



City Council Meeting Amended Agenda

Tuesday, June 30, 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 ilegislare 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: 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 957 2717 1874. Click *9 to raise a hand to speak.

2) By online: <https://sanjoseca.zoom.us/j/95727171874>. **CLOSED SESSION ONLY.**

For open session, please see [<https://zoom.us/j/91562053469>]

20-032 Closed Session Agenda

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

- **Invocation (District 6)**

Rabbi Reuven Goldstein, Congregation Am Echad

- **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.

- **Adjournment**

- **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.

20-768 Final Adoption of Ordinances.

Recommendation: (a) Ord No. 30433 - An ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add New Parts Related to the Establishment of the Building Development Fee Program Fund, the Planning Development Fee Program Fund, the Citywide Planning Fee Program Fund, the Fire Development Fee Program Fund, the Public Works Development Fee Program Fund, and the Public Works Small Cell Permitting Fee Program Fund.
[Passed for Publication on 6/16/2020 - Item 3.5 (d) (20-652)]

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 20-722 Actions Related to Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of Measure F, the Alternative Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:

- (a) An eighth amendment to the continuation agreement with Renne Public Law Group, LLP (formerly Renne Sloan Holtzman & Sakai LLP) for legal services in connection with labor relations matters, extending the term through June 30, 2021 and increasing the amount of compensation by \$50,000, for a total amount not to exceed \$2,045,000;
- (b) An eleventh amendment to the agreement with Hanson Bridgett LLP for legal services in connection with the City’s retirement plans and other benefit plans and programs, extending the term through June 30, 2021 with no increase in the amount of compensation; and
- (c) An eleventh amendment to the agreement with Ice Miller LLP for legal services in connection with retiree benefits and related tax issues, extending the term through June 30, 2021 with no increase in the amount of compensation.

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

2.8 20-723 Side Letter Agreements with City's Bargaining Units and Ordinance to Amend the Police and Fire Department Retirement Plan and the 1975 Federated Employees' Retirement Plan Regarding Repayment of Rehired Tier 1 Member Amortization Interest Costs.

Recommendation: (a) Adopt a resolution to approve the terms of a Side Letter Agreement between the City of San José and the San José Police Officers' Association and San José Firefighters, IAFF Local 230 related to the Rehired Tier 1 Member Amortization Interest Costs to clarify certain provisions of the Alternative Pension Reform Settlement Framework Agreement.

(b) Adopt a resolution to approve the terms of a Side Letter Agreement between the City of San Jose and nine non-sworn bargaining units related to Rehired Tier 1 Member Amortization Interest Costs to clarify certain provisions of the Federated Alternative Pension Reform Settlement Framework Agreement.

(c) 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)
[Deferred from 6/23/2020 - Item 2.11 (20-679)]

2.9 20-724 Amendment to the Agreement with San José Downtown Association for Marketing Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to include marketing, promotional, placemaking, business development and parking-related services with compensation in an amount not to exceed \$659,500, subject to the appropriation of funds by the City Council.

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

2.10 20-725 San José Hotel Business Improvement District Annual Report for Fiscal Year 2020-2021.

Recommendation: Adopt a resolution:

- (a) Approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2020-2021, as filed or modified by Council; and
- (b) Confirming the San José Hotel Business Improvement District assessments as proposed by San José Hotels, Inc. or as modified by Council.

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

2.11 20-726 Actions Related to the Purchase Order with SmartWave Technologies, LLC for Ruckus Wi-Fi Installation, Support, and Maintenance.

Recommendation: Adopt a resolution authorizing the City Manager to execute a citywide purchase order with SmartWAVE Technologies, LLC (Alpharetta, GA) for new Ruckus Wi-Fi installations, including related labor, equipment, materials, and support and maintenance, through April 20, 2021 for a maximum compensation not to exceed \$600,000, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-024, CEQA Guidelines Section 15303(d) New Construction of Small Structures. (Finance)

2.12 20-727 Actions Related to the Purchase Order for Fuel Storage Tank/ Dispensing Equipment Maintenance, Repair, Inspection, and Testing Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Technology, Engineering & Construction, Inc., dba TEC Acutite, (San Francisco, CA) for Fuel Storage Tank/Dispensing Equipment Maintenance, Repair, Inspection, and Testing Services for a twelve-month period, starting on or about July 1, 2020 and ending on June 30, 2021, for an amount not to exceed \$300,000; and
- (b) Exercise up to four (4) additional one-year options to extend the term of the purchase order with the last option year ending on or about June 30, 2025, 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)

2.13 20-728 Actions Related to the Request for Proposal for Peak Staffing Consultant Services for the Fire Department.

