



City Council Meeting Minutes

**Tuesday, June 30, 2020
Wednesday, July 1, 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



MINUTES OF THE CITY COUNCIL

JUNE 30, 2020/JULY 1, 2010

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations.

20-032 - [See Page 34 for Closed Session Minutes \(8:35 – 9:13 all present\)](#)

The Council of the City of San José convened on Tuesday, June 30, 2020 at 9:21 a.m.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

• Invocation (District 6)

Councilmember Dev Davis read an Invocation provided by Rabbi Reuven Goldstein, Congregation Am Echad.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Orders of the Day

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, Item 2.29 "Action Related to the Agreement with Witt O'Briens LLC for Covid-19 Related Public Health, Planning and Crisis Communications Consulting Support" added, Requiring a Determination by a Two-Thirds (2/3) Vote of the Members of the Council present at the meeting, or, if less than Two-Thirds (2/3) of the Members of the Council are Present at the Meeting, a Unanimous Vote of those Members Present that there is a need to take Immediate Action and the Need to take Action Arose after the Posting of the Agenda. *Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.F.1.b; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d), Placement of Council Agenda Items After Rules, Resolution No. 79485.*

- Closed Session Report

None provided.

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

20-768 Final Adoption of Ordinances.

(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)]

Action: **Ordinance No. 30433** was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 20-772 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Esparza, from the Regular Meeting of City Council on June 23, 2020, due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)
[Rules Committee referral 6/24/2020 - Item A.1.a]

Action: Excused Absence Request approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 20-722 **Actions Related to Amendments to Agreements for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.**

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)

Action: **Resolution No. 79624** relating to the Implementation of the Alternative Pension Reform Settlement Framework was adopted. (11-0.)

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.**

- (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.

(Item Continued on the Next Page)

2.8 (Cont'd.)

(b) Adopt a resolution to approve the terms of a Side Letter Agreement between the City of San José 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)]

Action: **Resolution No. 79625** regarding terms of a Side Letter Agreement between the City of San José and the San José Police Officers' Association and San José Firefighters; and **Resolution No. 79626**, approving terms of a Side Letter Agreement between the City of San José and nine non-sworn bargaining units, were adopted; and **Ordinance No. 30441**, 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, was passed for publication. (11-0.)

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

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.
Council District 3. (Economic Development)

Public Comment: Blair Beekman suggested the VTA explore better data collection processes.

Action: **Resolution No. 79627** regarding an Amendment to the Agreement with San José Downtown Association for Marketing Services was adopted. (11-0.)

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

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)

Action: **Resolution No. 79628** regarding the San José Hotel Business Improvement District Annual Report and assessments was adopted. (11-0.)

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

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)

Action: **Resolution No. 79629** regarding Actions Related to the Purchase Order with SmartWave Technologies, LLC for Ruckus Wi-Fi Installation, Support, and Maintenance was adopted. (11-0.)

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

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)

Action: **Resolution No. 79630** regarding Actions Related to the Purchase Order for Fuel Storage Tank/Dispensing Equipment Maintenance, Repair, Inspection and Testing Services was adopted. (11-0.)

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

(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)

Fire Department staff responded to questions from the Mayor.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, the report was accepted, and **Resolution No. 79631** regarding Agreements with Fire & Risk Alliance, LLC and CSG Consultants Inc. was adopted. (11-0.)

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.

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)

Action: **Resolution No. 79632** regarding Actions Related to Agreement with Stanford Healthcare for Fire Department Medical Director Consulting Services was adopted. (11-0.)

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.

(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)

Action: **Resolution No. 79633** regarding acceptance of Funds in Relation to First Responder Benefit to EMS System Users Funds, **Appropriation Ordinance No. 30442** and **Funding Sources Resolution No. 79634** were adopted. (11-0.)

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

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)

Action: **Resolution No. 79635** regarding Actions Related to the Grant Agreement with the San José Public Library Foundation was adopted. (11-0.)

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

(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:

(Item Continued on the Next Page)

2.17 (Cont'd.)

(b) (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. Council District 3. (Planning, Building and Code Enforcement/City Manager)

Deputy Director, Office of Economic Development, Chris Burton responded to questions from Council.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones and carried unanimously, the refund of construction taxes was approved, and Appropriation **Ordinance No. 30443** and Appropriation **Ordinance No 30444** were adopted. (11-0.)

