



City Council Meeting Amended Agenda

Tuesday, September 22, 2020

11:00 AM

Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>

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.sanjoselegistar.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 10:00 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, (877) 853-5257 (Toll Free), US: (213) 338-8477, or (408) 638-0968 , Webinar ID is 913 2537 8626.
 - a. Click *9 to "Raise Hand" to speak. Click *6 to unmute when your name is called.
- 2) Via Zoom: <https://sanjoseca.zoom.us/j/91325378626>
 - a. 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.
 - b. 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.
 - c. When called, please limit your remarks to the time limit allotted.

*For Closed Captions, please visit the City's YouTube channel
<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.*

*Interpretation is available in Spanish and Vietnamese.
In your webinar controls, select "Interpretation." Click the language you would like to hear.*

*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).*

*Se dispone de interpretación en español y vietnamita.
En los controles de su seminario web, seleccione "Interpretation" (Interpretación).*

- **Call to Order and Roll Call**

9:00 a.m.- Closed Session, Call to Order
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session
See Separate Agenda

[20-1095](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

11:00 a.m.- Regular Session

- **Pledge of Allegiance**

- **Invocation (District 8)**

Charina B. Tengson - Evergreen Valley College Women & Gender Studies Department

- **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.

- **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.

[20-1109](#) **Approval of City Council Minutes.**

Recommendation:

- (a) City Council Special Meeting Minutes of May 21, 2020.
 - (b) City Council Special Meeting Minutes of June 26, 2020.
 - (c) City Council Regular Meeting Minutes of August 18, 2020
 - (d) City Council Regular Meeting Minutes of August 25, 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 [\(a\) 5/21/2020 CC Draft Minutes](#)
[\(b\) 6/26/2020 CC Draft Minutes](#)
[\(c\) 8/18/2020 CC Draft Minutes](#)
[\(d\) 8/25/2020 CC Draft Minutes](#)

2.2 Final Adoption of Ordinances.

[20-1119](#) **Final Adoption of Ordinances.**

Recommendation:

- (a) Ordinance No. 30475 - An Ordinance of the City of San José Adding Chapter 5.11 to Title 5 of the San José Municipal Code Enacting a Requirement that New Non-Residential Development Pay a Commercial Linkage Fee for the Provision of Affordable Housing. [Passed for Publication on 9/1/2020 - Item 8.2 (c)(1) (20-969)] [Deferred from 9/15/2020 - Item 2.2 (e)]

Attachments [Memorandum from Mayor, 9/22/2020](#)
[Ordinance](#)
[Letters from the Public](#)

2.3 Approval of Council Committee Minutes.

[20-1110](#)**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 September 25, 2019.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 2, 2019.
 - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 9, 2019.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 30, 2019.
 - (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 5, 2020.
 - (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 19, 2020.
 - (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 2, 2020.
 - (h) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of August 20, 2020.
 - (i) Regular Community and Economic Development Committee Meeting Minutes of September 23, 2019.
 - (j) Regular Community and Economic Development Committee Meeting Minutes of October 28, 2019.
 - (k) Regular Smart Cities and Service Improvements Committee Meeting Minutes of October 3, 2019.
 - (l) Regular Smart Cities and Service Improvements Committee Meeting Minutes of November 7, 2019.
 - (m) Regular Transportation and Environment Committee Meeting Minutes of October 7, 2019.
 - (n) Regular Transportation and Environment Committee Meeting Minutes of November 4, 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**
- [\(a\) 9/25/2019 ROGC Minutes](#)
 - [\(b\) 10/2/2019 ROGC Minutes](#)
 - [\(c\) 10/9/2019 ROGC Minutes](#)
 - [\(d\) 10/30/2019 ROGC Minutes](#)
 - [\(e\) 8/5/2020 ROGC Minutes](#)
 - [\(f\) 8/19/2020 ROGC Minutes](#)
 - [\(g\) 9/2/2020 ROGC Minutes](#)
 - [\(h\) 8/20/2020 PSFSS Minutes](#)
 - [\(i\) 9/23/2019 CED Minutes](#)
 - [\(j\) 10/28/2019 CED Minutes](#)
 - [\(k\) 10/3/2019 Smart Cities Minutes](#)
 - [\(l\) 11/7/2019 Smart Cities Minutes](#)
 - [\(m\) 10/7/2019 TE Minutes](#)
 - [\(n\) 11/4/2019 TE 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 [20-1078](#) **2020 Settlement Agreement and Mutual Release between Sutter's Place, Inc. dba Bay 101 and City of San José (Case No. 1-14-CV-267311).**

Recommendation:

(a) Approval of the 2020 Settlement Agreement and Mutual Release between Sutter's Place, Inc. dba Bay 101 and City of San José (Case No. 1-14-CV-267311) to settle the consolidated breach of contract action and the regulatory fee action in its entirety.

