



City Council Meeting Amended Agenda

Tuesday, June 29, 2021

11:00 AM

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 8:00 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

21-1524 Closed Session Agenda

11:00 a.m. - Regular Session

- Pledge of Allegiance
- Invocation (District 6)

Rabbi Cunin - Congregation Am Echad.

- 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 Nicholas Cochran, who passed away at the age of 28 on June 4, 2021. It is an honor to recognize Nicholas for his service to our Fire Department and our City.

- 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.

21-1617 Approval of City Council Minutes.

Recommendation: (a) City Council Regular Meeting Minutes of January 26, 2021.

(b) City Council Study Session Minutes of April 12, 2021.

(c) City Council Study Session Minutes of April 23, 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.

21-1581 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30614 - An Ordinance of the City of San José Amending Various Sections of Chapter 15.14 of Title 15 of the San José Municipal Code Regarding Sewer Use Regulations.
[Passed for Publication on 6/15/2021- Item 2.11(a) (21-1368)]

(b) Ordinance No. 30615 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add New Parts Related to the Establishment of the American Rescue Plan Fund, the Affordable Housing Impact Fee Fund, the Homeless Housing, Assistance, and Prevention Fund, and the Ice Centre Expansion Bond Fund.
[Passed for Publication on 6/15/2021- Item 3.8(c) (21-1379)]

(c) Ordinance No. 30616 - An Ordinance of the City of San José Amending Various Sections of Title 16 of the San José Municipal Code Relating to Gaming Control to Modify the Process for the Promulgation Regulations; Implement a Monthly Noticing Requirement for Investigations Longer than 180 Days; Eliminate the Annual Reporting Requirements; Repeal Obsolete Sections; Modify Internal Controls Requirements; Revise and Add Definitions; and Make Other Technical, Non-Substantive, or Formatting Changes.
[Passed for Publication on 6/15/2021- Item 4.1 (21-1388)]

(d) Ordinance No. 30617 - An Ordinance of the City of San José Repealing Part 3 of Chapter 10.32 of Title 10 of the San José Municipal Code and Amending Title 6 of the San José Municipal Code to Add Chapter 6.90 to Regulate the Sale, Lease and Transfer of Firearms and Firearms Ammunition in San José at Retail.
[Passed for Publication on 6/15/2021- Item 4.2 (21-1393)]

2.3 Approval of Council Committee Minutes.

21-1616 Approval of Council Committee Minutes.

Recommendation: (a) Regular Neighborhood Services and Education Committee Meeting Minutes of February 14, 2019.
(b) Regular Neighborhood Services and Education Committee Meeting Minutes of May 16, 2019.
(c) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of April 18, 2019.
(d) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of December 12, 2019.
(e) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of May 20, 2021
(f) Regular Smart Cities and Service Improvements Committee Meeting Minutes of August 6, 2020.
(g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 14, 2021.
(h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 28, 2021.
(i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 26, 2021.
(j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 9, 2021.
(k) Regular Community and Economic Development Committee Meeting Minutes of April 26, 2021.
(l) Regular Transportation and Environment Committee Meeting Minutes of May 3, 2021.
(m) Joint Meeting of Public Safety, Finance and Strategic Support Committee, Santa Clara County Children, Seniors, and Families Committee, Finance and Government Operations Committee Minutes of April 15, 2019.
(n) Joint Meeting of Public Safety, Finance and Strategic Support Committee and Santa Clara County Children, Seniors, and Families Committee Minutes of April 29, 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 21-1564 Appointment to the Board of Administration for the Police and Fire Department Retirement Plan.**

Recommendation: a) Appoint Franco Vado as the Police Department Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2024.
b) Appoint Dave Wilson as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2021.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

2.8 21-1525 Ordinance Amending the Federated City Employees' Retirement System to Cease Normal Contributions for Tier 1 Members at 30 Years of Service Credit.

Recommendation: Approve an ordinance amending Title 3 of the San José Municipal Code to add Section 3.28.725 to Chapter 3.28 related to ceasing the normal contributions for Tier 1 members at 30 years of service credit in the Federated City Employees' Retirement System.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

2.9 21-1569 Approval of the Terms of an Agreement with the Association of Legal Professionals (ALP) for the Term of July 1, 2021 Through June 30, 2024.

Recommendation: Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP) for the term of July 1, 2021 through June 30, 2024, and authorizing the City Manager to execute the agreement with those terms.
CEQA: Not a Project, File No. PP17-010, City organizational and administrative activities resulting in no changes to the physical environment. (City Manager)

2.10 21-1568 Adoption of the Resolution by the Board of Supervisors of the County of Santa Clara Recommending Additional Law Enforcement Training, Policies and Community Outreach on Hate Crimes.

Recommendation: As recommended by the City Council on May 25, 2021, adopt a resolution referred by the County Hate Crimes Task Force to the Santa Clara County Board of Supervisors on June 22, 2021, affirming the City's commitment to addressing hate crimes by developing a coordinated, region-wide response aligning our efforts with the County. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 6/9/2021 - Item A.1.a]
[Deferred from 5/25/2021 - Item 3.6 (21-1266), 6/15/2021 - Item 2.29 (21-1499)]

2.11 21-1526 Amendment to the Master Agreement with Flynn Resource Consultants to Provide Professional Consulting Services.

