



City Council Meeting Amended Agenda

Tuesday, June 8, 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.sanjoselegistar.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 legislate 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 livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-1276 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 6)
- 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.

- Adjournment

This meeting is adjourned in memory of Charles Davidson, who passed away at the age of 90 on March 25, 2021. It is an honor to recognize Charles for his many contributions to our community.

- 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.

21-1403 Approval of City Council Minutes.

Recommendation: (a) City Council Regular Meeting Minutes of December 15, 2020.
(b) City Council Regular Meeting Minutes of January 5, 2021.
(c) City Council Special Meeting - Joint Meeting of the San Jose City Council and Santa Clara Valley Water District Board Minutes of March 19, 2021.
(d) City Council Study Session - Diridon Station Area Planning/Google Downtown West Mixed-Use Development Minutes of November 16, 2020.
(e) City Council Study Session - Google Downtown West Mixed-Use Development District Utilities Minutes of March 25, 2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 Final Adoption of Ordinances.

21-1268 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30571 - An Ordinance of the City of San José Adding Chapter 11.93 to Title 11 of the San José Municipal Code to Allow Permit Parking for One Way Car Sharing Programs.
[Passed for Publication on 5/18/2021- Item 2.12(a) (21-1085)]

(b) Ordinance No. 30573 - An Uncodified Ordinance of the City of San José Renewing the Grant of a Potable Water Franchise to Great Oaks Water Company.
[Passed for Publication on 5/18/2021- Item 3.8(b) (21-1091)]

(c) Ordinance No. 30607 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 3.49-Acres Situated on the East Side of Senter Road Approximately 415 Feet Southerly of East Capital Expressway (3195 Senter Road) from the (A) Agriculture Zoning District to the PQP Public/Quasi-Public Zoning District.
[Passed for Publication on 5/25/2021- Item 10.1(a) (21-1184)]

(d) Ordinance No. 30608 - A Codified Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Add Section 20.70.700 to Title 20 of the San José Municipal Code to Clarify that Project Specific Ordinances for the Downtown West Mixed-Use Plan Shall Govern Development within the Downtown West Planned Development Zoning District and Supersede Any Conflicting Provisions in Title 20.
[Passed for Publication on 5/25/2021- Item 10.2(e) (21-1186)]

(e) Ordinance No. 30609 - An Ordinance of the City of San José Rezoning Approximately 80 Acres of Real Property Situated in Downtown San José from the Light Industrial, Heavy Industrial, Industrial Park, Commercial Neighborhood, Commercial General, Downtown Primary Commercial, Public, Combined Industrial/Commercial, and A(PD) Planned Development Zoning Districts to the DC (PD) Planned Development Zoning District, and Adopting a Codified Amendment to Title 11, Sections 11.24.070 and 11.24.250, and Adopting Various Uncodified Amendments to the Municipal Code Associated with the Planned Development Zoning District.
[Passed for Publication on 5/25/2021- Item 10.2(f) (21-1186)]

(f) Ordinance No. 30610 - An Ordinance of the Council of the City of San José Approving a Development Agreement between the City of San José and Google LLC Relative to the Development of Property Located in the Diridon Station Area Plan for the Downtown West Mixed-Use Plan and Authorizing the City Clerk to Execute the Development Agreement and Cause the Same to be Recorded with the Santa Clara County Recorder's Office and Authorizing the City Manager or Designee to Execute the Related Transfer Agreements and to Negotiate and Execute the Reimbursement Agreement and Amendments thereto.

[Passed for Publication on 5/25/2021- Item 10.2(i) (21-1186)]

(g) Ordinance No. 30611 - An Ordinance of the City of San José Rezoning Certain Real Property within Approximately 262 Gross Acres Located within the Boundaries of the Diridon Station Area Plan Generally Bounded by Lenzen Avenue and the Union Pacific Railroad Tracks to the North; the Guadalupe River and State Route 87 to the East; Interstate 280 to the South; and Sunol Street and the Diridon Station Commuter Rail to the West from Zoning Districts that Include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light Industrial, Two-Family Residential, and Transit Employment Center to Zoning Districts that Include Downtown Primary Commercial, Open Space, and R-M Residence Zoning Districts (Multiple Unit/Lot).

