



City Council Meeting Amended Agenda

Tuesday, June 23, 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:

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: 915 6205 3469 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 is [INSERT] Click *9 to raise a hand to speak.

2) By online: <https://sanjoseca.zoom.us/j/91562053469> CLOSED SESSION ONLY. For open session, please see [<https://zoom.us/j/91562053469>]

20-031 Closed Session Agenda

11:00 a.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Evening Session

The previously scheduled evening session has been cancelled.

- **Invocation (District 6)**
- **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.

20-718 Final Adoption of Ordinances.

Recommendation: (a) Ord No. 30431 - An Ordinance of the City of San José Amending Section 24.12.300 of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code Related to the Reach Code Requirements for Mixed Fuel Buildings to make Clerical Edits.

[Passed for Publication on 6/9/2020 - Item 2.10(c) (20-618)]

(b) Ord No. 30432 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 6.96-Gross Acres Situated on the West Side of Lick Avenue, Approximately 470 Feet North of West Alma Avenue (1197 Lick Avenue) from the A(PD) Planned Development Zoning District to the R-M (PD) Planned Development Zoning District.

[Passed for Publication on 6/9/2020 - Item 10.2(b) (20-602)]

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 20-675 Amendment to the Lease of Airport Premises with Jet Center Property Services.

Recommendation: Approve a Third Amendment to Lease of Airport Premises with Jet Center Property Services, LLC to extend the term for five years, from July 1, 2020 through June 30, 2025, with annual revenue to the City of approximately \$195,492.

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

2.8 20-676 Amendments to Ground Lease and Operating Agreements for the Norman Y. Mineta San José International Airport to Revise Ground Rent Appraisal Provisions.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute amendments to ground lease and operating agreements at the Norman Y. Mineta San José International Airport to:

- (a) Revise ground rent appraisal adjustment provisions to streamline and simplify appraisal processes going forward; and
- (b) Address any appraisal-based rent adjustments that were not made in accordance with the terms of any such ground lease and operating agreements.

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

2.9 20-677 Amendment to Master Consultant Services Agreement with AECOM Technical Services, Inc. for Airport On-Call Professional Consulting Services.

Recommendation: Approve a First Amendment to the Master Consultant Services Agreement with AECOM Technical Services, Inc. for professional consulting services, extending the term from June 30, 2020 to December 31, 2021, with no change in maximum compensation.

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

2.10 20-678 Amendment to Master Consultant Services Agreement with M. Arthur Gensler Jr. & Associates, Inc. for Airport On-Call Professional Consulting Services.

Recommendation: Approve a First Amendment to the Master Consultant Services Agreement with M. Arthur Gensler Jr. & Associates, Inc. for professional consulting services, extending the term from June 30, 2020 to December 31, 2021, with no change in maximum compensation.

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

2.11 20-679 Approve an Ordinance Amending the Police and Fire Department Retirement Plan and the 1975 Federated Employees' Retirement Plan Regarding Repayment of Rehired Tier 1 Member Amortization Interest Costs. - RECOMMEND DEFERRAL

Recommendation: Approve an ordinance amending Section 3.28.200 of Chapter 3.28 and Section 3.36.410 of Chapter 3.36 of Title 3 of the San José Municipal Code regarding Rehired Tier 1 Member Amortization Interest Costs to clarify certain provisions of the Alternative Pension Reform Settlement Framework Agreement with the City's employee bargaining units. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)
RECOMMEND DEFERRAL TO 6/30/2020 PER ADMINISTRATION

2.12 20-706 California Community Choice Association Membership.

Recommendation: Adopt a resolution authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2020-2021 at a cost not to exceed \$500,000. 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. (Community Energy)

2.13 20-642 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2020-2021.

Recommendation: Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA (formerly Workforce Investment Act (WIA)) Program and workforce programs funded by other sources, including, but not limited to novations or assignments, case management contracts, and consultant contracts, for the period July 1, 2020 to June 30, 2021 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (b) All memorandums of understanding with Required and Additional One Stop Partners for the period July 1, 2018 to June 30, 2022 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement;
- (c) All amendments to City Council approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;
- (d) All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year

periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement;

(e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2020 to June 30, 2021, subject to annual appropriation of funds by the WDB;

(f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2021), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement; and

(g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2021).