(b) Approve an ordinance amending various sections of Title 16 of the San José Municipal Code relating to Gaming Control to allow jackpots, promotions and tournaments in compliance with State Gambling Law and Regulation; ownership of more than one cardroom in San José; and an owner of a cardroom to play poker and in poker tournaments held at his or her cardroom.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney/City Manager)

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

2.8 [20-1079](#) **Actions Related to the Master Cooperative Agreement Between the VTA and the City for the BART Extension to Berryessa/North San José Station.**

Recommendation:

Adopt a resolution authorizing the City Manager to negotiate and execute the following:

- (a) A roadway easement to be conveyed by the Santa Clara Valley Transportation Agency (“VTA”) over a portion of Mabury Road starting approximately at the corner of 1411 Mabury Road;
- (b) A roadway easement to be conveyed by the VTA over a portion of Lenfest Road at the intersection of Mabury Road and Lenfest Road along with a utility easement;
- (c) A roadway easement from the Santa Clara Valley Water District (“SCVWD”) over a portion of Berryessa Station Way approximately at the intersection of Berryessa Road and Berryessa Station Way;
- (d) A sanitary sewer easement conveyed by the SCVWD which runs along Berryessa Station Way approximately at the intersection of Berryessa Road and Berryessa Station Way; and
- (e) Two License Agreements from the VTA for utilities crossing the rail road transportation corridor.

CEQA: Determination of Consistency with the BART Extension to Milpitas, San José, and Santa Clara Final EIR, BART Extension to Milpitas, San José, and Santa Clara Final Supplemental EIR, and BART Silicon Valley Phase 1 -Berryessa Extension Final 2nd Supplemental EIR, and Addenda thereto, Resolution No. 76126. Council District 4. (Economic Development/Public Works)

Attachments [Memorandum](#)

2.9 [20-1080](#) **Stormwater Permit Annual Report 2019-2020.**

Recommendation:

Adopt a resolution authorizing certification and submittal of the FY 2019-2020 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2020, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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

Attachments [Memorandum](#)

[Attachment](#)

[Resolution](#)

2.10 [20-1081](#) **Amendments to Master Consultant Agreements with CDM Smith and Kennedy/Jenks for Engineering and Construction Management and Inspection Services for Projects at the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.**

Recommendation: (a) Approve the Second Amendment to the Master Consultant Agreement with CDM Smith, Inc. for engineering and construction management services for the 7701 - Headworks Project to alter authorized travel expenses, align the agreement with Capital Improvement Program standards, and extend the term from December 31, 2022 to December 31, 2023 with no increase to the maximum total compensation.

 (b) Approve the Third Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility to alter authorized travel expenses, with no extension to the term or increase to the maximum total compensation.

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

Attachments [Memorandum](#)
 [\(a\) Agreement](#)
 [\(b\) Agreement](#)
 [TPAC Supplemental](#)

2.11 [20-1082](#) **Report on Request for Proposal for Automated Traffic Signal Performance Measures System.**

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Econolite Systems, Inc. (Anaheim, CA) for the purchase and deployment of an Automated Traffic Signal Performance Measures System at 100 signalized intersections along 10 major commuter corridors in the City of San José, including software licenses and subscriptions, associated professional services for project management, implementation, training, and maintenance and support for an initial three-year term beginning on or about October 1, 2020 and ending on or about September 30, 2023 with a maximum compensation not to exceed \$236,767, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$24,000 during the initial three-year term, subject to the appropriation of funds; and
- (c) Exercise up to seven one-year options to extend the term of the agreement through September 30, 2030 for ongoing software subscriptions, technical support and maintenance, and related professional services as may be required, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.12 [20-1083](#) **Emerging Mobility Action Plan Agreement with Nelson\Nygaard Consulting Associates, Inc.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Nelson\Nygaard Consulting Associates, Inc., for an amount not to exceed \$586,994 to lead a community-based planning effort to develop an Emerging Mobility Action Plan for the City.

