



# **City Council Meeting Amended Agenda**

**Tuesday, March 23, 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.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. 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](mailto: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](mailto: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](mailto: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](mailto: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

[21-490](#)

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 3**

Father Peter Loi Huynh - Our Lady of La Vang Parish

- **Orders of the Day**

\* SEE NEW SUB-ITEMS (b)(3)(i), (b)(3)(ii), and (b)(3)(vii) UNDER ITEM 8.4, "Substantial Amendment to the FY 2019-2020 and 2020-21 Annual Action Plan for the U.S. Department of Housing and Urban Development – (3) Approve the following changes relating to Substantial Amendments to the FY 2020-2021 Annual Action Plan to: (i) Reduce the overall federal CDBG Grant Allocation by \$1,363 per HUD agreement; (ii) Reduce the overall federal HOME Grant Allocation by \$765 per HUD Agreement; (vii) Make the following adjustments to the HOME funded TBRA Rental Assistance Programs: (a) Decrease the existing contract amount with Catholic Charities by \$1,600,000; (b) Increase the existing agreement with Bill Wilson Center by \$122,757; (c) Increase the New Affordable Housing Development Activity by \$1,477,243" TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d); Council Agenda Items' Placement After Rules During Social Distancing Period Resolution No. 79485.

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

- 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.**

[21-526](#)

**Final Adoption of Ordinances.**

#### **Recommendation:**

(a) Ordinance No. 30543 - An Ordinance of the City of San José Amending Title 13 (Streets, Sidewalks and Public Places) of the San José Municipal Code to Amend Part 3 of Chapter 13.48, Historic Preservation Permits and Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Section 20.100.140 of Chapter 20.100, Concurrent Review; and to Make Other Technical, Non-Substantive, or Formatting Changes within those Sections of Title 13 and Title 20 of the San José Municipal Code.

[Passed for Publication on 3/9/2021- Item 10.2 (21-426)]

(b) Ordinance No. 30544 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 4.84 Gross Acres Situated on the Southside of Stevens Creek Boulevard between Saratoga Avenue and Northlake Drive (3896 Stevens Creek Boulevard) (APN: 303-25-023, 303-25-022, 303-25-016, 303-25-013 And 303-25-012) from the CG Commercial General and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District.

[Passed for Publication on 3/9/2021- Item 10.3(b) (21-427)]

### **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     [21-494](#)           Approval of Multiple Sclerosis Awareness Month Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**     As recommended by the Rules and Open Government Committee on March 3, 2021:  
                                  (a) Approve the March 2021 as Multiple Sclerosis Awareness Month scheduled in March 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. (Foley)  
                                  [Rules Committee referral 3/3/2021 - Item G.1.a]

**Attachments**     [Memorandum](#)

- 2.8     [21-495](#)           Amendment to Master Consultant Agreement with Luhdorff & Scalmanini Consulting Engineers, Inc. for Water Supply Support.**

**Recommendation:**     Approve the First Amendment to the Master Consultant Agreement with Luhdorff & Scalmanini Consulting Engineers, Inc., for water supply support services, increasing the maximum total compensation from \$160,000 to an amount not to exceed \$800,000, subject to the appropriation of funds.  
                                  CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

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

**2.9     [21-496](#)     Amendment to Master Consultant Agreement with Todd Groundwater for Water Supply Support Services.**

**Recommendation:**     Approve the Second Amendment to the Master Consultant Agreement with David Keith Todd, Consulting Engineers, Inc., dba Todd Groundwater for water supply support services, increasing the maximum total compensation from \$160,000 to an amount not to exceed \$800,000, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

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

**2.10     [21-497](#)     Report on Request for Proposal for Insurance Broker Services.**

**Recommendation:**     Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:  
(a) Negotiate and execute an agreement with Alliant Insurance Services, Inc., to provide insurance brokerage, property appraisal, and property loss control services for an initial two-year term beginning on or about April 1, 2021 and ending on or about March 31, 2023, for a total maximum compensation not to exceed \$165,750 for the initial two-year term, subject to the appropriation of funds;  
(b) Negotiate and execute amendments and change orders as required for unanticipated changes such as additional insurance product placement or appraisals and other in-scope augmentation to service offerings, subject to the appropriation of funds; and  
(c) Exercise up to five one-year options to extend the term of the agreement through March 31, 2028, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

**Attachments**     [Memorandum](#)



**2.11    [21-498](#)                      Extension of the Animal Services Agreement with the City of Milpitas.**

**Recommendation:**    Adopt a resolution authorizing the City Manager to execute an amendment to the agreement between the City of Milpitas and the City of San José Animal Care and Services Division to extend the agreement through June 30, 2022 with compensation of \$416,053 for Fiscal Year 2021-2022.

