City Council Meeting
Amended Agenda

Tuesday, December 15, 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 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. 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

9:00 a.m. - Closed Session

20-1623 Closed Session Agenda

Attachments Closed Session Agenda

11:00 a.m. - Regular Session

6:00 p.m. - Evening Session - CANCELLED
The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (Mayor)

Rev. Steve Pinkston

- 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

In memory of Melchor Landin Ramirez, and icon that started a popular bakery in East San José. He founded Mexico Bakery, a small, immigrant owned business that takes pride in show casing our traditional Mexican culture. Melchor is admired by his humble beginnings and his giving heart to help the community. He has donated pan dulce and many other treats to our community for many years. His legacy carries on with his beautiful family that continues to operate the bakeries and help the community. Melchor will be missed but never forgotten.

- 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.

20-1664 **Final Adoption of Ordinances.**

Recommendation: (a) Ordinance No. 30502 - An Ordinance of the City of San José Amending Chapter 17.845 of Title 17 of The San José Municipal Code to Amend Sections 17.845.010, 17.845.020, 17.845.030, 17.845.040, 17.845.050, and 17.845.060 and Add Section 17.845.045 to Prohibit Natural Gas Infrastructure in Newly Constructed Buildings.
[Passed for Publication on 12/1/2020 - Item 6.1 (20-1556)]
(b) Ordinance No. 30504 - An ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.46 Gross Acre Situated on the West Side of North Capitol Avenue, Approximately 240 Feet Northerly of Penitencia Creek Road (907 North Capitol Avenue) from the R-M Multiple-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District.
[Passed for Publication on 12/1/2020 - Item 10.2 (a) (20-1547)]

Attachments (a) Ordinance
(a) Supplemental Memorandum
(a) Letters from the Public

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 20-1624 **Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to *Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.***

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute an Eighth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to extend the term through December 31, 2022 with no increase in the total amount of compensation.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Attachments Memorandum

2.8 20-1654 **Amendment to Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.**

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourth Amendment to the agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term retroactively from December 3, 2020 through December 31, 2021 and increasing the maximum amount of compensation by $100,000 for a total amount not to exceed $420,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Attachments Memorandum

2.9 20-1634 **Preliminary Review of the Allocation Process and Monitoring of COVID-19 Related Housing Grants.**

Recommendation: Accept the report on the preliminary review of the allocation process and monitoring of COVID-19 related housing grants.
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)

Attachments Memorandum
Letters from the Public

2.10 20-1625 **Resolution to Join California Cities Gaming Authority. -- DEFERRED**

Recommendation: (a) Adopt a resolution authorizing the City Manager to execute the Amendment to the Joint Exercise of Powers Agreement to join the California Cities Gaming Authority on behalf of the City of San José.
(b) Approve up to $30,000 annually as the City's share of the costs of the California Cities Gaming Authority.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
DEFERRED TO 1/5/2021 PER ADMINISTRATION.

Attachments Agreement

2.11 20-1636 **Actions Related to Agreements for Revenue Enhancement Services.**

Recommendation: (a) Adopt a resolution authorizing the Director of Finance to negotiate and execute the following agreements with MuniServices LLC, dba Avenu MuniServices LLC, a Delaware Limited Liability Company (MuniServices) to provide:
(1) Sales and Use Tax revenue enhancement services and data analysis for the term of January 1, 2021 through June 30, 2023 at a maximum annual compensation not to exceed $200,000 in year 1 (for the prorated six month period through June 30, 2021), $400,000 in year 2, and $500,000 in year 3, with three two-year options to extend through June 30, 2029, at a maximum annual compensation not to exceed $500,000 for each additional optional year subject to the City Council's annual appropriation of funds;
(2) Telephone Line Tax, Utility Users Tax, and Franchise Fee compliance services for the term of January 1, 2021 through June 30, 2023 at a maximum annual compensation not to exceed $87,500 in year 1 (for the prorated six month period through June 30, 2021) and $175,000 for each additional contract year thereafter, with three two-year options to extend through June 30, 2029, at the same rate of compensation for each additional optional year, subject to the City Council's annual appropriation of funds; and
(3) Lodging Taxes and Fees compliance services for the term of January 1, 2021 through June 30, 2023 at a maximum annual compensation not to exceed $38,500 in year 1 (for the prorated six month period through June 30, 2021) and $77,000 for each additional contract year thereafter, with three two-year options to extend through June 30, 2029, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds.
(b) Adopt a resolution authorizing MuniServices to examine all Sales and Use Tax records of the California Department of Tax and Fee Administration (including Transaction and Use Tax records) for tax collection purposes and other governmental functions of the City of San José.
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

