



City Council Meeting Amended Agenda

Tuesday, January 26, 2021
1:30 PM

Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, 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. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

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

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.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 is 913 2537 8626. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
 - 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.

For Closed Captions, please visit the City's YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website live stream

<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-011 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - Cancelled

The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**

- **Invocation (District 1)**

- **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**

In memory of the many Santa Clara County residents who have passed away during this pandemic. They were grandparents, parents, sons, and daughters. Many of them put their life on the line as first responders, health care professionals, and essential workers. Unfortunately, they are no longer with us. However, we must always honor their memory. As a nation, a state, and a city, we remember the thousands of lives lost to this disease.

- **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.

21-172 Approval of City Council Minutes.

Recommendation: (a) City Council Regular Meeting Minutes of October 6, 2020.
(b) City Council Regular Meeting Minutes of October 27, 2020.
(c) City Council Regular Meeting Minutes of November 3, 2020.
(d) City Council Regular Meeting Minutes of November 17, 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 Final Adoption of Ordinances.

21-144 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30516 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) Amend Part 4.5, Accessory Dwelling Units, to Make Minor Clarifying Text Alterations and Updates Consistent with State Law within Sections 20.30.460, 'Single-Family Dwelling' Lot, 20.30.470, 'Junior Accessory Dwelling Units - Single-Family Dwelling Lot,' 20.30.480, 'Two-Family and Multi-Family Dwelling Lots, and 20.30.495, 'Tiny Home on Wheels (THOW);' (b) Add Notes Specifying Permitting Requirements for Transitional Housing Uses within Tables 20-50, 20-90, 20-140 and 20-156 Amending Sections 20.30.100, 20.40.100, 20.70.100 and 20.75.200; (c) Incorporate Minor Text Alterations to Table 20-156 Amending Section 20.75.200 to Add Permitting Requirements for Social Service Agency Uses; (d) Amend Table 20-100 in Section 20.40.200 to Allow Property in the Commercial Neighborhood Zoning District to Utilize Urban Village Plan Development Standards; (e) Amend Chapter 20.100, Part 9, Single-Family House Permit, to Make Minor Clarifying Changes Related to Infill Single-Family Additions within Section 20.100.1040, 'Additional Development Requiring a Single-Family House Permit;' and (f) to Make Other Technical, Non-Substantive, or Formatting Changes within Those Sections of Title 20 of the San José Municipal Code.
[Passed for Publication on 1/12/2021- Item 10.1(b) (21-045)]

2.3 Approval of Council Committee Minutes.

21-171 Approval of Council Committee Minutes.

Recommendation: (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 2, 2020.
(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 9, 2020.
(c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 6, 2021.
(d) Regular Community and Economic Development Committee Meeting Minutes of November 23, 2020.
(e) Regular Transportation and Environment Committee Meeting Minutes of December 7, 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 21-141 Retroactive Approval of the Small Business Advisory Task Force (SBATF) Virtual Membership Recognition Event Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on January 6, 2021:
(a) Retroactively Approve the Small Business Advisory Task Force (SBATF) Virtual Membership Recognition Event scheduled on December 10, 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. (Jones)
[Rules Committee referral 1/6/2021- Item G.1.d]

2.8 21-143 Appoint Members to Redistricting Commission.

Recommendation: (a) Appoint the following Commissioners designated by the Mayor and City Council and, to permit the public to submit comment on the Commissioners, return on January 26, 2021 for final appointment:

- (1) District 1 Seat: Appoint Jonathan Brun;
- (2) District 2 Seat: Appoint Enedina Cardenas;
- (3) District 3 Seat: Appoint Daisy Castro;
- (4) District 4 Seat: Appoint Kaitlyn Tran;
- (5) District 5 Seat: Appoint Ramon Martinez;
- (6) District 6 Seat: Appoint Andrew Ditlevsen;
- (7) District 7 Seat: Appoint Fred Sidbury;
- (8) District 8 Seat: Appoint Sylvia Alvarez;
- (9) District 9 Seat: Appoint BJ Fadem;
- (10) District 10 Seat: Appoint Lenka Wright; and
- (11) Citywide Chair: Appoint Teresa Alvarado.