Recommendation: Approve a Second Amendment to the Master Consultant Agreement with Flynn Resource Consultants, Inc. for professional consulting services provided to the Community Energy Department, increasing the maximum compensation from \$990,000 to \$1,990,000 through June 30, 2023, subject to the appropriation of funds, with no change in any other term of the Agreement. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

2.12 21-1554 First Restatement of Lease Agreement between the City of San José and Camera 3 Entertainment, Inc. to Establish Guggenheim Entertainment, Inc. as the Tenant at 288 South Second Street.

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

(a) A First Restatement of the lease dated August 1, 2015 among the City of San José, Camera 3 Entertainment, Inc., a California corporation dba Camera 3 Entertainment, L.P., Jack NyBlom, and Guggenheim Entertainment, Inc., a California corporation, for the use of approximately 7,850 square feet of space at the City-owned building located at 288 South Second Street, San José, CA allowing for a direct lease with Guggenheim Entertainment, Inc. for an initial term of five years at a rate of \$3,000 per month for the first year with a 1.5% annual escalator each year thereafter, and one option to extend for an additional five years; and

(b) All other documents or amendments necessary to effectuate the First Restatement of the lease.

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

2.13 21-1551 Approve Master Service Agreements with Cornerstone Earth Group, Golder Associates, Haley & Aldrich, and Kleinfelder for On-Call Environmental Consulting Support for Various City Projects.

Recommendation: Approve master service agreements with the following firms for on-call environmental consulting services for various City projects:

(a) Cornerstone Earth Group from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000;

(b) Golder Associates from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000;

(c) Haley & Aldrich from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000; and

(d) Kleinfelder from the date of execution through June 30, 2025 in an amount not to exceed \$1,000,000.

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

2.14 21-1527 Adoption of the Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project and Approval of the Project's Status Report and Project Scope.

Recommendation: Adopt a resolution:

(a) Adopting the Initial Study/Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project (File No. ER20-015) and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act; and

(b) Approving the status report and project scope for the Trimble and Agnews Municipal Groundwater Wells Project.

CEQA: Trimble and Agnes Municipal Groundwater Wells Project Initial Study and Mitigated Negative Declaration, Planning File No. ER20-015. (Environmental Services)

2.15 21-1528 Amend Purchase Order OP 59514 For Lagoon Dredge Rental Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Amend open purchase order OP 59514 with Dredge America, Inc. (Kansas City, MO) for lagoon dredge rental services to increase compensation by \$200,000, for a revised maximum compensation not-to-exceed \$520,000, and retroactively continue and extend the current purchase order term from September 18, 2020 through July 31, 2021.

(b) Execute up to two (2) additional one-year options to extend the term of the purchase order with the last option year ending on or about July 31, 2023, subject to the annual 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)

2.16 21-1529 Actions Related to the Purchase Orders for Collision Repair and Body Shop Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with T&J Lewis, Inc. (Newark, CA), Fleet Bodyworx, Inc. (Gilroy, CA), and Pan American Body Shop, Inc. (San José, CA) for collision repair and body shop services for an initial twelve-month period, starting on or about June 30, 2021 and ending on or about June 29, 2022 for a total cumulative compensation not-to-exceed amount of \$3,600,000; and

(b) Exercise up to four one-year options to extend the term of the purchase orders through on or about June 29, 2026, subject to the annual appropriation of funds.

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

2.17 21-1530 Actions Related to Purchase Orders for Contract Electrical Maintenance and Repair Services for Public Works.

Recommendation: Adopt a resolution to:

(a) Ratify the amendment to the purchase orders with Rosendin Electric, Inc. (San José, CA) and Cupertino Electric, Inc. (San José, CA) for contract electrical maintenance and repair services to retroactively extend the term from September 1, 2020 through June 1, 2021; and

(b) Authorize the City Manager to negotiate and execute purchase orders with Rosendin Electric, Inc. (San José, CA) and Cupertino Electric, Inc. (San José, CA) for contract electrical maintenance and repair services to extend services for up to two additional one-year option terms for a total of six options through May 31, 2023 for a total combined compensation not-to-exceed \$3,000,000 through the option term beginning June 2, 2021 and ending May 31, 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)

2.18 21-1531 Amendment to the COVID-19 Purchase Order OP 59829 for Temporary Equipment Rental and Repair Services for Homeless Shelters.

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Amend purchase order OP 59829 with Herc Rental, Inc. (San José, CA) for temporary equipment rental and repair services for homeless shelters to increase compensation by \$300,000, for a revised maximum compensation not-to-exceed \$620,000 from December 15, 2020 to December 14, 2021.

(b) Execute up to four additional one-year options to extend the term of the purchase order with the last option year ending on or about December 14, 2025, subject to the annual 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)

2.19 21-1532 Actions Related to Open Purchase Order OP 57204 with Tucker Construction for Emergency Board-Up Services.

Recommendation: Adopt a resolution authorizing the City Manager to amend open purchase order OP 57204 with Tucker Construction Company (San José, CA) for emergency board-up services, to retroactively continue and extend the term of the purchase order and to increase compensation by \$165,000 for a revised maximum compensation not to exceed \$485,000 for the period between December 31, 2020 and October 31, 2021.

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

2.20 21-1533 Report on Request for Proposal for Energy Trading and Risk Management Software.

