



City Council Meeting Amended Agenda

Tuesday, August 4, 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 7:30 a.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 is 913 2537 8626. Click *9 to raise a hand to speak.
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
 - 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 virtually at <https://zoom.us/j/96930363220>

[20-856](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

11:00 a.m. - Regular Session, held virtually at <https://sanjoseca.zoom.us/j/91325378626> or other locations as noted above.

*Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear. For Vietnamese, please select “German.”** * Zoom does not currently support Vietnamese translation, but we have added Vietnamese interpreters under “German.”*

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). Haga clic en el idioma que desea escuchar. Para el vietnamita, seleccione "German".* * Zoom no ofrece actualmente la traducción al vietnamita, pero hemos añadido intérpretes vietnamitas en "German".

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt.

Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). Nhấp vào ngôn ngữ mà bạn muốn nghe. Đối với người Việt Nam, vui lòng chọn “German” (tiếng Đức). *

*Zoom hiện không hỗ trợ phiên dịch tiếng Việt, nhưng chúng tôi đã thêm phiên dịch tiếng Việt dưới tựa “German” (Tiếng Đức).

- Pledge of Allegiance
- Invocation (District 7)
- Orders of the Day

To be heard after Ceremonial Items

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

ITEM 2.8 RECOMMENDED TO BE PULLED FROM CONSENT CALENDAR

- Adjournment

This meeting will be in memory of Carmen Castellano, a dedicated activist for social change, community leader, and lover of the arts. Through her thirty-five years at San José City College, where she co-founded the Latino Education Association, and as the founder and President of the Castellano Family Foundation, Carmen was a trailblazer, uplifting communities of color and elevating Latino voices. As a philanthropist, Carmen fiercely advocated for greater diversity, equity, and inclusion within philanthropy, and has left an indelible legacy reflected in the many local organizations she supported. She is survived by her husband, Alcario, their three children, Maria, Carmela, and Armando, and five grandchildren.

- **Closed Session Report**

To be heard after Ceremonial Items

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.

20-837**Approval of City Council Minutes.****Recommendation:**

- (a) Regular City Council Meeting Minutes of April 23, 2019.
- (b) Regular City Council Meeting Minutes of June 18, 2019.
- (c) Regular City Council Meeting Minutes of September 17, 2019.
- (d) Regular City Council Meeting Minutes of October 8, 2019.
- (e) Regular City Council Meeting Minutes of October 29, 2019.
- (f) Regular City Council Meeting Minutes of June 2, 2020.
- (g) Regular City Council Meeting Minutes of June 16, 2020.
- (h) Regular City Council Meeting Minutes of June 30, 2020 and July 1, 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

- [\(a\) 4/23/2019 CC Draft Minutes](#)
- [\(b\) 6/18/2019 CC Draft Minutes](#)
- [\(c\) 9/17/2019 CC Draft Minutes](#)
- [\(d\) 10/8/2019 CC Draft Minutes](#)
- [\(e\) 10/29/2019 CC Draft Minutes](#)
- [\(f\) 6/2/2020 CC Draft Minutes](#)
- [\(g\) 6/16/2020 CC Draft Minutes](#)
- [\(h\) 6/30/2020 & 7/1/2020 CC Draft Minutes](#)

2.2 Final Adoption of Ordinances.

[20-816](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30439 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 12.41 Gross Acres Situated on the Southwest Corner of Gateway Place and Airport Parkway (2050 Gateway Place) (APNS: 230-01-048 and 230-01-049) from the A(PD) Zoning District to the IP Industrial Park Zoning District.

[Passed for Publication on 6/23/2020 - Item 10.1 (a) (20-710)]

(b) Ord No. 30440 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.39 Gross Acres Situated Approximately 230 Feet from the Northwest Corner of West San Carlos Street and Meridian Avenue (259 Meridian Avenue; APN: 274-14-152) from the R-2 Two-Family Residence and CO Commercial Office Zoning Districts to a CP(PD) Planned Development Zoning District.

[Passed for Publication on 6/23/2020 - Item 10.2 (b) (20-711)]

(c) Ord No. 30441 - An Ordinance of the City of San José Amending Section 3.28.200 of Chapter 3.28 and Section 3.36.410 of Chapter 3.36 of Title 3 of the San José Municipal Code to Implement the Terms of the Alternative Pension Reform Settlement Framework Agreement with City Employee Bargaining Groups Relating to Rehired Tier 1 Member Amortization Interest Costs.