2.12 20-1641 **Amendment to the Agreement with Raimi + Associates, Inc. for Diridon Station Area Community Engagement and Public Outreach Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement for Consultant Services between the City of San José and Raimi + Associates, Inc. to extend the term through December 31, 2021 and increase maximum compensation by $200,000 for a total compensation of $475,000 for Diridon Station Area community engagement and public outreach services.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development)

Attachments Memorandum

2.13 20-1642 **Actions Related to the Agreement with Randall D. Reedy, Successor Trustee of the Louise Scaglione Elia Credit Shelter Trust for Real Property Located at 100 W. Alma Avenue and 1413 Sanborn Avenue.**

Recommendation: Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:
(a) A Donation of Real Property Agreement between Randall D. Reedy, Successor Trustee of the Louise Scaglione Elia Credit Shelter Trust Dated March 1, 2008 under the 2006 Elia Family Revocable Living Trust and the Rocco Elia Survivor's Trust under the 2006 Elia Family Revocable Living Trust and the City of San José for two parcels of real property located at 100 W. Alma Avenue and 1413 Sanborn Avenue in the City of San José, further identified as Assessor's Parcel Numbers 434-23-133 and 434-23-134, respectively;
(b) Lease agreements with tenants at 110 W. Alma Avenue, 102 W. Alma Avenue, 104 W. Alma Avenue, and 1413 Sanborn Avenue; and
(c) All other necessary documents to complete the transfer of the two parcels.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 7. (Economic Development/Parks, Recreation and Neighborhood Services)

Attachments Memorandum

2.14 20-1655 **Republic Services and Zero Waste Energy Development for Commercial SuperMRF. -- DEFERRED**

Recommendation: Approve the recommendation for the City to enter negotiations with Allied Waste Services of North America, LLC, dba Republic Services and Zero Waste Energy Development on the processing of all commercial solid waste for the City of San José at a new proposed SuperMRF.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services)
DEFERRED TO 1/5/2021 PER ADMINISTRATION

2.15 20-1626 **Agreement with Next Door Solutions to Domestic Violence for Housing Opportunities for Persons with AIDS - Violence Against Women Act.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute a no cost extension to the following agreement:
Third Amendment to the grant agreement with Next Door Solutions to Domestic Violence, dated January 1, 2020 and extending to June 30, 2021, without increasing compensation to continue to provide housing assistance and supportive services to low-income persons living with HIV/AIDS who are homeless as a result of domestic violence.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)

Attachments Memorandum

2.16 20-1651 **Amendment to the City Pay Plan for Various Classifications.**

Recommendation: (a) Adopt a resolution amending the City of San José Pay Plan effective December 15, 2020, to create the Senior Financial Analyst (1226) classification with an annual salary range of $99,944.00 - 121,742.40.
(b) Approve the following position changes in the Finance Department:
(1) Add 1.0 Senior Financial Analyst; and
(2) Delete 1.0 Program Manager I.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources/Finance/City Manager)

Attachments Memorandum
Resolution

2.17 20-1656 **Actions Related to the 2021-2022 Hazardous Vegetation Commencement Report.**

Recommendation: Adopt a resolution:
(a) Accepting the 2021-2022 Hazardous Vegetation Commencement Report compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation;
(b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be rowing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance; and
(c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail a notice of a public hearing on January 26, 2021, at 1:30 p.m. before the City Council to property owners of affected real properties on the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, File No. PP18-094. (Planning, Building and Code Enforcement)

Attachments Memorandum
Resolution

2.18 20-1627 **Pacific Gas and Electric Company Electric Vehicle Charge Network Program Participation and Easement Agreements.**

Recommendation: Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute:
(a) The necessary agreements to allow the City of San José to formally participate in the Pacific Gas and Electric Company's Electric Vehicle Charge Network Program;
(b) Easement deed agreements with the Pacific Gas and Electric Company at four City-owned properties located at 174 Asbury Street, 748 Story Road, 1404 Mabury Street, and 4420 Monterey Road to allow for the construction of electric vehicle charging station infrastructure as part of the Electrical Vehicle Charge Network Program; and
(c) All other documents necessary to facilitate the construction, inspection, and maintenance of electric vehicle charging station infrastructure as part of City's participation in the program.
CEQA: Categorical Exemption, File No. ER20-241, CEQA Guidelines Section 15301 Existing Facilities. (Public Works/Economic Development)

