



# City Council Meeting Agenda

**Tuesday, April 14, 2020**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
JOHNNY KHAMIS, 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. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

**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. 79450 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/channel/UCeDiMzJEUbPgaruDcXnD4Cg>

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

- 1) Use the ecomment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 12:00 p.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) Use [https://sanjose.granicusideas.com/meetings/3842-city-council/agenda\\_items](https://sanjose.granicusideas.com/meetings/3842-city-council/agenda_items). eComments are also directly sent to the iLegislare application used by City Council and staff.
- 2) Email during the meeting to [councilmeeting@sanjoseca.gov](mailto:councilmeeting@sanjoseca.gov), identifying the Agenda Item Number in the email subject line to have the comments verbally read into the record, with a maximum of 250 words, which corresponds to approximately 2 minutes per individual comment, subject to the Mayor's discretion. Comments received after the agenda item is heard but before the close of the meeting will be included as a part of the meeting record but will not be read into the record.

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

- 1) By phone (888) 788-0099. Click \*9 to raise a hand to speak. Webinar ID is 429 683 768
- 2) By online: <https://zoom.us/j/429683768>
  - 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.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session

See Separate Agenda

1:30 p.m.- Regular Session

One or more Councilmembers may be teleconferencing or otherwise electronically participating from a remote location.

6:00 p.m.- Evening Session

\*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- **Invocation (District 4)**

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

## **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 20-421 Transportation Security Administration National Explosives Detection Canine Team Program.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an Other Transaction Agreement with the Transportation Security Administration for the National Explosives Detection Canine Team Program which will partially reimburse Airport funded Police Department costs for four explosive detection canine teams for a total amount not-to-exceed \$202,000 per year at the Norman Y. Mineta San José International Airport for a five-year period commencing July 1, 2020, in a total reimbursement amount to the City not to exceed \$1,010,000.

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

**2.8 20-422 Amendment to the Agreement with AST LLC for a Service Request Management/Customer Relationship Management Software Solution.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the Second Amendment to the Agreement with Applications Software Technology (“AST”) LLC (Naperville, IL) for a Service Request Management/Customer Relationship Management (“SRM/CRM”) Software Solution (now known as San José 311, formerly My San José) to increase the compensation by \$1,077,900 for Spanish and Vietnamese translation integration, Recycle Plus service delivery, architecture enhancements, and related technical services for the San José 311 website and mobile application, for a total contract maximum compensation of \$1,717,383 during the initial term ending November 30, 2021; and
- (b) Increase the contingency by \$200,000 to cover any additional in-scope changes or requirements to the agreements with AST LLC and Oracle America, Inc. for the SRM/CRM Software Solution for a total contingency not to exceed \$400,000 during the initial terms, 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)

**2.9 20-423 2020 Major Streets Resurfacing Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2020 Major Streets Resurfacing Project, to the low bidder, MCK Services, Inc. in the amount of \$7,015,680.  
(b) Approve an approximate ten percent contingency in the amount of \$700,000.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**2.10 20-424 2020 Local Streets Resurfacing #1 Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2020 Local Streets Resurfacing #1 Project, to the low bidder, MCK Services, Inc., in the amount of \$7,109,419.41.  
(b) Approve an approximate five percent contingency in the amount of \$355,500.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**2.11 20-425 2020 Local Streets Concrete #2 Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2020 Local Streets Concrete #2 Project, to the low bidder, Spencon Construction, Inc., in the amount of \$1,583,800.  
(b) Approve an approximate five percent contingency in the amount of \$79,200.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**2.12 20-426 Pavement Maintenance Projects Eligible for Senate Bill No. 1 Funding.**

**Recommendation:** Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2020-2021 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1, otherwise known as the Road Repair and Accountability Act of 2017.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**2.13 20-435 Settlement of Artie Lashbrook et al. v. City of San José.**

**Recommendation:** Approve a consent decree in the amount of \$789,627, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Artie Lashbrook et al. v. City of San José.  
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

**2.14 20-429 Award of Grant Funds to Sacred Heart Community Services for the 2017 Flood from the California Department of Social Services.**