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

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)

Action: The Amendment to the Cost-Sharing Agreement with West Valley Sanitation District was adopted. (11-0.)

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

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)

Action: The Amendment to the Master Agreement with IBI Group, Inc. was adopted. (11-0.)

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

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.
Council District 3. (Transportation)

Action: **Resolution No. 79636** amending the Parking Agreements with DWF V West Santa Clara Street LLC and SJ North 1st LLC was adopted. (11-0.)

2.21 20-736 Boards and Commissions Appointments.

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 10 Seat: Dheerj Jasuja to a term ending May 31, 2022;

(b) Arts Commission:

- (1) District 1 Seat: Smita Garg 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: Bryce Lunch to a term ending June 30, 2024;
- (4) District 7 Seat: Trami Cron to a term ending June 30, 2024;
- (5) District 9 Seat: Audrey Rumsby to a term ending June 30, 2024;
- (6) Citywide Seat: Elizabeth Alvarez to a term ending June 30, 2024;

(c) Council Appointment Advisory Commission

- (1) District 3 Seat: Myles Blodnick to a term ending December 31, 2023;
- (2) District 6 Seat: Elina Yin to a term ending December 31, 2022;

(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)

Action: The Boards and Commission Appointments were accepted. (11-0.)

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

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

Refer to the City Council meeting on June 23rd a discussion of extending volunteer board and commissioner terms for members who will term out on June 30, 2020.

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

[RENUMBERED TO ITEM 3.6 (20-771)]

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*

(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:

(i) 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.

(ii) 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.

(iii) 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.

2.23 (Cont'd.)

(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)]

Action: **Resolution No. 79637** amending Agreements for City-Generated Zone Tow Services was adopted, including terms, conditions and revisions as indicated. (11-0.)

2.24 20-776

Approval of the Terms of an Agreement with the San José Police Officers’ Association (SJPOA) for the Term of July 1, 2020 Through June 30, 2021.

Adopt a resolution approving the terms of a collective bargaining agreement between the City and the San José Police Officers’ Association (SJPOA) for the term of July 1, 2020 through June 30, 2021, and authorizing the City Manager to execute the agreement with those terms.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager) [Rules Committee referral 6/24/2020 - Item A.1.a]

City Manager, David Sykes responded to questions, indicating approval will allow a one-year rollover with no financial component.

Public Comment: Blair Beekman indicated the need for structural changes.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79638** approving the Terms of an Agreement with the San José Police Officers’ Association was adopted. (11-0.)

2.25 20-777 Extension of Business Tax Amnesty Program Through September 30, 2020.

Approve an ordinance retroactively extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs from June 30, 2020 through September 30, 2020.

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

[Rules Committee referral 6/24/2020 - Item A.1.a]

Action: **Ordinance No. 30445** extending the Business Tax Amnesty Program was passed for publication. (11-0.)

2.26 20-788 Approval of Parks and Recreation Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on June 24, 2020:

(a) Approve Parks and Recreation Month to be recognized by the City Council on Tuesday, June 30, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 6/24/2020 - Item G.1.a]

Councilmember Sylvia Arenas offered accolades to the PRNS staff.

Public Comment: Members of the public expressed the importance of budgeting for parks and community programs and urged the reallocation of police funding to increase its budget. The Gardner Community Center was singled out for its importance to the community.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Sergio Jimenez and carried unanimously, the City Council Sponsored Special Event was approved. (11-0.)

2.27 20-795 Resolution Proclaiming Black Lives Matter.

As recommended by the Rules and Open Government Committee on June 24, 2020, adopt a resolution proclaiming black lives matter in alignment with Council Policy 0-11, Council Resolution Policy.

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.

(Jones)

[Rules Committee referral 6/24/2020 - Item G.4]

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2.27 (Cont'd.)

Vice Mayor Chappie Jones pulled Item 2.27 to highlight the importance of the Black Lives Matter proclamation, and Council discussion followed.

Public Comments: Members of the public spoke to the importance of the message and urged transparency. Some individuals asked that concrete change be enacted and opined the Council's hypocrisy.

Motion: Vice Mayor Chappie Jones provided a motion to call the question. Councilmember Pam Foley seconded the motion.

Action: On a call for the question, the motion carried. (9-2. Noes: Diep, Khamis.)

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79639** proclaiming Black Lives Matter was adopted. (11-0.)

