



City Council Meeting Agenda

Tuesday, May 12, 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. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the iLegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 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) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

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

- 1) By phone (888) 475-4499. Webinar ID: 91562053469. Click *9 to raise a hand to speak.
- 2) By online <https://zoom.us/j/91562053469>.
 - 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

1) By phone (888) 475-4499. Webinar ID: 91562053469. Click *9 to raise a hand to speak.

2) By online <https://zoom.us/j/91562053469>.

20-026 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session

***RECOMMEND CANCELLATION**

- **Invocation (District 5)**

- **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 20-520 Amendment to the Master Consultant Agreement with Cornerstone Earth Group for Environmental Support Services.**

Recommendation: Approve the Second Amendment to the Master Consultant Agreement with Cornerstone Earth Group, Inc. for environmental consulting services, increasing the amount of compensation by \$500,000, for a total agreement not to exceed \$1,500,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

2.8 20-521 Report on Bids and Award of Construction Contract for 9394 - Legacy Lagoons Cleanup Phase 1 Project at the San José - Santa Clara Regional Wastewater Facility.

Recommendation: (a) Adopt a resolution adopting an Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan Project in accordance with the California Environmental Quality Act (CEQA), as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Report on bids and award of contract for the 9394 - Legacy Lagoons Cleanup Phase 1 Project to the low bidder, Pipe and Plant Solutions, Inc. in the amount of \$4,901,796, and approval of a 15 percent contingency in the amount of \$735,270.

(c) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Support Building Improvements appropriation to the Environmental Services Department by \$8,037,066;

(2) Establish the Legacy Lagoons Biosolids Remediation appropriation to the Environmental Services Department in the amount of \$8,037,066.

CEQA: Legacy Biosolids Lagoons Site Cleanup Addendum to the Environmental Impact Report (SCH# 2011052074) for the San José/Santa Clara Water Pollution Control Plant Master Plan Project, File No. ER20-007. (Environmental Services/Public Works/City Manager).

2.9 20-522 Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses between the City of San José and Penske Truck Leasing Co., L.P.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the Norman Y. Mineta San José International Airport with Penske Truck Leasing Co., L.P. (Wilmington, Delaware) to extend services for up to three additional one-year option terms through May 31, 2023 for a not-to-exceed compensation of \$1,504,260 for June 1, 2020 through May 31, 2021, 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)

2.10 20-523 Leland High School Artificial Turf Replacement Payment for the East and West Fields.

Recommendation: Adopt the following 2019-2020 Appropriation Ordinance amendment in the General Fund:
(a) Decrease the Artificial Turf Capital Replacement Reserve by \$314,000; and
(b) Establish the Leland Sports Field Turf Replacement appropriation to the Parks, Recreation and Neighborhood Services in General Fund Capital Improvements in the amount of \$314,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical change to the environment.
(Parks, Recreation and Neighborhood Services/City Manager)

2.11 20-524 2020 Local Streets Resurfacing #2 Project.

Recommendation: (a) Approve award of a construction contract for the 2020 Local Streets Resurfacing #2 Project, to the low bidder, MCK Services, Inc, in the amount of \$6,899,056.
(b) Approve an approximate 10% contingency in the amount of \$689,900.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

3. STRATEGIC SUPPORT

- 3.1 20-530 Report of the City Manager, David Sykes (Verbal Report)**
(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.

4. PUBLIC SAFETY SERVICES

- 4.1 20-525 Actions Related to the 2019 Bay Area Urban Areas Security Initiative Grant Agreement.**

Recommendation: (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative ("UASI"), to accept the 2019 UASI grant allocation in the amount of \$1,036,355, and to negotiate and execute additional amendments and related documents without further City Council action.
(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
(1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2019 in the amount of \$401,218;
(2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2019 in the amount of \$61,188; and,
(3) Increase the estimate for Revenue from Federal Government by \$462,406.
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. (Police/Fire/City Manager)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-526 Agreement for Public Art Professional Services with the Santa Clara Valley Transportation Authority for the Eastridge to BART Regional Connector.

Recommendation: (a) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an Agreement to provide the Santa Clara Valley Transportation Authority (“VTA”) with professional services for the development and implementation of public art for the Eastridge to BART Regional Connector. The VTA is to compensate the City the not to exceed amount of \$300,000 for these services.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Office of Economic Development for VTA Eastridge to BART Regional Connector Public Art in the amount of \$75,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$75,000.

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

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.

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) 20-527 C20-003 - Conforming Rezoning on Real Property Located at 360-400 Saratoga Avenue.**

Recommendation: Approve an ordinance rezoning the approximately 10.34-acre site on that certain real property located on the northwest corner of Kiely Boulevard and Northlake Drive (360-400 Saratoga Avenue) from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency to the Final Program Environmental Impact Report for the Envision San José 2040 General Plan for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report, through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval.

Council District 1. (Planning, Building and Code Enforcement)
TO BE HEARD IN THE AFTERNOON AFTER CONSENT

(b) 20-528 C19-026 and SP19-023 - Conforming Rezoning and a Special Use Permit for Real Property Located at 6835 Trinidad Drive.

Recommendation: (a) Approve an ordinance rezoning an approximately 9.13-gross acre site, on that certain real property located on the northeast corner of the Trinidad Drive and Akio Way intersection from the R-1-5 Single-Family Residence District to Public/Quasi-Public Zoning District.

(b) Adopt a resolution approving the Special Use Permit to allow the continued use and phased renovation of a private elementary school (preschool through 8th grade) including: demolition of 30,100 square feet of building, relocation of portable building and other structures, and the addition of new and modified building totaling 82,040 square feet, including a 15,000-square foot event center, general site improvements, and outdoor school uses within 150 feet of residentially-zoned properties and the removal of 4 ordinance-size trees and 8 non-ordinance-size trees on an approximately 9.13-gross acre site located on the northeast corner of the Trinidad Drive and Akio Way intersection (6835 Trinidad Drive).

CEQA: Categorically Exempt, CEQA Guidelines Section 15302, Replacement or Reconstruction. File Nos. C19-0026 and SP19-023. Director of Planning, Building and Code Enforcement recommends approval. Council District 10. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE AFTERNOON AFTER CONSENT

(c) 20-529 ST20-001 - Street Renaming to Change Champions Drive to Wondo Way.

Recommendation: Adopt a resolution adopting the renaming of Champions Drive to Wondo Way, a public street extending approximately 2,000 feet northwest of its intersection with Earthquakes Way to the City boundary of the City of Santa Clara with the condition that the name change will not take place until the City of Santa Clara renames its portion of Champions Way to Wondo Way.

CEQA: Exempt, CEQA Guideline Section 15061(b)(3). Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE AFTERNOON 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.