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

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

**2.12    [21-518](#)                      Retroactive Approval of Commodore Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on March 10, 2021:

(a) Retroactively approve the Commodore Dumpster Day scheduled on March 6, 2021 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. (Cohen)

[Rules Committee referral 3/10/2021 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.13    [21-604](#)                    Approval of Virtual Volunteer Appreciation Luncheon Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on March 17, 2021:  
(a) Approve the Virtual Volunteer Appreciation Luncheon scheduled on April 8, 2021 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. (Arenas)  
[Rules Committee referral 3/17/2021 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.14    [21-605](#)                    Boards and Commissions Appointments.**

**Recommendation:**    Approve the following Boards and Commissions appointment:  
(a) Airport Commission:  
    (1) District 4 Seat: Prateek Gupta to a term ending June 30, 2023.  
CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk)  
[Rules Committee referral 3/17/2021 - Item A.1.a]

**Attachments**    [Memorandum](#)  
                          [Application](#)  
                          [Conflicts of Interest](#)

**2.15    [21-612](#)                    AB 1091 (Berman): Santa Clara Valley Transportation Authority: Board of Directors.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on March 17, 2021, adopt a position of oppose for AB 1091 (Berman).  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Transportation)  
[Rules Committee referral 3/17/2021 - Item G.2]

**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 9:00 A.M.

**3.3     [21-499](#)     Public Hearing on San José Water Company's Proposed Rate Increases  
Currently being Considered by the California Public Utilities Commission. -  
TO BE HEARD AT 7:00 P.M.**

**Recommendation:** (a) Conduct a public hearing on San José Water Company's proposed rate increases currently being considered by the California Public Utilities Commission.  
(b) Hear San José Water Company representatives responses to questions about the rate increases sought by the company.  
(c) Direct the City Attorney to determine to what extent such a hearing might supplement the factual record of the rate case currently before the California Public Utilities Commission (CPUC), so as to inform the Commission of the concerns of our local residents and businesses.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Mayor)  
[Rules Committee referral 2/3/2021 - Item G.3]  
TO BE HEARD AT 7:00 P.M.

**Attachments**   [Memorandum](#)  
[Memorandum from Mayor, 3/23/2021](#)  
[Letters from the Public - 1 of 4](#)  
[Letters from the Public - 2 of 4](#)  
[Letters from the Public - 3 of 4](#)  
[Letters from the Public - 4 of 4](#)

**3.4     [21-500](#)             Semi-Annual Open Audit Recommendations.**

**Recommendation:**     Accept the report on the Semi-Annual Open Audit Recommendations.  
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**     [Report](#)  
[Supplemental Memorandum, 3/19/2021](#)  
[Presentation](#)  
[Letters from the Public](#)

**3.5     [21-501](#)             Annual Summary of Labor Negotiations.**

**Recommendation:**     Accept staff report and public input on the Annual Summary of  
Upcoming Labor Negotiations.  
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 Manager)

**Attachments**     [Memorandum](#)

**3.6     [21-502](#)             Spring Intergovernmental Relations Report.**

**Recommendation:**     (a) Accept the Spring Intergovernmental Relations Report.  
                                      (b) Reaffirm all City positions summarized in the Intergovernmental  
                                      Relations Priority Legislation Log.  
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 Manager)

**Attachments**     [Memorandum](#)  
[Memorandum from Peralez, 3/23/2021](#)  
[Memorandum from Arenas, 3/23/2021](#)  
[Memorandum from Mahan, 3/23/2021](#)  
[Presentation](#)

**3.7     [21-503](#)     Actions Related to Agreements for Reimbursement of Food and Necessities Distribution Services. - DEFERRED**

**Recommendation:** (a) Accept the report on the update on the Interagency Food Distribution.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute Agreements for Reimbursement of Food and Necessities Distribution Services with the following cities: Campbell, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas, Monte Serreno, Morgan Hill, Mountain View, Palo Alto, City of Santa Clara, Saratoga, and Sunnyvale, for various meal preparation, delivery and grocery distribution services from March 18, 2020 through September 30, 2020, for \$1,958,446.70 including the amounts specified in Table 2.0 of the staff memorandum with each jurisdiction and based on the same terms and conditions.