CEQA: Not a Project, File No. PP17 004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment. (Economic Development)

2.14 20-680

Amendment to the Sublease with Roem Development Corporation for Spartan Keyes Neighborhood Action Center.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute:

(a) The Fifth Amendment to the Sublease for the Use of Real Property for the Spartan Keyes Neighborhood Action Center between the City of San José and Roem Development Corporation, allowing for continued use of 2,256 square feet of commercial space for community gatherings as well as office space for staff through June 30, 2025; and

(b) Two additional five-year options to extend the term, at the City's sole discretion.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development)

2.15 20-643 Approval of Non-Profit Charitable Reuse Agreements with Goodwill of Silicon Valley, The Salvation Army, and HOPE Services.

Recommendation: Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2020 through June 30, 2021. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

2.16 20-681 Set a Public Hearing for Fiscal Year 2020-2021 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation: Adopt a resolution to:

- (a) Set a Public Hearing for Tuesday, August 4, 2020, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via teleconference should the City Council not meet in-person, to approve the placement of the 2020-2021 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2020-2021 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;
- (b) Direct the Director of Finance to file the Fiscal Year 2020-2021 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 15, 2020 instead of July 5, 2020; and
- (c) Direct the City Clerk to publish notice of the filing of the Director's reports, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

2.17 20-682 Set a Public Hearing for Fiscal Year 2020-2021 Annual Residential Solid Waste Collection Service Charges.

Recommendation: Adopt a resolution to:

(a) Set a Public Hearing for Tuesday, August 4, 2020, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers or via teleconference should the City Council not meet in-person, to approve the placement of the 2020-2021 annual Residential Solid Waste Collection Service Charges on the 2020-2021 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and

(b) Direct the City Clerk to publish notice of the filing of the Director's report, and the time and place of the Public Hearing.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

2.18 20-683 Tax Collection Agreement between the City of San José and the County of Santa Clara for the San José Real Property Conveyance Tax and San José Real Property Transfer Tax.

Recommendation: Approve the amended and restated agreement between the City of San José and the County of Santa Clara providing for the notification, demand, collection, and distribution of taxes under the San José Real Property Conveyance Tax Ordinance and San José Real Property Transfer Tax Ordinance.

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

2.19 20-644 Actions Related to the Purchase Order for Hazardous Waste Pickup/Disposal Services, Equipment and Supplies.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a citywide purchase order with Environmental Logistics, Inc. (Hayward, CA) for Hazardous Waste Pickup/Disposal Services, Equipment and Supplies for an initial twelve-month period starting on or about July 1, 2020 and ending on or about June 30, 2021, for an amount not-to exceed \$550,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about June 30, 2025, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP16-011, CEQA Guidelines Section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. (Finance)

2.20 20-684 Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for Brokerage Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Ninth Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for ongoing insurance brokerage and property loss and loss control services to amend the term by adding one twelve-month option to extend the term for July 1, 2020 through June 30, 2021, for a not-to-exceed amount of \$105,000, for the extended term, with a total maximum compensation not to exceed \$736,000, 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)

2.21 20-685 Actions Related to COVID-19 Purchase Orders for Rental Services for City Homeless Shelters.

Recommendation: (a) Ratify COVID-19 purchase orders issued to AAA Mobile Solutions, Inc. (Visalia, CA) for shower/laundry trailer rental services for a total not-to-exceed amount of \$900,000 and to S. J. General Building Maintenance, Inc. (San José, CA) for custodial services for a not-to-exceed amount of \$600,000, for a total cumulative compensation not-to-exceed amount of \$1,500,000 starting on or about March 20, 2020 and ending on or about June 20, 2020.
(b) Adopt a resolution authorizing the City Manager to execute change orders to extend the term of the purchase orders through September 30, 2020 as required, 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)

2.22 20-686 Actions Related to the Purchase Order with Golden State Fire Apparatus, Inc for Purchase of Fire Apparatuses.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute a purchase order with Golden State Fire Apparatus, Inc. (Sacramento, CA) for the purchase of fire apparatuses under the pricing obtained through the cooperative agreement between the Houston-Galveston Area Council and Golden State Fire Apparatus for a period starting on or about June 24, 2020 and ending on or about November 30, 2021, for an amount not-to-exceed \$4,367,704; and
(b) Approve a contingency of \$436,770 for any unforeseen changes or modifications to the design of the vehicles, 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)

2.23 20-687 Amendment to Revenue Enhancement Service Agreements with MuniServices, LLC.