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with cQuant.io, Inc. (Louisville, CO) for energy trading and risk management software for an initial one-year term beginning on or about July 1, 2021 through June 30, 2022 with a maximum compensation not to exceed \$301,000, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes, including additional software subscriptions, for a contingency amount not to exceed \$60,000 during the initial term, subject to the appropriation of funds; and
- (c) Exercise up to four one-year options to extend the term of the agreement through June 30, 2026 for ongoing software subscriptions, support, maintenance, and related professional services, 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)

2.21 21-1534 Actions Related to Purchase Orders for Removal and Replacement of Concrete, the Purchase of Asphalt, the Purchase of Electrical Parts and Supplies, Mailing Services, and Plumbing Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend the open purchase orders with Reed & Graham, Inc. (San José, CA) and Granite Construction Company (Los Angeles, CA) for the purchase of asphalt, to retroactively continue and extend the term of the purchase orders from May 1, 2020 through October 31, 2021 and to increase compensation by a cumulative not-to-exceed amount of \$281,000, for a revised maximum compensation not-to-exceed \$581,000;
- (b) Amend the open purchase orders with Buckles Smith Electric Company (San José, CA) and Edges Electrical Group, LLC (San José, CA) for the purchase of electrical parts and supplies, to extend the term of the purchase orders from July 1, 2021 through October 31, 2021 and to increase compensation by a cumulative amount of \$1,200,000, for a revised maximum compensation not-to-exceed \$6,200,000;
- (c) Amend the open purchase orders with The Sourcing Group, LLC (Pleasanton, CA) and E & J VALUEPLUS dba SENDnLINK (San José, CA) for mailing services, to extend the term of the purchase orders from October 14, 2021 through December 31, 2021 and to increase compensation by a cumulative amount of \$145,500, for a revised maximum compensation not-to-exceed \$430,000;
- (d) Amend the open purchase order with Stephen Ciari Plumbing and Heating, Inc. dba Ciari Plumbing & Heating, Inc., (San Jose, CA) for plumbing services, to retroactively continue and extend the term of the purchase order from July 1, 2020 through May 31, 2021 and to increase compensation by a cumulative amount of \$855,000 for a revised maximum compensation not-to-exceed \$1,645,000; and
- (e) Amend the open purchase orders with Bearden Construction Co., Inc dba CB Concrete, Inc. (Los Gatos, CA), Duran Construction Group (San José, CA), Golden Bay Construction, Inc. (Hayward, CA), and J.J.R. Construction, Inc. (San Mateo, CA) for concrete removal and replacement services, to retroactively continue and extend the term of the purchase orders from January 12, 2021 through August 31, 2021 and to increase compensation by a cumulative not-to-exceed amount of \$1,245,333, for a revised maximum compensation not-to-exceed \$6,093,666.

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

2.22 21-1535 Actions Related to the Purchase Orders for Mobile Communication and Equipment Installation Services for Emergency Vehicles.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Emergency Vehicle Specialist, Inc. (Hollister, CA) for mobile communication and equipment installation services for emergency vehicles for an initial twelve-month, starting on or about June 29, 2021 and ending on or about June 28, 2022, for an amount not-to exceed \$1,250,000; and
- (b) Exercise up to four one-year options to extend the term of the purchase orders with the last option ending on or about June 28, 2026, subject to the annual 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)

2.23 21-1536 Approval of a Second Amendment to Standard City of San José Consultant Agreement between the City of San José and HC Group, Incorporated.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to extend a consultant agreement with HC Group, Incorporated, to June 30, 2022 and increase the maximum total compensation by \$154,253 from \$295,360 to \$449,613.

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

2.24 21-1562 Actions Related to the Escalator Replacement at the Dr. Martin Luther King, Jr Library.

Recommendation: Adopt the following 2020-2021 Appropriation and Ordinance amendments in the Library Construction and Conveyance Tax Fund:

- (a) Decrease Dr. Martin Luther King, Jr. Library Improvements Reserve by \$476,000; and
- (b) Establish the Dr. Martin Luther King, Jr. Library Escalator Replacement appropriation in the amount of \$476,000.

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. Council District 3. (Library/City Manager)

2.25 21-1537 Actions Related to the Tully Road Ballfields Dog Park Improvements.

Recommendation: (a) Accept the staff recommendation to install fencing at Tully Road Ballfields to create an interim dog park.
(b) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
(1) Establish the Tully Road Ballfields Dog Park Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$100,000; and
(2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$100,000.
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. (Parks, Recreation and Neighborhood Services/City Manager)

2.26 21-1538 Internal Transfer for Future Park Site Located on 460 Park Avenue.

Recommendation: (a) Adopt a resolution authorizing the internal transfer of approximately 0.39 acres of land known as 460 Park Avenue, from the Office of Economic Development to the Parks, Recreation and Neighborhood Services Department for the future construction of additional park and open space in exchange for the appraised value of \$390,000.
(b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
(1) Decrease Future PDO / PIO Projects Reserve by \$390,000; and
(2) Establish the Council District 3 Property Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$390,000.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Parks, Recreation and Neighborhood Services/Economic Development/City Manager)

2.27 21-1549 Award of Contract for 9411 - Traffic Signal Installation at 6th Street and Taylor Street.

Recommendation: (a) Report on bids and award of contract for the 9411 - Traffic Signal Installation at 6th Street and Taylor Street to the low bidder, Redgwick Construction Co., in the amount of \$1,239,045.
(b) Approve a ten percent contingency in the amount of \$123,905.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Public Works)

2.28 21-1550 Amendment to Master Agreement with Construction Testing Services for Special Inspection Services.