(b) Adopt a resolution establishing additional requirements for the Redistricting Advisory Commission, in accordance with Council direction from October 27, 2020, and establishing the timeline for the Commission to submit its report and recommendations to Council in accordance with Charter section 403.

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

2.9 21-114 Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 (MEF).

Recommendation: Adopt a resolution approving the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide a temporary, two-year, increase of 2.5% to the Communications Dispatcher Training Pay described in Article 12.15 of the MEF Memorandum of Agreement, to a total of 7.5%.

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

2.10 21-115 Retroactive Approval of City Hall Tower and Rotunda Lighting Events During January 2021 And February 2021.

Recommendation: Retroactively approve City Hall Tower and Rotunda lighting scheduled from January 17, 2021 through February 25, 2021 in colors associated with the celebration of Martin Luther King Jr. Day, Tết Vietnamese and Chinese New Year festivals as a Ceremonial Item.

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

2.11 21-116 Approval of Unemployment Insurance Fund and Self-Insured Medical Fund Appropriation Adjustments.

Recommendation: (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Unemployment Insurance Fund:

(1) Increase the Payment of Claims appropriation by \$1,210,000; and

(2) Increase the estimate for Transfers and Reimbursements by \$1,210,000.

(b) Adopt the following Appropriation Ordinance amendments in the Self-Insured Medical Fund:

(1) Establish a Transfer to the Unemployment Insurance Fund in the amount of \$850,000; and

(2) Decrease the Ending Fund Balance by \$850,000.

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. (Human Resources/City Manager)

2.12 21-145 Amendment to Rules of Conduct Resolution, and City Council Appointments of Standing Committees and Boards, Commissions and Committees and Assignments.

Recommendation: (a) Adopt a resolution amending the Council's Rules for the Conduct of its Meetings, Superseding Resolution No. 79367, to amend Rules 9(d) and 9(h) to change the authority to appoint Standing Committee members, including the Chairperson and Vice Chairperson of each Standing Committee, from the Mayor to the Council, upon recommendation by the Mayor.

(b) Discuss, amend and/or approve the Mayor's Appointments for each of the Standing Committees, as described in Exhibit "A" of the Mayor's Memorandum.

(c) Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, discuss, amend and/or approve Councilmembers to each of the Boards, Commissions or Committees and assignments, as described in Exhibit "B" of the Mayor's Memorandum.

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

[Items (b) and (c) continued from 1/12/2021 - Item 2.9 (21-008)]

2.13 21-118 Report on Bids and Award of Contract for the 6324 - Re-Bid - Coyote Creek Trail: 16th St/William St to Story Road Project.

Recommendation: Report on bids and award of contract for the 6324 - Re-Bid - Coyote Creek Trail: 16th St / William St to Story Road Project to the low bidder, Granite Rock Company, for the base bid and Bid Alternate No. 2 in the amount of \$1,297,875, and approve a ten percent contingency in the amount of \$129,788.

CEQA: Addendum to the Initial Study/Mitigated Negative Declaration for Coyote Creek Trail Master Plan (Story Road to Lower Silver Creek) project, File No. ER20-226. Council Districts 3 and 7. (Public Works)

2.14 21-119 Master Agreements with Signet Testing Labs, Inc., CTE Cal Inc. and Professional Service Industries, Inc. for Various City Facility Projects.

Recommendation: Approve master agreements with Signet Testing Labs, Inc., CTE Cal Inc. and Professional Service Industries, Inc. for special inspection consultant services from the date of execution through December 31, 2023, with each agreement not to exceed \$1,000,000.

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

2.15 21-120 Acceptance of the Retirement Plans' Comprehensive Annual Financial Reports for Fiscal Years Ending June 30, 2020 and June 30, 2019.

Recommendation: Accept the following annual reports:
(a) Police and Fire Department Retirement Plan Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2020 and June 30, 2019; and
(b) Federated City Employees' Retirement System Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2020 and June 30, 2019.

