



# **City Council Meeting Amended Agenda**

**Tuesday, May 18, 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**

9:30 a.m. - Closed Session

[21-1079](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

1:30 p.m. - Regular Session

- **Pledge of Allegiance**
- **Invocation (District 5)**

Jonathan Borca

- **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.****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     [21-1080](#)         Actions Related to Salary Setting Commission Recommendation.**

**Recommendation:**     As recommended by the Salary Setting Commission on April 21, 2021, adopt a resolution approving an increase to the stipends for non-City employee members of the retirement boards from \$250 to \$260 per meeting.

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

[Salary Setting Commission referral 4/21/2021 - Item IV.a.]

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

**2.8     [21-1081](#)     Actions Related to Agreements for Landscape Management and Maintenance Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute the First Amendment to the Agreement for Landscape Management and Maintenance Services for General Fund and Special District Landscape Areas with Bayscape Management Inc. (San José, CA) to extend services for up to two additional one-year option terms for a total of seven options through June 3, 2023 under the same material terms and conditions for a maximum compensation not to exceed \$690,000 for the option term ending June 3, 2022, subject to the appropriation of funds;

(b) Negotiate and execute purchase orders with Brightview Landscape Services (Pasadena, CA), Jensen Landscape, Inc. (San José, CA), and Bayscape Management (San José, CA) to extend services for up to two additional one-year option terms for a total of seven options through December 2, 2023 under the same material terms and conditions for a total combined compensation not to exceed \$1,975,000 for the option term ending December 2, 2022, subject to the appropriation of funds; and

(c) Negotiate and execute purchase orders with Commercial Tree Care (San José, CA) to extend services for up to two additional one-year option terms for a total of seven options through February 28, 2023 under the same material terms and conditions for a total compensation not to exceed \$1,568,600 for the option term ending February 28, 2022, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**Attachments     [Memorandum](#)**

**2.9     [21-1082](#)     Amendment to the Agreement with Kone, Inc. for Elevator Maintenance Services.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to execute the Fifth Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. (Moline, Illinois) to extend services for up to two additional one-year option terms for a total of 15 options through May 20, 2023 under the same material terms and conditions for a maximum compensation of \$410,000 for the option term ending May 20, 2022, subject to the appropriation of funds.

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

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

**2.10     [21-1108](#)     Increase Funding Sources to Fund City Hall Debt Service Budget for 2020-2021.**

**Recommendation:**     Adopt 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments totaling \$2,064,125 as described in Attachment A to the staff memorandum in order to have sufficient funds available for the June 1, 2021 debt service for the City of San José Financing Authority, Taxable Lease Revenue Bonds, Series 2020A (Civic Center Refunding Project).

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. (Finance/City Manager)

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



**2.11    [21-1084](#)            Transportation Development Act, Article 3 (TDA3) State Grant for Bicycle and Pedestrian Project.**

**Recommendation:**

Adopt a resolution:

(a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2021-2022 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$1,149,152 for bicycle and pedestrian projects;

(b) Making the certifications and assurances required under the TDA3 grant; and

(c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from MTC, and to negotiate and execute any grant documents to effectuate the grant.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

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

**2.12    [21-1085](#)            Amendment to Title 11 of the San José Municipal Code to Establish a One-Way Vehicle Sharing Program.**

**Recommendation:**

(a) Approve an ordinance amending Title 11 of the San José Municipal Code to establish a new chapter for a one-way vehicle sharing program for vehicle sharing operators to secure special parking privileges in the public right-of-way.

(b) Adopt a resolution amending the Master Parking Rate Schedule to expand the definition of car sharing to include other types of vehicle sharing and modify the terms and fees for the permit associated with the use of designated parking spaces.

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

**Attachments**    [Memorandum](#)  
[Memorandum from Peralez, 5/17/2021](#)  
[Ordinance](#)  
[Resolution](#)

**2.13**    [21-1086](#)**Actions Related to Metropolitan Transportation Commission (MTC) Safe & Seamless Quick-Strike Grant Program. - RENUMBERED TO ITEM 5.3****Recommendation:**

(a) Adopt a “Resolution of Local Support” to receive grant funds from the Metropolitan Transportation Commission (MTC) for Safe & Seamless Quick Strike grant program that indicates the City will:

- (1) Provide local funding and that MTC grant funding cannot be increased;
- (2) Follow all grant program delivery timelines;
- (3) Complete projects as identified in the grant applications; and
- (4) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC, and administered by California Department of Transportation (Caltrans), in an amount not to exceed \$6,745,000 for reimbursement for the following 4 projects:

- (i) San José Downtown Bikeways, in an amount not to exceed \$4,025,000;

- (ii) En Movimiento Quick Build for East San José, in an amount not to exceed \$1,325,000;

- (iii) Julian St. and McKee Rd. Vision Zero Complete Streets, in an amount not to exceed \$705,000; and

- (iv) Bascom Avenue Protected Bike Lanes, in an amount not to exceed \$690,000.

