



City Council Meeting Amended Agenda

Tuesday, March 30, 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.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

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

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

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

- 1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

For Closed Captions, please visit the City's YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:00 a.m. - Closed Session

[21-558](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m. - Regular Session

- **Pledge of Allegiance**
- **Invocation (District 3)**

Barbara Medina-Aranda - Chavez Family Vision, Inc.

- **Orders of the Day**

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

- **Closed Session Report**

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[21-620](#)

Approval of Council Committee Minutes.

Recommendation:

- (a) Regular Transportation and Environment Committee Meeting Minutes of February 1, 2021.
 - (b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of February 4, 2021.
 - (c) Regular Neighborhood Services and Education Committee Meeting Minutes of February 11, 2021
 - (d) Regular Community and Economic Development Committee Meeting Minutes of February 22, 2021.
 - (e) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of February 18, 2021.
 - (f) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of March 18, 2021.
 - (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 3, 2021.
 - (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 10, 2021.
 - (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 17, 2021.
- 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

- [\(a\) 2-1-2021 T&E Minutes](#)
- [\(b\) 2-4-2021 Smart Cities Minutes](#)
- [\(c\) 2-11-2021 NSE Minutes](#)
- [\(d\) 2-22-2021 CED Minutes](#)
- [\(e\) 2-18-2021 PSFSS Minutes](#)
- [\(f\) 3-18-2021 PSFSS Minutes](#)
- [\(g\) 2-3-2021 ROGC Minutes](#)
- [\(h\) 2-10-2021 ROGC Minutes](#)
- [\(i\) 2-17-2021 ROGC Minutes](#)

2.4 Mayor and Council Excused Absence Requests.

[21-674](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Community and Economic Development Committee on March 22, 2021, due to illness.

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

[Rules Committee referral 3/24/2021 - 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** [21-594](#)**Amendments to Pay Plan and Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 (MEF).****Recommendation:**

Adopt a resolution to:

(a) Approve the terms of a side letter agreement between the City and MEF to provide employees in the Crime and Intelligence Analyst classification (1187) and Senior Crime and Intelligence Analyst classification (1186) with an approximate 10.00% base pay increase and provide employees in the Crime and Intelligence Data Administrator classification (1198) with an approximate 3.00% base pay increase effective April 4, 2021;

(b) Amend the Pay Plan to increase the annual salary range of the classification of Crime and Intelligence Analyst (1187) to \$67,891.20 - \$82,555.20, effective April 4, 2021;

(c) Amend the Pay Plan to increase the annual salary range of the classification of Senior Crime and Intelligence Analyst (1186) to \$79,809.60 - \$96,928.00, effective April 4, 2021;

(d) Amend the Pay Plan to increase the annual salary range of the classification of Crime and Intelligence Data Administrator (1198) to \$87,027.20 - \$106,017.60, effective April 4, 2021.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

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

2.8 [21-566](#) Declaration of Municipal Use for City-Owned Property Located 460 Park Ave.

Recommendation: Adopt a resolution rescinding a portion of Resolution No. 74994, adopted on June 16, 2009, that declared that the City-owned property at 460 Park Ave. (Assessor's Parcel Number 259-46-097) was surplus to the needs of the City of San José, based on the findings made herein that the 460 Park Ave. property is needed for present and/or future City use.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development)

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

2.9 [21-583](#) Amendment to the Agreement with Skipstone, LLC, for Negotiations with Google Regarding Downtown West Project.

Recommendation: Approve the Fifth Amendment to the Agreement with Skipstone, LLC, for work relating to negotiations with Google, LLC for its proposed Downtown West Mixed-Use Project, in the amount of \$150,000, for a total Agreement of \$470,000, and extending the term of the Agreement to December 31, 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 and 6. (Economic Development)

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

2.10 [21-567](#) Amendment to Title 17 of the San José Municipal Code Related to the Energy and Water Building Performance Ordinance.

