



City Council Meeting Amended Agenda

Tuesday, January 12, 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 ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. 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**

9:30 a.m. - Closed Session

[21-010](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

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

- **Pledge of Allegiance**

- **Invocation (District 1)**

Sherine El Gazzar - Life Coach with Feed Love Now

- **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.

- **Adjournment**

In memory of the Honorable Sharon A. Chatman.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[21-072](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30510 - An Ordinance of the City of San José Adding Section 4.04.045 and Amending Sections 4.04.055, 4.04.080, and 4.04.085 of 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 Related to the Contract Authority of the Independent Police Auditor. [Passed for Publication on 1/5/2021- Item 3.4 (21-031)]

(b) Ordinance No. 30513 - An Uncodified Ordinance Adopting a Revised COVID-19 Paid Sick Leave Ordinance Continuing, 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 Previous City COVID-19 Paid Sick Leave Ordinance, Adding Enforcement by Means of a Private Right of Action, and Making Other Technical Changes to Reflect the Health Orders of the State and County of Santa Clara.

[Passed for Publication on 1/5/2021- Item 3.7(b) (21-063)]

Attachments [Letters from the Public](#)

2.3 Approval of Council Committee Minutes.

[21-065](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of November 19, 2020;
 - (b) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of December 10, 2020;
 - (c) Regular Transportation and Environment Committee Meeting Minutes of February 3, 2020;
 - (d) Regular Transportation and Environment Committee Meeting Minutes of March 2, 2020;
 - (e) Regular Smart Cities and Service Improvements Committee Meeting Minutes of February 6, 2020;
 - (f) Regular Smart Cities and Service Improvements Committee Meeting Minutes of March 5, 2020;
 - (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 12, 2020;
 - (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 11, 2020;
 - (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 18, 2020;
 - (j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 25, 2020;
 - (k) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 15, 2020;
 - (l) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 29, 2020; and
 - (m) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 13, 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**
- [\(a\) 11/19/2020 PSFSS Minutes](#)
 - [\(b\) 12/10/2020 PSFSS Minutes](#)
 - [\(c\) 2/3/2020 T&E Minutes](#)
 - [\(d\) 3/2/2020 T&E Minutes](#)
 - [\(e\) 2/6/2020 Smart Cities Minutes](#)
 - [\(f\) 3/5/2020 Smart Cities Minutes](#)
 - [\(g\) 2/12/2020 ROGC Minutes](#)
 - [\(h\) 3/11/2020 ROGC Minutes](#)
 - [\(i\) 3/18/2020 ROGC Minutes](#)
 - [\(j\) 3/25/2020 ROGC Minutes](#)
 - [\(k\) 4/15/2020 ROGC Minutes](#)
 - [\(l\) 4/29/2020 ROGC Minutes](#)
 - [\(m\) 5/13/2020 ROGC Minutes](#)
- [Letters from the Public](#)

2.4 Mayor and Council Excused Absence Requests.

[21-068](#)

Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Arenas, from the Regular Meeting of City Council on December 15, 2020 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 1/6/2021 - Item A.1.a]

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [21-047](#) **Appoint Members to Redistricting Commission.****Recommendation:**

(a) Provisionally appoint the following Commissioners designated by the Mayor and City Council and, to permit the public to submit comment on the Commissioners, return on January 26, 2021 for final appointment:

- (1) District 1 Seat: Appoint Jonathan Brun;
- (2) District 2 Seat: Appoint Enedina Cardenas;
- (3) District 3 Seat: Appoint Daisy Castro;
- (4) District 4 Seat: Appoint Kaitlyn Tran;
- (5) District 5 Seat: Appoint Ramon Martinez;
- (6) District 6 Seat: Appoint Andrew Ditlevsen;
- (7) District 7 Seat: Appoint Fred Sidbury;
- (8) District 8 Seat: Appoint Sylvia Alvarez;
- (9) District 9 Seat: Appoint BJ Fadem;
- (10) District 10 Seat: Appoint Lenka Wright; and
- (11) Citywide Chair: Appoint Teresa Alvarado.

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

Attachments**Memorandum**

[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](#)

[Applications - District 10](#)

- 2.8** [21-048](#) **Municipal Advisor Consultant Agreement with PFM Financial Advisors LLC and Public Resources Advisory Group Inc. and Bond Counsel Agreement with Orrick Herrington & Sutcliffe, LLP for the Refunding of Certain Airport Revenue Bonds.**

Recommendation:

Adopt a resolution:

- (a) Authorizing the City Manager or Director of Finance to negotiate and execute an agreement in an amount not to exceed \$350,000 with PFM Financial Advisors LLC and Public Resources Advisory Group, Inc., for municipal advisor services in connection with the refunding of certain Airport Revenue Bonds with fees to be paid from the cost of issuance of the refunding bonds contingent upon the successful completion of the sale of the bonds; and
- (b) Authorizing the City Attorney to negotiate an execute an agreement with Orrick, Herrington & Sutcliffe, LLP for Bond Counsel and Disclosure Counsel services in connection with the refunding of certain Airport Revenue Bonds, in an amount not to exceed \$380,000, to be paid from the cost of issuance of the refunding bonds contingent upon the successful sale of the bonds.

