City Council Meeting
Amended Agenda

Tuesday, December 8, 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:

- **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.
- 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 ilegislate application used by City Council and staff.
2) By email to city.clerk@sanjoseca.gov by 8:00 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. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
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.

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.

- Call to Order and Roll Call

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

20-1621 Closed Session Agenda

Attachments Closed Session Agenda

11:00 a.m. - Regular Session

- Pledge of Allegiance
- Invocation (Mayor)

Ken Foreman - Senior Pastor at Cathedral of Faith

- Orders of the Day

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

- Adjournment

This meeting will be in memory of Noé Yaocoatl Montoya, an actor, musician, and Chicano activist who played an integral role in establishing Chicano and Native American performance art here in San José. An early member of El Teatro Campesino, Noé toured in productions throughout the country, and often represented El Teatro on marches with the United Farm Workers, led by Cesar Chavez. Noé was admired for his kindness and commitment to social activism, as well as his artistic talent. Noé passed away from complications due to COVID-19 on Thanksgiving Day, and is survived by his son Robert, and former wife, Rose Amador, president of ConXion to Community and co-founder of La Raza Roundtable.

- Closed Session Report

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee 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 20-1490 **Declaration and Recording a Statement of the Results of the November 3, 2020 Run-off Municipal Election and Special Municipal Election.**

Recommendation: Adopt a resolution declaring and recording a statement of the results of the November 3, 2020 Run-off Municipal Election and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments
Memorandum
Supplemental
Resolution
ROV Certificate of Election Results

2.8 20-1491 **Appoint Members to Charter Review Commission.**

Recommendation: (a) Approve the following Charter Review Commission appointments:
(1) District 1 Seat: Appoint Sammy Robledo;
(2) District 1 Seat: Appoint Yong Zhao;
(3) District 2 Seat: Appoint Sherry Segura;
(4) District 2 Seat: Appoint Christina Johnson;
(5) District 3 Seat: Appoint Elly Matsumura;
(6) District 3 Seat: Appoint Jose Posadas;
(7) District 4 Seat: Appoint Thi Tran;
(8) District 4 Seat: Appoint Roshni Saxena;
(9) District 5 Seat: Appoint Veronica Amador;
(10) District 5 Seat: Appoint Louis Barocio;
(11) District 6 Seat: Appoint Magnolia Segol;
(12) District 6 Seat: Appoint Elizabeth Monley;
(13) District 7 Seat: Appoint Enrico Callender;
(14) District 7 Seat: Appoint Jeremy Avila;
(15) District 8 Seat: Appoint Maria Fuentes;
(16) District 8 Seat: Appoint Jeremy Barousse;
(17) District 9 Seat: Appoint Linda LeZotte;
(18) District 9 Seat: Appoint Garrick Percival;
(19) District 10 Seat: Appoint Dan Bozutto;
(20) District 10 Seat: Appoint Frank Maitski;
(21) Citywide Seat: Appoint TBD;
(22) Citywide Seat: Appoint TBD;
(23) Citywide Chair: Appoint TBD.

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

Attachments

Memorandum-Replacement 12/7/20
Applications_District 1
Applications_District 2
Applications_District 3
Applications_District 4
Applications_District 5
Applications_District 6
Applications_District 7
Applications_District 8
Applications_District 9
Application_District 10
Letters from the Public

2.9 20-1570 **Actions Related to City Healthcare Program.**

Recommendation: Adopt a resolution to:
(a) Approve the terms of a Side Letter Agreement related to the lump sum healthcare program between the City of San José and the bargaining units listed below and authorize the City Manager to execute the Side Letter Agreement:
(1) Association of Building, Mechanical and Electrical Inspectors (ABMEI)
(2) Association of Engineers and Architects, IFPTE Local 21 (AEA)
(3) Association of Legal Professionals (ALP)
(4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP)
(5) City Association of Management Personnel, IFPTE Local 21 (CAMP)
(6) San Jose Fire Fighters, IAFF Local 230 (IAFF)
(7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW)
(8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF)
(9) International Union of Operating Engineers, Local No. 3 (OE#3)
(10) San Jose Police Officers' Association (POA)
(11) Park Ranger Peace Officer Association (POPRA)
(b) Approve the lump sum for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Attachments Memorandum
Resolution

