis Equity Program.

(b) Adopt the following 2019-2020 Funding Source Resolution and Appropriation Ordinance amendments in the General Fund:

(1) Increase the estimate for Revenue from the State of California by \$149,300; and

(2) Increase the Cannabis Equity Assistance Program appropriation to the City Manager's Office by \$149,300.

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

(Economic Development/City Manager)

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Agreement](#)

[Resolution](#)

2.11 [20-590](#) **Lease Extensions for Office Space with La Familia, LP and 4th Street San Jose Partners, LLC for the Police Department.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute an amendment to the agreement with 4th Street San Jose Partners, LLC, and all other necessary documents, to extend an existing lease for one additional year for the San José Police Department Gaming Control Unit located at 210 N. 4th Street, Suite 202;

(b) Negotiate and execute an amendment to the agreement with La Familia, LP, and all other necessary documents, to extend an existing lease for one additional year for the San José Police Department Professional Standards and Conduct (Internal Affairs) Unit located at 777 N. 1st Street, Suites 430 & 666; and

(c) Negotiate and execute an amendment to the agreement, and all necessary documents, with La Familia, LP, to extend an existing lease for one additional year for the San José Police Department Children's Interview Center located at 777 N. 1st Street, Suite 320.

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

Council District 3. (Economic Development/Police)

Attachments [Memorandum](#)

2.12 [20-592](#) **Actions Related to the Purchase Orders with SmartWAVE Technologies, LLC for Ruckus Wi-Fi Installation, Support, and Maintenance. - DROP**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with SmartWAVE Technologies, LLC (Alpharetta, GA) for Ruckus Wi-Fi installations, including related labor, equipment, materials, and support and maintenance, for the first year of the initial three-year term ending on April 20, 2021 for a maximum compensation not to exceed \$650,000, subject to the appropriation of funds;

(b) Execute purchase orders for the second and third years of the initial term through April 20, 2023 and exercise up to two (2) one-year options to extend the terms through April 20, 2025 for Ruckus Wi-Fi installations, including related labor, equipment, and materials, and support and maintenance for new and existing installations, subject to the annual appropriation of funds; and

(c) Approve a contingency of \$100,000 for increases in demand and unanticipated expenses for new installations, maintenance, and support during the first year of the initial term.

CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d) New Construction of Small Structures. (Finance)
DROP

Attachments [Memorandum](#)
[Letter from the Public](#)

2.13 [20-593](#) **Actions Related to the Predevelopment Loan for Development of City Owned Property Located at 0 Evans Lane.**

Recommendation:

Adopt a resolution authorizing:

(a) An increase of \$263,374 to the predevelopment loan made to Allied Housing, Inc. for a total of \$707,687 predevelopment services including entitlement, utilities and storm water design for the 5.9 acre City owned property located at 0 Evans Lane, San José; and

(b) The Director of Housing to negotiate and execute all related documents and amendments.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 6. (Housing)

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

2.14 [20-595](#) **Amendment to the Vendor Agreement with P&A Administrative Services, Inc. for Flexible Spending Benefits, Commuter Benefit, and Cobra Administration for City Employees and their Dependents.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with P&A Administrative Services, Inc. for flexible spending benefits and Internal Revenue Code Section 125 plan administration services for City employees and their dependents to add the scope of services from the existing agreement with P&A Administrative Services, Inc. for Commuter and Consolidated Omnibus Budget Reconciliation Act (COBRA) administration, to extend the term of the Agreement from December 31, 2020 to December 31, 2023, and to increase the not to exceed amount from \$283,500 to a revised total not to exceed amount of \$489,000, subject to the annual appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Human Resources)
[Deferred from 5/19/2020 - Item 2.9 (20-543)]

Attachments [Memorandum](#)

2.15 [20-596](#) **Actions Related to the Newbury Park Master Plan Project Addendum.**