Recommendation: Adopt a resolution authorizing the Director of Finance to negotiate and execute amendments to the agreements with MuniServices LLC, dba Avenu MuniServices, LLC, a Delaware Limited Liability Company to extend:

(a) Sales and Use Tax revenue enhancement services and data analysis and reporting services for one additional term of six (6) months, for the period of July 1, 2020 through December 31, 2020, at a maximum compensation for the extended term not to exceed \$206,000, and a total maximum compensation not to exceed \$2,163,000 for the primary services phase and data analysis and reporting phase of the agreement (October 1, 2015 - December 31, 2020), subject to the appropriation of funds, and to extend the completion services phase of the agreement an additional six (6) months through December 31, 2023 at no additional compensation; and

(b) Telephone Line Tax, Utility Users Tax and Franchise Fee compliance services for one additional term of six months, for the period of July 1, 2020 through December 31, 2020, at a maximum compensation not to exceed \$35,000 for the extended term, and a total maximum compensation not to exceed \$367,500 for the term of the agreement (October 1, 2015 - December 31, 2020), 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)

2.24 20-708 Award of Grant Funds for Disaster Financial Assistance and Recovery and Resiliency Planning Services for Neighborhoods Affected by the 2017 Coyote Creek Flood.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute agreements with Catholic Charities of Santa Clara County and International Children Assistance Network to provide recovery and resilience planning services to low-income people living in neighborhoods affected by the 2017 Coyote Creek Flood, from July 1, 2020 through June 30, 2021 in the amount of \$899,114 for each agreement for a total not to exceed \$1,798,228.

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)

2.25 20-688 Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2020-2021 Agreements.

- Recommendation:** Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:
- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment A to the staff memorandum);
 - (b) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment A to the staff memorandum for the specified programs and purposes identified as "Compensation Paid to the City of San José," provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
 - (c) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2020-2021 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B to the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety;
 - (2) BeautifySJ;
 - (a) Neighborhood Grant Program;
 - (b) Fiscal Agent Agreement;
 - (c) Transitional Jobs Program (San José Bridge);
 - (3) Bringing Everyone's Strengths Together Grants;
 - (4) Citywide Aquatics Program;
 - (5) Neighborhood Center Partner Program;
 - (6) County of Santa Clara Therapeutics Program;
 - (7) Family Camp Facility Use Agreements;
 - (8) First 5 of Santa Clara County;
 - (9) Franklin-McKinley Children's Initiative;
 - (10) Friends of PRNS Non-Profit Organizations;
 - (11) Golf Course Agreements;

- (12) Grant Revenue Agreements;
 - (13) Happy Hollow Park & Zoo:
 - (a) Education Programs;
 - (b) Private Events;
 - (14) Leisure and Recreation Fee Class Vendor Agreements;
 - (15) Leisure and Recreation Program, and Training and Development Facility Use Agreements;
 - (16) Little League Agreement(s);
 - (17) Mayor's Gang Prevention Task Force:
 - (a) Facility Use;
 - (b) Grantee, Grant Revenue, Evaluation, and related Sub-Contractor Agreements, where applicable;
 - (c) Memoranda of Understanding;
 - (18) Mitigation Monitoring and Park Maintenance Support Services;
 - (19) Park Concessionaires Agreements;
 - (20) Recreation of City Kids Program;
 - (21) Right-of-Entry Agreements;
 - (22) Safe Summer Initiative Grants;
 - (23) Senior Health and Wellness Grants;
 - (24) Spartan Keyes Neighborhood Action Center Grant;
 - (25) Sponsorship Agreements;
 - (26) St. James / Urban Park Activation Grants; and
 - (27) Summer Food Service Program.
- CEQA: BeautifySJ Grant Program: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039; and All Other Agreements: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

2.26 20-709 Amendments to Master Agreements for Urban Village Master Plans and Other Projects to Implement Envision San José 2040 General Plan.