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

2.16 21-122 Amendment to Agreement with Arup North America Limited for Development of a Citywide Access and Mobility Plan.

Recommendation: Approve the First Amendment to the Consultant Agreement with Arup North America Limited for development of a Citywide Access and Mobility Plan to revise the Outreach Phase 2 and Data Acquisition tasks, increase the compensation amounts for the completion of these tasks, and increase the maximum total compensation by \$320,000, from \$1,364,000 to \$1,684,000.

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

2.17 21-153 Retroactive Approval of Holiday Grab and Go Community Event 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.

Recommendation: As recommended by the Rules and Open Government Committee on January 13, 2021:

(a) Retroactively approve Holiday Grab and Go Community Event scheduled on Wednesday, December 16, 2020 at Leyva Middle School, Holly Oak School, Montgomery School, Katherine Smith School, & DJ Meyer School 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 1/13/2021- Item G.1.a]

2.18 21-160 Retroactive Approval of Nationwide Memorial for COVID-19 Victims Tower and Rotunda Lighting Sponsored by Mayor's Office and Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on January 13, 2021:

(a) Retroactively Approve the Nationwide Memorial for COVID-19 Victims Tower and Rotunda Lighting scheduled on January 19, 2021 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. (Mayor and Arenas)

[Rules Committee referral 1/13/2021 - Item G.1.b]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 21-123 Annual Report on City Services 2019-2020.

Recommendation: Accept the Annual Report on City Services for 2019-2020.

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

3.4 21-124 Statement of Policy and Questions for the Prospective Chief of Police.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a new Chief of Police in compliance with City Charter Section 411.1.

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

[Deferred from 1/12/2021 Item 3.4 (21-041)]

3.5 21-142 Actions Related to Agreements for Reimbursement of Food and Necessities Distribution Services. - RECOMMEND DEFERRAL

Recommendation: (a) Accept the report on the update on the Interagency Food Distribution.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute Agreements for Reimbursement of Food and Necessities Distribution Services with the following cities: Campbell, Cupertino, Gilroy, Milpitas, Morgan Hill, Mountain View, Palo Alto, Santa Clara and Sunnyvale, for various meal preparation, delivery and grocery distribution services from March 18, 2020 through September 30, 2020, for \$2,480,000 including the amounts specified in Table 1 of the staff memorandum with each jurisdiction.

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

RECOMMEND DEFERRAL TO 2/9/2021 PER ADMINISTRATION

3.6 21-146 Amendment to City of San José's 2021 Legislative Program.

Recommendation: Amend the City of San José's 2021 Legislative Program to add the COVID-19 Vaccine Access, Outreach, and Prioritization Policy to the Legislative Program.

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

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-121 Award of Construction Contract for the 2021 Monterey Road Resurfacing Project.

Recommendation: (a) Approve award of a construction contract for the 2021 Monterey Road Resurfacing Project to the low bidder, MCK Services, Inc., in the amount of \$6,797,756; and
(b) Approve an approximate 5% contingency in the amount of \$340,000.

CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 2. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-125 Amendment to Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for Engineering Services on the 7448 - Filter Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve a Second Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. for design and engineering services for the Filter Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility, extending the term of agreement from June 30, 2023 to June 30, 2025 and increasing the maximum total compensation from \$4,950,000 to an amount not to exceed \$7,500,000, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(b), Existing Facilities, File No. PP17-049. (Environmental Services)

6.2 21-126 Construction Contingency Increase for the 7418 - Cogeneration Facility Project at the San José - Santa Clara Regional Wastewater Facility and Appropriation Amendments.