Recommendation: (a) Accept the report on the Request for Proposal for Peak Staffing with the Fire Department.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute agreements with Fire & Risk Alliance, LLC (Mountain View, CA) and CSG Consultants Inc. (San José, CA) for initial two-year terms beginning on or about July 1, 2020 and ending on June 30, 2022, for temporary contract employees to support the Fire Development Fee Program with completing fire sprinkler, fire alarm, and fire architectural (life safety) plan reviews and inspections for new development and tenant improvement projects for a maximum compensation not to exceed \$520,000 for the initial two-year terms, subject to the appropriation of funds:
(1) Fire & Risk Alliance, LLC: \$320,000 Maximum Compensation;
(2) CSG Consultants Inc.: \$200,000 Maximum Compensation.
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. (Fire)

2.14 20-729 Authorization for City Manager to Execute a Retroactive Second Continuation Agreement with Stanford Healthcare for Fire Department Medical Director Consulting Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Second Continuation Agreement with Stanford Healthcare, retroactively extending the term from May 1, 2020 to August 31, 2020 and increasing total compensation by \$104,480, to continue providing input into the development of all operational policies and procedures that directly or indirectly impact patient care for the Fire Department.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Fire)

2.15 20-730 Actions Related to an Agreement with County of Santa Clara to Accept Funds in Relation to First Responder Category C - Benefit to EMS Systems Users Funds.

Recommendation: (a) Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement between the County of Santa Clara and the City of San José to accept an amount not to exceed \$387,804 to fund the purchase of products or services that benefit the Santa Clara County Emergency Medical Services (EMS) system (EMS Trust Fund, Category C - Benefit to EMS System User Funds).
(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 Revenue from Local Agencies by \$387,804; and
(2) Establish a City-Wide Expense appropriation to the Fire Department for the County of Santa Clara EMS Trust Fund - 2020 in the amount of \$387,804.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Fire/City Manager)

2.16 20-731 Actions Related to the Grant Agreement with the San José Public Library Foundation.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in the amount not to exceed \$1,100,000 for the fiscal administration of San José Learns (\$1,000,000) and for fundraising activities to support Library programs (\$100,000).
CEQA: Not a Project, File No. PP17-003, Agreement/Contracts resulting in no physical changes to the environment. (Library)

2.17 20-732 Actions Related to the Overpayment Refund Owed Hunter Properties.

Recommendation: (a) Approve a refund of construction taxes in the amount of \$2,205,000 paid under the incorrect rate by Hunter Properties (CAP OZ 34, LLC) for a project located at 1173 and 1167 Coleman Avenue and direct the Director of Finance to make payment in accordance with the instructions in the refund claim.

(b) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

- (1) Establish an appropriation for Developer Refunds to the Transportation Department in the amount of \$315,000; and
- (2) Decrease the Construction Tax Refund Reserve by \$315,000.

(c) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Construction Excise Tax Fund:

- (1) Establish an appropriation for Developer Refunds appropriation to the Transportation Department in the amount of \$1,890,000; and
- (2) Decrease the Construction Tax Refund Reserve by \$1,890,000.

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

2.18 20-733 Amendment to the Cost-Sharing Agreement with West Valley Sanitation District for Sanitary Sewers Services.

Recommendation: Approve the First Amendment to the Cost-Sharing Agreement with West Valley Sanitation District extending the term of the Agreement by two years until June 30, 2022, for construction, operation and maintenance of joint use sanitary sewers.

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

2.19 20-734 Amendment to Master Agreement with IBI Group, Inc. (CPMS No. 8252-A) for Architectural Services for Various City Facility Projects.

Recommendation: Approve the First Amendment to the Master Agreement with IBI Group, Inc. for Architectural Services to:

- (a) Increase the total compensation by \$90,000, for a total Agreement amount not to exceed \$1,090,000; and
- (b) Extend the term of the Agreement from December 31, 2020 to December 31, 2021 for the exclusive purpose of allowing the Consultant to complete work on the New Fire Station No. 37.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 6. (Public Works)

2.20 20-735 Amendments to Parking Agreements with DWF V West Santa Clara Street LLC and SJ North 1st LLC.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute amendments to parking agreements with DWF V West Santa Clara Street, LLC and with SJ North 1st LLC to extend the term length, increase the number of parking permits, and update fee amounts. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Transportation)

2.21 20-736 Boards and Commissions Appointments.