Recommendation: Approve the Second Amendment to the Master Agreement with Construction Testing Services (CPMS Contract No. 8650-A) extending the term from June 30, 2021 to December 31, 2021 for the sole purpose to complete special inspection services for the All-Inclusive Playground at Lincoln Glen Park Project.
CEQA: Not a Project, File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

2.29 21-1539 Change Order Approval Under the PG&E Turnkey Service and Financing Agreements for LED Streetlight Conversion.

Recommendation: (a) Approve Change Order No. 01 for completed work involving lead testing of existing painted streetlight poles in the amount of \$32,175 under the PG&E Turnkey Service Agreement for Streetlight LED Conversion.
(b) Adopt a resolution authorizing the Director of Transportation or the Director of Public Works to negotiate and execute future change orders to the PG&E Turnkey Service Agreement for Streetlight LED Conversion subject to the following conditions:
(1) The amount of the change order is \$100,000 or less,
(2) The amount of the change order is appropriated, and
(3) The change order does not extend the repayment period in the On-Bill Financing Loan Agreement.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c) Existing Facilities and PP19-024, CEQA Guidelines Section 15303(d) New Construction of Small Structures.
(Transportation)

2.30 21-1540 Extension of Abandoned Vehicle Abatement Service Authority Program.

Recommendation: Adopt a resolution authorizing the City of San José to continue its participation in the Santa Clara County Abandoned Vehicle Abatement Service Authority program and the extension for a fourth 10-year term, beginning May 1, 2022, of the collection of the vehicle registration fee by the California Department of Motor Vehicles.
CEQA: Not a Project, File No. PP17-010, City organizational and administrative activities resulting in no changes to the physical environment. (Transportation)

2.31 21-1541 Consultant Services Agreement for Vision Zero Strategic Communications and Outreach Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an Agreement for Consultant Services between the City of San José and Moore Iacofano Goltsman, Inc. (MIG) for the development of a comprehensive Vision Zero strategic communications and outreach plan in an amount not to exceed \$991,700 for the initial three-year term, with two 1-year options to extend.
CEQA: Not A Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

2.32 21-1542 Actions Related to the Airport Connector Funding and Support Services.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with ARUP for a term from execution to December 2024 for planning and design consulting services to develop the Airport Connector Pre-Development Agreement Request for Proposals equal to \$425,000, and provide follow up services in a total amount not to exceed \$2,925,000.

(b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a funding agreement with the Valley Transportation Authority (VTA) for \$2,500,000, approved by the VTA Board of Directors on June 3, 2021, to partially fund the above consultant services, including taking necessary budget actions.

(c) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Construction Excise Tax Fund:

- (1) Increase the Regional Rail Planning appropriation by \$250,000; and
- (2) Decrease the Unrestricted Ending Fund Balance by \$250,000.

(d) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

- (1) Increase the Regional Rail Planning appropriation to the Transportation Department by \$250,000; and
- (2) Decrease the Unrestricted Ending Fund Balance by \$250,000.

(e) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:

- (1) Increase the Revenue from Local Agencies by \$1,250,000; and
- (2) Increase the Regional Rail Planning appropriation to the Transportation Department by \$1,250,000.

(f) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

- (1) Increase the Revenue from Local Agencies by \$1,250,000; and
- (2) Increase the Regional Rail Planning appropriation to the Transportation Department by \$1,250,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council Districts 3 and 6. (Transportation/City Manager)

2.33 21-1610 Actions Related to the Suspension of the Affordable Housing Impact Fee.

Recommendation: Adopt a resolution amending Resolution No. 77218, as previously amended by Resolutions No. 78010, 78392, 78473, 78576, and 79294 (collectively the “Housing Impact Fee Resolution”), to suspend the Affordable Housing Impact Fee program for new projects approved on or after May 1, 2021.

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

[Deferred from 6/22/2021 - Item 2.15 (21-1449)]

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 21-1543 Appeals Hearing Board Interviews.

Recommendation: Interview applicants for appointment to the Appeals Hearing Board:
(a) Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term beginning July 7, 2021 and ending December 31, 2021;

(b) Appoint applicant to the Public Member Seat on the Appeals Hearing Board for an additional term ending December 21, 2025, and
(c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

3.4 21-1563 Hybrid Meetings.

Recommendation: Approve actions related to hybrid meetings.

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

3.5 21-1570 Compensation and Benefit Changes for Executive Management and Professional Employees in Unit 99 and Other Unrepresented Employees (Units 81/82) for Fiscal Years 2021-2022, 2022-2023, and 2023-2024.

Recommendation: Adopt a resolution to:

(a) Approve compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), for Fiscal Years 2021-2022, 2022-2023, and 2023-2024.

(b) Amend the City of San Jose Pay Plan effective June 27, 2021, to roll the pensionable Peace Officer Standards and Training (POST) pay into the base pay, for the classification of Deputy Chief of Police U (2219), which increases the salary range to \$221,400.00 - \$264,800.00, with no other increase to compensation in Fiscal Year 2021-2022.

(c) Approve a 3.75% Crisis Intervention Training (CIT) premium pay and 4.00% ongoing non-pensionable retention premium pay for the classification of Deputy Chief of Police U (2219) classification, effective June 27, 2021.

(d) Amend the City of San Jose Pay Plan effective June 27, 2021, to provide a special pensionable wage adjustment of approximately two percent (2.00%) the Assistant Police Chief U (2225) classification. This action, in addition to the recommended general wage increase for classifications designated to Unit 99 effective June 27, 2021, will increase the Assistant Police Chief U (2225) salary range to approximately \$170,387.813 - \$265,595.339.