[Passed for Publication on 6/30/2020 - Item 2.8 (c) (20-723)]

(d) Ord No. 30445 - An Ordinance of the City of San José Retroactively Extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs (Ordinance Nos. 30295 and 30296, Respectively) from June 30, 2020 Up Through and Including September 30, 2020.

[Passed for Publication on 6/30/2020 - Item 2.25 (20-777)]

2.3 Approval of Council Committee Minutes.

[20-838](#)**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 August 14, 2019.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 28, 2019.
 - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 4, 2019.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 11, 2019.
 - (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 10, 2020.
 - (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 24, 2020.
 - (g) Regular Public Safety, Finance, and Strategic Support Committee and Committee Meeting Minutes of August 15, 2019.
 - (h) Regular Community and Economic Development Committee Meeting Minutes of August 26, 2019.
 - (i) Regular Smart Cities and Service Improvements Committee Meeting Minutes of September 5, 2019.
 - (j) Regular Transportation and Environment Committee Meeting Minutes of September 9, 2019.
 - (k) Regular Neighborhood Services and Education Committee Meeting Minutes of September 12, 2019.
- 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**
- [\(a\) 8/14/2019 ROGC Minutes](#)
 - [\(b\) 8/28/2019 ROGC Minutes](#)
 - [\(c\) 9/4/2019 ROGC Minutes](#)
 - [\(d\) 9/11/2019 ROGC Minutes](#)
 - [\(e\) 6/10/2020 ROGC Minutes](#)
 - [\(f\) 6/24/2020 ROGC Minutes](#)
 - [\(g\) 8/15/2019 PSFSS Minutes](#)
 - [\(h\) 8/26/2019 CED Minutes](#)
 - [\(i\) 9/5/2019 SCSJ Minutes](#)
 - [\(j\) 9/9/2019 T&E Minutes](#)
 - [\(k\) 9/12/2019 NSE 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 [20-823](#) **Fiscal Year 2020-2021 Property Tax Levy for General Obligation Bonds.**

Recommendation: Adopt a resolution establishing the FY 2020-2021 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County.
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](#)
 - [Resolution](#)

2.8 [20-824](#) **Approval of an Ordinance Dedicating Additional Public Right-of-Way as Part of Knox Avenue.**

Recommendation: Approve an ordinance dedicating as public right-of-way approximately 21,799 square feet of City-owned property along the north side of Story Road and accepting the right-of-way into the City's street system as part of Knox Avenue.

CEQA: Categorically Exempt, CEQA Guideline Section 15332 Infill Development Project, File No. H17-041. Council District 5. (Public Works)

ITEM 2.8 RECOMMENDED TO BE PULLED FROM CONSENT CALENDAR

REQUIRES 4/5 VOTE OF THE ENTIRE COUNCIL (9 VOTES) THAT PUBLIC CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION, CONSTRUCTION, AND MAINTENANCE OF A STREET LESS THAN 40 FEET (Cal. Str. & Hwy. Sec. 1805)

Attachments [Memorandum](#)
[Ordinance](#)

2.9 [20-836](#) **Boards and Commissions Appointments.**

Recommendation: Approve the following Boards and Commissions appointments:

(a) Youth Commission:

(1) Citywide Seat: Aroshi Ghosh to a term ending May 31, 2022;

(b) Senior Citizens Commission:

(1) District 4 Seat: Sharon Root to a term ending June 30, 2023;

(2) District 8 Seat: Kanta Khiatani to a term ending June 30, 2021.