Recommendation: Approve an ordinance amending Sections 17.85.200, 17.85.300, 17.85.410, 17.85.420, 17.85.510, 17.85.520, and 17.85.540 of Chapter 17.85 of Title 17 of the San José Municipal Code related to the San José Energy and Water Building Performance Ordinance to make non-substantive changes, extend the time for Beyond Benchmarking reporting requirements, and grant the Environmental Services Department Director authority for further extensions that may be necessary related to the pandemic.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Environmental Services)

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

2.11 [21-568](#) Report on Request for Proposal for Parking Citation Management and Permit Management Systems (Including Subsystems) and Processing Services. - DEFERRED

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Execute an agreement with Turbo Data Systems, Inc. (Tustin, CA) for the purchase and deployment of Parking Citation Management and Permit Management Systems (Including Subsystems) and Processing Services, including associated licenses and subscriptions, handheld units for citation issuance, vehicle-mounted Automated License Plate Recognition equipment, staffing of a customer service walk-in center in downtown San José, and related professional services for project management, implementation, training, maintenance, and support for an initial one (1) year term beginning July 1, 2021 and ending June 30, 2022 with a maximum compensation not to exceed \$1,385,730, subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$100,000 during the initial one (1) year term, subject to the appropriation of funds; and

(c) Exercise up to 9 one-year options to extend the term of the agreement through June 30, 2031 for ongoing software subscriptions, 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)

DEFERRED TO 4/6/21 PER ADMINISTRATION

Attachments [Agreement](#)

2.12 [21-584](#) Amendments to the City-Generated Tow Services Agreements.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute Fifth Amendments to the City-Generated Tow Services Agreements with Alongi Brothers, Inc., Century Tow, City Towing, Courtesy Tow Services, Inc., Matos Auto Towing & Transport, and Motor Body Company, Inc., to extend previously amended terms that otherwise expire on March 31, 2021 for the duration of the Agreement, which is currently through March 31, 2022 but may be extended year-by-year through March 31, 2026 at the City's option. These Fifth Amendments to include:

(a) All the terms amended by the Second and Third Amendments, including the reduction of the tow operator's security deposit from 25,000 to 5,000; and

(b) Reduction of the Contract Compensation Fee to \$0, as amended in the Fourth Amendment.

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

Attachments [Memorandum](#)

2.13 [21-569](#) Actions Related to the Planning Study Report for the River Oaks Regional Stormwater Capture Project.

Recommendation: (a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration (MND) for the River Oaks Regional Stormwater Capture Project (File No. PP ER20-186) and the associated Mitigation Monitoring and Reporting Program (MMRP), in accordance with the California Environmental Quality Act.

(b) Accept the Planning Study Report for the River Oaks Regional Stormwater Capture Project.

CEQA: River Oaks Stormwater Capture Project Initial Study and Mitigated Negative Declaration, Planning File No. ER20-186. Council District 4. (Public Works)

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

2.14 [21-565](#) Approval of Cesar Chavez Day Lighting and Proclamation 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 March 17, 2021:
(a) Approve the Cesar Chavez Day lighting (March 30, 2021 to April 5, 2021) and proclamation event scheduled on March 30, 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. (Perez)
[Rules Committee referral 3/17/2021 - Item G.1.b]

Attachments [Memorandum](#)

2.15 [21-656](#) Approval of Transgender Day of Visibility Sponsored by Council District 6 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 24, 2021:
(a) Approve the Transgender Day of Visibility scheduled on March 30, 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. (Davis)
[Rules Committee referral 3/24/2021 - Item G.1.a]

Attachments [Memorandum](#)

- 2.16** [21-663](#) **Retroactive Approval of Recognizing March 25, 2021 as the 200th Anniversary of Greek Independence Day 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 24, 2021:
(a) Retroactively approve March 25, 2021 as the 200th Anniversary of Greek Independence Day 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 3/24/2021 - Item G.1.b]

Attachments [Memorandum](#)

- 2.17** [21-668](#) **Approval of the 19th Annual March for Meals 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 24, 2021:
(a) Approve March 2021 as the 19th Annual March for Meals Month scheduled in March 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. (Foley)
[Rules Committee referral 3/24/2021 - Item G.1.c]

Attachments [Memorandum](#)

2.18 [21-673](#)**Boards and Commissions Appointments.****Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Neighborhoods Commission:

(1) District 4 Seat: Anthony Rossello to a term ending June 30, 2021;

(2) District 7 Seat: Bruce Victorine to a term ending June 30, 2021;

(3) District 7 Seat: Tasha Tenturier to a term ending June 30, 2021.

(b) Airport Commission:

(1) District 7 Seat: Nick Patel to a term ending June 30, 2021.