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 1/26/2021 - Item 3.5 (21-142); 2/9/2021 - Item 3.4 (21-228); and 2/23/2021 - Item 3.3 (21-316)]

DEFERRED TO 4/20/2021 PER ADMINISTRATION

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

**5.1     [21-504](#)     Funding Agreement with VTA for the SR 87/Capitol Expressway Interchange Improvement Project.**

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Funding Agreement between the City of San José and the Santa Clara Valley Transportation Authority for the development of the SR 87/Capitol Expressway Interchange Improvement Project in an amount not to exceed \$5,000,000, with a term from the date of full execution to June 30, 2026.

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

Council Districts 9 and 10. (Transportation)

**Attachments     [Memorandum](#)**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1     [21-505](#)     Report on Bids and Award of Construction Contract for S142 - Yard Piping Improvements Phase 1 Project at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:**     (a) Adopt a resolution adopting the Yard Piping and Road Improvements Project Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan, in accordance with the California Environmental Quality Act, as amended, and a related Mitigation Monitoring and Reporting Program.  
                                      (b) Report on bids and award of construction contract to the low bidder, Michels Corporation DBA Michels Pipeline Construction, in the amount of \$3,096,903, for the 8142 - Yard Piping Improvements Phase 1 Project and approve a fifteen percent construction contingency in the amount of \$464,535.  
                                      CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858), Yard Piping and Road Improvements Project, File No. PP19-063. (Environmental Services/Public Works)

**Attachments**     [Memorandum](#)  
                              [Supplemental Memorandum, TPAC, 3/12/2021](#)  
                              [Resolution](#)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1     [21-506](#)            Approval of a Loan Commitment to Habitat for Humanity East Bay/Silicon Valley for Construction and Rehabilitation Cost of Four Affordable Units for Sale at the Property Located at East Reed Street and South Fourth Street. - NOT TO BE HEARD BEFORE 4:00 P.M.**

**Recommendation:**

(a) Adopt a resolution:

(1) Approving a total commitment of up to \$250,000 in Affordable Housing Impact Fee Funds (“Loan”) to Habitat for Humanity East Bay/Silicon Valley, Inc., a California nonprofit public benefit corporation, for the construction and rehabilitation costs of four owner-occupied For Sale affordable units at 80% AMI, at the property located at the corner of East Reed Street and South 4th Street (“4th and Reed Development”); and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, and any amendments thereto, and all other documents related to the Loan and the 4th and Reed Development.

(b) Adopt the following Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Increase the Housing Loans and Grants appropriation to the Housing Department by \$250,000; and

(2) Decrease the Unrestricted Ending Fund Balance appropriation by \$250,000.

CEQA: Garden Gate Tower Final Supplemental Environmental Impact Report, File No. SP18-001 and T18-001. Council District 3.

(Housing/City Manager)

NOT TO BE HEARD BEFORE 4:00 P.M.

**Attachments**    [Memorandum](#)  
[Memorandum from Peralez, 3/19/2021](#)  
[Resolution](#)

**8.2     [21-507](#)     Homelessness Annual Report and Addressing Homelessness During COVID-19 Pandemic: Encampment and Abatement. - NOT TO BE HEARD BEFORE 4:00 P.M.**

**Recommendation:** (a) As recommended by the Neighborhood Services and Education Committee on February 11, 2021, accept the annual report on homelessness for 2019-2020.  
(b) As recommended by the Rules and Open Government Committee on February 10, 2021:  
    (1) Immediately resume pre-pandemic encampment management and abatement procedures, prioritizing high impacted locations utilizing reporting data and in coordination with the Council Offices; and  
    (2) Establish a temporary sanctioned encampment on a publicly-owned site for the duration of the Local State of Emergency.  
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/Parks, Recreation and Neighborhood Services/City Manager)  
[Neighborhood Services and Education Committee referral 2/11/2021 - Item (d)2]  
[Rules Committee referral 2/10/2021 - Item G.4(2) and (3)]  
NOT TO BE HEARD BEFORE 4:00 P.M.