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

Attachments [Memorandum](#)

2.13 [20-1098](#) **Right of Entry with Guggenheim Entertainment for 2nd/San Carlos Garage.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Right of Entry with Guggenheim Entertainment for its use and activation of the 2nd/San Carlos garage rooftop with no rent payable to the City.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 3. (Transportation)

Attachments [Memorandum](#)

2.14 [20-1144](#) **Boards and Commissions Appointments.**

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2020, approve the following Boards and Commissions appointments:
(a) Clean Energy Community Advisory Commission Appointments:
 (1) CAAC-Nominated Seat 7: Reappoint Richard Zahner to a term expiring 12/31/2023.
CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Rules Committee referral 9/16/2020- Item F.1.a.]

Attachments [Memorandum](#)
 [Memorandum from the City Attorney](#)
 [Application](#)

- 2.15** [20-1151](#) **Approval of the Domestic Violence Awareness Month Rotunda Lighting on October 1-7, 2020 and Community Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2020:
(a) Approve October 2020 as Domestic Violence Awareness Month to be recognized as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 9/16/2020- Item G.1.a]

Attachments [Memorandum](#)

- 2.16** [20-1158](#) **Retroactive Approval of the Mexican Flag Raising Community Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2020:
(a) Retroactively approve the Mexican Independence Day Flag Raising Event scheduled on September 15, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 9/16/2020- Item G.1.b]

Attachments [Memorandum](#)

- 2.17 [20-1137](#) **Approval of National Literacy Month Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Approve September 2020 as National Literacy Month by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 9/16/2020 - Item A.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

- [20-1034](#) (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 9:00 A.M.

- 3.3 [20-1084](#) **Audit of Development Fees Work-in-Progress Reserves.**

Recommendation: Accept the report on the Audit of Development Fees Work-in-Progress Reserves.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Auditor)

Attachments [Memorandum](#)

3.4 [20-1096](#) **Charter Review Commission**

Recommendation: Adopt a resolution establishing the size, composition, and responsibilities of the Charter Review Commission as directed by the City Council on July 28, 2020.

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

3.5 [20-1089](#) **Government Accountability Measures. - DEFERRED**

Recommendation:

As recommended by the Rules and Open Government Committee on August 19, 2020:

- (a) To assist City Hall save money and eliminate wasteful spending as we brace for difficult financial challenges ahead, as well as to create a more accountable and transparent City Hall to better serve our residents, discuss and consider committing the City to the following, with direction to the Administration to work with the City Attorney's Office to return to Council with the appropriate action, as applicable:
- (1) In any year where the City Manager and the Budget Director report a budget surplus in their October budget update, at least 50% of that surplus will be set aside to our Budget Stabilization Fund, until an amount equal to 15% of the General Fund balance has been achieved or be used to pay municipal debt.
 - (2) A standing commission shall be created consisting of appointed residents of San José to provide oversight of any ballot measures or policy proposals proposed or endorsed by the City that result in tax increases or additional revenue. The commission shall produce a public report annually to certify whether the Council has allocated dollars as promised when the measure or ordinance was proposed.
 - (3) Prior to the start of the annual budget season and priority setting session, the intergovernmental team shall report to Council about the latest trends and chatter coming from Sacramento and Washington about potential policy changes and funding opportunities relevant to municipalities so that we may strategically align our priorities and resources to maximize benefits for San José residents.
 - (4) Direct the City Auditor to commence regular performance audits of three key departments that are constituent-facing - such as Police, Fire, Planning, Housing, Transportation, Public Works, Environmental Services, and Parks - every year henceforth, to identify cost savings and process efficiencies, with results put on the Council agenda for public hearing and review:
 - (i) Audits should reoccur every four years;
 - (ii) Amend the City Auditor's 2020-2021 workplan to include an audit of our Police Department, focusing specifically on identifying cost savings and process efficiencies.
- (b) Accept the response from the Administration on the Government Accountability Measures discussed in the memorandum from Councilmember Diep referred to the City Council from the Rules and Open Government Committee on August 19, 2020.
- (c) As an alternative to recommendations (a)(1) and (a)(2) above, adopt a resolution amending City Council Policy 1-18, Operating Budget and

Capital Improvement Program Policy, to modify Section 4 (Fund Balance) and Section 15 (Public Involvement).