(b) Adopt a “Surplus Lands Act Resolution” that demonstrates City is in compliance with the State’s Surplus Land Act.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation)

[RENUMBERED TO ITEM 5.3 (21-1199)]

**Attachments**    [Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

**2.14    [21-1191](#)            Approval of Mental Health Awareness Month 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 April 14, 2021:  
(a) Approve May 2021 as Mental Health Awareness Month scheduled on May 11, 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 4/14/2021 - Item G.1.a]  
[Deferred from 5/11/2021 Item 2.7 (21-1008)]

**Attachments**    [Memorandum](#)

**2.15    [21-1198](#)            Approval of Two Proclamations for Asian Pacific American Heritage Month and Affordable Housing Month Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on May 12, 2021:  
(a) Approve Asian Pacific American Heritage Month scheduled on May 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Approve Affordable Housing Month scheduled on May 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.  
(c) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco, Peralez and Mahan)  
[Rules Committee referral 5/12/2021 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.16    [21-1207](#)            Approval of Townsend Park 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 May 12, 2021:  
(a) Approve the Townsend Park Dumpster Day scheduled on May 22, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)  
[Rules Committee referral 5/12/2021- Item G.1.b]

**Attachments**    [Memorandum](#)

**2.17    [21-1214](#)            Retroactive Approval of Safe Neighbor Community Service Training 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 May 12, 2021:  
(a) Retroactively approve the Safe Neighbor Community Service Training event scheduled on May 15, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)  
[Rules Committee referral 5/12/2021 - Item G.1.c]

**Attachments**    [Memorandum](#)

- 2.18**    [21-1221](#)            **Approval of May as Food Allergy Awareness Month Sponsored by Council District 10 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 May 12, 2021:  
(a) Approve May 2021 as Food Allergy Awareness Month scheduled on May 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mahan)  
[Rules Committee referral 5/18/2021- Item G.1.d]

**Attachments**    [Memorandum](#)

### **3. STRATEGIC SUPPORT**

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

**3.2 Labor Negotiations Update.**

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

- 3.3**    [21-1087](#)            **Public Hearing on the 2021-2022 Proposed Operating and Capital Budgets and the 2021-2022 Proposed Fees and Charges for the City of San José.**

**Recommendation:**    Conduct a Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2021 to June 30, 2022, the Proposed Five-Year Capital Improvement Program for 2022-2026, and the Proposed Fees and Charges Report for the Fiscal Year 2021-2022.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

**Attachments**    [2021-2022 Proposed Operating Budget](#)  
[2021-2022 Proposed Capital Budget](#)  
[2021-2022 Proposed Fees & Charges Report](#)  
[Letters from the Public](#)

**3.4     [21-1088](#)     **Actions Related to the 9005 - Mineta San José International Airport Airfield Electrical Rehabilitation Phase 2 Re-Bid Project.****

**Recommendation:**     Adopt a resolution authorizing the Director of Public Works to:  
(a) Award and execute the 9005 - Mineta San José International Airport - Airfield Electrical Rehabilitation Phase 2 RE-BID Project to the low bidder, St. Francis Electric, LLC, in the amount of \$4,791,651.75, contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration; and  
(b) Establish a construction contingency of 10% in the amount of \$479,165.  
CEQA: Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan, File No. PP18-103 (Resolution No. 79497). (Airport/Public Works)

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

**3.5     [21-1089](#)     **Amendment to Chapter 8.04 of Title 8 of the San José Municipal Code to Expand the Duties and Responsibilities of the Independent Police Auditor Through June 30, 2022.****

**Recommendation:**     Approve an ordinance amending Section 8.04.010 of Chapter 8.04 of Title 8 of the San José Municipal Code to expand the duties and responsibilities of the Independent Police Auditor (IPA) and allow the IPA and IPA staff to ask direct questions of a subject or witness during Police Department administrative interviews through June 30, 2022.  
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](#)  
                          [Ordinance](#)  
                          [Letters from the Public](#)

