



City Council Meeting Amended Agenda

Tuesday, April 7, 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 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 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 iLegislate application used by City Council and staff.
- 2) By email to 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. eComments are also directly sent to the iLegislate application used by City Council and staff.
- 2) Email during the meeting to 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 145 575 432
- 2) By online <https://zoom.us/j/145575432>
 - 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.

- **Invocation (District 4)**
- **Pledge of Allegiance**
- **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.

20-382 Final Adoption of Ordinances.

Recommendation: (a) **Ord No. 30380** - An Ordinance of the City of San José Amending the Title of Part 32 of Chapter 2.08 of Title 2 and Amending Section 2.08.3200 and Section 2.08.3220 of Chapter 2.08 of Title 2 of the San José Municipal Code to Change the Name of the Library and Early Education Commission to the Library and Education Commission and Change the Subject Matter Expertise of the Early Education-Specific Seats to Education Subject Matter Expertise to Align with the Goals Of the San José Education Initiative Policy, and Repealing Section 2.08.3250 of Chapter 2.08 of Title 2 of the San José Municipal Code. [Passed for Publication on 3/17/2020 - Item 2.20(a) (20-255)]

(b) **Ord No. 30382** - An Ordinance of the City of San José Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19). [Passed for Publication on 3/17/2020 - Item 8.2 (a) (20-358)]

(c) **Ord No. 30383** - An Ordinance of the City of San José Retroactively Extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs (Ordinance Nos. 30295 and 30296, Respectively) from March 27, 2020 Up Through and Including June 30, 2020. [Passed for Publication on 3/24/2020 - Item 2.21 (20-375)]

(d) **Ord No. 30385** - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 4.70-Gross Acres, Situated Approximately 830 Feet South of the Southeast Corner of North 1st Street and Charcot Avenue (2150 North 1st Street) (APN: 237-17-136; 237-17-157) From the A(PD) Planned Development Zoning District to the Tec Transit Employment Center Zoning District. [Passed for Publication on 3/24/2020 - Item 10.1(c) (20-324)]

(e) **Ord No. 30386** - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.413-Gross Acre Situated on the Southwest Corner of Hayes Avenue and Lean Avenue (APN:690-29-001), from the R-1-1 Single Family Residence Zoning District to the R-2 Two-Family Residence Zoning District. [Passed for Publication on 3/24/2020 - Item 10.1(b) (20-323)]

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 20-383 Declaration and Recording a Statement of the Results of the March 10, 2020 Community Facilities District No. 8 Election.**

Recommendation: Adopt a resolution declaring and recording a statement of the results of the Special Municipal Election for Community Facilities District No. 8, held by all mail ballot on March 10, 2020 at 8:00 p.m.

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

2.8 20-384 Settlement of Arabella Marie Quinonez, by and through her Guardian Ad Litem Patricia M. Bye; Isamar Pena; and Carlos Quinonez v. City of San José.

Recommendation: Approve a settlement in the amount of \$185,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Arabella Marie Quinonez, by and through her guardian ad litem Patricia M. Bye; Isamar Pena; and Carlos Quinonez 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)

2.9 20-385 Resolution of Intention to Approve an Amendment to the Contract between the California Public Employees' Retirement System and the City of San José. - RECOMMEND DEFERRAL

Recommendation: Adopt a resolution of intention to approve an amendment to the contract between the California Public Employees' Retirement System and the 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 Manager)

[Deferred from 3/17/2020 - Item 2.11 (20-354)]

RECOMMEND DEFERRAL TO 4/17/20 PER ADMINISTRATION

2.10 20-404 Authorization to Apply for State of California Office of Emergency Services for Disaster Relief Funding.

Recommendation: Adopt a resolution authorizing the City Manager, Assistant City Manager, or Finance Director to submit applications to the State of California Office of Emergency Services (CalOES), the Federal Emergency Management Agency (FEMA), the U.S. Department of Treasury, and including, without limitation, other federal and state agencies as necessary to apply for Disaster Assistance or related funding, to accept the funds if awarded, and to negotiate and execute all related documents to support the City's response and recovery under the COVID-19 Pandemic.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (City Manager)

2.11 20-386 Pond A-18 Surplus Property. - RECOMMEND DEFERRAL

Recommendation: Adopt a resolution declaring the City's Pond A-18 property (Assessor's Parcel Numbers 015-32-042 and 015-32-043) as exempt surplus land under Cal. Gov. Code §54221 as the land is surplus to the needs of the City.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858), File No. PP20-006. Council District 4. (Environmental Services/Economic Development)

[Deferred from 2/25/2020; 3/3/2020; 3/17/2020; and 3/24/2020 Item 2.14 (20-355)]

RECOMMEND DEFERRAL TO 4/17/20 PER ADMINISTRATION

2.12 20-407 Waiving Penalties and Interest on Municipal Water System and Multi-Family Dwelling Solid Waste Payments.