[Passed for Publication on 5/25/2021- Item 10.3(d) (21-1185)]

2.3 Approval of Council Committee Minutes.

21-1404 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 May 5, 2021.
(b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of May 6, 2021.
(c) Regular Community and Economic Development Committee Meeting Minutes of May 24, 2021.
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 21-1283 Approval of the Philippine Independence Day Community Event, City Hall Tower and Rotunda Lighting, and Flag Raising 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 May 5, 2021:

(a) Approve the recognition of Philippine Independence Day and Flag Raising on Saturday, June 12, 2021, and City Hall Tower and Rotunda Lighting from June 12 - 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. (Arenas)
[Rules Committee referral 5/5/2021 - Item G.1.a]

2.8 21-1290 Approval of a Flag Raising and Lighting for Pride Month Sponsored by Council District 6 and Council District 9 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 May 19, 2021:

(a) Approve a flag raising and lighting for Pride Month to be recognized by the City Council on June 8, 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. (Davis and Foley)
[Rules Committee referral 5/19/2021 - Item G.1.b]

2.9 21-1337 Boards and Commissions Appointment.

Recommendation: Approve the following Boards and Commissions appointment:

(a) Council Appointment Advisory Commission:

(1) District 4 Seat: Appoint Michael Booker for a term ending December 31, 2022.

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

2.10 21-1292 Amendment to the Lease Agreement with the County of Santa Clara for use of the Environmental Innovation Center as a Household Hazardous Waste Collection Facility.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Fourth Amendment to the Lease Agreement with the County of Santa Clara for the Household Hazardous Waste Collection Program's use of the City's Environmental Innovation Center property. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development)

2.11 21-1330 Actions Related to the Purchase and Sale Agreement for Acquisition of Property Located at 199 Race Street.

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

- (1) A Purchase and Sale Agreement with Nathan Gordon and the Gordon Foundation Trust for the purchase by the City of approximately 0.29 acres (12,503 square feet) of land commonly known as 199 Race Street and located at the northwest corner of Race Street and Park Avenue, identified as Assessor's Parcel Number 261-27-093, for a price of \$1,450,000; and
- (2) Execute all other documents necessary to effectuate the transfer to the City.

(b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

- (1) Decrease Future PDO / PIO Projects Reserve by \$1,450,000; and
- (2) Establish the Council District 6 Property Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,450,000.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 6. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)

2.12 21-1293 Actions Related to Purchase Orders for Monitoring, Inspection, Maintenance and Repair Services for Fire and Burglar Alarm Systems.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute purchase orders with Security Alert Systems of California, Inc. (Gilroy, CA) for monitoring, inspection, maintenance and repair services for fire and burglar alarm systems, to extend services for up to two additional one-year option terms for a total of three options through August 13, 2023 under the same material terms and conditions for a not-to-exceed amount of \$900,000 through August 13, 2022, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

2.13 21-1294 Amendment to the Agreement with CherryRoad Technologies, Inc. for Human Resources, Payroll, Budget, and Timekeeping Systems.

Recommendation: Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement with CherryRoad Technologies, Inc. (Morris Plains, NJ) for Human Resources, Payroll, Budget, and Timekeeping Systems to extend managed services, managed router, and hosting services, increase compensation by \$330,000 for a maximum compensation not to exceed \$9,004,741 for the initial term ending December 31, 2021, and add up to 1 three-year and 2 one-year options to extend the term through December 31, 2026 under the same material terms and conditions, subject to the appropriation of funds.

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

2.14 21-1295 Actions Related to the Purchase Orders for Maintenance, Repair and Operation Services for Citywide Facilities.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute purchase orders with Castillo Plumbing, Inc. (Burlingame, CA), ECS Design, Inc. (San José, CA), Dynasel USA, Inc. (Santa Clara, CA), and Tucker Construction, Inc. (San José, CA) for maintenance, repair, and operation services for citywide facilities for the Department of Public Works for an initial twelve-month period, starting on or about June 15, 2021 and ending on or about June 14, 2022 for a total cumulative compensation not-to-exceed amount of \$2,200,000; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about June 14, 2026, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. ER19-094, CEQA Guidelines 15301, Existing Facilities. (Finance)

2.15 21-1296 Amendment to the Agreement with Granicus, Inc. for Webstreaming Software and Hosting Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement with Granicus, Inc. (Denver, CO) for Webstreaming Software and Hosting Services to extend the term through August 8, 2025 by adding up to 2 two-year option terms with the same material terms and conditions as the original agreement for a maximum compensation of \$147,805 for the option term ending August 8, 2023, subject to the appropriation of funds.