**3.6     [21-1083](#)     Amendment to the Agreement with Axon Enterprise, Inc. for Body Worn Camera and Evidence Management System.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute the Second Amendment to the Agreement with Axon Enterprise, Inc. (Scottsdale, Arizona) for a Body Worn Camera and Evidence Management System to extend the agreement for a five-year option term through June 30, 2026 and increase compensation by \$6,302,172 for a maximum compensation of \$11,574,736, subject to the annual appropriation of funds; and

(b) Negotiate and execute amendments and change orders as required for additional body worn cameras and related services at the same unit pricing and consistent with the material terms and conditions of the original agreement, subject to the annual 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](#)**

**3.7     [21-1090](#)     Approval of Digital Inclusion Grant Awards. - RECOMMEND DEFERRAL****Recommendation:**

Adopt a resolution:

(a) Approving the award of Digital Inclusion Grants to the following organizations in the amounts specified:

- (1) Alum Rock School District \$10,000
- (2) Cristo Rey San José High School \$43,300
- (3) Goodwill of Silicon Valley \$45,000
- (4) International Children Assistance Network, Inc. (ICAN) \$35,000
- (5) International Rescue Committee, Inc. (IRC) \$14,000
- (6) Latinos United for New America (LUNA) \$24,500
- (7) NPower, Inc. \$3,500
- (8) Sacred Heart Community Service \$70,000
- (9) The San José Library Foundation \$82,500
- (10) San Jose Community Media Access Corp. (CreaTV) \$9,700
- (11) City of San José Parks, Recreation, and Neighborhood Services (PRNS) \$45,000
- (12) Tech Exchange (The Oakland Public Education Fund) \$52,500
- (13) The Vietnamese Voluntary Foundation, Inc. (VIVO) \$40,000

(b) Authorizing a \$500,000 payment from the Digital Inclusion Fund to CETF to distribute the grant awards to the grantees pursuant to the agreement with CETF.

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

RECOMMEND DEFERRAL TO 6/8/2021 PER ADMINISTRATION

**Attachments**     [Resolution](#)



**3.8     [21-1091](#)     Public Hearing on the Application of Great Oaks Water Company for Renewal of a Potable Water Franchise.**

**Recommendation:**     (a) Hold a Public Hearing on the Great Oaks Water Company application for renewal of a potable water franchise per San José Municipal Code Section 15.40.720.  
                                      (b) Approve an uncodified ordinance to extend the term of the Great Oaks Water Company nonexclusive franchise until July 1, 2022, with no change in any other terms and conditions of the franchise.  
                                      CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Public Works/Environmental Services)

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

## **4. PUBLIC SAFETY SERVICES**

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

**5.1     [21-1092](#)     Award of Construction Contract for 2021 Major Streets Resurfacing Project.**

**Recommendation:**     (a) Approve award of a construction contract for the 2021 Major Streets Resurfacing Project, to the low bidder, MCK Services, Inc. in the amount of \$8,223,307 and approve an approximate 15% contingency in the amount of \$1,233,496.  
                                      (b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Cost Sharing Agreement with the City of Milpitas for pavement maintenance improvements on Landess Avenue between Highway 680 and Piedmont Road as part of the 2021 Major Streets Resurfacing Project in an amount not to exceed \$1,097,275.  
                                      CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**Attachments**     [Memorandum](#)

**5.2     [21-1093](#)     Award of Construction Contract for 2021 Local Streets Resurfacing #1 Project.**

**Recommendation:**     (a) Approve award of a construction contract for the 2021 Local Streets Resurfacing #1 Project, to the low bidder, DeSilva Gates Construction LP, in the amount of \$7,282,284.  
                                      (b) Approve an approximate 10% contingency in the amount of \$728,000.  
                                      CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3, 4 and 6.  
                                      (Transportation)

**Attachments**     [Memorandum](#)

**5.3     [21-1199](#)     Actions Related to Metropolitan Transportation Commission (MTC) Safe & Seamless Quick-Strike Grant Program. - RENUMBERED FROM ITEM 2.13**

**Recommendation:** (a) Adopt a “Resolution of Local Support” to receive grant funds from the Metropolitan Transportation Commission (MTC) for Safe & Seamless Quick Strike grant program that indicates the City will:

- (1) Provide local funding and that MTC grant funding cannot be increased;
- (2) Follow all grant program delivery timelines;
- (3) Complete projects as identified in the grant applications; and
- (4) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC, and administered by California Department of Transportation (Caltrans), in an amount not to exceed \$6,745,000 for reimbursement for the following 4 projects:
  - (i) San José Downtown Bikeways, in an amount not to exceed \$4,025,000;
  - (ii) En Movimiento Quick Build for East San José, in an amount not to exceed \$1,325,000;
  - (iii) Julian St. and McKee Rd. Vision Zero Complete Streets, in an amount not to exceed \$705,000; and
  - (iv) Bascom Avenue Protected Bike Lanes, in an amount not to exceed \$690,000.