Recommendation: Approve an ordinance retroactively suspending late payment charges for City-provided water service billed on a bi-monthly basis and multi-family dwelling solid waste collection service billed on a monthly basis, with due dates ranging from March 17, 2020 through June 30, 2020.

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

2.13 20-387 Actions Related to the Purchase Order with JAM Services for Streetlight Poles.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with J.A. Momaney Services, Inc., dba JAM Services, (San José, CA) for Streetlight Poles for the Department of Transportation for an initial twelve-month period starting on or about April 8, 2020 and ending on or about April 7, 2021 for an amount not-to exceed \$330,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about April 7, 2025, subject to the annual appropriation of funds.

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

2.14 20-388 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective April 7, 2020, to:

- (a) Create the following classifications:
 - (1) Police Communications Manager (8517) with a salary range of \$126,600.00 - \$177,386.66 annually; and
 - (2) Legal Analyst III FT/PT (2122/2125) with a salary range of \$82,056.00 - \$99,985.60 annually.
- (b) Retitle the Assistant Communications Manager (8522) classification to Assistant Police Communications Manager (8522).
- (c) Delete the Associate Legal Analyst FT/PT (8028/8029) classification.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Human Resources)

2.15 20-397 Actions Related to the California Violence Intervention and Prevention Grant Application.

Recommendation: Adopt a resolution:

(a) Authorizing the City Manager to submit a grant application and, if awarded, negotiate and execute a grant agreement with the State of California Board of State and Community Corrections for an amount up to \$1,500,000 in funding and to take all actions necessary to effectuate the grant, including any amendments thereof; and

(b) Authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate and execute grant agreements with community-based organizations identified in the grant application, including any amendments thereof, up to an amount of \$500,000 per agreement, subject to City Council appropriation.

CEQA: Not a Project, File No. PP17-004, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Parks, Recreation and Neighborhood Services)

2.16 20-389 Actions Related to Alteration No. 1A of Community Facilities District No. 8.

Recommendation: (a) Adopt a Resolution of Change for Alteration No. 1A of Community Facilities District No. 8 (Communications Hill) ("CFD 8").

(b) Adopt an ordinance levying special taxes within CFD 8 pursuant to Alteration No. 1A.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a special project which may result in a potentially significant physical impact on the environment. Council District 7. (Public Works)

2.17 20-390 Willow Glen Community Benefit Improvement District Financial Report Fiscal Year 2018-2019.

Recommendation: Accept the Willow Glen Community Benefit and Improvement District Financial Report for Fiscal Year 2018-2019, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District.

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

2.18 20-393 Report on Bids and Award of Contract for the 9384 - Sanitary Sewer Condition Assessment Fiscal Year 2019-2020 Package III Project.

Recommendation: Report on bids and award of contract for the 9384 - Sanitary Sewer Condition Assessment FY 2019-2020 Package III project to the low bidder, Nor-Cal Pipelines Services, in the amount of \$1,196,966 and approval of a contingency in the amount of \$119,697.
CEQA: Categorically Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 6, 7, 9 and 10. (Public Works)

2.19 20-394 Report on Bids and Award of Contract for the 8176 - McLaughlin Avenue Safety Enhancement Project Federal Project No. HSIPL-5005(157).

Recommendation: Report on bids and award of contract for the 8176 - McLaughlin Avenue Safety Enhancement Project, to the low bidder, Wattis Construction, Co., in the total amount of \$1,682,160 and approval of a contingency in the amount of \$168,216.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 7. (Public Works)

2.20 20-391 Operation and Maintenance Agreement with VTA for the BART Phase 1 Silicon Valley Berryessa Extension Project.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the Santa Clara Valley Transportation Authority and the City of San José for ongoing operation and maintenance of facilities constructed as part of the BART Silicon Valley Berryessa Extension Project.
CEQA: BART Extension to Berryessa Final and Supplemental Environmental Impact Reports, adopted on January 24, 2012, under Resolution Number 76126. Council District 4. (Transportation)

2.21 20-414 Approval of District 10 Grant for Kiwanis Club of Almaden.