**Attachments**     [Memorandum](#)  
                          [Supplemental Memorandum, 3/18/2021](#)  
                          [Supplemental Memorandum, 3/19/2021](#)  
                          [Memorandum from Mayor, 3/18/2021](#)  
                          [Memorandum From Cohen & Foley, 3/19/2021](#)  
                          [Memorandum from Peralez, 3/19/2021](#)  
                          [Memorandum from Mahan, 3/23/2021](#)  
                          [Memorandum from Carrasco, 3/23/2021](#)  
                          [Presentation \(a\)](#)  
                          [Presentation \(b\)](#)  
                          [Presentation, 2/11/2021](#)  
                          [Letter from County of Santa Clara Supervisor](#)  
                          [Letters from the Public](#)



**8.3     [21-509](#)     City's COVID-19 Response: Emergency Rental Assistance Program. - NOT TO BE HEARD BEFORE 4:00 P.M.**

**Recommendation:**

- (a) Accept the staff report on the Emergency Rental Assistance program.
  - (b) Adopt a resolution:
    - (1) Accepting \$30,379,739.90 in Emergency Rental Assistance funds from the U.S. Department of the Treasury and ratifying the City Manager's signing of the award terms;
    - (2) Authorizing the City Manager to negotiate and execute the following agreements, including any amendments and revisions to said agreements and any necessary documents to effectuate the grant, to use Emergency Rental Assistance Funds to provide assistance to San José tenants and landlords who have been negatively impacted by the COVID-19 pandemic:
      - (i) With Sacred Heart Community Service, a grant agreement in an amount not to exceed \$12,805,942 to provide rental assistance, utility relief, and other eligible housing assistance to San José residents, as well as to fund case management and outreach efforts to connect San José residents with rental assistance, utility relief, and other housing assistance;
      - (ii) With the County of Santa Clara, a grant agreement in an amount not to exceed \$17,573,798 to administer payments for rental assistance, utility relief, and other eligible housing assistance to San José residents being served by the Santa Clara County Homelessness Prevention System grassroots partners; and
      - (iii) With the State of California Department of Housing and Community Development, a Memorandum of Understanding to enable San José tenants and landlords to access federal rental relief funds that will be disbursed through the state program.
  - (c) Adopt the following Funding Sources Resolution and Appropriation Ordinance amendments in the Emergency Reserve Fund:
    - (1) Increase the estimate for Revenue from Federal Government by \$30,379,740; and
    - (2) Establish the Emergency Rental Assistance appropriation to the City Manager's Office in the amount of \$30,379,740.
- 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/City Manager)
- [Deferred from 2/23/2021 - Item 8.3 (21-332); 3/2/2021 - Item 8.2 (21-394) and 3/9/2021 - Item 8.1 (21-475)]
- NOT TO BE HEARD BEFORE 4:00 P.M.

**Attachments**   [Memorandum](#)  
[Information Memorandum, 3/5/2021](#)  
[Presentation](#)  
[Resolution](#)  
[Letters from the Public](#)

- 8.4     [21-613](#)     **Substantial Amendment to the FY 2019-2020 and 2020-21 Annual Action Plan for the U.S. Department of Housing and Urban Development. - NOT TO BE HEARD BEFORE 4:00 P.M.**