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

2.16 21-1310 Third Quarter Financial Reports for Fiscal Year 2020-2021.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept the Third Quarter (period ended March 31, 2021) Financial Reports for Fiscal Year 2020-2021 for the following programs:

- (a) Dept Management.
- (b) Investment Management.
- (c) Revenue Management.

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

[Public Safety, Finance and Strategic Support Committee referral 5/20/2021 - Item (c) 1.]

2.17 21-1311 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2021-2022.

Recommendation: Adopt a resolution:

(a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2021-2022 as filed or modified by Council;

(b) Confirming the individual assessments as proposed or modified by Council; and

(c) Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Works)

2.18 21-1312 Maintenance District Annual Budget Reports for Fiscal Year 2021-2022.

Recommendation: Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2021-2022 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein.

CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 4, and 8. (Public Works)

2.19 21-1315 Actions Related to the 7699 - Citywide Outfall Rehabilitation (Six Outfalls) Project.

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

(a) Award and execute the 7699 - Citywide Outfall Rehabilitation (Six Outfalls) Project construction contract to the lowest responsive and responsible bidder, in a total amount not to exceed \$1,600,000 and approve a construction contingency of 15 percent of the amount of the construction contract, not to exceed \$240,000;

(b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the project; and

(c) Negotiate and execute any single and/or multiple change orders for the Project in excess of \$100,000 up to the amount of the contingency of \$240,000.

CEQA: Categorically Exempt, File No. ER20-266, CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replacement Reconstruction. (Public Works)

2.20 21-1316 Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Including Approval of the Program Workplan and the Rule 20B (In Lieu Fee) Undergrounding Master Plan.

Recommendation: (a) Approve the proposed Fiscal Year 2020/21- 2025/26 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
(b) Approve the Fiscal Year 2019-2020 Rule 20B (In-Lieu Fee) Undergrounding Master 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. (Public Works)

2.21 21-1317 Residential Construction Tax Contribution Rate Amendments.

Recommendation: Adopt a resolution amending the contribution rates for eligible improvements under the residential construction tax contribution fund pursuant to San José Municipal Code Section 4.64.100.
CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Public Works)

2.22 21-1314 Cooperative Agreements for BART Silicon Valley Phase II Extension Project.

Recommendation: (a) Adopt a resolution making certain findings from the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report prepared by Valley Transportation Authority (“VTA”) as the Responsible Agency for purposes of and pursuant to the California Environmental Quality Act of 1970 in connection with the approval of discretionary actions by the City necessary for the construction of VTA’s BART Silicon Valley Phase II Extension Project and adopting the related Mitigation Monitoring Reporting Program.

(b) Approve Cooperative Agreement #1 with the Santa Clara Valley Transportation Authority addressing design, construction and reimbursement obligations arising from VTA’s BART Silicon Valley Phase II Extension Project.

(c) Adopt a resolution authorizing the City Manager or their designee to negotiate and execute future Cooperative Agreements, at no cost to the City, pursuant to the Master Agreement with the VTA for the BART Silicon Valley Phase II Extension Project (Attachment A to the staff memorandum) that address future design reviews, construction inspection and testing requirements and similar project-related issues.

CEQA: Santa Clara Valley Transportation Authority’s Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the BART Silicon Valley Phase II Extension, File No. ER21-065. Council District 3, 4 and 6. (Public Works/Transportation)

2.23 21-1349 Retroactive Approval of Multiple Special Events Sponsored by Council District 9 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation: As recommended by the Rules and Open Government Committee on May 26, 2021:

(a) Retroactively approve the Dumpster Day held at Glacier Drive scheduled on September 19, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Retroactively approve the Dumpster Day held at Donna Lane scheduled on October 10, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

(c) Retroactively approve the Dumpster Day held at Emiline Drive scheduled on November 21, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

(d) Retroactively approve the Dumpster Day held at Kenton Lane scheduled on May 8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.