Recommendation: Adopt a resolution authorizing the City Manager to increase the maximum aggregate compensation to the Master Consulting Agreements for Urban Village Master Plans and other City projects from \$6,000,000 to \$9,000,000, for the initial term ending November 2020 and the three one-year options, subject to the appropriation of funds.

CEQA: Exempt, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Planning, Building and Code Enforcement)

2.27 20-689 Request Authorization to Apply for the Local Early Action Planning Grant Program.

Recommendation: Adopt a resolution authorizing the City Manager or designee to apply for the Local Early Action Planning Grant administered by the California Department of Housing and Community Development (HCD); and, if awarded, authorizing the City Manager or designee to accept grant funding from HCD to be used for various planning efforts to facilitate housing production including an update to the Housing Element of the Envision San José 2040 General Plan as required by state law.

CEQA: Not a Project, File No. PP17-006, Grant Application and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

2.28 20-690 Amendment to the Master Agreement with Ten Over Studios, Inc. (CPMS No. 9030-B) for Architectural Services for Various Essential City Facility Projects.

Recommendation: Approve the First Amendment to the Master Agreement with Ten Over Studios, Inc. for Architectural Services to increase the compensation limit by \$1,000,000, for a total Agreement amount not to exceed \$4,000,000, for the sole purpose of allowing the Consultant to complete work on the new Fire Training Center and Emergency Operations Center Relocation project.

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

2.29 20-691 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Including Approval of the Program Workplan and the Rule 20B (In Lieu Fee) Undergrounding Master Plan.

Recommendation: (a) Approve the proposed Fiscal Year 2019/20- 2024/25 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.

(b) Approve the Fiscal Year 2018-2019 Rule 20B (In-Lieu Fee) Undergrounding Master Plan.

CEQA: Not a Project, File No. PP 17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

2.30 20-692 Report on Bids and Award of Construction Contract for the 6302 - Rule 20B Underground District - Delmas/Park Project.

Recommendation: (a) Report on bids and award of construction contract for the 6302 - Rule 20B Underground District - Delmas/Park ("Project") to the low bidder, Lewis & Tibbitts, Inc., in the amount of \$1,572,274, and approve a contingency in the amount of \$157,227.
(b) Approve an Agreement to Perform Tariff Schedule Related Work with Pacific Gas and Electric Company (PG&E) in the total amount of \$457,908 for the engineering, administration, trench permits, and other work to be performed by PG&E for the Project.
CEQA: File No. PP16-106. Council District 3. (Public Works)

2.31 20-693 2020 Local Streets Minor ADA #5 Project Contingency Increase.

Recommendation: Approve increasing the contingency established for the 9490 - 2020 Local Streets Minor ADA #5 project, from 10 to 20 percent, thereby increasing the total from \$49,342 to \$98,684, to pay for necessary additional work.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2, 8 and 10. (Transportation)

2.32 20-694 San José Diridon Station Integrated Concept Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute:
(a) A first amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority, Caltrain, and the California High Speed Rail Authority related to the Diridon Integrated Station Concept Plan to include the Metropolitan Transportation Commission as a participating agency; and
(b) A funding agreement for this collective effort allowing the City to contribute an amount not to exceed \$1,000,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6. (Transportation)

3. STRATEGIC SUPPORT

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

- 20-695** (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 CALENDAR

3.2 Labor Negotiations Update.

3.3 20-696 Approval of Various Budget Actions for Fiscal Year 2019-2020.

Recommendation: Adopt the 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund attachments to the memorandum to Council.
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. (City Manager)
TO BE HEARD BEFORE CONSENT CALENDAR

3.4 20-697 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2020-2021 Budget, and Resolution Establishing the Fiscal Year 2020-2021 Appropriation Limit.

Recommendation: (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2020-2021 and the Manager's Final Budget Addendum.

(b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2020-2021 and the Manager's Final Budget Addendum.

(c) Adopt a resolution taking the following actions with respect to the City's 2020-2021 "Gann Limit":

(1) Elect the per capita income index as the inflation factor for 2020-2021 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;

(2) Elect the County of Santa Clara population growth index as the population factor for 2020-2021; and

(3) Establish the Fiscal Year 2020-2021 Appropriation Limit at \$1,250,242,221 in compliance with Article XIII B of the State Constitution.