(c) Housing and Community Development Commission:

(1) District 4 Seat: Linh Vong 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 3/24/2021 - Item A.1.a]

Attachments

[Memorandum](#)

[Application - A. Rossello](#)

[Application - B. Victorine](#)

[Application - T. Tenturier](#)

[Application - N. Patel](#)

[Application - L. Vong](#)

[Conflicts of Interest - NC](#)

[Conflicts of Interest - AC](#)

[Conflicts of Interest - HCDC](#)

2.19 [21-675](#) Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by \$690,000 for a revised total amount not-to-exceed \$990,000, and retroactively extend the Agreement from February 2, 2021 to March 31, 2022, subject to appropriation of funds.
CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)
[Rules Committee referral 3/24/2021 - Item A.1.a]

Attachments [Memorandum](#)

2.20 [21-676](#) Amendment to the Agreement with Witt O'Brien's LLC for COVID-19 Related Strategic Planning Support Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Fifth Amendment to the Agreement with Witt O'Brien's LLC for COVID-19 related strategic planning support services, to increase compensation by \$260,000 for a revised total amount not-to-exceed \$990,000, and retroactively extend the Agreement from March 14, 2021 to March 31, 2022, subject to appropriation of funds.
CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)
[Rules Committee referral 3/24/2021 - Item A.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:00 A.M.

3.3 [21-571](#) Effective Council Discussion and Debate.

Recommendation: As referred for discussion by the Rules and Open Government Committee on February 17, 2021, improve the efficiency and effectiveness of Council discussions that will build consensus, inform decision-making and improve public engagement by considering ways and adopting related actions to have more orderly speaker rotation amongst Councilmembers.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Cohen and Davis)

[Rules Committee referral 2/17/2021 - Item G.4]

Attachments [Memorandum](#)
[Memorandum from Cohen and Davis, 3/25/2021](#)
[Replacement Memorandum from Mayor, 3/29/2021](#)
[Letters from the Public](#)

3.4 [21-572](#) Actions Related to Declarations Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the San José Municipal Code (Al Fresco).

Recommendation: Adopt a resolution extending the terms of the Declarations of the Director of Emergency Services of the City of San José issued June 4, 2020, June 26, 2020, July 22, 2020, July 31, 2020, and August 5, 2020, until September 30, 2021.

CEQA: Categorically Exempt, File No. ER21-042, CEQA Guidelines Section 15304 Minor Alterations to Land.. (Economic Development)

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

- 3.5** [21-573](#) **Report on Request for Proposal and Approval of Agreements for the Affordable Housing Portal.**

Recommendation:

(a) Approve the City Housing Department's participation in a regional collaboration effort with other jurisdictions known as the Regional Doorway Collaborative to continue discussions on coordinating development and ongoing maintenance of the Affordable Housing Portal.

(b) Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute an agreement with Exygy, Inc. (San Francisco, CA) for Phase 2 of an Affordable Housing Portal, including development, implementation, configuration, training, support, maintenance, and hosting, for an initial two-year term beginning April 1, 2021 through March 31, 2023 and a maximum compensation not to exceed \$2,053,416;

(2) Negotiate and execute a Cooperation Agreement with San Mateo County to establish a payment schedule, roles, and responsibilities for both agencies to jointly manage the Affordable Housing Portal project beginning April 1, 2021 through March 31, 2023, and for San Mateo County to fund a portion of the cost for milestone 1-4 features and services in the amount of \$383,303;

(3) Negotiate and execute amendments and change orders to the agreement with Exygy, Inc. to address changes in requirements, including San Mateo County participation in milestones 5-7, for a contingency amount not to exceed \$395,000 during the initial term, subject to the appropriation of funds;

(4) Negotiate and execute amendments to the Cooperation Agreement to include funding for participation in additional and related scopes of work and milestones and extension of the term consistent with the material conditions of the original agreement, subject to the appropriation of funds; and

(5) Execute options to the agreement with Exygy, Inc. for up to 5 one-year options through March 31, 2028 for ongoing maintenance, support, hosting, and related professional services.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low and Moderate Income Housing Asset Fund:

(1) Establish an estimate for Revenue from Local Agencies in the amount of \$383,303;

(2) Decrease the Affordable Housing Web Portal Reserve appropriation by \$1,732,000;

(3) Increase the Unrestricted Ending Fund Balance by \$61,887; and

(4) Establish an Affordable Housing Web Portal appropriation to the

Housing Department in the amount of \$2,053,416.