2.10 20-1571 **Actions Related to the Purchase Order for the Advertising and Publication of Legal Notice Services.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute a purchase order with Daily Journal Corporation (Los Angeles, CA) for advertising and the publication of legal notice services starting on or about December 16, 2020 and ending on or about December 15, 2021, for an amount not to exceed $175,000; and
(b) Exercise up to four additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 15, 2025, 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

2.11 20-1597 **Retroactive Approval of City Hall Tower and Rotunda Lighting Events During December 2020 and January 2021 in Colors Associated with Various Winter Cultural Holidays.**

Recommendation: Retroactively approve City Hall Tower and Rotunda Lighting scheduled from December 7, 2020 through January 8, 2021 for various winter cultural holidays as a Ceremonial Item.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Economic Development/City Manager)

Attachments Memorandum

2.12 20-1572 **Willow Glen Community Benefit Improvement District Financial Report FY 2019-2020.**

Recommendation: Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2019-2020, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Attachments Memorandum

2.13 20-1573 **Transportation Fund for Clean Air Grant Funding Agreement 2020-2021.**

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority (VTA) in an amount not to exceed $1,022,000 for reimbursement of work that occurs on or after July 1, 2020.
(b) Adopt the following 2020-2021 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
(1) Increase the estimate for Revenue from Local Agencies by $352,000;
(2) Establish the TFCA 2020-2021 Monterey Road Signal Retiming appropriation to the Department of Transportation (DOT) in the amount of $192,000;
(3) Establish the TFCA 2020-2021 Transit Signal Priority (TSP) appropriation to DOT in the amount of $80,000; and
(4) Establish the TFCA 2020-2021 Hillsdale Avenue Safety and Bikeway Improvements appropriation to DOT in the amount of $80,000.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 2, 3, 4, 7 and 9. (Transportation/City Manager)

Attachments Memorandum

2.14 20-1574 **Downtown San José Property-Based Improvement District (PBID) Annual Financial Report.**

Recommendation: Approve the downtown San José Property-Based Improvement District Annual Financial Report for FY 2019-2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Transportation)

Attachments Memorandum

2.15 20-1596 **Retroactive Approval of the World AIDS Day Tower and Rotunda Lighting Sponsored by Council District 3 and 9 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 November 18, 2020:
(a) Retroactively approve the World AIDS Day Tower and Rotunda Lighting event scheduled on November 30 - December 6, 2020 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. (Peralez & Foley)
[Rules Committee referral 11/18/2020- Item G.1.b]

Attachments Memorandum

2.16 20-1607 **First Quarter Financial Reports for Fiscal Year 2020-2021**.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on November 19, 2020:
(a) Accept the First Quarter (period ending September 30, 2020) Financial Reports for Fiscal Year 2020-2021 for the following programs:
(1) Debt Management
(2) Investment Management
(3) Revenue Management
(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to $2,779,960.60.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)
[Public Safety, Finance and Strategic Support Committee referral 11/19/2020 - Item c.(1)]

Attachments Memorandum
Attachment A
Attachment B
Investment Management Report
Resolution

2.17 20-1669 **Retroactive Approval of Dumpster Day Sponsored by Council District 4 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 December 2, 2020:
(a) Retroactively Approve the Dumpster Day scheduled on December 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve expenditure of office budget to purchase gift cards to thank volunteers, up to $25 per card.
(c) 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. (Diep)
[Rules Committee referral 12/2/2020 - Item G.1.a]

Attachments Memorandum

2.18 20-1677 **Approval of SAP Grant for Starting Arts.**

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2020, approve a $1,000 grant to Starting Arts for their general fund for general operating expenses to support arts education in our community to be paid by Council District 9's Arena Community Fund City-Wide appropriation.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 12/2/2020 - Item G.2]