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. (City Manager)

TO BE HEARD BEFORE CONSENT CALENDAR

3.5 20-698 Housing and Community Development Commission Real Property Transfer Tax Community Oversight Committee.

Recommendation: Adopt a resolution designating the City's Housing and Community Development Commission as the Real Property Transfer Tax Community Oversight Committee, as outlined in the City's Measure E Real Property Transfer Tax ballot measure approved by the voters on March 3, 2020.

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

3.6 20-699 City of San José 2020 Tax and Revenue Anticipation Notes.**Recommendation:** (a) Adopt a resolution:

(1) Authorizing the issuance and sale of the City of San José 2020 Tax and Revenue Anticipation Notes (the “2020 Notes”) in an aggregate principal amount not to exceed \$130,000,000 to be sold through private placements; and

(2) Approving, in substantially final form, the Note Purchase Agreements and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreements with Bank of America, N.A., and U.S. Bank National Association and other related documents, as necessary, in connection with the issuance of the 2020 Notes and authorizing other related actions in connection therewith.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2020-2021:

(1) Increase the estimate for Other Revenue in the amount of \$130,000,000; and

(2) Increase the Citywide TRAN Debt Service appropriation to the Finance Department in the amount of \$130,000,000.

CEQA: Not a Project, File No. PPI7-004, Government Funding Mechanism, or Fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance/City Manager)

TO BE HEARD BEFORE CONSENT CALENDAR

3.7 20-700 Streamlining Public Easement Vacation Process.**Recommendation:** Adopt a resolution:

(a) Establishing an administrative process of setting public hearings for vacations; and

(b) Delegating to the Director of Public Works the authority to summarily vacate public service easements pursuant to the Streets and Highways Code.

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

3.8 20-701 Annual Development In-Lieu Fee Report.

Recommendation: Adopt a resolution:

- (a) Accepting the Fiscal Year 2018-2019 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and
- (b) Making certain findings as required by Government Code Section 66001(d)(1).

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

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****5.1 20-702 Norman Y. Mineta San José International Airport Marketing Strategy and Execution Consultant Services Agreements.**

Recommendation: Adopt a resolution:

- (a) Approving the final ranking of the respondents to the Marketing Strategy and Execution Services RFQ; and
- (b) Authorizing the City Manager to negotiate and execute up to five Master Consultant Agreements with the five highest-ranked respondents and with the next highest-ranked respondents, in order, in the event that the City cannot reach agreement with any one or more of the five highest-ranked proposers, in an amount not to exceed \$9,600,000 for each Agreement for a term of five years from the date of execution by the City and for a total expenditure for all executed Master Consultant Agreements not to exceed \$9,600,000.

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

5.2 20-703 Amendment to the Design-Build Contract with Hensel Phelps Construction Company for the Airport Economy Lot Parking Garage Project.

Recommendation: Adopt a resolution:

(a) Authorizing the Director of Public Works to negotiate and execute a First Amendment to the Design-Build Contract with Hensel Phelps Construction Company to increase the Contract Price by \$4,704,390 for a total amount not to exceed \$34,654,390 for the Airport Economy Lot Parking Garage Project; and

(b) Authorizing the Director of Public Works to approve contract changes, additions, and contingencies up to the full budget appropriation of \$42,628,000 for the Airport Economy Lot Parking Garage Project as budgeted at the October 22, 2019 City Council meeting under Resolution No. 79274.

CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 67380 and 71451) and Addenda thereto, File No. PP19-012.
(Airport/Public Works)

5.3 20-704 Delegation of Authority to Award Pavement Construction Contracts.