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

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

[Rules Committee referral 5/26/2021 - Item G.1.a]

3. STRATEGIC SUPPORT

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

- 21-1313** (a) City Manager's COVID-19 Update (Verbal Report)
(b) City Manager's Report on Other City Matters (Verbal Report)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 21-1291 Approval of Digital Inclusion Grant Awards.**Recommendation:** Adopt a resolution:

(a) Approving the award of Digital Inclusion Grants to the following organizations in the amounts specified:

- (1) Alum Rock School District \$10,000
- (2) Cristo Rey San José High School \$43,300
- (3) Goodwill of Silicon Valley \$45,000
- (4) International Children Assistance Network, Inc. (ICAN) \$35,000
- (5) International Rescue Committee, Inc. (IRC) \$14,000
- (6) Latinos United for New America (LUNA) \$24,500
- (7) NPower, Inc. \$3,500
- (8) Sacred Heart Community Service \$70,000
- (9) The San José Library Foundation \$82,500
- (10) San Jose Community Media Access Corp. (CreaTV) \$9,700
- (11) City of San José Parks, Recreation, and Neighborhood Services (PRNS) \$45,000

(12) Tech Exchange (The Oakland Public Education Fund) \$52,500

(13) The Vietnamese Voluntary Foundation, Inc. (VIVO) \$40,000

(b) Authorizing a \$500,000 payment from the Digital Inclusion Fund to CETF to distribute the grant awards to the grantees pursuant to the agreement with CETF.

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

[Deferred from 5/18/2021 - Item 3.7 (21-1090)]

4. PUBLIC SAFETY SERVICES**4.1 21-1323 Police Reforms Work Plan: Reimagining Community Safety Status Report.-
RECOMMEND DEFERRAL**

Recommendation: (a) As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept a status report on the Police Reforms Work Plan: Reimagining Community Safety work.

(b) Discussion and direction to the Administration on:

- (1) Expanding the scope of the Reimagining Community Safety process;
- (2) The organizational framework and leadership model for the process; and
- (3) The City's commitment of resources in support of the process.

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

[Public Safety, Finance and Strategic Support Committee referral 5/20/2021 - Item (d)1]

RECOMMEND DEFERRAL TO 6/15/2021 PER ADMINISTRATION

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-1324 2021 Local Streets Remove & Replace Project (Re-Bid).

Recommendation: (a) Reject all bids received on March 4, 2021 for the 2021 Local Streets Remove and Replace Project.

(b) Approve award of a construction contract for the 2021 Local Streets Remove & Replace Project (Re-bid), to the lowest bidder, Teichert Construction, in the amount of \$2,823,304.

(c) Approve an approximate 10% contingency in the amount of \$282,300.

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

5.2 21-1325 2021 Local Streets Resurfacing #2 Project.

Recommendation: (a) Approve award of a construction contract for the 2021 Local Streets Resurfacing #2 Project, to the low bidder, MCK Services, Inc. in the amount of \$6,999,419.10.

(b) Approve an approximate 10% contingency in the amount of \$699,900.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2 and 7. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-1326 Dewatered Biosolids Management Strategy for the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve the dewatered biosolids management strategy to be implemented in stages in the next five to ten years, which includes off-site disposition service contracts, an on-site fertilizer partnership facility, and land application on local natural and working lands.

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

6.2 21-1327 Master Consultant Agreement with Black & Veatch Corporation for Consulting Services at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve the Master Consultant Agreement with Black & Veatch Corporation for various Operations and Maintenance training and support activities at the San José-Santa Clara Regional Wastewater Facility for a full term through June 30, 2026 for a maximum not-to-exceed aggregate compensation amount of \$3,750,000, 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. (Environmental Services)

6.3 21-1328 First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for Engineering Services for the 7760 - Facility Wide Water Systems Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve the First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project at the San José-Santa Clara Regional Wastewater Facility, increasing the amount of compensation by \$3,270,000, for a total agreement amount not to exceed \$5,370,000; and extending the term of agreement from June 30, 2023 to December 31, 2025.
CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Environmental Services)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-1338 Amendment to the Second Amended and Restated Arena Management Agreement (AMA).