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

3.6 21-1545 Public Hearing on the Downtown Business Improvement District Budget Report and Assessments for Fiscal Year 2021-2022. - NOT TO BE HEARD BEFORE 1:30 P.M.

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

(a) Approve the Downtown Business Improvement District budget report for Fiscal Year 2021-2022 as filed or modified by Council;

(b) Levy the Downtown Business Improvement District assessments for Fiscal Year 2021-2022; and

(c) Suspend collection of the Downtown Business Improvement District assessments for businesses that qualify for a Business Tax financial hardship exemption under the City's General Business Tax Ordinance.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. (Economic Development)
NOT TO BE HEARD BEFORE 1:30 P.M.

3.7 21-1546 Public Hearing on the Japantown Business Improvement District Budget Report and Assessments For Fiscal Year 2021-2022. - NOT TO BE HEARD BEFORE 1:30 P.M.

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

- (a) Approve the 2021-2022 Budget Report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council; and
- (b) Levy the annual Japantown Business Improvement District assessments for Fiscal Year 2021-2022.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. PP08-048. (Economic Development)
NOT TO BE HEARD BEFORE 1:30 P.M.

3.8 21-1547 San José Hotel Business Improvement District Annual Report for Fiscal Year 2021-2022.

Recommendation: Adopt a resolution:

- (a) Approving the San José Hotel Business Improvement District Annual Report prepared by San José Hotels, Inc. for Fiscal Year 2021-22, as filed or modified by Council; and
- (b) Confirming the San José Hotel Business Improvement District assessments as proposed by San José Hotels, Inc. or as modified by Council.

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

3.9 21-1611 Actions Related to the Agreements Between the City of San José and the East Side Union High School District for Community Wireless Network.

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

(1) Negotiate and execute the Third Amendment to the Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to increase funding by \$1,377,741 for a revised total funding amount of \$5,476,183 for ongoing operations, maintenance, support, and technology refreshes for the James Lick, William C. Overfelt, and Yerba Buena High School attendance areas and to extend the term of the agreement through December 31, 2026.

(2) Negotiate and execute the Third Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to reflect final costs for the William C. Overfelt and Yerba Buena High School attendance areas, reduce compensation by \$43,972 for a revised maximum compensation of \$3,263,018 for the initial term ending December 31, 2021, and add scope of work and estimated costs for technology refreshes at the James Lick, William C. Overfelt and Yerba Buena High School attendance areas during agreement option terms through December 31, 2026, subject to the appropriation of funds.

(3) Negotiate and execute, subject to the appropriation of funds, a Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to design, build, and/or maintain a Community Wireless Network in the District for a term of five years through 2026, with the City's contribution amount not to exceed \$3,900,000 to fund the implementation, maintain services and replacement of technology for five attendance areas: Independence, Andrew P. Hill, Oak Grove, Mt. Pleasant, and Silver Creek.

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:

(1) Increase the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department by \$1,377,769; and

(2) Increase the estimate for Revenue from Local Agencies by \$1,377,769.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Library/Finance/City Manager)
[Deferred from 6/15/2021 - Item 3.13 (21-1405), 6/22/2021 - Item 3.9 (21-1458)]

3.10 21-1623 Merit Increases And Additional Executive Leave For Council Appointees.

Recommendation: Adopt a resolution:

- (a) Approving a 2.5% merit increase for the City Manager and City Clerk effective July 1, 2020, and amend the City of San Jose Pay Plan if necessary;
 - (b) Approving a 2.5% merit increase for the City Manager, City Attorney, and City Clerk effective July 1, 2021, and amend the City of San Jose Pay Plan if necessary;
 - (c) Granting an additional forty (40) hours of executive leave to the City Manager and City Clerk for the payroll calendar year 2021; and
 - (d) Granting an additional forty (40) hours of executive leave to the City Attorney and City Clerk for the payroll calendar year 2022.
- [Rules Committee referral 6/16/2021 - Item A.1.a]
[Deferred from 6/22/2021 - Item 3.10 (21-1582)]

3.11 21-1624 City Auditor Appointment, Merit Increases, Additional Executive Leave and Amending the City of San José Pay Plan.

Recommendation: Adopt a resolution:

- (a) Reappointing Joe Rois as City Auditor and approving compensation for services as City Auditor for a term beginning July 1, 2021 and ending June 30, 2025;
- (b) Approving a 2.5% merit increase for the City Auditor effective July 1, 2020, and amending the City of San José Pay Plan, if necessary;
- (c) Granting an additional forty (40) hours of executive leave to the City Auditor for the payroll calendar year 2021;
- (d) Approving a salary adjustment increase to an annual salary of \$210,000 for the City Auditor effective July 1, 2021, and amending the City of San Jose Pay Plan, if necessary. In addition to this salary, the City Auditor will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$220,500, effective July 1, 2021;
- (e) Granting an additional forty (40) hours of executive leave to the City Auditor for the payroll calendar year 2022; and
- (f) Amending the City of San Jose Pay Plan to increase the salary range for the position of City Auditor to \$145,117 to \$240,000 annually, effective July 1, 2021.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

[Deferred from 6/22/2021 - Item 3.11 (21-1583)]

3.12 21-1625 Independent Police Auditor Appointment, Merit Increases, Additional Executive Leave and Amending the City of San José Pay Plan.

