



# City Council Meeting Agenda

**Tuesday, April 27, 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](mailto: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](mailto: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](mailto: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](mailto: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 livestream

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

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

**21-855** Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - Recommend Cancellation

- Pledge of Allegiance
- Invocation (District 4)

Sierramont Middle School Honors and Concert Choirs

- Orders of the Day

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

## **1. CEREMONIAL ITEMS**

## **2. CONSENT CALENDAR**

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

- 2.1 Approval of City Council Minutes.**
- 2.2 Final Adoption of Ordinances.**
- 2.3 Approval of Council Committee Minutes.**
- 2.4 Mayor and Council Excused Absence Requests.**
- 2.5 City Council Travel Reports.**
- 2.6 Report from the Council Liaison to the Retirement Boards.**

**2.7 21-842 Approval of Sexual Assault Awareness Month 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 April 7, 2021:  
(a) Approve Sexual Assault Awareness Month scheduled in April 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. (Arenas)  
[Rules Committee referral 4/7/2021 - Item G.1.e]

### **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 21-890 Return Together.**

**Recommendation:** As recommended by the Rules and Open Government Committee on March 24, 2021:

(a) City Council take the following action:

(1) Adopt an uncodified urgency ordinance requiring certain specified employers to offer reemployment to any worker laid off due to the COVID-19 pandemic if the employer is hiring for the same or substantially similar job formerly held by the laid off worker, and setting forth the facts constituting the urgency; and

(2) Approve an uncodified ordinance requiring certain specified employers to offer reemployment to any worker laid off due to the COVID-19 pandemic if the employer is hiring for the same or substantially similar job formerly held by the laid off worker.

**PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).**

(b) If the City Council is unable to take the action in part “a” of this recommendation by the required vote of eight (8) City Council members, approve an uncodified ordinance requiring certain specified employers to offer reemployment to any worker laid off due to the COVID-19 pandemic if the employer is hiring for the same or substantially similar job formerly held by the laid off worker.

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

[Rules Committee referral 3/24/2021 - Item G.3]

[Deferred from 4/13/2021 - Item 3.4 (21-691)]

**3.4 21-882 Extension of Proclamation of Local Emergency Related to COVID-19.**

**Recommendation:** Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services’ proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

**3.5 21-883 Report on Alternative Productivity and Collaboration Tools and Actions Related to Microsoft Office 365 Software Renewal.**

**Recommendation:** (a) Accept the report on alternative productivity and collaboration tools to Microsoft Office 365.

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

- (1) Execute enrollment documentation with Microsoft Corporation (Redmond, WA) to purchase Microsoft Office 365 and related enterprise licenses pursuant to the Microsoft Enterprise License Agreement for State and Local Governments (“Enterprise Agreement”), a cooperative agreement administered by the County of Riverside, California on behalf of State and Local public agencies, for a five-year term beginning June 1, 2021 through May 31, 2026;
- (2) Execute annual purchase orders with Insight Public Sector (Tempe, AZ), an authorized Microsoft reseller, to purchase Microsoft Office 365 and related enterprise licenses for a five-year term beginning June 1, 2021 through May 31, 2026 in an amount not to exceed \$10,317,180, subject to the annual appropriation of funds; and
- (3) Negotiate and execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional subscriptions at the Enterprise Agreement discounted rates as may be required, subject to the annual 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/Information Technology)



**3.6 21-884 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and the Loan of the Proceeds Thereof and Related Documents and Changes to Existing Loan and Grant Terms for the Markham Plaza II Development.**

**Recommendation:** (a) Adopt a resolution:

(1) Authorizing the issuance of (a) tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Markham Plaza II), Series 2021C-1” (the “Series 2021C-1 Bonds”) and “City of San José Multifamily Housing Revenue Bonds (Markham Plaza II), Subordinate Series 2021C-2” (the “Series 2021C-2 Bonds”) and with the “Series 2021C-1 Bonds, the “2021C Bonds”) in an aggregate principal amount not to exceed \$25,000,000;