2.28 20-805 SCA 6 (Dodd): Gambling: Sports Wagering.

As recommended by the Rules and Open Government Committee on June 24, 2020, adopt a position of support for SCA 6 (Dodd).
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)
[Rules Committee referral 6/24/2020 - Item G.8]

Action: A position of Support for SCA 6 (Dodd) was adopted. (11-0.)

2.29 20-810 Action Related to the Agreement with Witt O'Briens LLC for COVID-19 Related Public Health, Planning and Crisis Communications Consulting Support.

Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Agreement between the City of San José and Witt O'Brien's LLC (Houston, TX) to Provide Expert Public Health, Planning and Crisis Communications Consulting Support for the City of San José COVID-19 emergency response, with the maximum compensation not to exceed the amount of \$730,000 with no extension of the initial term or option periods.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

Councilmember Maya Esparza pulled Item 2.29, and Chief of Staff, Office of the City Manager, Lee Wilcox, responded to questions regarding the Agreement with Witt O'Brien.

Public Comments: Blair Beekman offered suggestions on handling the COVID-19 crisis, and Tessa Woodmansee advocated for individuals working remotely to lessen the spread of the virus and to heal the environment.

2.29 (Cont'd.)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 79640** related to the Agreement between the City of San José and Witt O'Brien's LLC (Houston, TX) was adopted. (11-0.)

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)
Heard Before Consent

Mayor Sam Liccardo suggested that Council discussion be limited to 15 minutes per speaker.

Motion: Councilmember Maya Esparza moved that no time limit be enforced, but that Council be as brief as they can. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the motion carried, with no time limit determined for Item 3.1. (6-5. Noes: Diep, Davis Foley, Khamis, Liccardo.)

City Manager, David Sykes and Chief of Staff, Office of the City Manager, Emergency Operations Center Director, Lee Wilcox, offered opening comments. Director of Intergovernmental Relations, Bena Chang offered a presentation on financial recovery; Deputy City Manager/EOC Operations Section Coordinator Jim Ortbal spoke on sheltering the homeless and the BeautifySJ response. Director of Housing Jacky Morales-Ferrand and Deputy Director, Housing, Ragan Henninger, spoke on the shelter crisis response and the use of trailers for sheltering high-risk, vulnerable individuals in the Kelly Park lot.

Public comments: Twenty-two members of the public recognized a variety of concerns, including addressing the failure of using trailers at the Kelly Park lot, the need for better control of natural disasters at a local level, illegal dumping, concerns regarding abating the homeless, deficiencies of using the COVID hotline number, and the need for greater communication and outreach.

Council recessed at 12:05 p.m., and returned at 1 p.m. with all Council members present.

Council discussion continued, and staff responded to questions.

Action: No action required.

3.2 Labor Negotiations Update.

None provided.

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.

(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)

Public Comments: Several members of the public spoke to the system being broken, the need for defunding, dismantling, reforming, or reimaging the police department, and the need for long-term ideas and goals.

Assistant Auditor for the Independent Police Auditor's Office, Shivaun Nurre offered comments.

Council recessed at 6:03 p.m., and reconvened at 6:30 p.m. with all Council members present.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79641** related to the Agreement between the City of San José and the San José Police Officers Association was adopted, with direction to the City Attorney to return with a Ballot Measure to amend the City Charter. (11-0.)

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

(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.

(Item Continued on the Next Page)

3.4 (Cont'd.)

(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/Information Technology/City Manager)

Public Comment: Blair Beekman and Paul Soto spoke to the importance of equity.

Action: Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79642**, executing Amendments to Agreements with the East Side Union High School District and SmartWAVE Technologies LLC; and Appropriation **Ordinance No. 30446** and Funding Source Resolution Amendment, **Resolution No. 79643** were adopted. (11-0.)

3.5 20-764 Equity Pledge.

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, Perez)

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

Councilmember Maya Esparza highlighted items regarding the Pledge and thanked her colleagues for their support.

Action: Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones and carried unanimously, actions regarding the Equity Pledge were approved. (11-0.)

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

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

Refer to the City Council meeting on June 23rd a discussion of extending volunteer board and commissioner terms for members who will term out on June 30, 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)]

Motion: Councilmember Maya Esparza moved approval of staffs' recommendations, including extension of commissioner terms to December 31, 2020. Vice Mayor Chappie Jones seconded the motion.