Recommendation: As recommended by the Rules and Open Government on March 24, 2020, approve a grant to Kiwanis Club of Almaden for their Turnaround Scholarships in the amount of \$1,000.00 to be paid by Council District 10's SAP Center Community Fund City-Wide appropriation.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 3/18/2020 - Item G.2]

2.22 20-415 Paid Sick Leave Ordinance. RENUMBERED TO ITEM 3.4

Recommendation: As recommended by the Rules and Open Government on March 25, 2020 and pending further direction at the Special Meeting of the City Council on April 1, 2020:

(a) Adopt an urgency ordinance to require employers in San José that are not covered under the federal Emergency Paid Sick Leave Act to provide paid sick time to employees who are sick or have been advised by a health care provider to self-quarantine in order to prevent unnecessary death and illness during public health emergencies, including from the novel coronavirus (COVID-19) pandemic. Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)

(b) Approve an ordinance to require employers in San José that are not covered under the federal Emergency Paid Sick Leave Act to provide paid sick time to employees who are sick or have been advised by a health care provider to self-quarantine in order to prevent unnecessary death and illness during public health emergencies, including from the novel coronavirus (COVID-19) pandemic.

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. (Esparza, Carrasco, Arenas)

[Rules Committee referral 3/25/20 - Item G.2]

RENUMBERED TO ITEM 3.4 (20-437)

2.23 20-416 Cancellation of City Council Committee, Board, and Commission Meetings, with a few Exceptions, Updates to the January - June 2020 City Council Committee Workplans.

Recommendation: As recommended by the Rules and Open Government Committee on March 25, 2020, ratify the action of the City Manager, acting as Director of the Office of Emergency Services, to order cancellation of City Council Committee, Board, and Commission Meetings, with the exception of the Rules and Open Government Committee, Federated Employees Retirement System Board, Police and Fire Department Retirement Board, Work2Future Board, Planning Commission, and Historic Landmarks Commission from March 19, 2020 through April 30, 2020.

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

[Rules Committee referral 3/25/20 - Item G.3]

2.24 20-434 Proposed Advertising Revisions to Council Expenditure Policy 0-38.

Recommendation: Adopt a resolution approving revisions to City Council Policy 0-38, City Council Expenditure and Reimbursement Policy allowing advertisement expenditures related to Public Service Announcements during a declared national, state or local emergency. (City Attorney)
CEQA: Not a Project, File No. PP17-008. General Procedure and Policy Making resulting in no changes to the physical environment.

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

- 20-392** (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.**3.3 20-401 Estimated Budgetary Impacts of COVID-19.**

Recommendation: Accept a report from the City Manager describing estimated budgetary impacts from COVID-19 and the approach for how those impacts will be addressed in Fiscal Years 2019-2020 and 2020-2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and 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. (City Manager)

3.4 20-437 Paid Sick Leave Ordinance. - RENUMBERED FROM ITEM 2.22

Recommendation: As recommended by the Rules and Open Government on March 25, 2020 and pending further direction at the Special Meeting of the City Council on April 1, 2020:

(a) Adopt an urgency ordinance to require employers in San José that are not covered under the federal Emergency Paid Sick Leave Act to provide paid sick time to employees who are sick or have been advised by a health care provider to self-quarantine in order to prevent unnecessary death and illness during public health emergencies, including from the novel coronavirus (COVID-19) pandemic.

Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)

(b) Approve an ordinance to require employers in San José that are not covered under the federal Emergency Paid Sick Leave Act to provide paid sick time to employees who are sick or have been advised by a health care provider to self-quarantine in order to prevent unnecessary death and illness during public health emergencies, including from the novel coronavirus (COVID-19) pandemic.

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. (Esparza, Carrasco, Arenas)

[Rules Committee referral 3/25/20 - Item G.2]

RENUMBERED FROM ITEM 2.22 (20-415)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-395 Agreement with Valley Water for the Sale of Pond A-18 for the Shoreline Levee Project. - RECOMMEND DEFERRAL

Recommendation: Adopt a resolution authorizing the City Manager to negotiate an agreement with Valley Water for the sale of Pond A-18 and related easements to support the Shoreline Levee Project consistent with the criteria directed by the Treatment Plant Advisory Committee and Council in October of 2015 and 2017.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858) and all addenda thereto, File No. PP20-006. Council District 4. (Environmental Services/Economic Development)

[Deferred from 2/25/2020; 3/3/2020; 3/17/2020; and 3/24/2020 Item 6.1 (20-359)]

RECOMMEND DEFERRAL TO 4/17/20 PER ADMINISTRATION

6.2 20-396 Actions Related to Power Procurement, Carbon-Free Allocations, and Integrated Resource Plan Time Change.

