



City Council Meeting Agenda

Tuesday, January 5, 2021

1:30 PM

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
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



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

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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 live stream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

Closed Session-Cancelled

1:30 p.m. - Regular Session

- **Pledge of Allegiance**

- **Invocation (District 1)**

Thomas Davis, the People of Color Sangha Practice Group

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

Oaths of Office for Newly Elected and Re-Elected Councilmembers.

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.

[21-023](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30508 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.99-Gross Acre, Situated Approximately 50 Feet South of the Southeast Corner of Fleming Avenue and Nob Hill Drive (APN: 601-29-008) from Unincorporated Territory to the R-1-8 Single-Family Residence Zoning District.

[Passed for Publication on 12/15/2020 - Item 10.1(a) (20-1647)]

2.3 Approval of Council Committee Minutes.

[21-055](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 23, 2020.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 7, 2020.
 - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 14, 2020.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 21, 2020.
 - (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 28, 2020.
 - (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 4, 2020.
 - (g) Regular Neighborhood Services and Education Committee Meeting Minutes of October 8, 2020.
 - (h) Regular Neighborhood Services and Education Committee Meeting Minutes of November 12, 2020.
 - (i) Regular Community and Economic Development Committee Meeting Minutes of October 26, 2020.
 - (j) Regular Transportation and Environment Committee Meeting Minutes of November 2, 2020.
 - (k) Regular Smart Cities and Service Improvements Committee Meeting Minutes of November 5, 2020 .
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

- Attachments**
- [\(a\) 9/23/2020 ROGC Minutes](#)
 - [\(b\) 10/7/2020 ROGC Minutes](#)
 - [\(c\) 10/14/2020 ROGC Minutes](#)
 - [\(d\) 10/21/2020 ROGC Minutes](#)
 - [\(e\) 10/28/2020 ROGC Minutes](#)
 - [\(f\) 11/4/2020 ROGC Minutes](#)
 - [\(g\) 10/8/2020 NSE Minutes](#)
 - [\(h\) 11/12/2020 NSE Minutes](#)
 - [\(i\) 10/26/2020 CED Minutes](#)
 - [\(j\) 11/2/2020 T&E Minutes](#)
 - [\(k\) 11/5/2020 Smart Cities Minutes](#)
 - [Letters from the Public](#)

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** [21-024](#) **Amendment to the Self-Service Luggage Cart Agreement Between the City of San José and Smarte Carte, Inc.**

Recommendation: Approve a Second Amendment to the Airport Self-Service Luggage Cart Agreement between the City of San José and Smarte Carte, Inc., to extend the term for three years, from August 1, 2021 through July 31, 2024, 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.
(Airport)

- Attachments** [Memorandum Agreement](#)

2.8 [21-025](#) **Approval to Provide Financial Relief to Non-Aeronautical Concessionaires and Rental Car Concessions at SJC.**

Recommendation:

Adopt a resolution authorizing the City Manager to negotiate and execute amendments to various Airport concession agreements to provide additional financial relief to non-aeronautical concessionaires and rental car concessions from January 1, 2021 through June 30, 2021, to address the continuing impacts of the COVID-19 pandemic. Financial relief for Airport concessionaires could include:

- (a) Suspend Minimum Annual Guaranteed (MAG) rent payments and charge only percentage rent from January 1, 2021-June 30, 2021.
- (b) Suspend, defer or modify the terms of the Annual Concession Fee Reconciliation (True Up) as a result of any negotiated adjustments to the MAG amount.
- (c) Increase the percentage rent as consideration for any further MAG suspension or negotiate flat fee rents.
- (d) Provide Airport concessionaires the ability to charge higher prices by allowing a higher percentage markup over street prices to allow for an increased pass through of costs.

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

Attachments [Memorandum](#)

2.9 [21-026](#) **Resolution to Join California Cities Gaming Authority.**

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; and

(b) Approve up to \$30,000 annually as the City's share of the costs of the California Cities Gaming Authority, subject to appropriation.