Recommendation: (a) Approve a \$1,900,000 increase to the owner-controlled construction contingency for the 7418 - Cogeneration Facility Project (“Project”) for a revised contingency in an amount not to exceed \$10,188,000.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the Design-Build Contract to include additional work and services required to complete the Project or requested by the City, pay for costs resulting from the COVID-19 pandemic and increase the Guaranteed Maximum Price from \$91,172,000 to \$93,072,000.
(c) Adopt the following 2020-2021 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:
(1) Decrease the Nitrification Clarifier Rehabilitation appropriation to the Environmental Services Department by \$1,900,000; and
(2) Increase the Energy Generation Improvements appropriation to the Environmental Services Department by \$1,900,000.
CEQA: San José/Santa Clara Regional Wastewater Facility Cogenerator Project Mitigated Negative Declaration, File No. PP14-005 and Addendum Mitigated Negative Declaration, File No. PP16-009.
(Environmental Services/Public Works/City Manager)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-127 Actions Related to the Agreement with Valley Water District for the South San Francisco Bay Shoreline Project. - DROP

Recommendation: Adopt a resolution authorizing the City Manager, or his designee, to:

- (a) Negotiate and execute a funding agreement with the Santa Clara Valley Water District (Valley Water), a Special District created by the Legislature of the State of California, for the Regional Wastewater Facility's (RWF) payment of project betterment costs for the South San Francisco Bay Shoreline Project (Shoreline Project), in the amount of \$2,000,000, or half of total project betterment costs, whichever is less, subject to the appropriation of funds;
- (b) Declare the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) as "exempt surplus land" to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D);
- (c) Negotiate and execute an agreement for the transfer of the "exempt surplus land" of the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) in accordance with Cal Gov. §54221(f)(1)(D) and San José Municipal Code §4.20.080;
- (d) Negotiate and execute an agreement for the transfer of project easements to Valley Water for Shoreline Project access, construction staging, and levee protection on RWF lands in exchange for compensation to be established by an appraisal completed by Carneghi, Nakasako, and Associates; and
- (e) Negotiate and execute all other necessary documents to effectuate the transfer of the Legacy Lagoon 16-19 property and related project easements.

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

[Deferred from 12/15/2020 - Item 8.1 (20-1652)]

DROP

**8.2 21-128 Overruling Objections to the 2021-2022 Hazardous Vegetation
Commencement Report and Directing the Removal of Weeds or Refuse.**

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2021-2022 Hazardous Vegetation Commencement Report; and
- (b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Categorically Exempt, File No. PP18-094, CEQA Guidelines Section 15301(h), Existing Facilities. (Planning, Building and Code Enforcement)

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

CONTINUE GENERAL PLAN HEARING (2020 THIRD CYCLE) FROM 12/15/2020

- (a) **21-129 GPT20-003 & GP20-006 - City-Initiated General Plan Amendment to Make Minor Modifications and Clarifying Revisions to the Envision San José 2040 General Plan.**

Recommendation: Adopt a resolution approving the General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan and the Midtown Specific Plan.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0). File Nos. GPT20-003; GP20-006. (Planning, Building and Code Enforcement)
[Deferred from 12/15/2020 - Item 10.1(b) (20-1648)]

- (b) 21-130 GP20-002 - Privately Initiated General Plan Amendment for Certain Property Located at 1953 Via Reggio Court.

Recommendation: (1) Adopt a resolution adopting the 1953 Via Reggio Court General Plan Amendment Initial Study/Negative Declaration in accordance with the California Environmental Quality Act, as amended.
(2) Adopt a resolution approving the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to change the land use designation from Mixed Use Commercial to Urban Residential on an approximately 1.64-gross acre site, located at 1953 Via Reggio Court.
CEQA: Initial Study and Negative Declaration for the 1953 Via Reggio Ct General Plan Amendment Project. Planning Commission recommends approval (7-0). Council District 4. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 21-136 GP20-003 - General Plan Amendment for Certain Property Located at 1975 Cambrianna Drive. -DEFERRED

Recommendation: (a) Adopt a resolution adopting the Cambrian School District General Plan Amendment Initial Study/Negative Declaration in accordance with the California Environmental Quality Act, as amended.
(b) Adopt a resolution:
(i) Denying the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to allow changing the land use designation from Public/Quasi-Public to Residential Neighborhood on an approximately 2.7-gross-acre site, located at 1975 Cambrianna Drive; or
(ii) Approving the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to allow changing the land use designation from Public/Quasi-Public to Residential Neighborhood on an approximately 2.7-gross-acre site, located at 1975 Cambrianna Drive.
(c) Add an item to the Housing Crisis Workplan to explore policy changes for public school land conversions that could provide more opportunities for housing and revenue for public school districts.