**Recommendation:** Adopt a resolution authorizing the Director of Housing to negotiate and execute a retroactive agreement with Sacred Heart Community Services to reimburse costs incurred by Sacred Heart between February 21, 2017 and April 30, 2017 in connection with the 2017 San José Flood Relief Program in the amount of \$397,153 from the grant funds awarded to the City of San José by the State Department of Social Services for the 2017 Coyote Creek flood.  
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 impact to the environment. (Housing)

**3. STRATEGIC SUPPORT****3.1 Report of the City Manager, David Sykes (Verbal Report)**

- 20-433** (a) City Manager's COVID-19 Update (Verbal Report)  
(b) City Manager's Report on Other City Matters (Verbal Report)  
TO BE HEARD BEFORE CONSENT

**3.2 Labor Negotiations Update.**

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



**3.3 20-428 TEFRA Hearing for the Issuance of California Enterprise Development Authority Revenue Obligations for the Almaden Country Day School.**

**Recommendation:** (a) Hold a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Public Hearing for the issuance of up to \$15,000,000 in tax-exempt obligations by the California Enterprise Development Authority for the purpose of financing, refinancing or reimbursing the costs of designing, developing, constructing, installing, improving, equipping and furnishing of certain capital improvements for the benefit of Almaden Country Day School, a California nonprofit public benefit corporation and an organization described under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(b) Consideration of a resolution approving the issuance of Obligations by the California Enterprise Development Authority in a principal amount of up to \$15,000,000 to be used to finance, refinance or reimburse the cost associated with certain educational facilities and to pay certain expenses incurred in connection with the issuance of the Obligations.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Finance)

**3.4 20-436 Review of the Retirement Plan’s Pension and Post-Employment Healthcare Plan Actuarial Valuations as of June 30, 2010.**

**Recommendation:** Review the following actuarial valuation reports:

(a) Federated City Employees’ Retirement System Actuarial Valuation (Pension) as of June 30, 2019; and

(b) Federated City Employees’ Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2019; and

(c) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2019; and Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2019.

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

## **4. PUBLIC SAFETY SERVICES**

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

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

**7. NEIGHBORHOOD SERVICES**

**8. COMMUNITY & ECONOMIC DEVELOPMENT**

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

- 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.

- Council will recess until 6:00 p.m.

## **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) 20-430 PP20-003 - Amendment to Title 20 (The Zoning Ordinance).**

**Recommendation:** Approve an ordinance of the City of San José amending Part 4.5, Chapter 20.30 of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add a new Section 20.30.495 to make provisions for use of tiny homes on wheels as Accessory Dwelling Units; add Section 20.200.327 to include new definition of Tiny Homes on Wheels; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

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

**TO BE HEARD IMMEDIATELY AFTER CONSENT**

**(b) 20-431 PP20-007 - Amendment to Title 20 (The Zoning Ordinance).**

**Recommendation:** Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) amend Part 4.5 of Chapter 20.30, including Section 20.30.460 to clarify maximum floor area tabulation, and Sections 20.30.470 and 20.30.480 to clarify parking requirements; (b) amend Section 20.40.230 of Chapter 20.40 to delete height exception requirements, and move the exception requirements to Section 20.85.010 of Chapter 20.85; (c) amend Section 20.50.010 of Chapter 20.50 to alter text for Industrial Park district; (d) amend Section 20.90.220 of Chapter 20.90 to clarify replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (5-0-2, Caballero and Ballard absent). (Planning, Building and Code Enforcement)

**TO BE HEARD IMMEDIATELY AFTER CONSENT**

(c) **20-432 PP20-009 - Amendment to Title 20 (The Zoning Ordinance).**

**Recommendation:** Approve an ordinance of the City of San José amending Chapter 20.190 of Title 20 of the San José Municipal Code to extend the applicability of City density bonus development incentives and to update the City's density bonus ordinance in conformance with state law; amending Chapter 20.30, Chapter 20.40, Chapter 20.70, Chapter 20.75 and Chapter 20.200 to enumerate and add a definition for Permanent Supportive Housing and Low Barrier Navigation Center; adding Chapter 20.195 to implement ministerial approvals required by California Government Code Section 65650 et. seq., 65660 et. seq., and 65913.4; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

**TO BE HEARD IMMEDIATELY AFTER CONSENT**

**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.