Councilmember Johnny Khamis asked for a friendly amendment, to extend terms for the Historic Landmarks, Library and Neighborhood Commissions one year, until June 30, 2021. Councilmember Maya Esparza and Vice Mayor Chappie Jones agreed to the amendment.

City Clerk Toni J. Taber, CMC and Director of Cultural Affairs/Deputy Director Economic Development, Kerry Adams Hapner responded to questions.

Discussion followed regarding the terms of Art Commissioners and terms already established in Item 2.21. It was determined to return in August 2020 to sort through extending terms for Art Commissioners should it require further discussion.

Public Comments: Roma Dawson, Ramona Snyder and Gary Cunningham offered support to Councilmember Khamis' memo; Blair Beekman addressed the need for translators, and Paul Soto spoke to red-lining and the opinion that seats are 'stacked' due to generational wealth and inherited power.

Action: On a call for the question, the motion carried unanimously, approving extension of volunteer board and commissioner terms for members who will term out on June 30, 2020 to June 30, 2021, with Council to return in August 2020 to discuss Art Commission terms if needed. (11-0.)

Actions Related to the Food Distribution Agreements.

Adopt a resolution to authorize the City Manager to negotiate and execute:

- (a) Agreement(s) to Provide Food for a Limited Duration between the City of San José and Catholic Charities of Santa Clara County (San José, CA) to provide groceries to temporarily sheltered, unsheltered, isolated, medically vulnerable, and low-income individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic for a term retroactive to March 17, 2020 through August 31, 2020 with the maximum compensation not to exceed \$1,300,000;
 - (b) An Agreement to Provide Meals for Limited Duration between the City of San José and Revolution Foods, Inc. (Oakland, CA) to provide meals for individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic for a term retroactive to June 23, 2020 through August 31, 2020 with the maximum compensation not to exceed \$1,689,000;
 - (c) Amended Purchase Order(s) with First 5 Santa Clara County (San José, CA) for the purchase of baby formula, diapers, and wipes to distribute to families experiencing food and necessity insecurities and to mitigate the effects of COVID-19 to extend the term retroactive to June 2020 through August 31, 2020 and to increase the compensation by \$1,000,000 for a maximum not-to-exceed compensation of \$1,500,000;
 - (d) Continuation and Amendment to the two Agreements to Provide Meals for Limited Duration between the City of San José and Hunger at Home (San José, CA) to provide meals to temporarily sheltered, unsheltered, isolated, medically vulnerable, and low-income individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic to add one option to extend the term retroactive to June 20, 2020 through August 31, 2020 with no change to the maximum compensation amounts of \$884,000 for service in San José and \$416,000 for service in Santa Clara County and outside of San José; and
 - (e) Amendments to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Team San Jose (San José, CA) to provide meals to unhoused individuals to add an option to extend the term from August 9 through August 31, 2020 with no change to the maximum compensation amounts of \$955,723 for service in San José and \$449,752 for service in Santa Clara County and outside of San José.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager) [Rules Committee referral 6/24/2020 - Item A.1.a]

Public comments: Shawna asked if meals and groceries could be provided to take to camps.

Deputy City Manager Angel Rios, Jr., offered direction to facilitate dispersing food to those in need.

Action: Upon motion Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79644**, regarding Actions Related to the Food Distribution Agreements was adopted. (11-0.)

3.8 20-779 Santa Clara County Cities Agreement for Food and Necessities Reimbursement.

Adopt a resolution authorizing the City Manager to negotiate and execute agreements with each of the other cities in Santa Clara County to reimburse the City for the loaded cost of food and necessities distributed to residents of those respective cities through an initial term of August 31, 2020, with an option to extend to December 31, 2020.

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

[Rules Committee referral 6/24/2020 - Item A.1.a]

Deputy City Manager Angel Rios, Jr., offered an overview of the agreement.

Action: Upon motion Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79645**, regarding Santa Clara County Cities Agreement for Food and Necessities Reimbursement was adopted. (11-0.)

3.9 20-798 Greater Downtown San José Economic Recovery Initiative

As recommended by the Rules and Open Government Committee on June 24, 2020, discussion and consideration of the recommendations from the Greater Downtown San José Economic Recovery Task Force.

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. (Peralez)

[Rules Committee referral 6/24/2020 - Item G.6]

Deputy Director, Office of Economic Development, Chris Burton provided an analysis of greater downtown San José Economic Recovery Task Force recommendations response. Downtown Manager, Blage Zelalich, continued with the presentation.