Attachments Memorandum

2.19 20-1628 **Master Agreements with ADS Corp and V&A Consulting Engineers for Citywide Storm and Sanitary Sewer Flow Monitoring Services.**

Recommendation: Approve master agreements with the following firms for Citywide storm and sanitary sewer flow monitoring services:
(a) ADS Corp. from the date of execution to December 31, 2023 in an amount not to exceed $1,500,000; and
(b) V&A Consulting Engineers from the date of execution to December 31, 2023, in an amount not to exceed $500,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Attachments Memorandum
(a) Agreement
(b) Agreement

2.20 20-1657 **Amendment to the Master Consultant Agreement with Wood Rodgers, Inc. for City-Wide Master Planning for Storm Sewer System.**

Recommendation: Approve the First Amendment to the Master Consultant Agreement with Wood Rodgers, Inc., for master planning consultant services for the City's storm sewer system, extending the term of the agreement from June 30, 2021 to June 30, 2023, and increasing the amount of compensation by $750,000 for a total amount not to exceed $2,250,000, subject to the appropriation of funds.
CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

Attachments Memorandum
Agreement

2.21 20-1629 **Railroad Maintenance Agreement.**

Recommendation: Adopt a resolution authorizing the City Manager to excute the Railroad Maintenance Agreement between Peninsula Corridor Joint Powers Board and the City of San José for the Peninsula Corridor Electrification Project.
CEQA: Peninsula Corridor Electrification Program Final Environmental Impact Report (SCH#2013012079), File No. PP16-061. Council Districts 3, 6, and 7. (Transportation)

Attachments Memorandum
Agreement

2.22 20-1630 **Amendment to Funding Agreement with VTA for the I-280/Winchester Boulevard Improvement Project.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a second amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the I-280/Winchester Blvd Improvement Project to extend the term of the agreement to December 31, 2022.
CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council Districts 1 and 6. (Transportation)

Attachments Memorandum

2.23 20-1631 **Amendment to the Funding Agreement with VTA for the US101/De La Cruz Boulevard - Trimble Road Interchange Improvement Project.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the US101/De La Cruz Blvd - Trimble Rd Interchange Improvement Project to extend the term of the agreement to July 31, 2021.
CEQA: Categorical Exemption, File No. ER20-247, CEQA Guidelines Section 15301 Existing Facilities. Council Districts 3 and 4. (Transportation)

Attachments Memorandum

2.24 20-1695 **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 Lan Diep;
(22) Citywide Seat: Appoint Barb Marshman;
(23) Citywide Chair: Appoint Fred Ferrer.

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

[Deferred from 12/8/2020 - Item 2.8 (20-1491)]

Attachments
Memorandum-Replacement 12/11/20
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
Applications_Citywide
Letters from the Public

2.25 20-1698 **Retiree Representative Appointment to the Board of Administration for Federated City Employees' Retirement System.**

Recommendation: Appoint Lawrence Jay Castellano as the Retiree Representative to the Board of Administration for Federated City Employees' Retirement System for the term ending November 30, 2024.
CEQA: Not a Project, File No. PP17-010, City Administrative Activities resulting in in no changes to the physical environment. (City Clerk)
[Deferred from 12/8/2020 - Item 3.4 (20-1576)]

Attachments
Memorandum
Letters from the Public

2.26 20-1700 **Approval of Community Awards-Virtual Celebration and the Free Sock/Glove Giveaway Sponsored by Council District 2 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 9, 2020:
(a) Approve the Community Awards-Virtual Celebration scheduled on December 18, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve the expenditure of District 2 office budget funds to purchase gift cards as a thank you and recognition for awardees for their community contributions not to exceed $50.
(c) Approve the Free Sock and Glove giveaway scheduled for December 21, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
(d) 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. (Jimenez)
[Rules and Open Government referral 12/9/2020 - Item G.1.a]

Attachments Memorandum

2.27 20-1701 **Retroactive Approval of the Park Pleasant Dumpster Day 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 December 9, 2020:
(a) Retroactively approve the Park Pleasant Dumpster Day scheduled on November 28, 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. (Carrasco)
[Rules and Open Government referral 12/9/2020 - Item G.1.b]