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

[Deferred from 12/15/2020 - Item 2.10 (20-1625)]

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

2.10 [21-027](#) **Commercial Solid Waste Processing.**

Recommendation: Authorize the City Manager to engage in preliminary discussions 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 an alternate materials recovery facility.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

(Environmental Services)

[Deferred from 12/15/2020 - Item 2.14 (20-1655)]

Attachments [Memorandum](#)

2.11 [21-028](#) **Actions Related to the Agreement with Overlay, LLC for Building Performance Ordinance Solution.**

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute an Agreement with Overlay, LLC (Denver, CO) to provide a Building Performance Ordinance Solution, including related professional services, software subscription, support, and maintenance, for an initial two-year term beginning on or about January 6, 2021 through January 5, 2023 for a maximum compensation not to exceed \$114,919 for the initial term;

(b) Negotiate and execute amendments and change orders as required for any unanticipated changes such as enhancements, API development, and custom report generation for a contingency amount not to exceed \$25,000 during the initial two-year term, subject to the appropriation of funds; and

(c) Exercise up to eight one-year options to extend the term through January 5, 2031 for ongoing licensing, support, maintenance, and related professional services, 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](#)

[Agreement](#)

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 [21-030](#) **Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax.**

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); 12/15/2020 - Item 3.3 (20-1633)]

Attachments

[Memorandum](#)

[Memorandum from Mayor, 1/4/2021](#)

[Memorandum from Mayor, Peralez, Diep, Davis, 3/13/2020](#)

[Memorandum from Khamis, 2/7/2020](#)

[Memorandum, 1/28/2020](#)

[Presentation](#)

[Letters from the Public](#)

3.4 [21-031](#) **Independent Police Auditor Contract Authority.**

Recommendation: Approve an ordinance amending Sections 4.04.055, 4.04.080, and 4.04.085 and adding Section 4.04.045 to Chapter 4.04 of Title 4, and amending Section 8.04.030 of Chapter 8.04 of Title 8 of the San José Municipal Code to grant contract authority to the Independent Police Auditor, with the same parameters as other Council appointees like the City Clerk and City Auditor, as authorized under Charter Section 809 as amended by Measure G.

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

Attachments

[Memorandum](#)

[Ordinance](#)

3.5 [21-032](#) **San José 311 and Digital Strategy Roadmap.**

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 from 12/15/2020 - Item 3.7 (20-1639)]

Attachments [Memorandum](#)
 [Presentation](#)
 [Letters from the Public](#)

3.6 [21-033](#) **Actions Related to the 8087 - Trail: Coyote Creek (Mabury Road to Empire Street) Project.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute amendments to the standard consultant agreement with CH2M HILL, Inc. for the 8087 - Trail: Coyote Creek (Mabury Road to Empire Street) project (“Project”) to do the following:
 - (i) Expand the scope of work to include design of a flood control improvements, design, and implementation of mitigation plan requirements, bid support, and construction management support;
 - (ii) Increase compensation by up to \$1,344,380 from \$1,355,620 to an amount not to exceed \$2,700,000 to pay for the expanded scope of work; and
 - (iii) Extend the term of the agreement from December 2021 to December 2024.
 - (2) Negotiate and execute one or more Fund Transfer Agreements with the Santa Clara Valley Water District (“Valley Water”) setting forth the terms and conditions pursuant to which Valley Water will reimburse the City for the additional design and construction costs associated with including flood control improvements as part of the Project, which costs are estimated to be approximately \$3,600,000.
- (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
- (1) Increase the TRAIL: Coyote Creek (Mabury Road to Empire Street) appropriation by \$1,500,000; and
 - (2) Decrease the TRAIL: Coyote Creek (Mabury Road to Empire Street) reserve by \$1,500,000.
- CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Attachments [Memorandum](#)

3.7 [21-063](#) **COVID-19 Paid Sick Leave Ordinance.****Recommendation:**

(a) Adopt an urgency ordinance that:

(1) Continues, retroactive from January 1, 2021 through June 30, 2021, the paid sick leave benefits that had been provided under the expired federal Emergency Paid Sick Leave Act and the COVID-19 Paid Sick Leave Ordinance;

(2) Adds a private right of action to enforce the benefits;

(3) Makes technical changes to reflect the health orders of the State and the County of Santa Clara; and

(4) Sets forth the facts constituting the urgency.

PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3)

(b) Approve an ordinance that:

(1) Continues, retroactive from January 1, 2021 through June 30, 2021, the paid sick leave benefits that had been provided under the expired federal Emergency Paid Sick Leave Act and the COVID-19 Paid Sick Leave Ordinance;

(2) Adds a private right of action to enforce the benefits; and

(3) Makes technical changes to reflect the health orders of the State and the County of Santa Clara.

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](#)

[Supplemental Memorandum, 1/4/2021](#)

[Memorandum, 12/9/2020](#)

[Memorandum from Carrasco, Esparza, Arenas, 12/11/20](#)

[\(a\) Ordinance](#)

[\(b\) Ordinance](#)

[Letter from Assemblymember Kalra](#)

[Letters from the Public](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

- 5.1** [21-034](#) **Approval to Increase the Rental Car Concessions Customer Facility Charge at the Norman Y. Mineta San José International Airport and Delegate Authority to the Director to Adjust the CFC Based on Current Budget and Passenger Trends.**

Recommendation:

Adopt a resolution:

- (a) Increasing the Customer Facility Charge (“CFC”) from \$7.50 to \$9.00 per day, up to a maximum of five days per rental car contract, effective February 1, 2021, for customers renting vehicles from On-Airport Rental Car Companies, for the purpose of paying the costs of the financing, design and construction of the Consolidated Rental Car Garage, and the costs of providing a common-use transportation system to transport rental car customers between Terminal A and the Consolidated Rental Car Garage, and repealing Resolution No. 76048, effective February 1, 2021; and
- (b) Authorizing the Director of Aviation to adjust the CFC to accommodate current budget and passenger trends, but in no case set the rate above \$9.00 per day, up to a maximum of five days per rental car contract.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & fares without changes to or expansion of services. (Airport)

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

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [21-035](#) **Authorization to Join California Community Power, A New Joint Powers Authority.**

Recommendation:

Adopt a resolution:

(a) Authorizing the City Manager or his/her designee to join San José Clean Energy to the new Joint Powers Authority (California Community Power or CC Power) and execute the California Community Power Agency Joint Powers Agreement provided as Attachment 1 to the staff memorandum; and

(b) Authorizing the City of San José to pay a share of CC Power's annual costs in an amount not to exceed the contract authority of the City Manager for the corresponding Fiscal Year, 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. (Community Energy)

Attachments

[Memorandum](#)

[Agreement](#)

[Resolution](#)

[Presentation](#)

[Letters from the Public](#)

7. NEIGHBORHOOD SERVICES

7.1 [21-036](#) **Police Activities League Operating Model Contract.**

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 from 12/15/2020 - Item 7.1 (20-1640)]

Attachments

[Memorandum](#)

[Memorandum from Esparza, Carrasco, 12/18/2020](#)

[Presentation](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [21-037](#) **Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard. -DROP**

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 from 12/15/2020 - Item 8.2 (20-1643)]

DROP

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

- (a) [21-038](#) ST20-003 - Street Renaming of Public Streets Along Portions of Bird Avenue, South Montgomery Street, South Autumn Street, and North Autumn Street to Barack Obama Boulevard. - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: Adopt a resolution approving the renaming of portions of Bird Avenue, South Montgomery Street, South Autumn Street, and North Autumn Street, extending approximately 4,300 feet between Interstate 280 in the south and West St. John Street in the north, as Barack Obama Boulevard.
CEQA: Not a Project pursuant to CEQA Guidelines Section 15061(b) (3). Council Districts 3 and 6. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[Memorandum from Mayor and Jones, 12/23/2020](#)
[Resolution](#)
[Letters from the Public](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

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

- **Adjournment**

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.