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

Attachments [Memorandum, Revised](#)
[Application - Youth Commission](#)
[Applications - Senior Citizens Commission](#)
[Conflict of Interest - Senior Citizens Commission](#)

3. STRATEGIC SUPPORT

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

[20-825](#)

(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 CALENDAR

Attachments [Presentation](#)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 [20-826](#) **Agreements for Food Distribution and Related Services for COVID-19
Pandemic.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute a First Amendment to the two Agreements to Provide Meals for Limited Duration between the City of San José and World Central Kitchen (Washington, DC) to add up to three options through October 9, 2020, to be concurrent with any extensions by CalOES for the Great Plates Program based on the same terms and conditions; and exercise up to three options to extend the term and amend the maximum compensation for the two Agreements, subject to the appropriation of funds;
- (b) Negotiate and execute a Second Amendment to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Team San Jose (San José, CA) to provide meals to unhoused individuals to extend the Term by adding up to two options through September 30, 2020, and increase the maximum aggregate compensation amounts to \$1,894,800 with \$1,288,464 for service in San José and \$606,336 for service in Santa Clara County and outside of San José;
- (c) Negotiate and Execute a Second Amendment to the two Agreements 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 experiencing food insecurity due to the impacts of the COVID-19 pandemic to add up to two options to extend the term through September 30, 2020, with no change to the aggregate maximum compensation amounts of \$1,300,000 with \$884,000 for service in San José and \$416,000 for service in Santa Clara County and outside of San José;
- (d) Negotiate and Execute a Second Amendment to the two Agreements to Provide Meals for 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 unhoused individuals to add up to two options to extend the term through September 30, 2020, and increase the maximum aggregate compensation amounts of \$930,060 with \$725,350 for service in San José and \$204,710 for service in Santa Clara County and outside of San José; and
- (e) Negotiate and execute an Agreement between the City of San José and Deloitte Consulting, LLP (New York, NY) for providing professional consulting services to plan and implement the food and necessities distribution program response to the COVID-19 emergency, retroactive to March 29, 2020, through June 20, 2020, for a maximum

compensation amount of \$498,000.

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](#)
[Presentation](#)

3.4 [20-827](#) **Potential Ballot Measure for November 3, 2020 Election for Cardroom Revenue Measure.**

Recommendation:

Adopt a resolution of the City Council:

(a) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the Statewide General Election on November 3, 2020, to submit to the electors of the City of San José a measure to increase the cardroom tax on the gross revenues of cardrooms, add a new tax on the gross revenues of third party providers of proposition player services and increase the number of card tables with the following statement of the measure to be printed in the ballot: To fund general San José services, including fire protection, disaster preparedness, 911 emergency response, street repair, youth programs, addressing homelessness, and supporting vulnerable residents, shall an ordinance be adopted increasing the cardroom tax rate from 15% to 16.5%, applying the tax to third party providers at these rates: up to \$25,000,000 at 5%; \$25,000,001 to \$30,000,000 at 7.5%; and over \$30,000,000 at 10%, increasing card tables by 30, generating approximately \$15,000,000 annually, until repealed.

(b) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San José Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(c) Authorizing the City Council or any member or members of the City Council to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282;

(d) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(e) Directing the City Attorney to prepare an Impartial Analysis of the measure, pursuant to Elections Code Section 9280; and

(f) Directing the City Clerk to take all other actions necessary to place this measure on the November 3, 2020 ballot.

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. (City Manager)

- Attachments** [Memorandum](#)
[Supplemental Memorandum](#)
[Resolution](#)
[Presentation](#)

3.5 [20-828](#)

Actions Related to Potential Ballot Measure(s) for the November 3, 2020 Election to Amend the City Charter to Expand the Review Authority for the Independent Police Auditor, Change the Size and Composition of the Planning Commission, and/or Change the Timelines to Conduct Redistricting.

Recommendation:

(a) Review and discuss the proposed ballot measure for the November 3, 2020 statewide general election to amend the City Charter to expand the review authority for the Independent Police Auditor (IPA) in accordance with the Amended Side Letter Agreement between the City of San José and the San José Police Officers' Association.

(b) Review and discuss the proposed ballot measure for the November 3, 2020 statewide general election to amend the City Charter to change the size and composition of the Planning Commission and to change the timelines to conduct redistricting.

(c) Determine whether the proposed ballot measures should be submitted to the voters separately or consolidated into one measure.