Attachments Memorandum

2.28 20-1699 **Agreement with The Health Trust for Housing Opportunities for Persons with AIDS - Violence Against Women Act.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute a no cost extension to the following agreement:
Second Amendment to the grant agreement with The Health Trust, dated January 1, 2020 and extending to June 30, 2021, without increasing compensation to continue providing housing assistance and supportive services to low-income persons living with HIV/AIDS who are homeless as a result of domestic violence.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)

Attachments Memorandum

2.29 20-1696 **Boards and Commissions Appointments.**

Recommendation: Approve the following Arts Commission appointment:
(a) District 4 Seat: Appoint Lynn Rosenthal to a term ending June 30, 2022
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 12/9/2020 - A.1.a]

Attachments Memorandum
Application
Conflict of Interest Memo

2.30 20-1704 **Approval of a Commendation Presented to Patty O'Malley Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds.**

Recommendation: Approve the Commendation for Patty O'Malley as a City Council sponsored Special Event and approve the expenditure of funds; and
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 12/09/2020 - A.1.a]

Attachments Memorandum

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

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

3.3 20-1633 **Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax. - DEFERRED**

Recommendation: Consideration and discussion of the draft framework related to certain transfers of real property to nonprofits and the real property transfer tax on the March 3, 2020 ballot.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/City Manager)
[Deferred from 2/11/2020 - Item 3.4 (20-133); 3/17/2020 - Item 3.3 (20-257)]
DEFERRED TO 1/5/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

Attachments
Memorandum
Memorandum from Khamis, 2/7/2020
Memorandum from Mayor, Peralez, Diep, Davis, 3/13/2020
Letters from the Public

3.4 20-1658 **Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2020. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1**

Recommendation: Accept the Fiscal Year 2019-2020 Comprehensive Annual Financial Report for 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. (Finance)
TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1

Attachments
Memorandum
Attachment
Presentation
Letters from the Public

3.5 20-1659 **External Auditor's Report: Report to Those Charged with Governance for Fiscal Year Ended June 30, 2020. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1**

Recommendation: Accept the Report to Those Charged with Governance for the fiscal year ended June 30, 2020 as issued by Macias Gini & O'Connell LLP, the City of San José external auditor.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)
TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1

Attachments Memorandum
Presentation

3.6 20-1660 **Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2020.**

Recommendation: Accept the Fiscal Year 2019-2020 Comprehensive Annual Debt Report for 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. (Finance)

Attachments Memorandum
Attachment
Presentation

3.7 20-1639 **San José 311 and Digital Strategy Roadmap. - DEFERRED**

Recommendation: Accept the report on the implementation of San José 311 and the refreshed Digital Strategy Roadmap, detailing SJ311 status, direction on digital services, and approaches to the addition of new services via online, mobile app, voice, virtual agent, and chat service channels.
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)
DEFERRED TO 1/5/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

3.8 20-1661 **COVID-19 Paid Sick Leave Ordinance.**

Recommendation: (a) Accept progress report on the City's COVID-19 Paid Sick Leave Ordinance set to expire on December 31, 2020.
(b) Direct staff to provide progress report in early 2021 on federal and state paid sick leave extensions and recommendations for updates to the City's COVID-19 Paid Sick Leave Ordinance.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Public Works/City Manager)

Attachments
Memorandum
Memorandum from Carrasco, Esparza, Arenas, 12/11/20
Letters from the Public