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

Attachments [Memorandum](#)

- 2.9** [21-008](#) **City Council Appointments of Vice Mayor and Members of Committees and Boards.**

Recommendation:

- (a) Apprise the Council of the Mayor’s Appointments for each of the standing committees, as described in Exhibit “A” of the Memorandum.
- (b) Appoint the following Councilmembers to each of the committees and assignments, as described in Exhibit “B” of the Memorandum.
- (c) Re-appoint Chappie Jones as Vice Mayor.

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

Attachments [Replacement Memorandum](#)
[Memorandum from Esparza, 1/12/2021](#)

2.10 [21-039](#) **Route 101 Freeway Agreement.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to execute a Freeway Agreement between the City of San José and the State of California, Department of Transportation (Caltrans) relating to the portion of U.S. Route 101 from 0.3 miles north of Burnett Ave to 0.4 miles north of De La Cruz Blvd.

CEQA: Categorically Exempt, File No. ER20-247, CEQA Guidelines Section 15301 Existing Facilities. Council Districts 3 and 4.
(Transportation)

Attachments

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

2.11 [21-070](#) **Trail: Three Creeks (Lonus Street to Coe Avenue) Pavement and Landscaping. - RENUMBERED FROM ITEM 7.1****Recommendation:**

Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

- (a) Decrease Future PDO / PIO Projects Reserve by \$1,100,000; and
- (b) Establish the Trail: Three Creeks: Lonus Street to Coe Avenue appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,100,000.

CEQA: Mitigated Negative Declaration for the Three Creeks Trail Master Plan - Western Alignment, File No. PP14-012. Council District 6. (Parks, Recreation and Neighborhood Services/City Manager)
RENUMBERED FROM ITEM 7.1 (21-043)

Attachments

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

2.12 [21-084](#) **Retroactive Approval of the Hillview Area Dumpster Day and the 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 January 6, 2021:

(a) Retroactively approve the Hillview Area Dumpster Day scheduled on November 9, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)

[Rules Committee referral 1/6/2021 - Item G.1.a]

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

2.13 [21-087](#) **Retroactive Approval of the Purchase of Fiesta Navidena Materials 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 January 6, 2021:

(a) Retroactively approve the Fiesta Navidena Celebration scheduled on December 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)

[Rules Committee referral 1/6/2021 - Item G.1.b]

Attachments [Memorandum](#)

2.14 [21-094](#) **Retroactive Approval of the San José State University Spartans Championship Tower and Rotunda Lighting Event Sponsored by Council District 3 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 January 6, 2021:

(a) Retroactively Approve the San José State University Spartans Championship Tower and Rotunda Lighting Event scheduled on December 18 - December 20, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Perez)

[Rules Committee referral 1/6/2021 - Item G.1.c]

Attachments [Memorandum](#)

2.15 [21-069](#) **Boards and Commissions Appointments.**

Recommendation: Approve the following Neighborhoods Commission appointment:

(a) District 2 Seat: Appoint Lalbabu Prasad to a term ending June 30, 2021; and

(b) District 4 Seat: Appoint Brandon Catolico to a term ending June 30, 2021.

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

Attachments [Memorandum](#)
[Conflicts of Interest](#)
[Application - Lalbabu Prasad](#)
[Application - Brandon Catolico](#)

3. STRATEGIC SUPPORT

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

[21-040](#) (a) City Manager's COVID-19 Update (Verbal Report)
(b) City Manager's Report on Other City Matters (Verbal Report)
TO BE HEARD IMMEDIATELY BEFORE CONSENT

Attachments [Presentation](#)

3.2 Labor Negotiations Update.

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

3.3 [21-052](#) **Extension of Proclamation of Local Emergency Related to COVID-19.**

Recommendation: Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José. CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

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

3.4 [21-041](#) **Statement of Policy and Questions for the Prospective Chief of Police. - DEFERRED**

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a new Chief of Police in compliance with City Charter Section 411.1. 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 1/26/2021 PER ADMINISTRATION

Attachments [Letters from the Public](#)

3.5 [21-001](#) **Procurement Programs for Minority-Owned and Other Businesses.****Recommendation:**

As recommended by the Rules and Open Government Committee on December 9, 2020:

(a) Accept the Report on Small/Local Business Contract Participation in FY 2019-20 as accepted by the Community and Economic Development (CED) Committee on November 23, 2020.