Recommendation: (a) Adopt a resolution adopting the Newbury Park Master Plan Project Addendum to the King and Dobbin Transit Village Final Environmental Impact Report and US 101-Oakland/Mabury Transportation Development Policy Environmental Impact Report (Resolution Nos. 74195.1 and 74196) (File No. PP19-055) all in accordance with the California Environmental Quality Act.
(b) Approve the Newbury Park Master Plan regarding one acre of City of San José property, Assessor Parcel Number 254-04-107.
CEQA: Newbury Park Master Plan Project Addendum (File No. PP19-055). Council District 3. (Parks, Recreation and Neighborhood Services)

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

2.16 [20-597](#) **Park Naming Nomination Golden Oak Park.****Recommendation:**

Adopt “Golden Oak Park” as the name of a future park, located on the east side of Via del Oro approximately 300 feet north of Raleigh Road. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making results in no changes to the physical environment. Council District 2. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.17 [20-598](#) **Report on Bids and Award of Contract for 8959 - Traffic Signal Modification at Hedding Street and Monroe Street.****Recommendation:**

(a) Report on bids and award of contract for the 8959 - Traffic Signal Modification at Hedding Street and Monroe Street to the low bidder, Rosendin Electric, Inc., in the amount of \$1,011,035.
(b) Approve a five percent contingency in the amount of \$50,552.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 6. (Public Works)

Attachments [Memorandum](#)

2.18 [20-599](#) **Summary Vacation of the 25-Foot and 15-Foot Setback Easements Within Tract No. 930.****Recommendation:**

Adopt a resolution:
(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the 25-foot and 15-foot public easements for light and air (Setback Easements) located within Tract No. 930;
(b) Summarily vacating the Setback Easements, which are excess; and
(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
CEQA: Categorically Exempt, File No. ER20-094, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

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

2.19 [20-600](#) **Amendment to the Master Agreement with Callander Associates Landscape Architecture for Landscape Architectural Design Services for Various City Facility Projects.**

Recommendation: Approve the Third Amendment to the Master Agreement with Callander Associates Landscape Architecture (CPMS Contract No. 8069) extending the term from June 30, 2020 to December 31, 2020 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of Park Yards Strategic Planning Study.

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

Attachments [Memorandum Agreement](#)

3. STRATEGIC SUPPORT

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

- [20-601](#) (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](#)
 [Letters from the Public](#)

3.2 Labor Negotiations Update.

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

- 3.3 [20-602](#) **Amendment to the Contract with the California Public Employees' Retirement System (CalPERS) and Amendment to Title 3 of the San José Municipal Code Amending the Defined Contribution Plan for Unit 99 Classifications to Exclude Certain Classifications in the Office of Retirement Services from Membership.**

Recommendation: (a) Approve an ordinance to amend the City of San José's contract with the California Public Employees' Retirement System (CalPERS) to allow employees hired on or after November 4, 2014 in certain Unit 99 classifications in the Office of Retirement Services to enroll in CalPERS retirement benefits.

(b) Approve an ordinance amending Section 3.49.030 of Chapter 3.49 of Title 3 of the San José Municipal Code, the California Defined Contribution Plan for Unit 99 Employees, to exclude employees hired on or after November 4, 2014 in certain Unit 99 classifications in the Office of Retirement Services from membership, effective July 26, 2020.

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](#)
[\(a\) Ordinance](#)
[\(b\) Ordinance](#)

- 3.4 [20-603](#) **Status Report on Measure T - The Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.**

Recommendation: Accept the status report on the workplan and implementation updates for projects included in the approved Measure T Bond measure.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

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

3.5 [20-611](#) **Urgency Ordinance and Companion Ordinance to Require Fabric Face Coverings.**

Recommendation: As recommended by the Rules and Open Government Committee on May 13, 2020:

(a) Adopt an urgency ordinance adding Chapter 9.61 to Title 9 of the San José Municipal Code that:

(1) Invokes the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health, or safety; and

(2) Mandates the wearing of fabric face coverings across the City of San José when outside of one's home in specific situations, with specific exceptions, as an additional measure to the County's guidance to stop the spread of COVID-19.

(b) Approve a companion ordinance adding Chapter 9.61 to Title 9 of the San José Municipal Code that mandates the wearing of fabric face coverings across the City of San José when outside of one's home in specific situations, with specific exceptions, as an additional measure to the County's guidance to stop the spread of COVID-19.