(2) Approving the loan of the proceeds of the Series 2021C Bonds to Markham Plaza II, LP, a California limited partnership created by Core Development, Inc., a California corporation, to finance the acquisition and rehabilitation of a 152-unit multifamily development known as the Markham Plaza II apartments (formerly known as Tully Gardens II) located at 2010 Monterey Road, in San José (the “Development”);

(3) Approving in substantially final form the Indenture of Trust, the Subordinate Indenture of Trust, the Loan Agreement, the Subordinate Loan Agreement and the Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2021C Bond Documents”); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, the Assistant Director of Finance, the Deputy Director of Finance, Debt & Treasury Management, or their designees, to execute and deliver the Series 2021C Bond Documents together with any documents ancillary to the Series 2021C Bond Documents.

(b) Adopt a resolution approving changes in terms for the City’s outstanding \$5,491,858.38 loan and outstanding \$3,781,000 grant for the Development, approving a loan to value ratio in excess of 100% and authorizing the Director of Housing to negotiate and execute documents and amendments related to those changes.

CEQA: Categorically Exempt, File No. ER21-023, CEQA Guidelines Section 15301, Existing Facilities. Council District 7. (Finance/Housing)

**3.7 21-885 Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing.**

**Recommendation:** Accept the staff report on public purpose bonds issued by a joint powers authority (JPA) for moderate-income housing, and direct the Administration not to move forward with releasing a term sheet in order to pursue membership in one or more JPAs for moderate-income housing at this time.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.  
(Finance/Housing)

#### **4. PUBLIC SAFETY SERVICES**

#### **5. TRANSPORTATION & AVIATION SERVICES**

#### **6. ENVIRONMENTAL & UTILITY SERVICES**

#### **7. NEIGHBORHOOD SERVICES**

##### **7.1 21-886      Actions Related to the Master Plan for Neighborhood Parks Located at North San Pedro and Bassett Streets.**

**Recommendation:** (a) Adopt a resolution adopting the North San Pedro and Bassett Street Parks Master Plan Addendum to the Downtown Strategy 2040 Environmental Impact Report in accordance with the California Environmental Quality Act.

(b) Approve the Master Plan that guides development of two neighborhood parks in downtown San José, at North San Pedro Street and Bassett Street.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Report (Resolution No. 78942), File No. PP20-001. Council District 3. (Parks, Recreation and Neighborhood Services)

#### **8. COMMUNITY & ECONOMIC DEVELOPMENT**

##### **8.1 21-887      Public Hearing on the Draft Fiscal Year 2021-22 Annual Action Plan for U.S. Department of Housing and Urban Development.**

**Recommendation:** (a) Conduct a public hearing on the draft Fiscal Year 2021-22 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development.

(b) Provide Housing Department staff with input on the Annual Action Plan.

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

#### **9. REDEVELOPMENT – SUCCESSOR AGENCY**

#### **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

## **10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

## **END OF CONSENT CALENDAR**

## **10 Land Use - Regular Agenda**

### **10.2 21-888 GP20-008 & C21-001 - City-Initiated General Plan Amendment and Conforming Rezoning for the Berryessa BART Urban Village Plan. - DEFERRED**

**Recommendation:** City-initiated General Plan Amendment (GP20-008) for the adoption of the Berryessa BART Urban Village Plan (BBUV), including changes to General Plan land use designations for properties within the boundaries of the Urban Village as shown on the Urban Village land use plan; and City-initiated Conforming Rezoning (C21-001) of properties within the East District of the BBUV boundary.

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 Initial Study/Addendum file ER20-187, and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)

**DEFERRED TO 6/8/2021 PER ADMINISTRATION**

### **10.3 21-889 PDC17-051 - Planned Development Zoning for Real Property Located at 1590 Berryessa Road. - DEFERRED**

**Recommendation:** Planned Development zoning to allow up to 3,400,000 sf of commercial development and up to 3,400 residential units, to develop a mixed-use, Transit-Oriented Development project on approximately 61 acres.

CEQA: The San José Flea Market Southside Rezoning EIR. Council District 4. (Planning, Building and Code Enforcement)

**DEFERRED TO 6/8/2021 PER ADMINISTRATION**

## **• Open Forum**

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

- Adjournment

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.  
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.