CEQA: Cambrianna Drive General Plan Amendment Initial Study and Negative Declaration. Planning Commission recommends denial (6-0-1, Bonilla absent). Council District 9. (Planning, Building and Code Enforcement)

DEFERRED TO 2/9/2021 PER ADMINISTRATION

10.3 21-137

GP19-012, C19-042, CP20-019 & T20-020 - General Plan Amendment, Conforming Rezoning, Conditional Use Permit, and Vesting Tentative Map for a Residential Care Facility Located at 470 West San Carlos Street.

- Recommendation:** (a) Adopt a resolution adopting the Delmas Senior Living Facility Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and adopting a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram designation (APN's 264-20-086, 264-20-087, and 264-20-088) from Residential Neighborhood to Downtown on approximately 19,200-gross square feet of the total 39,130-square foot Project Site.
- (c) Approve an ordinance rezoning the Project Site as follows:
- (1) From the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District on approximately 13,179-gross square feet (APN's 264-20-082, 264-20-083, and 264-20-084), and
 - (2) From the R-2 Two-Family Residence Zoning District to the DC Downtown Primary Commercial Zoning District over approximately 25,951-gross square feet (APNs 264-20-085, 264-20-086, 264-20-087, and 264-20-088) of the total 39,130-square foot project site.
- (d) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge the seven parcels on the project site into one parcel.
- (e) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the demolition of existing structures and the construction of a mixed-use project including a 190-bed commercial residential care facility with 116 assisted living residential care guest rooms and 49 memory care guest rooms, four multi-family residential units, and a back-up generator, including a development exception, on the Project Site.

CEQA: Addendum to Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942). Planning Commission recommends approval (6-0-1, Bonilla absent). Council District 3. (Planning, Building and Code Enforcement)

10.4 21-131 GP20-001 & C20-007 - Privately Initiated General Plan Amendment (GP20-001) and a Conforming Rezoning (C20-007) on Certain Property Located at 790 Portswood Drive and 0 Bret Hart Drive.

Recommendation: (a) Adopt a resolution adopting the Portswood Drive Initial Study/Negative Declaration in accordance with the California Environmental Quality Act, as amended.
(b) Adopt a resolution approving the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to change the land use designation from Transportation Utilities to Residential Neighborhood for 790 Portswood Drive and 0 Bret Hart Drive on an 8.6-gross acre site (File No. GP20-001).
(c) Approve an ordinance rezoning certain real property located on a portion generally bounded by Brooktree Way, Bret Harte Drive, Queenswood Way, and Hampswood Way; a portion south of Hampswood Way, approximately 260-feet easterly of Hampswood Court; a portion northerly of Portswood Drive, approximately 380-feet easterly of Belder Drive; a portion generally bounded south of Portswood Drive and along the north of Raich Drive into the north terminus of Cahen Drive; a portion generally bounded south of Raich Drive, west of Cahen Drive and north of McKean Road from the A Agricultural Zoning District and properties that do not have an established Zoning District to the R-1-5 Single Family Residence Zoning District on approximately 8.6-gross acres.
CEQA: Initial Study and Negative Declaration for the Portswood Drive Residential General Plan Amendment and Rezoning Project. Planning Commission recommends approval (6-0-1; Bonilla absent). Council District: 10. (Planning, Building and Code Enforcement)

CONTINUE GENERAL PLAN HEARING (2020 THIRD CYCLE) TO 2/9/2021

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

In memory of the many Santa Clara County residents who have passed away during this pandemic. They were grandparents, parents, sons, and daughters. Many of them put their life on the line as first responders, health care professionals, and essential workers. Unfortunately, they are no longer with us. However, we must always honor their memory. As a nation, a state, and a city, we remember the thousands of lives lost to this disease.

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.