Recommendation: Approve the following Board and Commission appointments:

(a) Youth Commission:

- (1) District 2 Seat: Veer Juneja to a term ending May 31, 2022;
- (2) District 4 Seat: Kaitlyn Tran to a term ending May 31, 2022;
- (3) District 6 Seat: Sebastian Estrella to a term ending May 31, 2022;
- (4) District 8 Seat: Member to a term ending May 31, 2022;
- (5) District 10 Seat: Dheerj Jasuja to a term ending May 31, 2022;
- (6) Citywide Seat: Member to a term ending May 31, 2022;

(b) Arts Commission:

- (1) District 1 Seat: Member to a term ending June 30, 2024;
- (2) District 3 Seat: Juan Carlos Araujo to a term ending June 30, 2024;
- (3) District 5 Seat: Member to a term ending June 30, 2024;
- (4) District 7 Seat: Trami Cron to a term ending June 30, 2024;
- (5) District 9 Seat: Member to a term ending June 30, 2024;
- (6) Citywide Seat: Member to a term ending June 30, 2024;

(c) Council Appointment Advisory Commission

- (1) District 2 Seat: Member to a term ending December 31, 2022;
- (2) District 3 Seat: Member to a term ending December 31, 2023;
- (3) District 6 Seat: Member to a term ending December 31, 2022;
- (4) Citywide Seat: Member to a term ending December 31, 2023;

(d) Parks and Recreation Commission

- (1) District 7 Seat: Giavanna Vega to a term ending June 30, 2021.

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

2.22 20-751 Board and Commissioner Terms. - RENUMBERED TO ITEM 3.6

- Recommendation:** As recommended by the Rules and Open Government Committee on June 17, 2020:
Extend certain volunteer Board and Commissioner terms by six months from June 30, 2020, as follows:
- (a) Arts Commission:
 - (1) District 5 Seat: Albert Le, for term ending December 31, 2020.
 - (2) District 3 Seat: Juan Carlos Araujo, for term ending December 31, 2020.
 - (3) District 7 Seat: Ron Muriera, for term ending December 31, 2020.
 - (4) District 9 Seat: Ramona Snyder, for term ending December 31, 2020.
 - (5) Citywide Seat: Roma Dawson, for term ending December 31, 2020.
 - (6) District 1 Seat: Smita Garg, for term ending December 31, 2020.
 - (b) Downtown Parking Board:
 - (1) At Large Representative: Tamiko Rast, for term ending December 31, 2020.
 - (c) Historic Landmarks Commission:
 - (1) Citywide Seat: Eric Hirst, for term ending December 31, 2020.
 - (d) Library and Education Commission:
 - (1) Early Childcare Seat 3: Janice Allen, for term ending December 31, 2020.
 - (2) Early Childcare Seat 1: Christina Dunbar, for term ending June 20, 2020.
 - (e) Neighborhoods Commission:
 - (1) District 1 Seat: Gary Cunningham, for term ending December 31, 2020.
 - (2) District 9 Seat: Terry Martin, for term ending December 31, 2020.
 - (3) District 10 Seat: Richard Giammona, for term ending December 31, 2020.
 - (4) District 7 Seat: Jonathan Velasquez, for term ending December 31, 2020.
 - (5) District 6 Seat: James Carter, for term ending December 31, 2020.
 - (6) District 5 Seat: Jewell Buchanan, for term ending December 31, 2020.
 - (7) District 8 Seat: Nichole Edraos, for term ending December 31, 2020.
 - (8) District 10 Seat: Nick Labosky, for term ending December 31, 2020.

(9) District 2 Seat: David Wilkins, for term ending December 31, 2020.

(10) District 4 Seat: Cassandra Langer, for term ending December 31, 2020.

(11) District 3 Seat: Richard Wong, for term ending December 31, 2020.

(12) District 1 Seat: Franklin Nguyen, term ending December 31, 2020.

(13) District 9 Seat: Michael Young, term ending December 31, 2020.

(14) District 2 Seat: Perry Henry, term ending December 31, 2020.