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. (Diep)

[Rules Committee referral 8/19/2020 - Item G.3]

DEFERRED TO 10/20/2020 PER RULES AND OPEN GOVERNMENT COMMITTEE

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Early Consideration Response Form](#)
[Resolution](#)

3.6 [20-1090](#) **Fiscal Recovery Update and Coronavirus Relief Fund Rebalancing.****Recommendation:**

- (a) Receive a report on the status of the City's fiscal recovery efforts related to the COVID-19 pandemic.
- (b) Adopt 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the Coronavirus Relief Fund, the Emergency Reserve Fund, and the General Fund as described in Attachment A to the staff memorandum.
- (c) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Santa Clara County Office of Education (SCCOE) that allows the City of San José to receive \$400,000 from SCCOE to purchase additional hotspot devices for San José residents impacted by COVID-19.
- (d) Adopt a resolution ratifying an amendment to the Agreement with AT&T providing connectivity to residents impacted by COVID-19 that extends the contract term to September 1, 2021, and increases the maximum compensation from \$3,430,000 to \$5,116,000.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Finance/City Manager)

Attachments

- [Memorandum](#)
- [Memorandum from Mayor, Diep, Davis, Jimenez, 9/14/2020](#)
- [Memorandum from Esparza, Peralez & Foley, 9/18/2020](#)
- [Memorandum from Jones, 9/18/2020](#)
- [\(d\) Resolution](#)
- [Presentation](#)
- [Letters from the Public](#)

3.7 [20-1091](#)**Coronavirus Relief Funds for Resident Assistance Efforts.****Recommendation:**

(a) Approve the resident assistance funding allocation plan for approximately \$7 million in Coronavirus Relief Funds, with total funding contingent on City Council approval of Item 3.6, as well as updates to the previously approved plan based on provider capacity and need.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute the following grant agreements to provide assistance to San Jose residents negatively impacted by the COVID-19 pandemic and pandemic-induced recession:

(1) With Catholic Charities of Santa Clara County in an amount not to exceed \$2,750,000 to provide case management and rental assistance to low-income households;

(2) With Santa Clara County Office of Education in an amount not to exceed \$1,390,000 to provide full-day child care slots, calming kits and access to Inclusion Support Warmline services for extremely low-income families, children in foster care, and children with individual education plans/disabilities;

(3) With First 5 of Santa Clara County, increasing the grant amount previously awarded from \$2.5 million to not to exceed \$3.5 million to provide grants to additional Family Day Care providers, preserving child care slots and employment;

(4) With Destination Home, increasing funds previously awarded from \$500,000 to \$650,000 to provide case management and direct financial assistance to extremely low-income individuals and families;

(5) With County of Santa Clara in an amount not to exceed \$500,000 to support and extend the work of the grassroots Community Health and Engagement teams working in East San Jose; and

(6) With Silicon Valley Community Foundation increasing the grant amount previously awarded to from \$5 million to an amount not to exceed \$6.4 million to provide grants to community-based organizations serving at-risk communities in San José and expanding the previously approved grant scope to include legal assistance and certain types of youth-serving organizations.

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)

[Deferred from 9/1/2020 - Item 3.4 (20-971) and 9/15/2020 - Item 3.3 (20-1035)]

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

3.8 [20-1092](#) **Approval of Citywide Insurance Renewals.****Recommendation:**

Adopt a resolution authorizing the Director of Finance to:

(a) Select and purchase City property and liability insurance policies for the period of October 1, 2020 to October 1, 2021, at a total cost not to exceed \$2,896,016 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:

- (1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and TRIA Coverage;
- (2) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance;
- (3) Axis Surplus Insurance Company and RSUI Indemnity Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis;
- (4) Old Republic Insurance Company, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile) and Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage;
- (5) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility;
- (6) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;
- (7) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability;
- (8) Hartford Life and Accident Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and
- (9) Berkley Insurance Company for Government Fidelity/Crime Coverage.