Recommendation: Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute an amendment to the Second Amended and Restated Arena Management Agreement By and Between the City of San José and the San José Arena Management, LLC (AMA).
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).

8.2 21-1329 Purchase and Sale Agreement for Acquisition of Property Located at 1138 Olinder Court.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement with Roderick F. Miller and Donna R. Miller for the purchase by the City of approximately 1.1 acres (47,916 square feet) of land located at the northeast corner of Olinder Court and Felipe Avenue, identified as Assessor's Parcel Number 472-10-108, for a price of \$3,135,300, deliver a 1033 exchange letter to seller, and execute all other documents necessary to effectuate the transfer to the City.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 7. (Economic Development/Public Works/Fire)

8.3 21-1342 Assessment of Fair Housing.

Recommendation: As recommended by the Neighborhood Services and Education Committee on May 20, 2021, accept the report on the Assessment of Fair Housing.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing)
[Neighborhood Services and Education Committee referral 5/20/2021-Item (d)6]

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

**9.1 21-1331 Successor Agency Board Approval of the July 1, 2021 - June 30, 2022
Administrative Budget and Annual Recognized Obligation Payment
Schedule 2021-22. - TO BE HEARD IMMEDIATELY AFTER
CONSENT**

Recommendation: Successor Agency Board adopt resolutions approving:
(a) The Administrative Budget for July 1, 2021 through June 30, 2022; and
(b) The Recognized Obligation Payment Schedule 2021-22 (the “ROPS 21-22”) and authorizing payment of expenditures for items on ROPS 21-22, which details the obligations of the Successor Agency for the period of July 1, 2021 through June 30, 2022.
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. (Finance)
TO BE HEARD IMMEDIATELY AFTER CONSENT

**ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY
OF SAN JOSE**

10. LAND USE

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

10.1 Land Use on Consent Calendar

**(a) 21-1332 PP21-005 - City-Initiated Zoning Ordinance Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code. -
RECOMMEND DEFERRAL**

Recommendation: Approve an ordinance of the City of San José amending sections of Title 20 (Zoning Ordinance or Zoning Code) to amend Chapter 20.80 Specific Use Regulations including Section 20.80.11.50 to add criteria for issuing a Conditional Use Permit for pawnshops and pawnbrokers that meet certain distance criteria from sensitive uses, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

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

**RECOMMEND DEFERRAL TO 6/29/2021 PER
ADMINISTRATION**

- (b) 21-1333 C20-016 & T20-030 - Conforming Rezoning and Tentative Map for Property Located at 3155 Silver Creek Road. - TO BE HEARD IMMEDIATELY AFTER CONSENT

Recommendation: (1) Approve an ordinance rezoning an approximately 0.74-gross acre portion of an approximately 9.90-gross acre parcel, located at the west side of Silver Creek Road, approximately 200 feet northwest of the intersection of E. Capitol Expressway and Silver Creek, from the LI(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one parcel into two parcels of approximately 0.74 acre and 9.16 acres, respectively.

CEQA: Class 15 Categorical Exemption for Minor Land Divisions per CEQA Guidelines Section 15315. Council District 7. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

CONTINUE GENERAL PLAN HEARING (2021 FIRST CYCLE) FROM 5/25/2021

10.2 21-1335 GP20-008 & C21-001 - City-Initiated General Plan Amendment and Conforming Rezoning for the Berryessa BART Urban Village Plan. - TO BE HEARD CONCURRENTLY WITH ITEM 10.3 - RECOMMEND DEFERRAL

Recommendation: (a) Adopt a resolution adopting the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution 77617) and Addenda thereto in accordance with CEQA.