(15) District 6 Seat: Olivia Navarro, term ending December 31, 2020.

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

[Rules Committee referral 6/17/2020 - Item G.6]

[RENUMBERED TO ITEM 3.6 (20-771)]

2.23 20-774 Fourth Amendments to City-Generated Tow Services Agreements to Address the Severe Impacts to Tow Business as a Result of COVID-19 Emergency Response to Ensure Continuity of Tow Services in the City of San José. - RENUMBERED FROM ITEM 8.5

Recommendation: (a) Adopt a resolution authorizing the City Manager to negotiate and execute Fourth Amendments to the Agreements for City-Generated Zone Tow Services with the option to extend the terms month by month through the end of the contract term March 31, 2021 with the following tow operators:

- (1) Alongi Brothers, Inc. (San José, CA)
- (2) Century Tow (San José, CA)
- (3) City Towing, Inc. (San José, CA)
- (4) Courtesy Tow Services, Inc. (San José, CA)
- (5) Matos Auto Towing & Transport (San José, CA)
- (6) Motor Body Company, Inc. (San José, CA)

(b) The proposed amendment includes the following terms and conditions and revisions:

(1) Reduce the contract compensation fee from \$41 to \$0 for a term starting retroactively from March 17, 2020 until September 30, 2020.

(2) Provide payment of up to \$25,000 per tow operator for a term starting retroactively from June 1, 2020 until September 30, 2020 for:

a. Any “Qualified Vehicle”, including any passenger vehicles, recreational vehicles/motor homes, mobile homes (on wheels), campers, trailers, cab-over campers, house-made trailers, boats, jet skis, boat trailers, golf carts, tractor units, semi-trailers, full trailers, box trucks, buses, work vans, street sweepers, and construction equipment, such as backhoes and bulldozers, that is either

1. Issued a form REG 462 (“junk slip”) by the City; or

2. The operator is required to pay to dispose of the vehicle will and receive a payment at a rate of \$200 per Qualified Vehicle.

b. In addition, Qualified Vehicles that meet the criteria in part (2)(a) and are also recreational vehicles/motor homes, mobile homes (on wheels), campers, trailers, cab-over campers, house-made trailers, boats, full trailers, box trucks, buses, or work vans will receive a payment of an additional \$1,000 per Qualified Vehicle.

c. Compensation will be provided by the City to the tow operator on a monthly basis upon receipt of invoice and required supporting documentation such as receipts for vehicle disposal costs.

(3) Provide compensation up to \$500 each month to each tow operator for garbage disposal or dumpster costs related to the disposal and cleaning of Qualified Vehicles, for a total maximum compensation for each tow operator of no more than \$1,500 from July 1, 2020 until September 30, 2020. This \$1,500 is in addition to the \$25,000 total maximum compensation for each tow operators. The maximum compensation for these costs across all six tow operators is \$9,000. Compensation will be provided by the City to the tow operator on a monthly basis upon receipt of invoice and required supporting documentation such as receipts for garbage disposal and dumpster equipment costs.

(4) Suspend credits for “Qualified Vehicles” to tow operators under section 5.1 for operator expenses and lost profits related to disposing of all qualified vehicles that meet the defined criteria.

(5) Option for City Manager to extend the terms of the fourth amendment month by month for each operator until the end of the original contract term of March 31, 2021 subject to available funds and appropriation as determined by the City Manager.

(6) Authority for the City Manager to provide additional payments as part of the option to extend the amendment to each tow operator after September 30, 2020 as described in (2)(a) and (b) above in excess of the \$25,000 total maximum compensation to each tow operator so long as the total maximum compensation across all six operators does not exceed \$150,000 for the original term of the fourth amendment.

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

(Planning, Building and Code Enforcement)

[RENUMBERED FROM ITEM 8.5 (20-746)]

3. STRATEGIC SUPPORT

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

20-737

(a) City Manager’s COVID-19 Update (Verbal Report)

(b) City Manager’s Report on Other City Matters (Verbal Report)

TO BE HEARD BEFORE CONSENT

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 20-738 Approval of the Terms of a Side Letter Agreement with the San José Police Officers' Association Related to the Expansion of Review Authority for the Independent Police Auditor.

Recommendation: (a) Adopt a resolution to approve the terms of a Side Letter Agreement between the City of San José and the San José Police Officers Association related to the expansion of review authority for the Independent Police Auditor.