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

(Finance/Housing/City Manager)

Attachments [Memorandum](#)
[\(b\)\(1\) Agreement](#)
[Presentation](#)

4. PUBLIC SAFETY SERVICES

4.1 [21-580](#) **Illegal Street Racing. - NOT TO BE HEARD BEFORE 4:00 P.M.****Recommendation:**

As recommended by the Rules and Open Government Committee on March 3, 2021:

(a) Direct the City Attorney to draft an ordinance targeting promoters of illegal street racing and sideshows, including those who use social media to promote, support, and encourage this illegal and dangerous behavior.

(b) Direct Staff to explore the use of Automated License Plate Readers and return to Council with options for deployment in corridors that have been hardest impacted by illegal street racing and sideshows, and as added by the Rules and Open Government Committee, to explore installation of physical barriers at wide intersections.

(c) Direct the City Manager to allocate the necessary funding for the Police Department to address this issue as part of our annual budget process.

(d) Direct Staff to explore formation of a County-wide Task Force on responding to illegal street racing and sideshows that would allow for coordinated multijurisdictional responses throughout Santa Clara County.

CEQA: Not a Project, File No. PP17-07, Preliminary direction to staff and eventual action requires approval from decision-making body.

(Esparza and Davis)

[Rules Committee referral 3/3/2021 - Item G.2]

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

Attachments

[Memorandum](#)

[Supplemental Memorandum, 3/26/2021](#)

[Memorandum from Jones, 3/30/2021](#)

[Memorandum from Arenas, 3/30/2021](#)

[Early Consideration Response Form](#)

[Presentation](#)

[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](#)

5. TRANSPORTATION & AVIATION SERVICES

5.1 [21-581](#) Airport On-Demand Ground Transportation Management.**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute an Agreement with Safer LLC for Airport On-Demand Ground Transportation Management at Mineta San José International Airport effective April 1, 2021, for a two-year term with 3 one-year options to extend at the sole discretion of the City; and
 - (2) Negotiate and execute a lease agreement with Safer LLC as deemed necessary by the Director of Aviation for office and vehicle staging to support its operations at the Airport.
- (b) Approve an ordinance amending San José Municipal Code Chapter 25.08 to eliminate the requirement for on-demand taxicab company and driver Airport access permits and authorize the Director of Aviation to re-institute the on-demand taxicab company and driver Airport access permit requirements, including the 300 permit cap, in the event that efficient airport operations, passenger service needs and the public interest require a limitation on the number of on-demand ground transportation providers at the Airport.
- CEQA: Environmental Impact Report for Norman Y. Mineta San Jose International Airport Master Plan (Resolution No. 79497 and SCH#2018102020), File No. PP18-103. (Airport)

Attachments [Memorandum](#)
[Ordinance](#)
[Presentation](#)
[Memorandum from Liccardo, 3/29/21](#)

6. ENVIRONMENTAL & UTILITY SERVICES**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1** [21-585](#) **Amendment to Council Policy 7-1 “Below Market Rental Policy for Use of City-Owned Land and Buildings by Qualified Organizations for Governmental or Other Public Purposes.”**

Recommendation: Adopt a resolution approving revisions to Council Policy 7-1 “Below Market Rental Policy for Use of City-Owned Land and Buildings by Qualified Organizations for Governmental or Other Public Purposes,” as adopted April 13, 1970 and amended on November 29, 1994 and May 23, 2006, modifying the term of 7-1 Policy leases, expanding the definition of qualified organizations, amending reporting requirements for qualified organizations, and making other similar revisions.
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 and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development)

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

- 8.2** [21-586](#) **Acceptance of the Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Element and the Housing Successor to the Redevelopment Agency Annual Report.**

Recommendation: (a) Accept the Calendar Year 2020 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element;
 (b) Accept the Fiscal Year 2019-20 Housing Successor to the Redevelopment Agency Annual Report; and
 (c) Approve the submission of an Amended and Restated Fiscal Year 2018-19 Housing Successor to the Redevelopment Agency Annual Report to correct a calculation error in the Seniors Test percentage.
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/Planning, Building and Code Enforcement)

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

8.3 [21-588](#) Citywide Residential Anti-Displacement Strategy Recommendations Status Report. - TO BE HEARD CONCURRENTLY WITH ITEM 8.4 AT 6:00 P.M.