3.9 20-1635 **Actions Related to Food Distribution Agreements.**

Recommendation: (a) Accept the report on the update on the Emergency Operations Center Food and Necessities Branch support of the City's Pandemic Response.
(b) Accept the report on the Request for Bid for Meal Preparation and Delivery Services to Temporary Shelters.
(c) Adopt a resolution authorizing the City Manager to negotiate and execute:
(1) Grant agreements for various meal preparation and delivery services and grocery distribution with Bateman Community Living LLC dba TRIO Community Meals, Revolution Foods, and Second Harvest of Silicon Valley, for an aggregate compensation of $3,634,000 through December 30, 2020;
(2) Amendments to the agreements for various meal preparation and delivery services and grocery distribution with Hunger at Home and Veggielution for an aggregate compensation of $1,156,075 through December 30, 2020.
(3) Grant agreements for food and necessities services with Catholic Charities of Santa Clara County, San José Conservation Corps, and Silicon Valley Center for Nonprofits for an aggregate compensation of $2,700,000 from December 31, 2020 through on or about March 31, 2021, with options to extend through December 31, 2021, subject to the appropriation of funds;
(4) Grant agreements with organizations qualified under the Collective Impact and Unmet Needs Grant Program for an aggregate compensation of $2,000,000 retroactive from December 31, 2020 through March 31, 2021 with options to extend the term through December 31, 2021, subject to the appropriation of funds;
(5) Amendments to agreements for meal and grocery delivery services to individual homes with Off the Grid, LLC and The Health Trust for an aggregate compensation of $6,645,760 from October 20, 2020 through March 31, 2021 with options to extend the term through December 31, 2021, subject to the appropriation of funds;
(6) Amendments to the Agreements to Provide Meals for Limited Duration between the City of San José and World Central Kitchen based on the same terms and conditions with an increase of the compensation by $1,015,266 for services inside San José and an increase of the compensation by $1,522,899 for services outside of San José and inside Santa Clara County for an aggregate amount of $6,102,165 through February 9, 2021, with options to extend through December 31, 2021, subject to the appropriation of funds;
(7) Agreements for meal preparation and delivery services to temporary

shelters with Bateman Community Living LLC, Nob Hill Catering Inc., and Team San Jose for an aggregate compensation of $1,800,000 from December 31, 2020 through March 31, 2021 with options to extend the term through December 31, 2021, subject to the appropriation of funds;
(8) Purchase Order with Bateman Community Living, LLC for supplemental Senior Nutrition Program services at San José community centers for a maximum compensation of $390,000 from December 31, 2020 through March 31, 2021;
(9) Purchase Order with First 5 Santa Clara County for the purchase of baby formula, diapers, and wipes to distribute to families experiencing food and necessity insecurities for a maximum compensation of $600,000 from December 31, 2020 through March 31, 2021; and
(10) Amendments and options to extend the terms of the agreements set forth in the "Food and Necessities Distribution Agreements" (Attachment A to the staff memorandum) to continue food and necessities distribution services to individuals and families impacted by the COVID-19 pandemic through December 31, 2021, 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/City Manager)

Attachments Memorandum
Presentation

3.10 20-1684 **JPA-issued Bonds for Moderate-Income Housing.**

Recommendation: As recommended by the Rules and Open Government Committee on December 2, 2020:
Accept the staff report that provides a summary of staff analysis and work to-date on two unsolicited proposals for the City to join a joint powers authority for moderate-income rental housing sponsored by the California Community Housing Agency, and alternatively comparable program by the California Statewide Communities Development Authority.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing/Finance/Economic Development)
[Rules Committee referral 12/2/2020 - Item G.4]

Attachments
Memorandum
Supplemental Memorandum
Memorandum from Khamis and Diep, 10/22/2020
Memorandum from Mayor, Khamis, Diep, Foley 12/11/20
Memorandum from Jones, Esparza, Arenas, 12/11/20
Letters from the Public 1 of 2
Letters from the Public 2 of 2

3.11 20-1703 **Fee Cap on Food Delivery Services.**

Recommendation: As recommended by the Rules and Open Government Committee on December 9, 2020:
Direct staff to return to Council with an urgency ordinance that:
(a) Caps the delivery fee that third-party food delivery platforms can charge member establishments at 15% of the purchase price of an online order;
(b) Caps the total fee amount for the use of all services-including the delivery and processing fees- that third-party food delivery platforms can charge at 18% of the purchase price of an online order;
(c) Allows member establishments to agree to pay a third-party food delivery platform a fee that exceeds the limits in sections 1 and 2 to obtain optional products or services, including, but not limited to, advertising, marketing, or access to customer subscription programs, in addition to delivery or pickup service;
(d) Prohibits the reduction of compensation to food delivery drivers, including the reduction of any amount of tips provided to delivery drivers that results from the restrictions on commission or delivery fees as set forth in this order;
(e) Exempts chain restaurants, with the exception of those franchisees who own and operate only three restaurants or fewer;
(f) Grants food-delivery companies 14 days per incident to refund any fees taken in excess of these limits;
(g) Remains in effect through June 2021, at which point the City Council may choose to extend or suspend the fee cap based on the extent of indoor restaurant capacity (e.g. 50%) and the availability of a COVID-19 vaccine for essential workers.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Mayor/Diep)
[Rules Committee referral 12/9/2020 - Item G.4]
PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3).