(b) Direct the City Attorney to return to the City Council with a Ballot Measure to amend the City Charter relating to the expansion of the Independent Police Auditor's review authority for the next Statewide general election to be held on November 3, 2020.

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

3.4 20-739 Actions Related to the Agreements with East Side Union High School District and SmartWAVE Technologies LLC for Community Wireless Network.

Recommendation: (a) Adopt a resolution authorizing the City Manager to:

(1) Execute the Second Amendment to the Funding Agreement between the City of San José and East Side Union High School District relating to installation of a Community Wireless Network in the District to provide \$1,398,442 additional funds for a total amount of \$4,098,442 to support expansion to the Yerba Buena High School attendance area; and

(2) Execute the Second Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to expand the East Side Union High School District Community Wireless Network to the Yerba Buena High School attendance area, including all required hardware, software, materials, professional services, maintenance and support, and applicable sales tax, by increasing the compensation by \$1,048,442 for a revised maximum compensation amount not to exceed \$3,306,990 for the initial term ending December 31, 2021, subject to the appropriation of funds.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:

(1) Increase the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department in the amount of \$1,398,442; and

(2) Increase the estimate for Revenue from Local Agencies by \$1,398,442.

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

3.5 20-764 Equity Pledge.

Recommendation: As recommended by the Rules and Open Government Committee on June 17, 2020:

(a) Consideration of the Equity Pledge, attached to the memorandum to Council.

(b) Direct the City Manager, under the leadership of the forthcoming Office of Equity, to:

(1) Return to Council with a proposal to update existing processes to make Equity a more explicit part of Council deliberations, including adding a section on Equity Considerations on each Council, Committee, and Commission memo - as previously directed by Council on April 7, 2020.

(2) Begin the GARE process with a formal convening of our community for public testimony on their personal experiences with discrimination, and San José's history of system racism and targeted persecution. Bring this forward as a Hearing of the San José City Council on Race and Equity in San José.

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

[Rules Committee referral 6/17/2020 - Item G.5]

3.6 20-771 Board and Commissioner Terms. - RENUMBERED FROM ITEM 2.22

Recommendation: As recommended by the Rules and Open Government Committee on June 17, 2020:

Extend certain volunteer Board and Commissioner terms by six months from June 30, 2020, as follows:

(a) Arts Commission:

(1) District 5 Seat: Albert Le, for term ending December 31, 2020.

(2) District 3 Seat: Juan Carlos Araujo, for term ending December 31, 2020.

(3) District 7 Seat: Ron Muriera, for term ending December 31, 2020.

(4) District 9 Seat: Ramona Snyder, for term ending December 31, 2020.

(5) Citywide Seat: Roma Dawson, for term ending December 31, 2020.

(6) District 1 Seat: Smita Garg, for term ending December 31, 2020.

(b) Downtown Parking Board:

(1) At Large Representative: Tamiko Rast, for term ending December 31, 2020.

(c) Historic Landmarks Commission:

(1) Citywide Seat: Eric Hirst, for term ending December 31, 2020.

(d) Library and Education Commission:

(1) Early Childcare Seat 3: Janice Allen, for term ending December 31, 2020.

(2) Early Childcare Seat 1: Christina Dunbar, for term ending June 20, 2020.

(e) Neighborhoods Commission:

(1) District 1 Seat: Gary Cunningham, for term ending December 31, 2020.

(2) District 9 Seat: Terry Martin, for term ending December 31, 2020.

(3) District 10 Seat: Richard Giammona, for term ending December 31, 2020.

(4) District 7 Seat: Jonathan Velasquez, for term ending December 31, 2020.

(5) District 6 Seat: James Carter, for term ending December 31, 2020.

(6) District 5 Seat: Jewell Buchanan, for term ending December 31, 2020.

(7) District 8 Seat: Nichole Edraos, for term ending December 31, 2020.

(8) District 10 Seat: Nick Labosky, for term ending December 31, 2020.

(9) District 2 Seat: David Wilkins, for term ending December 31, 2020.

(10) District 4 Seat: Cassandra Langer, for term ending December 31, 2020.

(11) District 3 Seat: Richard Wong, for term ending December 31, 2020.

(12) District 1 Seat: Franklin Nguyen, term ending December 31, 2020.

(13) District 9 Seat: Michael Young, term ending December 31, 2020.