Recommendation: Adopt a resolution:

- (a) Reappointing Shivaun Nurre as Independent Police Auditor (IPA) and approving compensation for services as Independent Police Auditor for a term beginning January 1, 2021 and ending December 31, 2024;
- (b) Approving a 2.5% merit increase for the Independent Police Auditor effective July 1, 2020, and amending the City of San Jose Pay Plan, if necessary;
- (c) Approving a 2.5% merit increase for the Independent Police Auditor effective July 1, 2021, and amending the City of San Jose Pay Plan, if necessary;
- (d) Granting an additional forty (40) hours of executive leave to the Independent Police Auditor for the payroll calendar year 2021;
- (e) Granting an additional forty (40) hours of executive leave to the Independent Police Auditor for the payroll calendar year 2022; and
- (f) Amending the City of San José Pay Plan to increase the salary range for the position of Independent Police Auditor to \$145,117 to \$263,000 annually, effective July 1, 2021.

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

[Rules Committee referral 6/16/2021 - Item A.1.a]

[Deferred from 6/22/2021 - Item 3.10 (21-1584)]

4. PUBLIC SAFETY SERVICES

4.1 21-1579 Reducing Gun Harm, and the Public Burdens of Gun Violence.

Recommendation: As referred by the Rules and Open Government Committee on June 16, 2021:

(a) Reducing Gun Harm, and the Public Burdens of Gun Violence:

Direct the City Attorney to return to Council in September with an ordinance for Council approval that would require every gun owner residing in the City of San José-with exceptions delimited below-to obtain and maintain a City-issued document evincing (i) payment of an annual fee, and (ii) attestation of insurance coverage for unintentional firearm-related death, injury, or property damage.

(1) Compliance:

(i) The gun owner shall sign and complete the insurance attestation, describing her specific policy number and issuer, and sign it under penalty of perjury. Acceptable coverage may include any homeowner's or renter's policy providing a minimum coverage amount.

(ii) The document (or signed waiver) shall be kept wherever guns are stored or transported with the owner (in-home gun safe, in car, etc.).

(2) Exemptions and waivers:

(i) A written, discretionary waiver of the fee requirement and the insurance coverage will be permitted for all low-income individuals who qualify under Cal. Govt. Code §68632. However, the owner must store and maintain the waiver document with the gun.

(ii) An exemption from these requirements will exist for sworn law enforcement.

(iii) An exemption from these requirements will exist for holders of a concealed carry weapon (CCW) permits, if the City Attorney deems it necessary to do so to avoid conflicts with state preemption over CCW regulation.

(3) Penalties: Failure to comply shall constitute a civil violation subjecting the owner to the temporary or permanent seizure of the gun, and under specified circumstances, a fine. Subsequent failure to yield firearms upon the lawful demand of a law enforcement official under this ordinance would constitute a misdemeanor.

(4) Legal issues:

(i) To minimize financial risk against the City, the City Manager is directed to retain fee revenue in a segregated account until the conclusion of active litigation seeking to overturn the ordinance.

(ii) The City Attorney shall evaluate the legal feasibility of applying these requirements upon all persons possessing a firearm in the City of San Jose, whether they reside here or not.

(iii) The City Attorney shall evaluate the constitutionality of permanent seizure of the firearm as a consequence of noncompliance.

(5) Fee Calculation and Revenue:

(i) Pursuant to state law, fee revenue may only be utilized to fund city services provided specifically to respond to gun harm, including police officer response, fire/emergency medical response, and any City assistance to victims and their families.

(ii) Return in September with the final report from the Pacific Institute for Research and Evaluation (PIRE) detailing the financial burden carried by City taxpayers for the use of firearms in the City, pursuant to Proposition 26. Calculate a fee substantially below each gun owner's pro-rata share of that cost, to ensure clear legal satisfaction of Proposition 26's dictates. As Proposition 26 allows, the fee should provide full cost recovery for the City's cost of processing the fee application.

(iii) Should the County of Santa Clara indicate a willingness to participate in and enforce a fee mandate, fee revenue would be shared with the County to fund such services as emergency room treatment, victim assistance, jail, criminal prosecution, and mental health services within the constraints of Prop 26.

(6) Ghost Guns: ensure that the definition of "firearm" under the ordinance includes unfinished frames and receivers commonly sold as do-it-yourself guns and/or assembled after downloading and 3D printing.

(b) Gun Violence Restraining Orders (GVRO): Direct the City Manager to return to Council in the Fall to identify ways to increase access and use of GVRO's, including:

(1) Better inform residents in multiple languages about accessing GVROs, such as by:

(i) Requiring protocols in our gang prevention outreach by employees of PRNS and affiliated non-profits to clients and family members;

(ii) Reviewing and revising SJPd protocols and training about proactively informing reporting parties of domestic violence about the availability of GVRO's (rather than doing so only upon their affirmative disclosure of the existence of a firearm in the home);

(iii) Publicly displaying information in our police lobbies, on our city website, and other prominent locations;

(iv) Communicating to key HR/risk officers among employers and school districts; and

(v) Participating in a convening of stakeholders by the District Attorney's Office to explore other options for enhancing public awareness.

(2) Update training protocols for officers regarding recent changes in state law that enable police officers to complete DVRO's on behalf of residents afraid or otherwise constrained from doing so.

(3) Return to Council during the time for identifying City-sponsored legislation, and add for Council consideration a bill that would strengthen the effectiveness of GVRO's, including

(i) Broadening authority to search the subject's residence to ensure compliance;

(ii) Enhancing sanction for violating a GVRO from a misdemeanor to a wobbler/felony;

(iii) Enabling District Attorney's offices to submit GVRO's on behalf of concerned witnesses and victims.