Attachments Memorandum from Mayor and Diep
Ordinance

3.12 20-1702 **Inter-Department Transfer of District 4 Council Funds to Other Departments. --DROP**

Recommendation: As recommended by the Rules and Open Government Committee on December 9, 2020:
Adopt the following 2020-2021 Appropriation Ordinance Amendments in the General Fund:
1. Decrease the appropriation to the Council District 4 (July-December) by $440,000 for the purpose of advancing the underfunded and unmet needs identified herein:
2. Increase the Non-Personal/Equipment appropriation to the Department of Planning, Building, and Code Enforcement in the amount of $200,000:
a. $100,000 to hire consultants to speed up the work unilaterally aligning our General Plan and zoning designations, as mandated by the State of California.
b. $100,000 to hire consultants to hire consultants to further the historical preservation work in San José; identifying sites that merit preservation so that development can proceed without fights over what is and isn't historic.
3. Increase the Non-Personal/Equipment appropriation to the Department of Information Technology in the amount of $115,000:
a. $30,000 towards the improvement of Vietnamese Language Translation Services in our San José 311 website and mobile channels.
b. $25,000 to reinitiate the Purchasing Innovation project so that the Finance and Civic Innovation team can improve procurement speeds, shorten timelines, and increase flexibility. Specifically, the work should focus on identifying advances in purchasing rules and processes for elected officials, technology, and use of small software-as-a-service offerings.
c. $60,000 to enhance digital signage in the public areas of City Hall and Police Headquarters to adaptively direct the public where to go as space uses change, provide instructions and direction in multiple languages, and display culturally-relevant imagery to make public spaces more welcoming and informative.
4. Increase the Non-Personal/Equipment appropriation to the Office of Economic Development in the amount of $100,000:
a. To support the creation of a Citywide Small Business Retention Program within OED's Business Development Division to provide assistance to our local small businesses and entrepreneurs with fewer than 35 employees, which represent a third of the jobs in our city, to help them deal with increased risk of displacement as redevelopment efforts in our General Plan bring new challenges for small businesses.
5. Increase the Non-Personal/Equipment appropriation to the Office of

Cultural Affairs the amount of $25,000:
a. To provide grants to artists or fund art projects, supporting the art community through this difficult time when our transit occupancy taxes revenues have fallen, adversely affecting funding for the arts.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Diep)
[Rules and Open Government referral 12/9/2020 - Item G.4]
DROP

Attachments Memorandum

4. PUBLIC SAFETY SERVICES

4.1 20-1638 **Update on Fine Amounts for Illegal Fireworks.**

Recommendation: (a) Accept the Update on Fine Amounts for Illegal Fireworks.
(b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of San José Municipal Code Chapter 10.17, Part 2, Section 10.17.100, to increase fine amounts for first, second, third and subsequent violations pertaining to the unlawful sale, storage, use, or discharge of fireworks and repealing Resolution No. 79332.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Fire)

Attachments Memorandum
Resolution
Presentation

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 20-1640 **Police Activities League Operating Model Contract. - DEFERRED**

Recommendation: Approve guiding principles for an agreement between the City of San José and San José Police Activities League to provide operations of the J.R. Blackmore Police Activities League Stadium Complex, including operating athletic programs, performing minor facility maintenance and conducting fundraising activities.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 5. (Parks, Recreation and Neighborhood Services)
DEFERRED TO 1/5/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1652 **Actions Related to the Agreement with Valley Water District for the South San Francisco Bay Shoreline Project.**

Recommendation: Adopt a resolution authorizing the City Manager, or his designee, to:
(a) Negotiate and execute a funding agreement with the Santa Clara Valley Water District (Valley Water), a Special District created by the Legislature of the State of California, for the Regional Wastewater Facility's (RWF) payment of project betterment costs for the South San Francisco Bay Shoreline Project (Shoreline Project), in the amount of $2,000,000, or half of total project betterment costs, whichever is less, subject to the appropriation of funds;
(b) Declare the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) as "exempt surplus land" to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D);
(c) Negotiate and execute an agreement for the transfer of the "exempt surplus land" of the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) in accordance with Cal Gov. §54221(f)(1)(D) and San José Municipal Code §4.20.080;
(d) Negotiate and execute an agreement for the transfer of project easements to Valley Water for Shoreline Project access, construction staging, and levee protection on RWF lands in exchange for compensation to be established by an appraisal completed by Carneghi, Nakasako, and Associates; and
(e) Negotiate and execute all other necessary documents to effectuate the transfer of the Legacy Lagoon 16-19 property and related project easements.
CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858). File No. PP20-006. Council District 4 (Economic Development/Environmental Services)