(b) Adopt a resolution approving the following:

(1) General Plan Amendment (GP20-008) to the Envision San José 2040 General Plan to amend the “Planned Job Capacity and Housing Growth Areas by Horizon” table in Appendix 5 and make changes to the Land Use/Transportation Diagram for properties within the boundaries of the Urban Village planning area as shown on the Berryessa BART Urban Village Land Use Diagram; and

(2) Adoption of the Berryessa BART Urban Village Plan as the guiding policy document for new development and identified public improvements within the urban village area.

(c) Approve an ordinance rezoning certain real property of approximately 28.9 gross acres (C21-001) located in the East District area of the Berryessa BART Urban Village Plan area generally bounded by Berryessa Road to the north; Penitencia Creek, Salamon Court and Berryessa Station Way to the east; Mabury Road to the south; and Santa Clara Valley Transportation Authority right-of-way to the west from the A(PD) Planned Development zoning district and IP Industrial Park zoning district to the PQP Public/Quasi-Public zoning district (APNs 254-17-008 and 254- 17-110), from the A(PD) Planned Development zoning district to the CP Commercial Pedestrian zoning district (APN 254-17-111), from the IP Industrial Park zoning district to the PQP Public/Quasi-Public zoning district (APN: 254-17- 083), and from the IP Industrial Park zoning district to the CP Commercial Pedestrian zoning district (APNs 254-17-112 and 254-17-113).

CEQA: Initial Study/Addendum to 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 (5-1-1; Garcia opposed, Caballero absent). Council District 4. (Planning, Building and Code Enforcement)

**TO BE HEARD CONCURRENTLY WITH ITEM 10.3
RECOMMEND DEFERRAL TO 6/22/2021 PER
ADMINISTRATION**

10.3 21-1336 PDC17-051 - Planned Development Zoning for Real Property Located at 1590 Berryessa Road. - TO BE HEARD CONCURRENTLY WITH ITEM 10.2 - RECOMMEND DEFERRAL

- Recommendation:** (a) Adopt a resolution certifying the San José Flea Market Southside Rezoning Environmental Impact Report and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.
- (b) Approve an ordinance rezoning certain real property an approximately 61.5-gross acre site located at 1590 Berryessa Road (Assessor Parcel Numbers 254-17-052, 053, 007, 084, 095) from the A(PD) Planned Development Zoning District to CP(PD) Planned Development Zoning District to allow up to 3,450 residential units and up to 3.4 million square feet for commercial uses.
- (c) Approve an ordinance repealing Section 14.30.035 of Chapter 14.30 of Title 14 of the San José Municipal Code to apply the US-101/Oakland/Mabury Traffic Impact Fee to the current project.
- (d) Adopt a resolution amending the US-101/Oakland/Mabury Transportation Development Policy to provide a credit to the current project's Traffic Impact Fee obligation.

CEQA: The San José Flea Market Southside Rezoning EIR. Planning Commission recommends approval (5-1-1; Garcia opposed, Caballero absent). Council District 4. (Planning, Building and Code Enforcement)

**TO BE HEARD CONCURRENTLY WITH ITEM 10.2
RECOMMEND DEFERRAL TO 6/22/2021 PER
ADMINISTRATION**

CONTINUE THE GENERAL PLAN HEARING (2021 FIRST CYCLE) TO 6/22/2021

10.4 21-1334 C21-010 - City Initiated Conforming Rezoning for Properties Located at 0 Sierra Road, 0 Miracle Mountain Drive and 0 Casa Loma Road. – RECOMMEND DEFERRAL

Recommendation: Approve an ordinance rezoning certain real properties of six parcels totaling approximately 2,029-gross acres located in various locations east and south of the Urban Service Area boundary, including the East Foothills of San José on Sierra Road, on Miracle Mountain Drive north of the Boulder Ridge Golf Club, and in South San José on Casa Loma Road, from the R-1-1 Zoning District to the OS Open Space Zoning District.

CEQA: Initial Study/Addendum (File No. ER20-187) to 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. Council District 4. (Planning, Building and Code Enforcement)

RECOMMEND DEFERRAL TO 6/22/2021 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**

This meeting is adjourned in memory of Charles Davidson, who passed away at the age of 90 on March 25, 2021. It is an honor to recognize Charles for his many contributions to our community.

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.