Motion: Councilmember Raul Peralez moved approval of the staff recommendations, including an opportunity to return to a future meeting to more fully explore this issue, particularly items #1 and #7. The motion was seconded by Councilmember Dev Davis.

Action: On a call for the question, the Greater Downtown San José Economic Recovery Initiative was accepted, with direction to return this item to a future meeting of the Council to explore Items #1: *Develop a comprehensive Compliance Support strategy* and #7: *Craft a specific Greater Downtown Economic Recovery and Stimulus Plan* during a larger prioritization discussion. (11-0.)

3.10 20-809 Potential Ballot Measure to Amend the City Charter.

As recommended by the Rules and Open Government Committee on June 24, 2020:

(a) Consideration of a potential November 2020 ballot measure, to amend the Charter to enhance accountability of City Hall through campaign finance reform, and clearer alignment of mayoral authority and responsibilities, or in the alternative, establish and convene a Charter Revision Commission to review mayoral authority and responsibilities for a future election.

(b) If direction is for a potential November 2020 measure, direct the City Clerk to establish an additional meeting date(s) in the final week of July and/or first week of August, if necessary, for public discussion and input on this measure.

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. (Mayor)

[Rules Committee referral 6/24/2020 - Item G.9]

City Manager, David Sykes provided an overview of the item to be considered.

Public comment: Ninety-nine members of the public offered comments. Representatives of SVO, Chamber of Commerce, San José Downtown Association, SCCAOR and other members of the public expressed support, citing the need for increased structural reform. A number of individuals offered opposition, citing the lack of due diligence, accusations of a ‘power grab’, and corruption regarding the ‘strong mayor’ position. The League of Women Voters and others endorsed a charter review commission, and the need for further vetting.

Mayor Sam Liccardo endorsed his perspective, noting authority and accountability have to be aligned, and extensive Council and public discussion ensued.

Motion: Councilmember Lan Diep moved approval of his memorandum dated June 28, 2020. The motion was seconded by Councilmember Pam Foley.

Councilmember Johnny Khamis expressed concerns with aspects of the memorandum, citing a need for checks and balances and empowering the Mayor without disempowering the City Council.

Substitute Motion: Councilmember Johnny Khamis moved approval of the memorandum from Vice Mayor Chappie Jones, and Item #1 from the June 26, 2020 memorandum from Councilmember Carrasco and Esparza, including tightening up the language regarding beneficiaries in Item 1(b). Vice Mayor Chappie Jones seconded the motion.

Councilmember Maya Esparza asked for a friendly amendment, with a commitment to return for a special meeting in July, regarding immediate direct campaign - finance reforms, with no need to wait until November for action. Khamis asked to discuss this during the continuation of this meeting.

Mayor Sam Liccardo recessed the Council Meeting at 12:05 a.m., July 1, 2020, to resume at 9:00 a.m., July 1, 2020 to continue discussion of Item 3.10.

3.10 (Cont'd.)

Mayor Sam Liccardo reconvened the Council Meeting at 9:02 a.m., July 1, 2020, with all Council Members present.

Upon returning to Item 3.1, Councilmember Maya Esparza again proposed a friendly amendment to Council Member Khamis that staff return with required language and Council commit to a special meeting in July regarding immediate, direct campaign-finance reforms. The friendly amendment was denied.

City Attorney Richard Doyle responded to questions from Councilmember Maya Esparza regarding inclusion of limiting the Mayor from taking executive action that would directly benefit campaign contributors to limit the influence of special interest groups. Upon clarification, Councilmember Esparza asked that this be included as a friendly amendment. Councilmember Khamis and Vice Mayor Chappie Jones agreed to the amendment.

Councilmember Raul Peralez offered a friendly amendment, asking that all items being considered not be placed together on the ballot. The friendly amendment was not accepted by Councilmember Johnny Khamis or Vice Mayor Chappie Jones.

Councilmember Raul Peralez offered another friendly amendment, asking to include Councilmember Sylvia Arenas' language from her memorandum, proposing that rather than a two-year extension, create a special two-year term from 2022 to 2024 that would not count as a "term" for purposes of term limits. Originally accepted by Councilmember Johnny Khamis, acceptance of the friendly amendment was later withdrawn by Vice Mayor Chappie Jones.