(b) Accept recommendations outlined in the letter submitted to the CED Committee from the San José Small Business Advisory Task Force and integrate into the workplan.

(c) Explore options for implementing a Disparity Study to evaluate and potentially determine the need for new procurement policies that facilitate participation of Minority, Women, and Other owned Business Enterprises (MWOBE) as appropriate.

(d) Return to Council in spring 2021 with proposal, cost estimate, and scope of study to be considered in the annual budget process.

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

[Rules and Open Government Committee referral 12/9/2020 - Item G.6]

Attachments

[Memorandum](#)

[CED Memorandum, 11/9/2020](#)

[Presentation](#)

[Letters from the Public](#)

3.6 [21-042](#) **Report on Bids and Award of Construction Contract of the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project. - TO BE HEARD CONCURRENTLY WITH SJFA ITEM 1**

Recommendation:

(a) Report on bids and award of the construction contract for the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project to the lowest bidder Zovich & Sons Inc. dba Zovich Construction, Inc. for the base bid amount and bid alternates 1, 2A, 2B, 3A, 3B, 4, 5, 6, 7, 8, and 9 in the amount of \$54,105,000 and approval of a 10 percent contingency in the amount of \$5,410,500.

(b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the General Fund:

(1) Increase the Fire Training Center Relocation Capital Contributions appropriation to the Fire Department in the amount of \$24,835,000;

(2) Increase the Emergency Operations Center Relocation Capital Contributions appropriation to the Public Works Department in the amount of \$2,500,000;

(3) Decrease the Fire Training Center Replacement Reserve appropriation in the amount of \$24,835,000; and

(4) Decrease the Emergency Operations Center Furniture, Fixtures and Equipment Reserve by \$2,500,000.

(c) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for the Fire Department Training Center and Emergency Operations Center, which is estimated to exceed \$100,000 annually in the General Fund once the project is complete, will not require a decrease in existing basic neighborhood services.

CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. Council District 7. (Public Works/City Manager)

TO BE HEARD CONCURRENTLY WITH SJFA ITEM WITH ACTION ON SJFA FIRST

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 [21-043](#) **Trail: Three Creeks (Lonus Street to Coe Avenue) Pavement and Landscaping. - RENUMBERED TO ITEM 2.11**

Recommendation: Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(a) Decrease Future PDO / PIO Projects Reserve by \$1,100,000; and
(b) Establish the Trail: Three Creeks: Lonus Street to Coe Avenue appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,100,000.

CEQA: Mitigated Negative Declaration for the Three Creeks Trail Master Plan - Western Alignment, File No. PP14-012. Council District 6. (Parks, Recreation and Neighborhood Services/City Manager)
RENUMBERED TO ITEM 2.11 (21-070)

Attachments [Memorandum](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [21-097](#) **Proposed Expenditure Plan for the Homeless Housing Assistance and Prevention Program.**

Recommendation: Adopt a resolution accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention Program (HHAP) - Round 2 that will allow the Director of Housing to apply to the State of California's (State) HHAP for a one-time award of approximately \$11,266,278.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

Attachments [Memorandum](#)
[Memorandum from Mayor, Jimenez & Cohen, 1/8/2021](#)
[Memorandum from Mayor & Peralez, 1/8/2021](#)
[Presentation](#)
[Resolution](#)
[Letters from the Public](#)

8.2 [21-098](#) **Grant Agreement with Abode Services to Operate the Project HomeKey SureStay Hotel for Unhoused Individuals Who Are Vulnerable to COVID-19.**

Recommendation: Adopt a resolution authorizing the Housing Director to negotiate and execute a grant agreement with Abode Services in the amount of \$1,085,474 to operate a non-congregate shelter for unhoused individuals who are vulnerable to COVID-19 in phase one and affordable housing in phase two at the Project HomeKey SureStay Hotel (1488 North 1st Street) for an extended term beginning February 1, 2021 through June 30, 2022, with an option to extend the agreement for an additional year beyond the initial term.