(14) District 2 Seat: Perry Henry, term ending December 31, 2020.

(15) District 6 Seat: Olivia Navarro, term ending December 31, 2020.

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

[Rules Committee referral 6/17/2020 - Item G.6]

[RENUMBERED FROM ITEM 2.22 (20-751)]

4. PUBLIC SAFETY SERVICES

4.1 20-740 Report on Bids and Award of Contract for Construction of the 9071 - Fire Station No. 37 Project.

Recommendation: (a) Report on bids and award of the construction contract for the 9071 - Fire Station No. 37 Project to the lowest responsive bidder Gonsalves & Stronck, Inc., for the base bid and the Bid Alternates Nos. 1 and 2 in the amount of \$8,715,600 and approval of a 10 percent contingency in the amount of \$871,560.

(b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Public Safety and Infrastructure Bond Fund:

(1) Increase the Measure T - Fire Station 37 appropriation to the Public Works Department in the amount of \$1,995,000;

(2) Decrease the Measure T - Fire Station 36 appropriation by \$1,118,000; and

(3) Decrease the Measure T - Program Reserves (Public Safety) appropriation by \$877,000.

CEQA: Mitigated Negative Declaration, File No. PP09-150. (Public Works/City Manager)

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-741 Actions Related to the 9005 - Mineta San José International Airport - Airfield Electrical System Rehabilitation - Phase 2 Project.

Recommendation: Adopt a resolution authorizing the Director of Public Works to:

- (a) Report on bids and award a construction contract for 9005 - Mineta San José International Airport - Airfield Electrical System Rehabilitation - Phase 2 Project (Project) to the low bidder, Vellutini Corporation dba Royal Electric Company, in an amount of \$4,989,989, contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration in a minimum amount of \$5,000,000; and
- (b) Establish a construction contingency of ten percent of the amount of the construction contract for the Project.

CEQA: San José International Airport Master Plan EIR Amendment (Resolution No. 79497), File No. PP180103. (Public Works/Airport)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-742 Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments for Fiscal Year 2020-2021.

Recommendation: Conduct a public hearing and adopt a resolution to:

- (a) Approve the Downtown Business Improvement District budget report for Fiscal Year 2020-2021 as filed or modified by Council;
- (b) Levy the Downtown Business Improvement District assessments for Fiscal Year 2020-2021; and
- (c) Suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for a Business Tax financial hardship exemption under the City's General Business Tax Ordinance.

CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

NOT TO BE HEARD BEFORE 1:30 P.M.

8.2 20-743 Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments for Fiscal Year 2020-2021.

Recommendation: Conduct a public hearing and adopt a resolution to:

(a) Approve the 2020-2021 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and

(b) Levy the annual Japantown Business Improvement District assessments for Fiscal Year 2020-2021.

CEQA: Statutorily Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

NOT TO BE HEARD BEFORE 1:30 P.M.

8.3 20-744 Acquisition of Property at North 13th Street and East Santa Clara Street.

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

(a) A Purchase and Sale Agreement, and all other documents necessary to effectuate the Property transfer to the City, with Santa Clara County Housing Authority for the purchase by the City of 0.37 acres of land located at the northwest corner of North 13th Street and East Santa Clara Street, identified as Assessor's Parcel Number 467-16-091 and APN 467-16-092 ("Property"), for a price of \$2,350,000, with up to \$150,000 reimbursement due to the Housing Authority should the City choose to sell the Property within 10 years without performance of environmental remediation or mitigation; and

(b) A one-year Option to Purchase Agreement with the Santa Clara County Housing Authority, for \$5,000 for the initial one-year term, granting the City the option to purchase 0.34 acres of land located at the northeast corner of North 13th Street and East Santa Clara Street, identified as Assessor's Parcel Number 467-15-010, for a price of \$2,194,200, and to extend the Option to Purchase Agreement up to five years after the term of the initial option period, for no greater than \$5,000 for each one-year option extension.

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/Fire/Public Works)

8.4 20-745 Approval of Loan Commitment to Habitat for Humanity East Bay/Silicon Valley for Acquisition of Property Located at 101 S. Jackson for a New Community of Affordable ‘For Sale’ Homes.