Councilmember Magdalena Carrasco offered a friendly amendment to add elections for odd-numbered districts (3, 5, 7) into the presidential election year. The friendly amendment was not accepted.

The Council Meeting at was recessed for a break at 12:04 p.m., and reconvened at 1 p.m.

Councilmember Dev Davis requested a friendly amendment, including item #5 from Councilmember Lan Diep's memorandum regarding City Attorney's office keeping track of campaign finance disclosures. The friendly amendment was accepted.

Councilmember Raul Peralez requested a friendly amendment, asking that all four items be voted on by the Council separately, and Councilmember Magdalena Carrasco asked for a bifurcation of the issues. These amendments were declined.

Vice Mayor Chappie Jones withdrew his earlier acceptance of Councilmember Raul Peralez' friendly amendment regarding creating a special two-year term from 2022 to 2024.

Councilmember Lan Diep requested a friendly amendment to alter Councilmember Dev Davis' amendment, but it was declined.

(Item Continued on the Next Page)

3.10 (Cont'd.)

Action: On a call for the question, the motion carried, the Potential Ballot Measure to Amend the City Charter was accepted, including the memorandum from Vice Mayor Chappie Jones, and Councilmember Maya Esparza's inclusion of limiting the Mayor from taking executive action that would directly benefit campaign contributors to limit the influence of special interest groups; Item #1 from the June 26, 2020 memorandum from Councilmember Carrasco and Esparza, including tightening up the language regarding beneficiaries in Item 1(b); and Item #5 from Councilmember Lan Diep's memorandum to require the City Attorney's office to keep track of campaign finance disclosures from the Mayor and Councilmembers and affirmatively notify them when they must recuse themselves from votes. (6-5. Noes: Arenas, Carrasco, Esparza, Jimenez, Peralez.)

The July 1, 2020 meeting was adjourned at 5:30 p.m.

A special meeting of the City Council to review the potential ballot measure was set for July 28, 2020 at 9 a.m.

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.

(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. Council District 6. (Public Works/City Manager)

Public Comment: Public oversight regarding Measure T funds, the climate crisis, and an equitable distribution of fire houses around the City were addressed by members of the public.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones and carried unanimously, the Report was accepted, and Appropriation **Ordinance No. 30447** was adopted. (11-0.)

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.

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. PP18-103. (Public Works/Airport)

Public Comments: The hiring of competent electricians, creation of resilient communities and the shortcomings of the current light rail system were discussed.

Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79646** relating to the Airfield Electrical System Rehabilitation - Phase 2 Project was adopted. (10-0-1. Absent: Carrasco.)

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.

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 heard before 1:30 P.M.

City Clerk Toni J. Taber, CMC announced that no written protests had been received.

Mayor Sam Liccardo opened the public hearing.

Public Comments: (*Public Hearing for 8.1 and 8.2 were heard together*) The need for more art, history and culture downtown; equitable treatment of the East Side, particularly the Alum Rock Business District; learning from other cities, and the need to prioritize essentials were issues brought forward by members of the public.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79647** regarding the Levy of the Proposed Downtown Business Improvement District Assessments for Fiscal Year 2020-2021 was adopted. (9-0-2. Absent: Carrasco, Esparza.)

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

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

Note: The Public Hearing for 8.1 and 8.2 were heard together.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79648** regarding the Levy of the Proposed Japantown Business Improvement District Assessments for Fiscal Year 2020-2021 was adopted. (9-0-2. Absent: Carrasco, Esparza.)

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

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)

Public Comments: Tessa Woodmansee asked the City to look into available property near Autumn Avenue. Other members of the public asked that the presentation for this item be given for full transparency.

Economic Development Assistant Director, Nanci Klein provided a presentation, and Council discussion followed.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, **Resolution No. 79649** regarding Acquisition of Property at North 13th Street and East Santa Clara Street was adopted. (9-0-2. Absent: Carrasco, Esparza.)

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.

(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 and Funding Source Resolution 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 and Funding Source Resolution 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)

Public Comments: Members of the public addressed the need for affordable housing. Robert Geary questioned who in the community is being served.