**Recommendation:**

- (a) Hold a Public Hearing to allow for public comment.
- (b) Adopt a resolution relating to the following actions regarding amendments to the existing 2019-2020 and 2020-2021 spending plans that include changes to Community Development Block Grant (CDBG) and HOME Investment Partnership funds (HOME) entitlement funds as well as the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds awarded by the U.S. Department of Housing and Urban Development (HUD) to the City:
  - (1) Approve the following changes relating to Substantial Amendments to the FY 2019-2020 Annual Action Plan to:
    - (i) Increase the CDBG funded Senior Services by \$35,000 currently contracted with the Portuguese Organization for Social Services Opportunities (POSSO) to expand the meal program supporting seniors sheltering in place during the pandemic;
    - (ii) Decrease the CDBG funded Job Creation and Small Business loan program contracted with the Opportunity Fund by \$1,225,000;
    - (iii) Increase the CDBG funded Street Outreach Services by \$200,000 currently contracted with HomeFirst of Santa Clara County under Services for Homeless and Unhoused;
    - (iv) Increase the CDBG funded Emergency Motel Voucher Program for families by \$1,000,000 currently contracted with LifeMoves;
    - (v) Add \$147,410 of CDBG funding to the existing HOME funded agreements with Next Door Solutions to Domestic Violence and the YWCA for Tenant Based Rental Assistance programs for victims of domestic violence and their families to provide new supportive service through September 30, 2021;
    - (vi) Add \$177,661 of CDBG funding to the existing HOME funded Tenant Based Rental Assistance Program agreements with Next Door Solutions, Bill Wilson, and Sacred Heart, through September 30, 2021 to provide support services;
    - (vii) Carry over an additional \$335,071 of unexpended CDBG funds from previous year CDBG allocations to the 2019-20 Annual Action Plan allocations;
    - (viii) Increase the CDBG CARES Round 1 (CDBG CV1) Grant Administration budget by \$263,171 to total \$1,315,853 over the duration of the grant;
    - (ix) Decrease the general Homelessness category in CDBG CV1 by \$1,695,731 to redirect to other programs and services outlined in this memorandum;
    - (x) Add \$1,000,000 for Rental Assistance - Case Management Services to the CDBG CV1 allocation;

- (xi) Add \$432,560 of CDBG CV1 funding to the new activity COVID-19 Vaccine Outreach targeted to underserved communities most impacted from the by the COVID-19 pandemic;
- (xii) Correct the Grant Administration funding from \$268,347 (10% of grant) to \$201,261 (7.5% of grant) in the ESG CV1 allocation to reconcile with the City's grant agreement with HUD;
- (xiii) Increase the Emergency Shelter & Homelessness Prevention Activity in the ESG CV1 allocation by \$67,086;
- (xiv) Decrease the Emergency Interim Housing Activity by \$300,000 in the Emergency Solutions Grant Round 2 (ESG CV2) Allocation;
- (xv) Increase the Rapid Rehousing Program by \$300,000 in the ESG CV2 allocation;
- (xvi) Shift \$400,000 in ESG CV2 funding from Emergency Interim Housing (EIH) Operations to operate the interim housing at the Plaza Hotel to respond to COVID-19 shelter operations; and
- (xvii) Make the following adjustments to the HOME funded TBRA Rental Assistance Programs;
  - (a) Decrease the existing contract amount with Catholic Charities by \$944,500;
  - (b) Increase the existing agreement with Bill Wilson Center by \$389,243 and extend the term through September 30, 2021;
  - (c) Increase the existing agreement with YWCA by \$10,000 and extend the term through September 30, 2021; and
  - (d) Increase the Existing agreement with Next Door Solutions for Domestic Violence by \$545,257 and extend the term through September 30, 2021.
- (2) Authorize the Housing Department to program \$7,578,510 in CDBG funding made available through a third round of the CARES Act (CDBG CV3) to fund the following activities:
  - (i) \$2,000,000 Child Care for families financially impacted by COVID-19;
  - (ii) \$453,000 to fund meals to Non-Congregate Shelters serving unhoused populations;
  - (iii) \$400,000 to fund a portion of Emergency Interim Housing (EIH) Operations;
  - (iv) \$2,031,404 Emergency Motel Vouchers Program (families);
  - (v) \$1,178,404 for legal services for households impacted by COVID-19 and facing eviction; and
  - (vi) \$1,515,702 for Grant Administration for the duration of the Grant.
- (3) Approve the following changes relating to Substantial Amendments

to the FY 2020-2021 Annual Action Plan to:

- (i) Reduce the overall federal CDBG Grant Allocation by \$1,363 per HUD agreement;
- (ii) Reduce the overall federal HOME Grant Allocation by \$765 per HUD Agreement;
- (iii) Decrease the Job Retention and Creation activity by \$8,000 in CDBG funding;
- (iv) Decrease the CDBG funded Enhance Code Enforcement Activity by \$758,339;
- (v) Increase CDBG funding for the Acquisition/Rehab and Infrastructure Activity by \$967,564 to fund repairs and improvements to the City owned Plaza Hotel to provide non-congregate sheltering to COVID-19 vulnerable homeless adults;
- (vi) Carry over an additional \$202,588 of unexpended CDBG funds from previous years CDBG allocations to the 2020-21 Annual Action Plan allocations; and
- (vii) Make the following adjustments to the HOME funded TBRA Rental Assistance Programs:
  - (a) Decrease the existing contract amount with Catholic Charities by \$1,600,000;
  - (b) Increase the existing agreement with Bill Wilson Center by \$122,757;
  - (c) Increase the New Affordable Housing Development Activity by \$1,477,243.
- (4) Authorize the City's Housing Department to submit the Substantial Amendments to the U.S. Department of Housing and Urban Development.
- (5) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in these Annual Action Plan amendments and all related contract amendments, extensions and changes.
- (6) Authorize the Director of Housing to negotiate and execute an amendment to the existing CDBG funded agreement with First Five of Santa Clara County to exchange \$100,000 of CDBG funding to the more flexible Housing Trust Fund.
- (c) Adopt the following Appropriation Ordinance and Funding Source Resolution Amendments in the Multi-Source Housing Asset Fund:
  - (1) Increase the estimate for Revenue from the Federal Government by \$7,578,510;
  - (2) Establish a Community Development Block Grant CV3 appropriation to the Housing Department in the amount of \$7,578,510;

- (3) Decrease the Housing Shelter appropriation to the Housing Department by \$400,000; and
  - (4) Establish a Plaza Hotel Operations appropriation to the Housing Department in the amount of \$400,000.
  - (d) Adopt the following Appropriation Ordinance Amendments in the Community Development Block Grant Fund:
    - (1) Decrease the Code Enforcement Operations appropriation to the Planning, Building and Code Enforcement Department by \$758,339;
    - (2) Decrease the Job Readiness Training Project appropriation to the Housing Department by \$8,000;
    - (3) Decrease the Housing Rehabilitation Loans and Grants appropriation to the Housing Department by \$97,213;
    - (4) Decrease the Unrestricted Ending Fund Balance by \$201,225; and
    - (5) Establish a Plaza Hotel Rehabilitation appropriation to the Housing Department in the amount of \$1,064,777.
- 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/City Manager)
- [Rules Committee referral 3/17/2021 - Item A.1.a]
- NOT TO BE HEARD BEFORE 4:00 P.M.

**Attachments**   [Memorandum](#)  
[Memorandum from Arenas, 3/23/2021](#)  
[Presentation](#)  
[Resolution](#)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

#### **10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda****10.2    [21-510](#)            PDC20-001, PD20-005 & PT20-001- Planned Development Rezoning, a Vesting Tentative Map, and a Planned Development Permit Located at 3235 Union Avenue. - TO BE HEARD IMMEDIATELY AFTER ITEM 6.1****Recommendation:**

- (a) Adopt a resolution adopting the Initial Study/Mitigated Declaration for the Campbell Union High School District (CUHSD) Property Residential Project and the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
- (b) Approve an ordinance rezoning an approximately 6.03-gross acre site, on that certain real property located on the westside of Union Avenue approximately 1,070 feet north of Camden Avenue, from the R-1-8 Zoning District to an R-1-8(PD) Zoning District (File No. PDC20-001).
- (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to resubdivide three parcels into 45 parcels, including three common area parcels, on an approximately 6.03-gross acre site (File No. PT20-001).
- (d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of two maintenance buildings on site, totaling approximately 22,000 square feet, the removal of 14 trees (10 ordinance-size, 4 non-ordinance-size) and the construction of 40 detached single-family houses with a private street on an approximately 6.03-gross acre site (File No. PD20-005). CEQA: Campbell Union High School District (CUHSD) Property Residential Project Initial Study/Mitigated Negative Declaration (IS/MND). Planning Commission recommended approval (6-0-1, Bonilla absent). Council District 9. (Planning, Building and Code Enforcement)
- TO BE HEARD IMMEDIATELY AFTER ITEM 6.1

**Attachments**    [Memorandum](#)  
                          [Attachment](#)  
                          [Ordinance](#)  
                          [\(a\) Resolution](#)  
                          [\(c\) Resolution](#)  
                          [\(d\) Resolution](#)

**• 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.