CEQA: Statutory Exempt pursuant to the Public Health and Safety Code Section 50675.1.2. Council District 3. (Housing)

Attachments [Memorandum](#)

8.3 [21-100](#) **Grant Agreement with HomeFirst Services of Santa Clara County to Operate an Emergency Congregate Shelter.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute a grant agreement with HomeFirst Services of Santa Clara County in the amount of \$3,143,155 to operate an emergency congregate shelter at South Hall (435 S. Market Street) for an extended term beginning December 31, 2020 through June 30, 2021.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Housing)

Attachments [Memorandum](#)

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) [21-044](#) **Story No. 69 - Reorganization/Annexation to the City of San José of an approximately 0.99-gross acre portion of County territory consisting of one lot generally located approximately 50 feet south of the southeast corner of Fleming Avenue and Nob Hill Drive. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Adopt a resolution ordering 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 generally located approximately 50 feet south of the southeast corner of Fleming Avenue and Nob Hill Drive, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, Santa Clara County Sanitation District 2-3, and Santa Clara County Library Services.

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 (File No. C20-004). Council District 5. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

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

- (b) [21-045](#) **PP20-014 - Quarterly Update of an Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) amend Part 4.5, Accessory Dwelling Units, to make minor clarifying text alterations and updates consistent with state law within Sections 20.30.460, ‘Single-Family Dwelling’ lot, 20.30.470, ‘Junior Accessory Dwelling Units - Single-family dwelling lot,’ 20.30.480, ‘Two-Family and Multi-Family Dwelling lots, and 20.30.495, ‘Tiny Home on Wheels (THOW); (b) add notes specifying permitting requirements for Transitional Housing uses within Tables 20-50, 20-90, 20-140 and 20-156 amending Sections 20.30.100, 20.40.100, 20.70.100 and 20.75.200; (c) incorporate minor text alterations to Table 20-156 amending Section 20.75.200 to add permitting requirements for Social Service Agency uses; (d) amend Table 20-100 in Section 20.40.200 to allow property in the Commercial Neighborhood Zoning District to utilize Urban Village Plan development standards (e) amend Chapter 20.100, Part 9, Single-Family House Permit, to make minor clarifying changes related to infill single-family additions within Section 20.100.1040, ‘Additional Development Requiring a Single-Family House Permit’; and (f) to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto (File No. PP20-014). Planning Commission recommends approval (7-0). Council District: Citywide. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum

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

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

FOR APPROVAL:

Tract: 10505

Location: North side of Norwood Avenue, approximately 110 feet westerly of Norcross Drive

District: 8

Lots/Units: 5/4

Type: SFD

Proposed Decision: Approved

Developer: Ramon Hernandez, RH Concrete

- Adjournment

In memory of the Honorable Sharon A. Chatman.

**JOINT CITY OF SAN JOSE COUNCIL AND SAN JOSE FINANCING AUTHORITY BOARD
AGENDA**

1:30 p.m.

January 12, 2021

Virtual Meeting

- Call to Order and Roll Call

1. [21-046](#) **Issuance of City of San José Financing Authority’s Commercial Paper Notes for Fire Department Training Center and Emergency Operations Relocation Project and Related Budget Actions. - TO BE HEARD CONCURRENTLY WITH ITEM 3.6**

Recommendation:

(a) City Council take the following actions:

(1) Conduct a public hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of construction costs for the relocation of a Fire Department Training Center and Emergency Operations Center (The “Project”).

(2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as City of San José Financing Authority Lease Revenue Commercial Paper Notes to provide a temporary bridge financing tool for the construction of the Fire Department Training Center and Emergency Operations Center in an amount not to exceed \$23.4 million and to state the City Council’s determination that there will be significant public benefits accruing from such financing.

(3) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the General Fund:

(i) Increase the estimate for Other Revenue by \$23.4 million; and

(ii) Increase the Fire Training Center Relocation appropriation to the Fire Department in the amount of \$23.4 million.

(4) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Service Yards Purpose:

(i) Establish a Fire Department Training Center and Emergency Operations Center Debt Service appropriation to the Finance Department in the amount of \$100,000; and

(ii) Decrease the Unrestricted Ending Fund Balance in the amount of \$100,000.

(b) Adopt a resolution of the City of San José Financing Authority Board to approve the issuance of City of San José Financing Authority Lease Revenue Commercial Paper Notes to provide a temporary bridge financing tool for the construction of the Fire Department Training Center and Emergency Operations Center in an amount not to exceed \$23.4 million.

CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. (Public Works/Finance/City Manager)

TO BE HEARD CONCURRENTLY WITH ITEM 3.6 WITH ACTION ON SJFA FIRST

UNDER BOTH THE DEBT MANAGEMENT POLICY AND SAN JOSE MUNICIPAL CODE SECTION 4.34.200, APPROVAL OF THE ISSUANCE OF THE LEASE REVENUE COMMERCIAL

PAPER NOTES REQUIRES A TWO-THIRDS VOTE BY THE CITY COUNCIL (8 VOTES)

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

- Open Forum
- Adjournment

In memory of the Honorable Sharon A. Chatman.

**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.