At the Mayor’s request, Director of Housing Jacky Morales-Ferrand responded to Mr. Geary’s question, and Deputy Director of Housing, Rachel VanderVeen offered further clarification.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, (a) **Resolution No. 79650** approving a Loan Commitment to Habitat for Humanity East Bay/Silicon Valley for Acquisition of Property; (b) Funding Sources **Resolution No. 79651**, and (c) Funding Sources **Resolution No. 79652** were adopted, and (b) Appropriation **Ordinance No. 30448** and (c) Appropriation **Ordinance No 30449** were adopted. (9-0-2. Absent: Carrasco, Esparza.)

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

(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:

(i) 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.

(ii) 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.

(iii) 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.

8.5 (Cont'd.)

(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)]

8.6 20-780

Confirmation and Ratification of the Declaration of the Director of Emergency Services Suspending Enforcement of Certain Provisions in Land Use Requirements in the San José Municipal Code.

Adopt a resolution confirming and ratifying the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San José Municipal Code issued June 26, 2020.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Economic Development)

[Rules Committee referral 6/24/2020 - Item A.1.a]

Heard after Item 3.9 per Orders of the Day

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79653** regarding Confirmation and Ratification of the Declaration of the Director of Emergency Services Suspending Enforcement of Certain Provisions in Land Use Requirements was adopted. (9-0-2. Absent: Carrasco, Esparza.)

Substantial Amendment to the FY 2019-2020 Annual Action Plan for the U.S. Department of Housing and Urban Development.

(a) Hold a Public Hearing to allow for public comment and adopt a resolution relating to the following actions regarding amendment to the existing spending plans for Community Development Block Grant (CDBG), and HOME Investment Partnership funds awarded by the U.S. Department of Housing and Urban Development (HUD) to the City:

(1) Approve the following relating to Substantial Amendments to the FY 2019-20 Annual Action Plan to:

(i) Decrease The Health Trust's current HOME allocation of \$2,252,235 by \$419,235 to \$1,833,000 and amend The Health Trust's Rapid Re-housing contract dated December 16, 2019;

(ii) Allocate \$6,517,646 of HOME Investments Partnership (HOME) funding for Tenant Based Rental Assistance (TBRA);

(iii) Award \$2,650,500 of HOME funding to Sacred Heart Community Service for TBRA, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Sacred Heart Community Service;

(iv) Award \$2,400,000 of HOME funding to Catholic Charities of Santa Clara County for TBRA, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Catholic Charities of Santa Clara County;

(v) Award \$346,485 of HOME funding to Next Door Solutions to Domestic Violence for TBRA for victims of domestic violence and their families, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with Next Door Solutions to Domestic Violence;

(vi) Award \$1,000,000 of HOME funding to Bill Wilson Center for TBRA for families, and authorize the Director of Housing to negotiate and execute an emergency sole source agreement with the Bill Wilson Center;

(vii) Award \$121,161 of HOME funding, \$88,839 of CDBG funding, and \$15,000 of Housing Trust Fund (HTF) funding to YWCA Silicon Valley for rental assistance and motel vouchers for victims of domestic violence and authorize the Director of Housing to negotiate and execute an amendment to the YWCA contract relating to these additional funds dated July 1, 2019;

(viii) Decrease the City's HOME administration allocation of \$242,810 by \$102,695 to \$140,115;

(ix) Add Community Wireless Network Infrastructure as an eligible project under the Acquisition, Rehabilitation and Infrastructure for Affordable Housing Sites and Public Facilities activity;

(x) Allocate \$100,000 in CDBG funding to the City for the Community Wireless Network Infrastructure project for predevelopment purposes; and

(Item Continued on the Next Page)

8.7 (Cont'd.)

(1) (xi) Award \$400,000 in CDBG funding to First Five of Santa Clara County to provide family calming kits and authorize the Director of Housing to negotiate and execute a sole source agreement with First Five of Santa Clara County.

(2) Authorize the City's Housing Department to submit the Substantial Amendment to the U.S. Department of Housing and Urban Development.

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:

(1) Decrease the Neighborhood Infrastructure Improvements appropriation to the Housing Department by \$588,839;

(2) Establish a Community Wireless Network Infrastructure appropriation to the Housing Department in the amount of \$100,000;

(3) Establish a Childcare Services appropriation to the Housing Department in the amount of \$400,000; and

(4) Establish a Homeless Services appropriation to the Housing Department in the amount of \$88,839.

(c) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the HOME Investment Partnership Program Fund:

(1) Decrease the Housing Project Reserve appropriation by \$5,000,000;

(2) Decrease the Ending Fund Balance by \$1,517,646; and

(3) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$6,517,646.