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

(Jones)

[Rules Committee referral 5/13/2020 - Item G.6; Deferred from 5/19/2020 - Item 3.6 (20-582)]

Attachments [Memorandum](#)

[Attachment](#)

[\(a\) Ordinance](#)

[\(b\) Ordinance](#)

[Letters from the Public 1 of 3](#)

[Letters from the Public 2 of 3](#)

[Letters from the Public 3 of 3](#)

3.6 [20-634](#) **Agreements with Hunger at Home and Veggielution for Distribution of Meals due to COVID-19 Impacts.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement to Provide Meals for Limited Duration between the City of San José and Hunger at Home (San José, CA) to provide meals to temporarily sheltered, unsheltered, isolated, medically vulnerable, and low-income individuals and families experiencing food insecurity due to the impacts of the COVID-19 pandemic beginning March 19, 2020 and ending on June 19, 2020 with a maximum compensation not to exceed \$900,000; and
- (b) Negotiate and execute an Agreement to Provide Meals for Limited Duration between the City of San José and Veggielution (San José, CA) to provide food truck meals to seniors 65-years-old or older, medically vulnerable, and low-income individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic for up to 90 days, with a maximum compensation not to exceed \$69,000.

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](#)

3.7 [20-635](#) **Update on the Agreement with Santa Clara County for Cost of Distribution of Food and Necessities.**

Recommendation:

Provide an update on the status of the Santa Clara County Food Reimbursement Agreement negotiation and recommended next steps.

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

- 3.8 [20-640](#) **Ratification of Both May 31, 2020 Proclamation of Local Emergency Resulting from Civil Unrest and May 31, 2020 Emergency Order Imposing a Curfew.**

Recommendation: Adopt a resolution ratifying:
(a) The Director of Emergency Services' May 31, 2020 Proclamation of Local Emergency resulting from civil unrest following the death of George Floyd in Minneapolis, Minnesota; and
(b) The Director of Emergency Services' May 31, 2020 Emergency Order imposing a city-wide curfew.
TO BE ADDED UNDER ORDERS OF THE DAY

Attachments [Proclamation of Local Emergency Resolution](#)
[Amended Order Imposing Curfew](#)
[Letters from the Public - 1 of 6](#)
[Letters from the Public - 2 of 6](#)
[Letters from the Public - 3 of 6](#)
[Letters from the Public - 4 of 6](#)
[Letters from the Public - 5 of 6](#)
[Letters from the Public - 6 of 6](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [20-605](#) **Report on Bids and Award of Construction Contract for 8868 - Advanced Facility Control and Meter Replacement - Phase 2 Project at the San José-Santa Clara Regional Wastewater Facility.**

Recommendation: (a) Report on bids and award a construction contract for the 8868 - Advanced Facility Control and Meter Replacement - Phase 2 Project to the low bidder, Kiewit Infrastructure West Co., in the amount of \$7,046,100, including Add Alternate Items No. 1 through 5.
(b) Approve a 20 percent contingency in the amount of \$1,409,220.
CEQA: Categorically Exempt, File No. PP16-130, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services/Public Works)

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

7. NEIGHBORHOOD SERVICES

7.1 [20-606](#) **Amendment to the Agreement with Graffiti Protective Coatings, Inc. for Graffiti Abatement Services.**

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 one (1) additional two-year option term through June 26, 2022 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. (Parks, Recreation and Neighborhood Services/Finance)

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

7.2 [20-604](#) **Actions Related to the Report on Bids and Award of Construction Contract for the 8469 - Tamien Park - Phase II Project.**

Recommendation:

(a) Report on bids and award of construction contract for the 8469 - Tamien Park - Phase II Project to the lowest responsive bidder, Suarez & Munoz Construction, Inc., for the base bid and Add Alternate No. 1 in the amount of \$1,992,500 and approve a contingency in the amount of \$99,625.

(b) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the Tamien Park Development (Phase II) appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$67,000; and

(2) Decrease the Tamien Park Development Reserve by \$67,000.