Attachments Memorandum
Supplemental Memorandum
Resolution

8.2 20-1643 **Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard. - DEFERRED**

Recommendation: Adopt a resolution:
(a) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection (Subject Portion);
(b) Conditionally vacating the Subject Portion, which after the satisfaction of the condition, will be superseded by relocation;
(c) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara;
(d) Declaring the Subject Portion "exempt surplus land" to the needs of the City;
(e) Authorizing the City Manager, or their designee, to negotiate and execute a Purchase and Sale Agreement with adjacent property owner Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned "excess surplus property" on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in the amount of $218,477 in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A);
(f) Authorizing the City Manager, or their designee, to negotiate and execute a Purchase and Sale Agreement with adjacent property owner Bit Holdings Sixty-Eight, Inc. for the sale of approximately 707 square feet of conditionally vacated City-owned "excess surplus property" on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in the amount of $1 in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070; and
(g) Authorizing the City Manager, or their designee, to negotiate and execute all other documents necessary to complete the transactions.
CEQA: Determination of Consistency to the Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, File No. H18-038. Council District 3. (Economic Development/Public Works)
DEFERRED TO 1/5/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

8.3 20-1644 **Approval of the Sale of Two Properties with City Loans by Housing for Independent People and the Release of 30 Year Affordability Restrictions.**

Recommendation: (a) Accept the staff report.
(b) Adopt a resolution authorizing the Director of Housing to:
(1) Negotiate and execute two 55-year affordability restrictions for properties owned by Housing for Independent People (HIP) located at 5668 and 5684 Hoffman Court;
(2) Negotiate and execute rescissions for the 30 year restrictions on HIP properties recorded on August 29, 1990 on the following properties located in San José: 3825 Barker Drive, 1579 Branham Lane, 3456 Calvin Avenue, 1824 Curtner Avenue, 1794 Donna Lane, 1231 Minnesota, 1726 Ross Circle, 1713 Ross Circle, and 1731 Ross Circle; and any other associated documents and amendments; and
(3) Negotiate and execute documents needed to facilitate the sale, by HIP, of the properties located at 3456 Calvin Avenue and 1726 Ross Circle.
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. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

Attachments Memorandum

8.4 20-1645 **Award of Contracts for the Employment Development and Housing Stability and Rapid Rehousing Programs.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute the following grant agreements for the Employment Development and Housing Stability Program and the Rapid Rehousing Program:

(a) Employment Development and Housing Stability Program grant agreements for 18-months with initial terms beginning on January 1, 2021 and operating through June 30, 2022 with 3 one-year options to extend:

(1) An agreement with JobTrain in the amount of $500,000;

(2) An agreement with International Rescue Committee in the amount of $192,000;

(b) Rapid Rehousing Program grant agreements for 6-months with initial terms beginning on January 1, 2021 and operating through June 30, 2021 with 3 one-year options to extend:

(1) An agreement with Bill Wilson Center in the amount of $800,000;

(2) An agreement with LifeMoves in the amount of $1,000,000; and

(c) Rapid Rehousing Program grant agreement for 18-months with an initial term beginning on January 1, 2021 and operating through June 30, 2022 with 2 one-year options to extend an agreement with HomeFirst Services of Santa Clara County in the amount of $2,867,825.

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

Attachments Memorandum

Presentation

8.5 20-1646 **FY 2019-2020 Consolidated Annual Performance Evaluation Report.**

Recommendation: As recommended by the Neighborhood Services and Education Committee on December 10, 2020, accept the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan (2015-2020) and the FY 2019-2020 Annual Action Plan (Housing) regarding the use of federal funds from the U.S. Department of Housing and Urban Development.
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)
[Neighborhood Services and Education Committee 12/10/2020 - Item (d)1]

Attachments Memorandum
Supplemental Memorandum
Presentation
NSE Presentation, 12/10/2020

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 20-1663 **Successor Agency to the Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2020. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5**

Recommendation: Accept the Fiscal Year 2019-2020 Independent Auditors' Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of 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. (Finance)
TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5

Attachments Memorandum
Attachment
Presentation

ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

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

(a) 20-1647 **C20-004 & STORY 69 - Prezoning and Annexation Initiating Hearing for Property Located on Fleming Avenue.**