Attachments Memorandum

3. STRATEGIC SUPPORT

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

20-1575 (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 Memorandum from Jimenez, 12/4/2020
Presentation

3.2 Labor Negotiations Update.

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

3.3 20-1588 **Annual Performance Review of Team San Jose and Convention and Visitors Bureau, 2019-2020.**

Recommendation: As recommended by the Community and Economic Development Committee on November 23, 2020, accept the report on Team San Jose and Convention and Visitors Bureau's performance.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
[Community and Economic Development Committee referral 11/23/20 - Item (d)2]

Attachments Report

3.4 20-1576 **Retiree Member Appointments to the Board of Administration for Federated City Employees' Retirement System. - DEFERRED**

Recommendation: Appoint applicant to the Retiree Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2024.
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
RECOMMEND DEFERRAL TO DECEMBER 15, 2020 PER CITY CLERK

3.5 20-1577 **Fiscal Recovery Update and Appropriation Actions to Continue the City's COVID-19 Pandemic Response.**

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 amendments to existing emergency operations contracts funded with Coronavirus Relief Funds in accordance with the approved Appropriation Ordinance and Funding Sources Resolution amendments, to revise the scope of services, extend the term to a date no later than June 30, 2021, and increase the amount awarded, provided the amount of any increase to any single award shall not exceed $1,000,000.
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
Presentation

3.6 20-1578 **Government Accountability Measures**.

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 from 9/22/2020 - Item 3.5 (20-1089), 10/20/2020 - Item 3.7 (20-1239)]

Attachments
Memorandum
Supplemental Memorandum, 11/19/2020
Supplemental Memorandum, 9/11/2020
Memorandum from Esparza & Arenas, 12/4/2020
Resolution
Letters from the Public

3.7 20-1580 **Amendment to Declaration Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the San José Municipal Code Issued June 4, 2020.**

Recommendation: Adopt a resolution of the City Council amending the Declaration issued June 4, 2020 by the Director of Emergency Services of the City of San José, as amended, to authorize the Chief of Police to immediately suspend outdoor business operations on private property when there is an imminent threat to the public health, safety or welfare.
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
Resolution

3.8 20-1585 **Privacy Policy Update.**

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on November 5, 2020, accept the update on the completion of the City's Privacy Policy and roadmap to implementation and approve the Digital Privacy Policy.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Information Technology)
[Smart Cities and Service Improvements Committee referral 11/5/2020 - Item (d)2]

Attachments Memorandum
Attachment
Presentation Smart Cities
Presentation New

3.9 20-1581 **Status Report on the November 2018 Ballot Measure T - Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.**

Recommendation: Accept the status report on the workplan and implementation updates for projects included in the approved 2018 Measure T Bond measure.
CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Attachments Memorandum
Presentation

3.10 20-1611 **Economic Recovery Work Plan Update. - DROP**

Recommendation: As recommended by the Community Economic Development Committee on November 23, 2020, accept the status report on the implementation of the Economic Recovery work being undertaken by the Office of Economic Development in response to the COVID-19 pandemic.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development)
[Community Economic Development Committee referral 11/23/2020-Item (d)3]
DROP - REPORT TO BE DISCUSSED WITH ITEM 3.1

Attachments Memorandum
Presentation

3.11 20-1599 **Implementation of Service Fees on Credit Card Payments.**

Recommendation: Adopt a resolution:
(a) Approving credit card service fees (commonly referred to as convenience fees) on certain eligible transactions as included in the 2020-2021 Adopted Operating Budget and set forth in the staff memorandum to Council; and
(b) Authorizing the Director of Finance to negotiate and execute an addendum to the existing Merchant Card Services Agreement (as amended) with Wells Fargo Bank, NA for the collection of service fees at rates sufficient to cover all associated fees the City would otherwise pay.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)
[Deferred from 12/1/2020 - Item 3.5 (20-1537)]

Attachments Memorandum
Resolution

3.12 20-1685 **Police Retiree Member Term Extension to the Board of Administration for the Police & Fire Employees Retirement System**.