CEQA: Mitigated Negative Declaration for Tamien Park Development Master Plan (Resolution No. 77407), File No. PP14-057. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Attachments [Memorandum](#)
[Tamien Park Protest Response](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-607](#) **Amendment to the Planning Commission Composition Ordinance.****Recommendation:**

(a) Staff Recommendation:

Approve an ordinance amending Section 2.08.4000 of Chapter 2.08 of Title 2 of the San José Municipal Code to:

- (1) Limit the number of members of the Planning Commission who reside in the same Council District to two;
- (2) Adopt a two-term limit for Commission membership;
- (3) Consider an alternative limit on the number of members of the Planning Commission who reside in the same Council District to one; and
- (4) Consider a provision allowing the Council to override the District limitation by a majority vote.

(b) Planning Commission Recommendation:

(1) Approve an ordinance amending Section 2.08.4000 of Chapter 2.08 of Title 2 of the San José Municipal Code to limit the number of members of the Planning Commission who reside in the same Council District to one; and

(2) Direct staff to expand outreach to include outreach to people on other City commissions and boards as well as the general public. CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no change to the physical environment. Planning Commission recommends approval (4-2, Allen and Ballard opposing). (Economic Development/Planning, Building and Code Enforcement/City Clerk)

Attachments [Memorandum](#)

[Memorandum from Planning Commission, 6/1/2020](#)

[Attachment A - April 24, 2019 Memorandum to the Rules and O](#)

[Attachment B - Planning Commissioner Allen Letter Regarding I](#)

[Attachment C - Planning Commission Memo](#)

[Attachment D - Proposed Ordinance](#)

[Memorandum from Esparza, 6/1/2020](#)

[Ordinance](#)

[Presentation](#)

8.2 [20-636](#) **Qualifying Rental Developments Paying Affordable Housing Impact Fee Deadline Due to COVID-19.**

Recommendation: (a) Accept staff’s recommendation to extend the Affordable Housing Impact Fee (AHIF) Transition deadline from June 30, 2020 until the expiration of the Proclamation of Local Emergency.
 (b) Adopt a resolution amending Resolution No. 77218 as previously amended by Resolutions No. 78010, 78392, 78473, 78576 and 79294 (collectively, the “Housing Impact Fee Resolution”) by updating Section 13 regarding the transition between the Affordable Housing Impact Fee and Inclusionary Housing Ordinance Programs to extend the date on which the transition developments must submit final approved building plans and pay their AHIF from June 30, 2020 to the end of the Proclamation of Local Emergency extended by Resolution No. 79502, and as may be further extended by a resolution of the Council.
 CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
 (Economic Development/Housing)

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

10.2 [20-608](#)

H19-016 - Site Development Permit for Certain Real Property Located at the Northeast Corner of South Almaden Boulevard and Park Avenue (150 S. Almaden Boulevard). - DEFERRED

Recommendation:

(a) Adopt a resolution:

(1) Certifying the Environmental Impact Report (SCH#2018022032) and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA); and

(2) Approving a Site Development Permit, subject to conditions, to allow the demolition of the nine existing on-site buildings (including candidate City Landmarks), the removal of 14 ordinance size trees, and the construction of an approximately 3.79 million square feet development comprised of 24,000 square feet of ground floor retail and 3,640,033 square feet of office space and including a request for 24-hour construction and Downtown Design Guidelines exceptions on an approximately 8.1-gross acre site located at the northeast corner of South Almaden Boulevard and Park Avenue.

(b) Direct Staff to file a Notice of Determination pursuant to Section 15094 of the State CEQA Guidelines.

CEQA: City View Plaza Project Tower Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942). Council District 3. (Planning, Building and Code Enforcement)

DEFERRED TO 6/9/2020 PER ADMINISTRATION

- 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

**JOINT CITY OF SAN JOSE CITY COUNCIL AND FINANCING AUTHORITY BOARD
AGENDA**

1:30 p.m.

June 2, 2020

Virtual Meeting

- Call to Order and Roll Call

1. [20-609](#) **Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008E (Ice Centre Refunding Project).****Recommendation:**

(a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a Second Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project) and authorizing other related actions.

(b) City of San José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a Second Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), and approving and authorizing the negotiation, execution and delivery of a Fourth Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.

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. (Finance)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[Agreement](#)
[Indenture of Trust](#)

- Open Forum
- 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.