(d) If the City Council decides that the proposed ballot measures should be submitted to the voters separately or consolidated with the IPA measure:

(1) Adopt a resolution of the City Council:

(i) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the Statewide General Election on November 3, 2020, to submit to the electors of the City of San José, the following measure:

Shall the San José City Charter be amended to expand the Independent Police Auditor's oversight to include unredacted review of officer-involved shootings and incidents where an officer used force in a manner that caused death or great bodily injury, as well as review of department-initiated investigations against police officers, and other technical amendments, as agreed to by the San José Police Officers' Association? [Separate]

(ii) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(iii) Authorizing the City Council or any member or members of the City Council to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282;

(iv) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(v) Directing the City Attorney to prepare an Impartial Analysis of the measure pursuant to Elections Code Section 9280; and

(vi) Directing the City Clerk to take all other actions necessary to place this measure on the November 3, 2020 ballot.

(2) Adopt a resolution of the City Council:

(i) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the Statewide General Election on November 3, 2020, to submit to the electors of the City of San José, the following measure:

[Separate]: Shall the San José City Charter be amended to change the size and composition of the Planning Commission from 7 to 11 members with Council appointing one member from each Council District and one “at-large” member, and to allow the Council by ordinance to establish timelines to conduct redistricting when Census results are late?

OR

[Consolidated]: Shall the City Charter be amended to: expand the Independent Police Auditor’s oversight, including unredacted review of officer-involved shootings and use of force incidents causing death or great bodily injury, review of department-initiated investigations against officers, and other technical amendments; increase the Planning Commission to 11 members with Council appointing one member from each Council District and one “at-large” member; and allow the Council to establish timelines for redistricting when Census results are late?

(ii) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(iii) Authorizing the City Council or any member or members of the City Council to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282;

(iv) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(v) Directing the City Attorney to prepare an Impartial Analysis of the measure pursuant to Elections Code Section 9280; and

(vi) Directing the City Clerk to take all other actions necessary to place this measure on the November 3, 2020 ballot.

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

(City Manager)

Attachments [Memorandum](#)
[Supplemental Memorandum, 7/30/2020](#)
[Supplemental Memorandum, 8/3/2020](#)
[\(d.1\) Resolution](#)
[\(d.2\) Resolution-IPA Planning-Redistricting Combined](#)
[\(d.2\) Resolution-Planning-Redistricting Measure](#)
[Letters from the Public](#)

3.6 [20-829](#) **Actions Related to Declarations Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San José Municipal Code.**

Recommendation: (a) Adopt a resolution of the City Council confirming and ratifying the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San José Municipal Code issued July 21, 2020.
(b) Adopt a resolution of the City Council amending the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San José Municipal Code issued June 4, 2020, to allow businesses to use sidewalk areas beyond their business frontage with neighboring property consent.
CEQA: Categorically Exempt, File No. ER20-159, CEQA Guidelines Section 15304(e) Minor Alterations to Land. (Economic Development)

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

3.7 [20-830](#) **Public Hearing for the Fiscal Year 2020-2021 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments for the 2020-2021 Santa Clara County Secured Property Tax Roll.**

Recommendation: Conduct a Public Hearing on the Fiscal Year 2020-2021 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2020-2021 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

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

3.8 [20-831](#) **Public Hearing for the Fiscal Year 2020-2021 Annual Residential Solid Waste Collection Service Charges for the 2020-2021 Santa Clara County Secured Property Tax Roll.**

Recommendation: Conduct a Public Hearing on the Fiscal Year 2020-2021 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2020-2021 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

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

3.9 [20-860](#) **Termination of Proclamation of Local Emergency for Civil Unrest.**

Recommendation: Adopt a resolution terminating the Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services on May 31, 2020 resulting from civil unrest affecting the City of San José.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 7/29/2020 - Item A.1.a]

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

3.10 [20-861](#) **Actions Related to the 2020 Coronavirus Emergency Supplemental Funding Program Grant Funds Received from U.S. Department of Justice.**

Recommendation: (a) Adopt a resolution authorizing the City Manager to execute an Agreement for grant awards received from the U.S. Department of Justice in the amount of \$865,998.
(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 (1) Establish a City-Wide Expenses appropriation to the Police Department for the Coronavirus Emergency Supplemental Funding Program Grant 2020 in the amount of \$865,998; and
 (2) Increase the estimate for Revenue from Federal Government by \$865,998.
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. (Police/Fire/City Manager)
[Rules Committee referral 7/29/2020 - Item A.1.a]

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

4. PUBLIC SAFETY SERVICES

4.1 [20-832](#) **Release of Police Department Video Clips Related to Recent Protests.****Recommendation:**

Accept a report detailing the public release of video clips from the recent protests that are in the possession of or readily available to the Police Department.