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2020:
Extend the term of the Police Retiree Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through June 30, 2021.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Rules Committee referral 12/2/2020 - Item A.1.a]

Attachments Memorandum

3.13 20-1681 **Update to the Greater Downtown San José Economic Recovery Initiative.**

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2020, approve the recommendations outlined in the attached letter dated November 24, 2020 and direct the City Manager to integrate those recommendations into staff's work plan.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Peralez)
[Rules Committee referral 12/2/2020 - Item G.3]

Attachments Memorandum
Letters from the Public
Presentation from Councilmember Peralez

4. PUBLIC SAFETY SERVICES

4.1 20-1601 **Actions Related to the 2020 Internet Crimes Against Children Task Force Invited Awards Grant Agreement.**

Recommendation: (a) Adopt a resolution accepting the 2020 Internet Crimes Against Children Task Force Invited Awards in the amount of $521,869 and authorizing the City Manager to execute the Grant Agreement and to execute additional amendments and all related documents, including online certifications at time of reimbursement request, without further City Council action.
(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 Internet Crimes Against Children (ICAC) Task Force Invited Awards - Police 2020 in the amount of $521,869; and
(2) Increase the estimate for Revenue from Federal Government by $521,869.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Police/City Manager)
[Deferred from 12/1/2020 Item 4.3 (20-1540)]

Attachments Memorandum
Agreement
Resolution

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-1586 **Increase Authority of the Director of Public Works for the Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project.**

Recommendation: Adopt a resolution:
(a) Authorizing the Director of Public Works to negotiate and execute a First Amendment to the Design-Build Contract with Overaa Construction Company to increase the Contract Price of $16,150,187 by $8,256,906 for a total amount not to exceed $24,407,093 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project, and design and construction costs for utilities, intersection and traffic signal upgrades for Facilities and PD Hangar;
(b) Authorizing an increase in the amount of the City-controlled contingency of $1,923,000 by $1,062,028 for a total contingency amount of $2,985,028 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project, and PD Hangar; and
(c) Authorizing the Director of Public Works to approve contract changes, project delivery, additions, and contingencies up to the full budget of $30,088,669 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project.
CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 79497), File No. PP18-103. (Airport/Public Works)

Attachments Memorandum
Resolution

5.2 20-1587 **Potential Amendment to Parking Agreement with Almaden Corner Hotel, LLC.**

Recommendation: (a) Consideration of developer's request to "toll" or pause the executed parking agreement for up to two years or until pending CEQA litigation is settled (trial court and all appeals).
(b) If the tolling request is approved, adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the parking agreement with Almaden Corner Hotel, LLC (Hotel).
CEQA: Determination of Consistency to the Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, File No. H18-038. Council District 3. (Transportation)

Attachments Memorandum

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1589 **Envision San José 2040 General Plan Annual Performance Review Report for FY 2019-2020.**

Recommendation: Accept the Envision San José 2040 General Plan Annual Performance review report.
CEQA: Not a Project, File No. PP17-009. Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)

Attachments Memorandum
Presentation

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.

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10443
Location: Northeast corner of Rosemar Court and Rosemar Avenue
District: 5
Lots/Units: 3/3
Type: SFD
Developer: Rosemar Enterprises Corporation

FOR APPROVAL:

Tract: 10443
Location: Northeast corner of Rosemar Court and Rosemar Avenue
District: 5
Lots/Units: 3/3
Type: SFD
Proposed Decision: Approved
Developer: Rosemar Enterprises Corporation

- Adjournment

This meeting will be in memory of Noé Yaocoatl Montoya, an actor, musician, and Chicano activist who played an integral role in establishing Chicano and Native American performance art here in San José. An early member of El Teatro Campesino, Noé toured in productions throughout the country, and often represented El Teatro on marches with the United Farm Workers, led by Cesar Chavez. Noé was admired for his kindness and commitment to social activism, as well as his artistic talent. Noé passed away from complications due to COVID-19 on Thanksgiving Day, and is survived by his son Robert, and former wife, Rose Amador, president of ConXion to Community and co-founder of La Raza Roundtable.

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.