



# City of San José

City of San José  
200 East Santa Clara Street  
San Jose, CA 95113

## Agenda

### **Joint Meeting for the Rules and Open Government Committee and Committee of the Whole**

#### **Committee Members**

**Sam Liccardo, Chair**

**Chappie Jones, Vice Chair**

**Sylvia Arenas, Member**

**Dev Davis, Member**

**Johnny Khamis, Member**

#### **Committee Staff**

**Dave Sykes, City Manager**

**Toni Taber, City Clerk**

**Richard Doyle, City Attorney**

**Gloria Schmanek, City Manager's Office**

**Henry Smith, Mayor's Office**

**Louis Osemwegie, City Clerk's Office**

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Wednesday, May 6, 2020

2:00 PM

Virtual Meeting

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#### **\* COVID-19 NOTICE \***

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

#### **How to observe the Meeting (no public comment):**

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto: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](mailto: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: 788 988 479 Click \*9 to raise a hand to speak.
- 2) By online <https://zoom.us/j/788988479>.
  - 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.

**A. City Council (City Clerk)**

1. Review Final Agenda

[ROGC  
20-172](#)

Review May 12, 2020 Final Agenda

- a. Add New Items to Final Agenda
- b. Assign "Time Certain" to Agenda Items (if needed)
- c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

**Attachments** [Agenda  
Add Sheet](#)

2. Review Draft Agenda

[ROGC  
20-173](#)

Review May 19, 2020 Draft Agenda  
a. Add New Items to Draft Agenda  
b. Assign "Time Certain" to Agenda Items (if needed)  
c. Review of Notice of Waiver Requirements for Agenda Items or Documents (if needed)

**Attachments** [Agenda](#)

## **B. Review of Upcoming Special Meeting Agenda(s)**

## **C. Legislative Update**

1. State
2. Federal

## **D. Meeting Schedules**

## **E. The Public Record**

[ROGC  
20-174](#)

The Public Record for April 24, 2020 - April 30, 2020. (City Clerk)

**Recommendation:** Receive and file the Public Record for April 24, 2020 to April 30, 2020

**Attachments** [The Public Record](#)

## **F. Boards, Commissions and Committees**

1. Appointments
2. Work Plans & Annual Reports

## **G. Rules Committee Reviews, Recommendations and Approvals**

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

### **1. Consent Calendar**

END OF CONSENT

2. [ROGC](#)  
[20-175](#) Fee Cap on Food Delivery Services. (Diep)

**Recommendation:**

Direct staff to draft and enact an urgency ordinance that:

(1) Limit fees third-party food-delivery services operating in San José may charge on restaurants to:

(a) 10% where food-delivery companies do not make personal protective equipment available to the employees or independent contractors who make deliveries; and

(b) 15% where food-delivery companies establish that personal protective equipment is provided at no cost to the employees or independent contractors making deliveries;

(2) Sunsets the 15% cap on fees once restaurants in Santa Clara County may offer unrestricted dine-in service;

(3) Grants food-delivery companies 14 days per incident to refund any fees taken in excess of these limits; and

(4) Imposes a sliding scale of fines for repeated instances of exceeding the fee limits.

**Attachments** [Memorandum from Diep](#)  
[Letters from the Public](#)

3. [ROGC](#)  
[20-176](#) Universal Extension of Development and Construction Deadlines  
Due to COVID-19. (Mayor)

**Recommendation:**

Direct the City Manager and City Attorney to review the universe of applicable development and construction deadlines impacted by COVID-19 and return to Council with recommendations for an ordinance that addresses the following:

- (1) PBCE has already extended building permit deadlines by 6 months in April 2020. Please provide an update and recommendation on extending deadlines for an additional 6 months, for a total of 12 months, to correspond with expected supply chain and labor delays, as well as the potential for a second wave of infections this fall;
- (2) Provide an extension of all entitlements from 2 to 4 years for all projects due to the impacts of COVID-19 on construction timelines due to factors listed above, with the additional factor of significantly diminished investor activity;
- (3) Evaluate the forbearance of permit and entitlement fees to ensure that these universal extensions will not have unintended consequences; and
- (4) Provide extensions for all fee waivers and reductions to, at a minimum, correspond to the duration of the COVID-19 shelter in place order(s).

**Attachments** [Memorandum from the Mayor](#)  
[Letters from the Public](#)

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Joint Meeting of the Rules and Open Government Committee and Committee of the Whole
6. Smart Cities and Service Improvement Committee

## **I. Open Government**

## **J. 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.*

## **K. Adjournment**

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

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 San José City Hall, Office of the City Clerk, 200 E. Santa Clara Street, 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1260 as soon as possible, but at least three business days before the meeting/event.

Access the video, the agenda and related reports for this meeting by visiting the City's website.