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

Attachments

[Memorandum](#)

[Letters from the Public](#)

5. TRANSPORTATION & AVIATION SERVICES**5.1** [20-833](#) **Continued Financial Relief and Amendment to Concession Agreements for Non-Aeronautical Concessionaires at the Norman Y. Mineta San José International Airport.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute amendments to concession agreements to provide continued financial relief to non-aeronautical concessionaires operating on Airport premises retroactive from July 1, 2020 through December 31, 2020, to support Airport concession operations that have been impacted by Airport passenger declines as a result of the COVID-19 pandemic. Financial relief for Airport concessionaires could include: (a) continued suspension of Minimum Annual Guarantee Rent, and charge only percentage rent retroactive from July 1, 2020 through December 31, 2020; and (b) allow Airport concessionaires to charge higher prices by allowing a higher percentage markup over street prices, retroactive from July 1, 2020 through December 31, 2020.

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

Attachments

[Memorandum](#)

5.2 [20-834](#) **Continued Financial Relief and On-Airport Rental Car Operations Agreements and Lease Agreements for Non-Aeronautical Rental Car Concessions at the Norman Y. Mineta San José International Airport.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute amendments to rental car concession agreements to: (a) extend the term retroactive from July 1, 2020 to June 30, 2030; and (b) provide continued temporary financial relief to rental car concessions (“Rental Cars”) operating on the Airport premises retroactive from July 1, 2020 through December 31, 2020, to support Rental Car operations that have been directly impacted by Airport passenger activity declines as a result of the COVID-19 pandemic. Financial relief for the Rental Cars could include: (a) continued suspension of the Minimum Annual Guarantee Rent and charging only percentage rent due through December 31, 2020; (b) defer the reallocation date of construction and any relocation of services to a later date; and (c) defer rent adjustment appraisals to a later date and increase rent from leased premises by Consumer Price Index (CPI).

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

Attachments [Memorandum](#)

5.3 [20-835](#) **Public Hearing for Support of COVID International Services.**

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding support for the resumption of international flights by Air Canada, Alaska Airlines, ANA, British Airways, Hainan Airlines, Southwest Airlines, and Volaris Airlines as authorized by the Federal Aviation Administration.
(b) Adopt a resolution authorizing the Director of Aviation or the Director’s designee to provide support in the form of fee waivers for the air carrier services outlined in the staff memorandum.

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

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

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-862](#) **Amendments to the City's Citizen Participation Plan.**

- Recommendation:**
- (a) Approve amendments to the federally-required Citizen Participation Plan (CPP) for the expenditure of funds from the U.S. Housing and Urban Development (HUD) to provide alternate rules for public notices and comment periods when a national, state, or local emergency is declared;
 - (b) Approve amendments to the CPP to allow for virtual attendees to various HUD-required hearings as a regular addition to in-person hearings; and
 - (c) Approve other updates to align with the current federal regulations as amended.

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

[Rules Committee referral 7/29/2020 - Item A.1.a]

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

8.2 [20-863](#) **Public Hearing for the Draft 2020-25 Consolidated Plan and Draft Fiscal Year 2020-21 Annual Action Plan.**

Recommendation:

(a) Conduct a Public Hearing on the Draft 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan, as required by the U.S.

Department of Housing and Urban Development (HUD), to receive federal housing and community development funding; and

(b) Provide Housing Department staff with input on the draft Plans and funding priorities.

CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and 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. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project specific CEQA clearance. (Housing)

[Rules Committee referral 7/29/2020 - Item A.1.a]

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

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

This meeting will be in memory of Carmen Castellano, a dedicated activist for social change, community leader, and lover of the arts. Through her thirty-five years at San José City College, where she co-founded the Latino Education Association, and as the founder and President of the Castellano Family Foundation, Carmen was a trailblazer, uplifting communities of color and elevating Latino voices. As a philanthropist, Carmen fiercely advocated for greater diversity, equity, and inclusion within philanthropy, and has left an indelible legacy reflected in the many local organizations she supported. She is survived by her husband, Alcario, their three children, Maria, Carmela, and Armando, and five grandchildren.

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.