(c) Assault Weapons Ban: Direct the City Attorney to file an amicus curia or to join other cities and counties throughout the state in jointly filing to appeal the June 4, 2021, District Court decision in Miller v. Bonta that overturned California's three-decade ban on assault weapons.

(d) Ghost Guns: Direct the City Attorney to craft a prohibition on the possession, assembly, and manufacturing of any untraceable gun lacking a serial number, in collaboration with partner organizations such as Brady United and Gifford Law Center, to cover gaps in California state prohibitions, most of which do not take effect until July 2022.

(e) Straw Purchasing and Suicide Prevention: Direct the City Attorney to bring to Council this June the final ordinance of the measures upon which Council had already voted in 2019, to regulate gun sale transactions to counter "straw purchasing"-such as by videotaping transactions and training gun store staff-and to post suicide prevention information prominently at the point of sale. Gun store staff training should include vigilance for circumstances of the purchase of guns by domestic violence victims for their disqualified abusers.

(f) Ammunition Checks: If pending federal litigation overturns the 2016 California mandate for background checks on all ammunition purchasers, return to Council to consider several options, including (a) assessing the legality of an SJPD-issued permit for ammunition purchases, and (b) evaluate whether to mandate fingerprinting on all ammunition purchases within the City of San José, modeled on the successful efforts of sixteen other cities.

(g) "Looking out for One Another": Convene with County leaders to discuss how we can create a public campaign to encourage appropriate notification to mental health or law enforcement authorities of implied or explicit threats of violence, planning or preparatory steps to commit violence, or apparent fascination with prior acts of violence.

(h) Gun Buy-Back programs: Direct the City Manager to return to Council to discuss how the City could more frequently host gun buy-backs and strengthen partnerships for buy-back programs with Santa Clara County and other public, private, and non-profit organizations.

(i) Leveraging Federal Information for Early Intervention: Direct the City Manager to work with the Santa Clara County District Attorney to enhance communication between the San José Police Department and other local law enforcement with key Federal agencies- specifically the Special Agents in Charge (SAC) for local Federal Bureau of Investigations, Bureau of Alcohol, Tobacco, and Firearms, DEA, DHS, and U.S. Customs and Border Control-to improve protocols that will enable local law enforcement access to critical information about high-risk individuals in San José. Report back to Council the findings from such efforts.

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

[Rules Committee referral 6/16/2021 - Item G.2]

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-1552 Amendment to the Lease for the Police Vehicle and Evidence Warehouse.

Recommendation: Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a Third Amendment to the lease dated May 12, 2003 between Sun Garden Center 3, LLC, as Landlord, and the City of San José, as Tenant, extending the lease for an additional five-year period (expiring July 31, 2026) for the continued use and operation of ± 30,015 square feet of warehouse space for the Police Evidence Warehouse Unit, and an additional 18 months (expiring December 31, 2023), for a cost of \$1,127,132 for the first year, \$729,249 for the second year, and \$341,307 for each of the third, fourth, and fifth years for a total rental cost of \$2,880,302 for the initial term, with one option to extend for an additional three and a half years, for the continued use and operation of ±69,804 square feet of warehouse space for the Police Vehicle Warehouse unit, totaling ±99,819 square feet of warehouse space located at 1598 Monterey Road in San José, for an additional cost of \$238,730 for the second year, and an additional cost of \$636,612 for each of the third, fourth, and fifth years, for a total rental cost of \$5,008,988 for the full term of the lease including the option period, and all other necessary documents.

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

8.2 21-1572 Actions Related to the Emergency Rental Assistance Fund Grant for Rental Assistance.

Recommendation: Adopt a resolution:

- (a) Accepting \$14,511,155 in Emergency Rental Assistance 2 funds from the U.S. Department of the Treasury and ratifying the City Manager's signing of the award terms; and
- (b) Authorizing the City Manager to negotiate and execute the following agreements, including any amendments and revisions to said agreements and any necessary documents to effectuate the grant, to use Emergency Rental Assistance 2 Funds to provide assistance to San José tenants and landlords who have been negatively impacted by the COVID-19 pandemic:

(1) With Sacred Heart Community Service, a grant agreement in an amount not to exceed \$3,265,010 to provide rental assistance, utility relief, and other eligible housing assistance to San José residents, as well as to fund case management and outreach efforts to connect San José residents with rental assistance, utility relief, and other housing assistance.

(2) With the County of Santa Clara, a grant agreement in an amount not to exceed \$9,795,030 to administer payments for rental assistance, utility relief, and other eligible housing assistance to San José residents being served by the Santa Clara County Homelessness Prevention System community and grassroots partners.

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

8.3 21-1555 Amendment to the Existing Home Investment Partnerships Program (HOME) Agreement with Sacred Heart Community Services to Continue Administering the COVID-19 Related Tenant Based Rental Assistance Program.

- Recommendation:**
- (a) Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to an existing grant agreement with Sacred Heart Community Service to increase the HOME funded COVID-19 related Tenant Based Rental Assistance program grant amount by \$3,000,000 for a total contract amount not to exceed \$7,250,000 with the term of the agreement to remain through September 30, 2021.
 - (b) Adopt the following Fiscal Year 2020-2021 Appropriation Ordinance Amendments in the Home Investment Partnership Program Fund:
 - (1) Decrease the Unrestricted Ending Fund Balance by \$747,765; and
 - (2) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$747,765.