Recommendation:

As recommended by the Neighborhood Services and Education Committee on March 11, 2021 and Community and Economic Development Committee on March 22, 2021:

- (a) Accept the status report on the top three recommendations of the Citywide Residential Anti-Displacement Strategy.
- (b) Accept the status report on the City Council Policy Priority #10: The Anti-Displacement Tenant Preference Ordinance, including incorporation into the Citywide Residential Anti-Displacement Strategy Recommendation #2.
- (c) Accept the status report on the City Council's direction to add a seat to the Housing and Community Development Commission for a commissioner with lived experience in homelessness into Recommendation #4 of the Citywide Residential Anti-Displacement Strategy.

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

[Neighborhood Services and Education Committee referral 3/11/2021 - Item (d)6]

[Community and Economic Development Committee referral 3/22/2021 - Item (d)1]

TO BE HEARD CONCURRENTLY WITH ITEM 8.4 AT 6:00 P.M.

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Presentation, 3/11/2021](#)

[Presentation, 3/22/2021](#)

[Presentation, 3/30/2021](#)

[Letters from the Public](#)

8.4 [21-589](#) City Council Policy Priority #10: Anti-Displacement Tenant Preference Ordinance Status Report. - TO BE HEARD CONCURRENTLY WITH ITEM 8.3 AT 6:00 P.M.

Recommendation: As recommended by the Community and Economic Development Committee on March 22, 2021, accept the status report on City Council Policy Priority #10: Anti-Displacement Tenant Preference Ordinance. 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/Economic Development/Planning, Building and Code Enforcement)
[Community and Economic Development Committee referral 3/22/2021 - Item (d)2]
TO BE HEARD CONCURRENTLY WITH ITEM 8.3 AT 6:00 P.M.

Attachments [Memorandum](#)

8.5 [21-672](#) Nomination of The Alameda Park/Schiele Avenue Historic District.

Recommendation: As recommended by the Rules and Open Government Committee on March 24, 2021, forward a recommendation to approve a resolution to nominate and initiate the Alameda Park/Schiele Avenue Historic District.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 3/24/2021 - Item G.2]

Attachments [Memorandum](#)
[Early Consideration Response Form](#)
[Letters from the Public](#)

8.6 [21-677](#) Grant Agreement with Abode Services to Maintain and Operate the Plaza Hotel for Homeless Individuals Who Are Vulnerable to COVID-19.

Recommendation:

- (a) Adopt a resolution:
- (1) Authorizing the Director of Housing to negotiate and execute a grant agreement with Abode Services in the amount of \$519,485 to operate and maintain a non-congregate shelter for homeless individuals who are vulnerable to COVID-19 at the Plaza Hotel with an initial term of January 1, 2021 through June 30, 2021; and
 - (2) Authorizing the Director of Housing to negotiate and execute amendments to the lease agreement with Allied Housing Inc. to align with the terms of the new Plaza operating agreement.
- (b) Adopt the following Fiscal Year 2020-2021 Appropriation Ordinance Amendments in the Housing Trust Fund:
- (1) Decrease the Unrestricted Ending Fund Balance appropriation by \$129,871; and
 - (2) Increase the appropriation to the Housing Department for Housing and Homeless Projects by \$129,871.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing/City Manager)
[Rules Committee referral 3/24/2021 - Item A.1.a]

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) [21-590](#) **HL20-006 - Historic Landmark Designation for the “The Greenawalt House” Located at 1650 Senter Road. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Adopt a resolution approving the Historic Landmark Nomination to designate “The Greenawalt House” as a City Landmark, currently located on the 14-gross acre site (History Park) located at 1650 Senter Road, known for its special historical, architectural, cultural, aesthetic, or engineering interest or value.

CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 7. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER CONSENT

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

- (b) [21-591](#) **C20-019 - Conforming Rezoning for Real Property Located at 236 E. Empire Street. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: Approve an ordinance rezoning certain real property from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residence Zoning District on a 0.06-gross acre site located on the south side of East Empire Street, at the corner of East Empire Street and North Sixth Street located at 236 E. Empire Street.

CEQA: Exempt pursuant to CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures and Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 3. (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.

- 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.