Recommendation: (a) Adopt a resolution:

(1) Approving a total commitment of up to \$2,200,000 of the Housing Impact Fee Funds to Habitat for Humanity East Bay/Silicon Valley, Inc., a California nonprofit public benefit corporation for an Acquisition loan for the a new affordable ‘For-Sale’ housing development at the 101 S. Jackson (“101 S. Jackson Development”); and

(2) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents related to the loan and the 101 S. Jackson Development.

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Increase the revenue estimate for Fees, Rates, and Charges by \$6,289,711;

(2) Increase the Ending Fund Balance by \$6,289,711.

(c) Adopt the following Fiscal Year 2020-2021 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Beginning Fund Balance by \$6,289,711;

(2) Increase the Housing Loans and Grants appropriation for the Housing Department by \$2,200,000; and

(3) Increase the Ending Fund Balance by \$4,089,711.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 5. (Housing/City Manager)

8.5 20-746 Fourth Amendments to City-Generated Tow Services Agreements to Address the Severe Impacts to Tow Business as a Result of COVID-19 Emergency Response to Ensure Continuity of Tow Services in the City of San José. - RENUMBERED TO ITEM 2.23

Recommendation: (a) Adopt a resolution authorizing the City Manager to negotiate and execute Fourth Amendments to the Agreements for City-Generated Zone Tow Services with the option to extend the terms month by month through the end of the contract term March 31, 2021 with the following tow operators:

- (1) Alongi Brothers, Inc. (San José, CA)
- (2) Century Tow (San José, CA)
- (3) City Towing, Inc. (San José, CA)
- (4) Courtesy Tow Services, Inc. (San José, CA)
- (5) Matos Auto Towing & Transport (San José, CA)
- (6) Motor Body Company, Inc. (San José, CA)

(b) The proposed amendment includes the following terms and conditions and revisions:

(1) Reduce the contract compensation fee from \$41 to \$0 for a term starting retroactively from March 17, 2020 until September 30, 2020.

(2) Provide payment of up to \$25,000 per tow operator for a term starting retroactively from June 1, 2020 until September 30, 2020 for:

a. Any “Qualified Vehicle”, including any passenger vehicles, recreational vehicles/motor homes, mobile homes (on wheels), campers, trailers, cab-over campers, house-made trailers, boats, jet skis, boat trailers, golf carts, tractor units, semi-trailers, full trailers, box trucks, buses, work vans, street sweepers, and construction equipment, such as backhoes and bulldozers, that is either

1. Issued a form REG 462 (“junk slip”) by the City; or

2. The operator is required to pay to dispose of the vehicle will and receive a payment at a rate of \$200 per Qualified Vehicle.

b. In addition, Qualified Vehicles that meet the criteria in part (2)(a) and are also recreational vehicles/motor homes, mobile homes (on wheels), campers, trailers, cab-over campers, house-made trailers, boats, full trailers, box trucks, buses, or work vans will receive a payment of an additional \$1,000 per Qualified Vehicle.

c. Compensation will be provided by the City to the tow operator on a monthly basis upon receipt of invoice and required supporting documentation such as receipts for vehicle disposal costs.

(3) Provide compensation up to \$500 each month to each tow operator for garbage disposal or dumpster costs related to the disposal and cleaning of Qualified Vehicles, for a total maximum compensation for each tow operator of no more than \$1,500 from July 1, 2020 until September 30, 2020. This \$1,500 is in addition to the \$25,000 total maximum compensation for each tow operators. The maximum compensation for these costs across all six tow operators is \$9,000. Compensation will be provided by the City to the tow operator on a monthly basis upon receipt of invoice and required supporting documentation such as receipts for garbage disposal and dumpster equipment costs.

(4) Suspend credits for “Qualified Vehicles” to tow operators under section 5.1 for operator expenses and lost profits related to disposing of all qualified vehicles that meet the defined criteria.

(5) Option for City Manager to extend the terms of the fourth amendment month by month for each operator until the end of the original contract term of March 31, 2021 subject to available funds and appropriation as determined by the City Manager.

(6) Authority for the City Manager to provide additional payments as part of the option to extend the amendment to each tow operator after September 30, 2020 as described in (2)(a) and (b) above in excess of the \$25,000 total maximum compensation to each tow operator so long as the total maximum compensation across all six operators does not exceed \$150,000 for the original term of the fourth amendment.

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

(Planning, Building and Code Enforcement)

[RENUMBERED TO ITEM 2.23 (20-774)]

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

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 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.