Recommendation: Adopt a resolution authorizing the Director of Transportation to:

- (a) Award and execute the 8547 - OBAG2 (North) San José Pavement Maintenance Project, Federal Project No. STPL 5005(163), in a total amount not to exceed \$12,800,000 and establish a construction contingency of up to 5% of the contract amount, not to exceed \$640,000; and
- (b) Award and execute the 8549 - OBAG2 (South) San José Pavement Maintenance Project, Federal Project No. STPL 5005(163), in a total amount not to exceed \$11,700,000 and establish a construction contingency of up to 5% of the contract amount, not to exceed \$585,000; and
- (c) Award and execute 9459 - 2020-2022 Local Streets Resurfacing Project (Multi-Year), in a total amount during the initial term not to exceed \$10,000,000, establish a construction contingency of up to 10% of the contract amount, not to exceed \$1,000,000, and do the following with regard to this contract:
 - (1) Exercise 2 separate options, with each option being for a period of one year for a total amount not to exceed \$10,000,000, contingent on the appropriation of sufficient funds; and
 - (2) Establish a construction contingency for any option year of up to 10%, contingent on the appropriation of sufficient funds; and
- (d) As to each of the above construction contracts, decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the projects.

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

5.4 20-705 Retroactive Approval of Suspended Parking Operations and Amendments to Various Parking Agreements and Master Parking Rate Schedule.

Recommendation: (a) Retroactive Council approval of suspended parking operations which provided for free daily parking within the City's downtown public lots and garages; and at on-street meters through June 30, 2020 and delegate authority to the City Manager on specific timing to resume paid parking operations.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to parking agreements with various downtown businesses, government agencies, taxi companies, and car share vendor to provide temporary financial relief which may include: (1) reduction or waiving of monthly parking fees with repayment terms subject to negotiations with a not to exceed value of 50% of the agreements monthly value; (2) waiving of late fees; and (3) extending term length.

(c) Adopt a resolution to amend the Master Parking Rate Schedule updating parking programs and rates which will support downtown businesses through a recovery period and in a post COVID-19 environment.

(d) Direct Staff to review options and return to City Council with recommendations on a potential parking citation delinquent fee amnesty program.

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

Council District 3. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-717 Extension of Eviction Moratorium, Report on Legislative Updates at State and Federal Levels, and Rent Stabilization Program Outreach Efforts.

Recommendation: (a) Adopt a resolution extending the temporary moratorium to July 31, 2020 on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from COVID-19.
(b) Accept the staff report providing a review of pending legislation affecting the rental community in response to COVID-19.
(c) Accept the staff report providing an update for outreach and education conducted by the Rent Stabilization Program.
(d) Accept the staff report providing an update on the convenings facilitated by Silicon Valley at Home.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Housing)

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) 20-710 C20-009 & CP20-011 - Conforming Rezoning and Conditional Use Permit for the Doubletree Hotel located at 2050 Gateway Place.

Recommendation: (a) Approve an ordinance rezoning certain real property from the A(PD) Planned Development Zoning District to the IP Industrial Park Zoning District on an approximately 12.41-gross acre site.
(b) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow an existing hotel to increase the number of guest rooms from 505 to 515 through the conversion of meeting rooms and presidential suites located on the northwest corner of Gateway Place and Airport Parkway (2050 Gateway Place).
CEQA: Exemption pursuant to Section 15301(a) for Existing Facilities. Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

10.2 20-711 PDC18-016 & PD19-011 - Planned Development Rezoning and a Planned Development Permit for Real Property located on the west side of Meridian Avenue, approximately 290 feet northerly of West San Carlos Street (259 Meridian Avenue; APN: 274-14-152).

Recommendation: (a) Adopt a resolution adopting the 259 Meridian Avenue Residential Mixed-Use Development Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan (MMRP), in accordance with the California Environmental Quality Act (CEQA).
(b) Approve an ordinance rezoning the approximately 1.39-gross acre site located on the west side of Meridian Avenue, approximately 290 feet northerly of West San Carlos Street (259 Meridian Avenue), from the R-2 Two-Family Residence and the CO Commercial Office Zoning Districts to the CP(PD) Planned Development Zoning District.
(c) Adopt a resolution approving, subject to conditions and with the deletion of condition of approval number 36.m.iv related to an emergency access driveway, a Planned Development Permit to allow the demolition of three existing buildings totaling approximately 19,000 square feet and the construction of a four to seven-story mixed-use building with up to 226 residential units, up to a 45 percent parking reduction with Transportation Demand Management measures, and approximately 1,400 square feet of ground-floor commercial square feet on an approximately 1.39 gross acre site.
CEQA: 259 Meridian Mixed Use Project Mitigated Negative Declaration. Planning Commission recommends approval (6-0-0). Council District 6. (Planning, Building and Code Enforcement)

- **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.