(b) Adopt a “Surplus Lands Act Resolution” that demonstrates City is in compliance with the State’s Surplus Land Act.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation)  
[RENUMBERED FROM ITEM 2.13 (21-1086)]

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

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

**6.1     [21-1094](#)     Public Hearing on the Proposed Maximum Commercial Solid Waste Customer Services Rates. - TO BE HEARD AFTER ITEM 8.1**

**Recommendation:**

(a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

(b) Adopt a resolution increasing the Maximum Commercial Solid Waste Services Rates in the City of San José by 8.47 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.

CEQA: Not a Project, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)  
TO BE HEARD AFTER ITEM 8.1

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

- 6.2     [21-1095](#)     **Actions Related to the Issuance of Non-exclusive Franchise Agreements for the Collection, Transport, and Delivery of Residential Clean-out Material and Construction and Demolition Debris.**

**Recommendation:**

(a) Conduct a public hearing on the applications of the companies listed below for Non-Exclusive Franchises for the non-exclusive collection, transport, and delivery of residential clean-out material and construction and demolition debris for twenty-nine companies. These businesses are listed below:

- (1) GW Debris Services, LLC dba \$99 Debris Box
- (2) Lam Hauling dba 7 Days Box
- (3) Accurate Cleaning Systems dba R&D Mendes Enterprises, Inc.
- (4) All Points Roll Off, Inc.
- (5) American Debris Box Service, Inc.
- (6) Bernardini Enterprises, Inc.
- (7) Citywide Fibers, Inc.
- (8) David Jaimes dba D & L Hauling and Demolition Services
- (9) Uriel Del Toro dba Del Toro Haul
- (10) Eco Box Recycling, Inc.
- (11) Evergreen Waste Services
- (12) Ferma GreenBox, Inc.
- (13) Waste Connections of California, Inc. dba GreenTeam of San José
- (14) Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling & Disposal Facility
- (15) GW Debris Services, LLC
- (16) M & G Hauling, Inc.
- (17) Pacific Coast Recycling Inc.
- (18) Peninsula Debris Box Service, LLC
- (19) Jonna Corporation dba Premier Recycle Company
- (20) Recology South Bay dba Recology Silicon Valley
- (21) Allied Waste Services of North America LLC dba Republic Services of Santa Clara County
- (22) Recycling & Waste Services, Inc.
- (23) Phil Ta dba TA Trucking
- (24) Francisco Toca dba Toca Debris Box Services
- (25) Hong Anh Nguyen dba United Recycle Services, LLC
- (26) Environmental Resource Recovery Inc dba Valley Recycling
- (27) Garden of Eden Landscapes, Inc. dba Ground Force Enterprises
- (28) Yellowsack Inc.
- (29) Superior Demolition Services, Inc.

(b) Approve ordinances granting the franchises for these companies.

(c) Approve the Non-Exclusive Franchise Agreements with these companies for the collection, transport, and delivery of residential clean-out material and construction and demolition debris, for one-year

term beginning July 1, 2021 through June 30, 2022, with an option for the City to extend the agreement for an additional one-year term through, June 30, 2023.

CEQA: Categorically Exempt, File No. ER21-060, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