(d) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Housing Trust Fund:

(1) Decrease the Ending Fund Balance by \$15,000; and

(2) Increase the Housing and Homeless Projects appropriation to the Housing Department by \$15,000.

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. (Housing) [Rules Committee referral 6/24/2020 - Item A.1.a]

Director of Housing Jacky Morales-Ferrand offered a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Issues regarding urban sustainability, HUD demands and the need for good practices in data collection, tax breaks to developers, the allocation of funds and the Evans Lane project status were brought forth by members of the public.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez and carried unanimously, (a) **Resolution No. 79654**, actions regarding amendment to the existing spending plans for Community Development Block Grant (CDBG), and HOME Investment Partnership funds; (b) Appropriation **Ordinance No. 30450**; (c) Appropriation **Ordinance No. 30451** and (d) Appropriation **Ordinance No. 30452** were adopted. (9-0-2. Absent: Carrasco, Esparza.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

10 Land Use - Regular Agenda – None.

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10551

Location: S of 280, 750' west of Race Street

District: 6

Lots/Units: 2/12

Type: MFA

Developer: Allen Guggenheim

OPEN FORUM

1. Paul Soto commented on the Planning Commission interviews held on June 30.
2. Blair Beekman addressed community policing issues and SB 1410 offering good ideas for housing.
3. Tessa Woodmansee Spoke on liberty, equality and fraternity.
4. Laura expressed disappointment in Councilmembers Foley and Davis regarding their vote on 3.10 and Vice Mayor Jones for revoking his amendment. She thanked staff for showing presentations.
5. Suzy expressed criticism of Councilmember Johnny Khamis.
6. Brenda spoke to the great participation and added that odd-numbered districts be aligned with presidential elections.
7. A member of the public spoke to elitist privilege.
8. Robert Geary spoke to voting procedures in event of mayoral absence.
9. Scott Largent advocated for more respect for the homeless.
10. Veronica asked that open forum be held at the beginning of meetings, and odd-numbered districts should be aligned with presidential elections.
11. A member of the public urged due diligence with constituents and criticized policing tactics.
12. Amanda addressed the need for interpreters at meetings and plight of the homeless.
13. Maria expressed disappointed with our city government and addressed systemic racism.
14. Mike expressed disappointed with our city government and addressed systemic racism.

ADJOURNMENT

The Council of the City of San José recessed at 12:05 a.m. July 1, 2020, in memory of Bob Kieve, who was a shining example of civic engagement in San José. Bob is well-known in radio in the Bay Area but he also participated in many community organizations including the San José Symphony, the Silicon Valley Leadership Group, Regional Medical Center, and the Rotary Club of San José. Bob Kieve's contributions to San José are immeasurable and despite his passing his legacy will continue on.

Mayor Sam Liccardo announced that the meeting of the City Council would resume at 9:00 a.m., July 1, 2020 to continue discussion of Item 3.10.

Minutes Recorded, Prepared and Respectfully Submitted by,
draft

Toni J. Taber, CMC
City Clerk

rmk/06-30-2020MIN

CLOSED SESSION MINUTES

TUESDAY, JUNE 30, 2020

The Council of the City of San José convened into Closed Session at 8:35 a.m. (*Special Time*)
The Session was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Diep, Esparza, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All present.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: Gonzales v. City, et al.
Name(s) of Parties(s) Involved: GABRIEL GONZALES; CITY OF SAN JOSE; DAVID LEZAMA and DOES 1-10
Court: U.S. District Court, Northern District of California, San Jose Division
Case No.: 19-CV-08195-NC
Amount of Money or Other Relief Sought: Damages according to proof
2. Case Name: Sutter's Place, Inc. dba Bay 101 v. City
Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101; CITY OF SAN JOSE; the DIVISION OF GAMING CONTROL
Court: Superior Court of California, County of Santa Clara
Case No.: 1-13-CV-258057
Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name **San José Police Officers' Association**
and Title of (SJPOA)
Unrepresented
Employees:

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Memorandum of Agreement — City of San José and San
Contract or MOA: José Polices' Association

How to Obtain a copy of Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Existing Contract or
MOA: Telephone – Employee Relations: (408) 535-8150

The Closed Session of the City Council adjourned at 9:13 a.m. to the regular teleconferenced meeting of the Open Session of the City Council.