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

8.4 21-1561 Community Priorities for the Alum Rock Corridor Report.

Recommendation: As recommended by the Rules and Open Government Committee on June 2, 2021, accept the “Community Priorities for the Alum Rock Corridor” Report, prepared by students at San José State University’s Department of Urban and Regional Planning, which lists community-identified priorities that can guide community leaders, City staff, and elected officials in further discussions about future development along the Alum Rock Avenue corridor.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)
[Rules Committee referral 6/2/2021- Item G.2]

8.5 21-1573 Approval of the Affordable Housing Siting Policy. - DROP

Recommendation: (a) Accept the staff report regarding the proposed City of San José’s Affordable Housing Siting Policy authorizing a plan to allocate Housing Department development funding as follows:
(1) In Phase One (initial three-year period), 30 percent of affordable housing development located in Category 1 neighborhoods, 50 percent in Category 2 neighborhoods, and 20 percent in Category 3 neighborhoods as shown in the Siting Policy Map;
(2) In Phase Two (after initial three-year period), 60 percent of affordable housing development located Category 1 neighborhoods, 30 percent in Category 2 neighborhoods, and 10 percent in Category 3 neighborhoods; and
(3) Limit funding in high-impacted census block groups where 50 percent or more of existing homes are deed-restricted and the block group contains 200 or more affordable homes.
(b) Adopt a resolution approving the Affordable Housing Siting Policy and the Siting Policy Map.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Housing)
[Deferred from 6/22/2021 Item 8.2 (21-1476)]
DROP

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

- (a) 21-1556 C21-003 - Conforming Rezoning on Property Located at 5000 Mitty Way.**

Recommendation: Approve an ordinance rezoning an approximately 27-gross acre site, located at the southeast corner of Mitty Way and Doyle Road (5000 Mitty Way), from the R-1-8 Single-Family Residence Zoning District to the Public/Quasi-Public Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 1. (Planning, Building and Code Enforcement)

- (b) 21-1630 C19-016 & CP18-027 - Conforming Rezoning and Site Development Permit for Property Located on the northeast corner of Story Road and South Jackson Avenue.**

Recommendation: (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Rotten Robbie on Story Road project and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).

(2) Approve an ordinance rezoning the approximately 0.53-gross acre site located on the northeast corner of Story Road and South Jackson Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.53-gross acre site.

(3) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 20 ABC License - Beer and Wine only) with late night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site.

CEQA: Initial Study/Mitigated Negative Declaration (IS/MND) for the Rotten Robbie on Story Road. Council District 5. (Planning, Building and Code Enforcement)

[Deferred from 6/22/2021 - Item 10.1(b) (21-1478)]

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda****CONTINUE GENERAL PLAN HEARING (2021 FIRST CYCLE) FROM 6/22/2021****10.2 21-1557 PP21-005 - City-Initiated Zoning Ordinance Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code.**

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 Commission recommends denial (7-0). (Planning, Building and Code Enforcement)
[Deferred from 6/8/2021 - Item 10.1(a)(21-1332)]

10.3 21-1558 GP19-008 & H20-004 - GP19-008 & H20-004 - General Plan Amendment and Site Development Permit for Property Located at 276 Woz Way.

Recommendation: (a) Adopt a resolution certifying the Supplemental Environmental Impact Report (SCH No. 2003042127) to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and making certain findings concerning significant impacts, mitigation measures, alternatives, Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA). (b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Public/Quasi-Public to Downtown on an approximately 3.08-gross acre site. (c) Adopt a resolution approving, subject to conditions, a Site Development Permit, to allow the construction of two 20-story office towers with a total of approximately 1.85 million square feet, including 10,107 gross square feet of ground floor retail space and 1,226,600 gross square feet of commercial office space with four levels of below-grade garage parking and four levels of above grade garage parking, and to allow the demolition of 16 single-family residences and 5 associated detached garages and the removal of 30 ordinance-sized trees and 21 non-ordinance-sized trees on 2.93 gross acres within the 3.08-acre site. CEQA: Woz Way Office Supplemental Environmental Impact Report (SCH No. 2003042127) to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942). Planning Commission recommends approval (7-0). Council District 3. (Planning, Building and Code Enforcement)

10.4 21-1626 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 10.5

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, Salamoní 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) [Deferred from 6/8/2021 - Item 10.2 (21-1335), Continued from 6/23/2021 - Item 10.3 (21-1480)]

TO BE HEARD CONCURRENTLY WITH ITEM 10.5

10.5 21-1627 PDC17-051 - Planned Development Rezoning for Real Property Located at 1590 Berryessa Road. - TO BE HEARD CONCURRENTLY WITH ITEM 10.4

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)
[Deferred from 6/8/2021 - Item 10.3 (21-1336), Continued from 6/23/2021 - Item 10.4 (21-1481)]

TO BE HEARD CONCURRENTLY WITH ITEM 10.4

10.6 21-1631 C21-010 - City Initiated Conforming Rezoning for Properties Located at 0 Sierra Road, 0 Miracle Mountain Drive and 0 Casa Loma Road.

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)
[Deferred from 6/8/2021 - Item 10.4 (21-1334), 6/22/2021 - Item 10.5 (21-1482)]

CLOSE THE GENERAL PLAN HEARING (2021 FIRST CYCLE)

- **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 Nicholas Cochran, who passed away at the age of 28 on June 4, 2021. It is an honor to recognize Nicholas for his service to our Fire Department and our City.

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.