**Attachments**   Memorandum

- [\(1\) Ordinance - GW Debris Services, LLC dba \\$99 Debris Box](#)
- [\(2\) Ordinance - Lam Hauling dba 7-Days Box](#)
- [\(3\) Ordinance - Accurate Cleaning Systems](#)
- [\(4\) Ordinance - All Points Roll Off, Inc.](#)
- [\(5\) Ordinance - American Debris Box Service, Inc.](#)
- [\(6\) Ordinance - Bernardini Enterprises](#)
- [\(7\) Ordinance - Citywide Fibers, Inc.](#)
- [\(8\) Ordinance - David Jaimes dba D&L Hauling and Demolition](#)
- [\(9\) Ordinance - Del Toro Haul](#)
- [\(10\) Ordinance - Eco Box Recycling, Inc.](#)
- [\(11\) Ordinance - Evergreen Waste Services](#)
- [\(12\) Ordinance - Ferma Green Box](#)
- [\(13\) Ordinance - Waste Connections of California, Inc. dba Green](#)
- [\(14\) Ordinance - Guadalupe Recycling & Disposal Facility](#)
- [\(15\) Ordinance - GW Debris Services, LLC](#)
- [\(16\) Ordinance - M&G Hauling](#)
- [\(17\) Ordinance - Pacific Coast Recycling](#)
- [\(18\) Ordinance - Peninsula Debris Box](#)
- [\(19\) Ordinance - Premier Recycle Company](#)
- [\(20\) Ordinance - Recology Silicon Valley](#)
- [\(21\) Ordinance - Republic Services](#)
- [\(22\) Ordinance - Recycling and Waste Services](#)
- [\(23\) Ordinance - TA Trucking](#)
- [\(24\) Ordinance - Toca Debris Box](#)
- [\(25\) Ordinance - United Recycle Services](#)
- [\(26\) Ordinance - Valley Recycling](#)
- [\(27\) Ordinance - Ground Force](#)
- [\(28\) Ordinance - Yellowsack](#)
- [\(29\) Ordinance - Superior Demo](#)
- [\(1\) Agreement - GW Debris Services](#)
- [\(2\) Agreement - Lam Hauling dba 7-Days Box](#)
- [\(3\) Agreement - Accurate Cleaning Systems](#)
- [\(4\) Agreement - All Points Roll Off, Inc](#)
- [\(5\) Agreement - American Debris Box Service, Inc](#)
- [\(6\) Agreement - Bernardini Enterprises, Inc](#)



- [\(7\) Agreement - Citywide Fibers, Inc](#)
- [\(8\) Agreement - David Jaimes dba D&L Hauling and Demolition](#)
- [\(9\) Agreement - Del Toro Haul](#)
- [\(10\) Agreement - Eco Box Recycling, Inc](#)
- [\(11\) Agreement - Evergreen Waste Services](#)
- [\(12\) Agreement - Ferma Green Box, Inc](#)
- [\(13\) Agreement - Waste Connections of California, Inc. dba Gree](#)
- [\(14\) Agreement - Guadalupe Recycling & Disposal Facility](#)
- [\(15\) Agreement - GW Debris Services LLC dba \\$99 Debris Box](#)
- [\(16\) Agreement - M&G Hauling](#)
- [\(17\) Agreement - Pacific Coast Recycling](#)
- [\(18\) Pennisula Debris Box Services](#)
- [\(19\) Agreement - Premier Recycle Company](#)
- [\(20\) Agreement - Recology Silicon Valley](#)
- [\(21\) Agreement - Republic Services](#)
- [\(22\) Agreement - Recycling & Waste Services Inc](#)
- [\(23\) Agreement - TA Trucking](#)
- [\(24\) Agreement - Toca Debris Box](#)
- [\(25\) Agreement - United Recycle Services](#)
- [\(26\) Agreement - Valley Recycling](#)
- [\(27\) Agreement - Ground Force](#)
- [\(28\) Agreement - Yellowsack, Inc](#)
- [\(29\) Agreement - Superior Demolition Services](#)

**6.3     [21-1099](#)     Climate Smart San José Plan Semi-Annual Update.****Recommendation:**

As recommended by the Transportation and Environment Committee on May 3, 2021, accept the update on Climate Smart San José activities.

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

[Transportation and Environment Committee referral 5/3/2021 - Item (d)2]

**Attachments**

[Memorandum](#)

[Attachment](#)

[Presentation, 5/3/2021](#)

[Presentation - est. 15 minutes](#)

[Letters from the Public](#)

**7. NEIGHBORHOOD SERVICES**

**7.1     [21-1105](#)            Illegal Dumping Fines and Enforcement.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 28, 2021:

- (a) Direct the City Manager to increase illegal dumping fines to \$10,000 for the first and subsequent offenses.
- (b) Direct the City Manager to prepare an MBA for the current budget cycle that outlines the cost of increased enforcement against illegal dumping, such as purchasing additional cameras to monitor hotspots, utilizing Community Service Officers to patrol identified hotspots, and establishing a community awareness campaign to encourage reporting of illegal dumping.
- (c) Direct the City Attorney to evaluate whether fines collected can be used to reward residents who provide information leading to a citation and fine for illegal dumping.