(b) Select and purchase up to \$4 million in Excess Auto Liability insurance for Airport fleet vehicles including Shuttle Buses for the period of October 1, 2020 to October 1, 2021, at a cost not to exceed \$50,000, subject to the appropriation of funds.

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

(Finance)

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

3.9 [20-1140](#) **Extension of Proclamation of Local Emergency Related to COVID-19. - TO BE HEARD AFTER ITEM 3.1**

Recommendation: Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José. CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)
[Rules Committee referral 9/16/2020 - Item A.1.a]
TO BE HEARD AFTER ITEM 3.1

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 [20-1093](#) **Agreements with Parsons Transportation Group, Inc., HDR Engineering, CDM Smith Inc., Kennedy/Jenks Consultants, Inc. for Construction Management and Inspection Services at the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.**

Recommendation: Approve Master Consultant Agreements with Parsons Transportation Group, Inc., HDR Engineering, CDM Smith Inc., and Kennedy/Jenks Consultants, Inc. for construction management and inspection services for various capital improvement projects at the San José- Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2026 in amounts not to exceed \$10,000,000 each, 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. (Environmental Services/Public Works)

Attachments [Memorandum](#)
[Agreement - Parsons Transportation Group, Inc](#)
[Agreement - HDR Engineering](#)
[Agreement - CDM Smith Inc](#)
[Agreement - KennedyJenks Constultants, Inc](#)
[TPAC Supplemental](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-1094](#) **Citywide Residential Anti-Displacement Strategy. - NOT TO BE HEARD BEFORE 5:00 P.M.**

Recommendation:

(a) Accept the staff report and approve the 10 recommendations of the Citywide Residential Anti-Displacement Strategy.

(b) Approve workplans for the first three recommendations:

(1) Support Equitable COVID-19 Recovery and Impact Mitigation Measures for Renters and Homeowners;

(2) Establish a Neighborhood Tenant Preference for Affordable Housing; and

(3) Explore a Community Opportunity to Purchase Program/Ordinance.

(c) Direct staff to return to the City Council with an update on progress in 12 months.

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

[Deferred from 9/1/2020 - Item 8.1 (20-968)]

NOT TO BE HEARD BEFORE 5:00 P.M.

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Attachment A](#)

[Memorandum from Jimenez,Peralez,Carrasco,Esparza & Arenas,](#)

[Memorandum from Esparza & Peralez, 9/18/2020](#)

[Memorandum from Mayor, Jones,Diep,Davis & Foley, 9/18/2020](#)

[Memorandum from Khamis, 9/21/2020](#)

[Presentation](#)

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

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

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

- 8.2 [20-1141](#) **Substantial Amendments for Technical Reasons to the FY 2015-20 Consolidated Plan and the FY 2019-20 Annual Action Plan, and Revision to the Final Draft FY 2020-21 Annual Action Plan, for Funds Received from the U.S. Department of Housing and Urban Development in the Second Round Allocation of Funding Under the Coronavirus Aid, Relief, and Economic Security Act.**

Recommendation:

Hold a public hearing and adopt a resolution to approve the following changes made for technical reasons to spend funds received from the U.S. Department of Housing and Urban Development (“HUD”) in the second round allocation of Emergency Solutions Grant (“ESG”) funds awarded by HUD pursuant to the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act:

- (a) A Second Substantial Amendment to the FY 2015-20 Consolidated Plan to add hygiene and sanitation services as eligible uses of ESG funds;
 - (b) A Third Substantial Amendment to the City’s FY 2019-20 Annual Action Plan to add the same expenditure plan for ESG CARES Act Round Two allocation as was approved by the City Council on August 11, 2020, in connection with adoption of the City’s Final Draft FY 2020-21 Annual Action Plan, and a revision to remove that same ESG CARES Act Round Two expenditure plan from the City’s Final Draft FY 2020-21 Annual Action Plan, to satisfy HUD’s technical guidance for Substantial Amendments for CARES Act funding; and
 - (c) Authorize staff to submit the Substantial Amendments to HUD.
- 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. (Housing)

[Rules Committee referral 9/16/2020 - Item A.1.a]

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

- 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.