Recommendation: Adopt a resolution:

(a) Increasing the authority granted to the Director of Community Energy or her designee for the procurement of power supply products, other than Resource Adequacy products, by \$393,300,000, from \$690,000,000 to an amount not to exceed \$1,083,300,000 in aggregate, in Calendar Years 2020 through 2026, subject to the Energy Risk Management Policy, the appropriation of funds, and Risk Oversight Committee approval of all contracts with a duration of ten years or more;

(b) Increasing the authority granted to the Director of Community Energy or her designee for the procurement of Resource Adequacy products by \$76,200,000, from \$461,800,000 to \$538,000,000 in aggregate, in calendar years 2021 through 2043, subject to the Energy Risk Management Policy, the appropriation of funds, and Risk Oversight Committee approval of all contracts with a duration of ten years or more;

(c) Approving the acceptance of low carbon power products from

Pacific Gas & Electric's hydroelectric and nuclear generating plants; and

(d) Amending Subsection B of Resolution No. 78711 to modify the timing for the Community Energy Department to present San José Clean Energy's Integrated Resource Plan for City Council approval prior to submitting the Integrated Resource Plan to the California Public Utilities Commission.

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

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-398 Emergency Order and Shelter Crisis Declaration for COVID-19 Emergency.

Recommendation: (a) Adopt a resolution:

(1) Ordering a suspension of the City Zoning Code, the general plan and other requirements applicable to shelters established or expanded during the COVID-19 emergency pursuant to the City's emergency powers under California Government Code Section 8634;

(2) Declaring the existence of a continued shelter crisis in the City of San José, pursuant to and in accordance with the provisions of California Government Code Section 8698 et seq., Citywide for facilities and properties as authorized by the City Manager during the COVID-19 emergency; and

(3) Ratifying the City Manager's March 20, 2020 declaration of Shelter Crisis;

(b) Direct the Administration to take actions to address the emergency and Shelter Crisis as set forth in the Resolution

CEQA: Categorically Exempt, File No. PP15-119, Guideline Section 15303, New Construction or Conversion of Small Structures. (Housing)
[Rules Committee referral 3/18/20 - Item A.1.a]
[Deferred from 3/24/2020 Item 8.3 (20-377)]

8.2 20-399 Actions Related to a Moratorium on Commercial Tenant Evictions Due to COVID-19.

Recommendation: (a) Adopt an urgency ordinance that establishes a moratorium on non-payment of rent evictions for commercial tenants impacted by the COVID-19 virus. Specifically, the ordinance would:

- (1) Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit the eviction of a commercial tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19; and
- (2) Provide that the moratorium will commence upon the Council's adoption of a resolution declaring the commencement and making findings regarding COVID-19 and that such moratorium would expire in thirty days unless extended.

Please note: Approval of this urgency ordinance requires 8 or more affirmative votes (2/3)

(b) Approve an ordinance that establishes a moratorium on non-payment of rent evictions for commercial tenants impacted by the novel coronavirus ("COVID-19"). Specifically, the ordinance would:

- (1) Temporarily prohibit the eviction of a commercial tenant for non-payment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19; and
- (2) Provide that the moratorium will commence upon the Council adoption of a resolution declaring the commencement and making findings regarding COVID- 19 and that such moratorium would expire in thirty days unless extended.

(c) Adopt a resolution declaring the commencement of a thirty-day temporary moratorium on evictions due to nonpayment of rent for commercial tenants where the failure to pay rent results from the impact of COVID-19, and setting forth the facts constituting such urgency.

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 on the environment, and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Economic Development)

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 on the environment, and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Economic Development)

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) **20-402** **C19-035 & H19-045 - Conforming Rezoning and Site Development Permit for Real Property Located at 25, 101 & 181 Metro Drive.**

Recommendation: (a) Approve an ordinance rezoning certain real property of an approximately 7.22-gross acre site from A(PD) Zoning District to IP Industrial Park at 25, 101, & 181 Metro Drive.
(b) Adopt a resolution adopting a Site Development Permit to remove 14 ordinance-size trees, and to allow the conversion of approximately 37,974 square feet of ground floor commercial/retail space to office space and the addition of approximately 26,088 square feet to an existing 448,295-square foot office building on an approximately 7.22-gross acre site.
CEQA: Determination of Consistency with the North San José Area Development Policy Final Environmental Impact Report (Resolution No. 72768), the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San Jose General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Planning Director recommends approval. Council District 3. (Planning, Building and Code Enforcement)
TO BE HEARD IMMEDIATELY AFTER REGULAR 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**

**MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF SAN JOSE HOUSING
AUTHORITY AGENDA**

1:30 p.m.

April 7, 2020

CHAMBERS

- Call to Order and Roll Call

1. 20-403 Support for the 2021 Moving to Work Annual Plan.

Recommendation: Board of Commissioners for the Housing Authority of the City of San José (City Housing Authority) authorize the City Housing Authority's Executive Director to submit a letter to the Santa Clara County Housing Authority to support the 2021 Moving to Work Annual Plan.

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

- Open Forum
- 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.