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

[Rules Committee referral 4/28/2021 - Item G.5]

**Attachments     [Memorandum](#)**

[Memorandum from the Mayor, Davis & Foley, 5/14/2021](#)

[Supplemental Memorandum from Jimenez & Peralez, 5/13/2021](#)

[Letters from the Public](#)

**8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1     [21-1190](#)     Response to City Council Direction for Sanctioned Encampment. - TO BE HEARD AT 4:00 P.M.**

**Recommendation:**     Accept the report providing a response to City Council direction to implement a sanctioned encampment program for the duration of the public health emergency and provide direction on the level of services for a sanctioned encampment program.  
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)  
[Deferred from 5/11/2021 Item 8.3 (21-1147)]  
TO BE HEARD AT 4:00 P.M.

**Attachments**     [Memorandum](#)  
                          [Memorandum from Foley, 5/17/2021](#)  
                          [Memorandum from the Mayor, 5/18/2021](#)  
                          [Memorandum from Mahan, 5/18/2021](#)  
                          [Presentation - est. 10 minutes](#)  
                          [Letters from the Public](#)

## **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) [21-1106](#) **Parker No. 28 Reorganization/Annexation to the City of San José of Property Located at 15415 Woodard Road.**

**Recommendation:** Adopt a resolution ordering the reorganization of territory designated as Parker No. 28 which involves the annexation to the City of San José of approximately 1.36 gross acres of land located on the northeast corner of Woodard Road and Calico Avenue (15415 Woodard Road) and adjacent streets including 120 feet of Calico Avenue at project frontage and 661.3 feet of Woodard Road to the east of Calvin Avenue, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, West Valley Sanitation District, Santa Clara County Lighting Service Area, and Santa Clara County Library Services.

CEQA: Determination of consistent with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617) and Addenda thereto. Council District 9. (Planning, Building and Code Enforcement)

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

**END OF CONSENT CALENDAR**

## **10 Land Use - Regular Agenda**

- 10.2**    [21-1107](#)        **PP20-013 - Amendment to Title 20 (Zoning Ordinance) for the Urban Village and Mixed Use Zoning Districts.**

**Recommendation:**

Approve an ordinance amending the San José Municipal Code to:

(a) Add Chapter 20.55 to Title 20 for Urban Village and Mixed Use Zoning District, thereby creating six zoning districts which conform to the General Plan land use designations by the same names: Urban Village Commercial (UVC), Urban Village (UV), Mixed Use Commercial (MUC), Mixed Use Neighborhood (MUN), Urban Residential (UR), and Transit Residential (TR). Development standards and use regulations for the Urban Village and Mixed Use zoning districts reflect the density and scale of development as established by the Envision San José 2040 General Plan.

(b) Revise text for specific use regulations in Chapter 20.80 to add Urban Village and Mixed Use zoning districts to various sections, and add the Urban Village and Mixed Use zoning districts to the following specific use sections:

(1) Part 5.75 - Taproom or Tasting Room and Off-Sale of Alcoholic Beverages in Conjunction with a Winery, Brewery, or Distillery;

(2) Part 8.5 - Historic Landmark Structure Re-Use;

(3) Part 11 - Off-Sales of Alcoholic Beverages;

(4) Part 13.7 - Retail Art Studio;

(5) Part 14 - Seasonal Sales; and

(6) Part 18 - Temporary Trailers;

(c) Revise text in Chapter 20.100 to incorporate and clarify how the new zoning districts work in relation to existing permit requirements in the following sections:

(1) Part 4 - Adjustments;

(2) Part 5 - Site Development Permit; and

(3) Part 9 - Single Family House Permit;

(d) Revise Table 20-10 in Section 20.10.060, Zoning districts established, and Table 20-270 in Section 20.120.110, Conformance with the general plan, and add the Urban Village and Mixed Use zoning districts to the tables;

(e) Revise and add definitions in Chapter 20.200;

(f) Revise definitions for Mixed Use and Private Open Space;

(g) Add definitions for: Density, Floor Area, Floor Area Ratio (FAR), Privately Owned Public Open Space (POPOS), Public Open Space, and Townhouse or Rowhouse; and

(h) Make other technical, non-substantive, or formatting changes within these sections.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041 on November 1, 2011, and

Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Planning Commission recommends (5-1-1, Bonilla opposed; Caballero absent) (Planning, Building and Code Enforcement)

**Attachments**   [Memorandum](#)  
[Ordinance](#)  
[Presentation - est. 10 minutes](#)

- 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.