Recommendation: (1) Approve an ordinance prezoning certain real property in unincorporated Santa Clara County designated as Story No. 69 to the R-1-8 Single Family Residence Zoning District located on an approximately 0.99-gross acre site situated approximately 50 feet south of the southeast corner of Fleming Avenue and Nob Hill Drive (APN: 601-29-008).
(2) Adopt a resolution initiating proceedings and setting February 9, 2021, for City Council consideration of the reorganization of territory designated as Story No. 69, which involves the annexation to the City of San José of approximately 0.99-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Council District 5. (Planning, Building and Code Enforcement)

Attachments Memorandum
Ordinance
Resolution

OPEN GENERAL PLAN HEARING (2020 THIRD CYCLE)

(b) 20-1648 **GPT20-003 & GP20-006 - City-Initiated General Plan Amendment to Make Minor Modifications and Clarifying Revisions to the Envision San José 2040 General Plan. - RECOMMEND DEFERRAL**

Recommendation: Adopt a resolution approving the General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan and the Midtown Specific Plan.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0). File Nos. GPT20-003; GP20-006. Council District: Citywide. (Planning, Building and Code Enforcement)
RECOMMEND DEFERRAL TO 1/26/2021 PER ADMINISTRATION

Attachments Memorandum
Resolution

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 20-1649 **HP19-008 - Appeal Hearing on the Planning Director's Approval of the Historic Preservation Permit for the St. James Park Capital Vision and Levitt Pavilion Project bordered by East St. James Street to the north, East St. John Street to the south, North First Street to the west, and North Third Street to the east, in downtown San José (Public Project PP16-037).**

Recommendation:

(a) Conduct a de novo hearing to consider the Appeal of the Planning Director's approval of the Historic Preservation Permit, File No. HP19-008, for the St. James Park Capital Vision and Levitt Pavilion Project to allow physical and programmatic changes to St. James Park, a contributing property to the St. James Square City Landmark Historic District consisting of approximately 7.6 acres in downtown San José. The St. James Park Capital Vision and Levitt Pavilion Project includes construction of a new Performing Arts Pavilion, café and restroom building, open air picnic pavilion and picnic grove, two dog parks, Meadow, playground, fountain, park office building, security lighting, perimeter fencing, transportation modifications and pedestrian and utility improvements.

(b) Adopt a resolution denying the permit appeal and approving, subject to conditions, Historic Preservation Permit, File No. HP19-008, for the St. James Park Capital Vision and Levitt Pavilion Project to allow physical and programmatic changes to St. James Park, a contributing property to the St. James Square City Landmark Historic District, on approximately 7.6 acres in downtown San José.

CEQA: Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (Resolution No. 79770), File No. PP16-037. Council District 3. (Planning, Building and Code Enforcement)

Attachments

Memorandum
Attachment 1
Attachment 2 Part1
Attachment 2 Part2
Attachment 3
Attachment 4
Attachment 5
Attachment 6
Attachment 7
Presentation
Letters from the Public

10.3 20-1650 **GPT20-001 - Privately-Initiated General Plan Text Amendment to Modify the Five Wounds Urban Village Plan.**

Recommendation: (a) Adopt a resolution adopting the Five Wounds Urban Village General Plan Text Amendment Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act;
(b) Adopt a resolution approving, in part, the General Plan Text Amendment application to amend the Five Wounds Urban Village Plan to: (1) modify Interim land Uses and Land Use Policies to allow transit-supportive development to move ahead of the full funding of the 28th Street/Little Portugal BART station; and (2) revise the Urban Village land use designation to increase residential density from 95 to 250 dwelling units per acre (DU/AC), and denying the portion of the application requesting the change the Urban Village land use designation floor to area ratio (FAR).
CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and all Addenda thereto. Planning Commission recommends approval (7-0). File No. GPT20-001. Council District 3. (Planning, Building and Code Enforcement)

Attachments Memorandum
(a) Resolution
(b) Resolution
Presentation

CONTINUE GENERAL PLAN HEARING (2020 THIRD CYCLE) TO 1/26/2021

- 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

In memory of Melchor Landin Ramirez, and icon that started a popular bakery in East San José. He founded Mexico Bakery, a small, immigrant owned business that takes pride in show casing our traditional Mexican culture. Melchor is admired by his humble beginnings and his giving heart to help the community. He has donated pan dulce and many other treats to our community for many years. His legacy carries on with his beautiful family that continues to operate the bakeries and help the community. Melchor will be missed but never forgotten.

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.