



City Council Meeting SYNOPSIS

Tuesday, May 18, 2021

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



- **Call to Order and Roll Call**

9:32 a.m. - Closed Session, Call to Order.
Councilmembers Absent: Arenas

1:31 p.m. - Regular Session
Councilmembers: All Present.

- **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

- **Invocation (District 5)**

Councilmember Magdalena Carrasco introduced Director of Strategic Partnerships, School of Arts and Culture at the Mexican Heritage Plaza, Jonathan Borca and Pianist, Emcee, and Songwriter Bennett-Roth Newell who offered the invocation with a spoken word accompanied by a piano arrangement.

- **Orders of the Day**

The Orders of the Day were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 21-1080 Actions Related to Salary Setting Commission Recommendation.

As recommended by the Salary Setting Commission on April 21, 2021, adopt a resolution approving an increase to the stipends for non-City employee members of the retirement boards from \$250 to \$260 per meeting. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Salary Setting Commission referral 4/21/2021 - Item IV.a.]

Action: **Resolution No. 79996** approving an increase to the stipends for non-City employee members of the retirement boards was adopted. (10-0-1. Absent: Liccardo)

2.8 21-1081 Actions Related to Agreements for Landscape Management and Maintenance Services.

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute the First Amendment to the Agreement for Landscape Management and Maintenance Services for General Fund and Special District Landscape Areas with Bayscape Management Inc. (San José, CA) to extend services for up to two additional one-year option terms for a total of seven options through June 3, 2023 under the same material terms and conditions for a maximum compensation not to exceed \$690,000 for the option term ending June 3, 2022, subject to the appropriation of funds; (b) Negotiate and execute purchase orders with Brightview Landscape Services (Pasadena, CA), Jensen Landscape, Inc. (San José, CA), and Bayscape Management (San José, CA) to extend services for up to two additional one-year option terms for a total of seven options through December 2, 2023 under the same material terms and conditions for a total combined compensation not to exceed \$1,975,000 for the option term ending December 2, 2022, subject to the appropriation of funds; and (c) Negotiate and execute purchase orders with Commercial Tree Care (San José, CA) to extend services for up to two additional one-year option terms for a total of seven options through February 28, 2023 under the same material terms and conditions for a total compensation not to exceed \$1,568,600 for the option term ending February 28, 2022, subject to the appropriation of funds. CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 7997** regarding actions related to the agreement for Landscape Management and Maintenance Services was adopted. (10-0-1. Absent: Liccardo)

2.9 21-1082

Amendment to the Agreement with Kone, Inc. for Elevator Maintenance Services.

Adopt a resolution authorizing the City Manager to execute the Fifth Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. (Moline, Illinois) to extend services for up to two additional one-year option terms for a total of 15 options through May 20, 2023 under the same material terms and conditions for a maximum compensation of \$410,000 for the option term ending May 20, 2022, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 79998** authorizing the City Manager to execute the Fifth Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. was adopted. (10-0-1. Absent: Liccardo)

2.10 21-1108

Increase Funding Sources to Fund City Hall Debt Service Budget for 2020-2021.

Adopt 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments totaling \$2,064,125 as described in Attachment A to the staff memorandum in order to have sufficient funds available for the June 1, 2021 debt service for the City of San José Financing Authority, Taxable Lease Revenue Bonds, Series 2020A (Civic Center Refunding Project). 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/City Manager)

Action: Appropriation **Ordinance No. 30570** and Funding Sources **Resolution No. 79999** increasing Funding Sources to Fund City Hall Debt Service Budget for 2020-2021 were adopted. (10-0-1. Absent: Liccardo)

2.11 21-1084

Transportation Development Act, Article 3 (TDA3) State Grant for Bicycle and Pedestrian Project.

Adopt a resolution: (a) Authorizing the City Manager or designee to submit a request to the Metropolitan Transportation Commission (MTC) for the allocation of Fiscal Year 2021-2022 Transportation Development Act, Article 3 (TDA3) State grant funding in the amount of \$1,149,152 for bicycle and pedestrian projects; (b) Making the certifications and assurances required under the TDA3 grant; and (c) Authorizing the City Manager or designee to accept TDA3 grant funding awarded from MTC, and to negotiate and execute any grant documents to effectuate the grant. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

Action: **Resolution No. 80000** regarding the Transportation Development Act, Article 3 (TDA3) State Grant for Bicycle and Pedestrian Project was adopted. (10-0-1. Absent: Liccardo)

2.12 21-1085

Amendment to Title 11 of the San José Municipal Code to Establish a One-Way Vehicle Sharing Program.

(a) Approve an ordinance amending Title 11 of the San José Municipal Code to establish a new chapter for a one-way vehicle sharing program for vehicle sharing operators to secure special parking privileges in the public right-of-way. (b) Adopt a resolution amending the Master Parking Rate Schedule to expand the definition of car sharing to include other types of vehicle sharing and modify the terms and fees for the permit associated with the use of designated parking spaces. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Transportation)

Action: (a) **Ordinance No. 30571** amending Title 11 of the San José Municipal Code to establish a new chapter for a one-way vehicle sharing program was passed for publication and (b) **Resolution No. 80001** amending the Master Parking Rate Schedule to expand the definition of car sharing to include other types of vehicle sharing was adopted with the modification as noted per Councilmember David Cohen to Section 6. Vehicle Sharing Program B. Criteria for Participation: The Shared Vehicle shall be ~~owned and~~ operated by the Vehicle Sharing Organization in a manner that features all of the following characteristics.

Including the acceptance of the memorandum from Councilmember Raul Peralez, dated May 17, 2021, to approve staff recommendation with the following additions: (1) Require that if there is future interest to include specific Residential Parking Permit (RPP) zones, that the City conducts robust community engagement that includes but are not wholly dependent on neighborhood associations. (2) Direct staff to work with the operators to (a) Identify alternative parking sources such as unbundled parking garages or surface lots (both public and private) that could serve as primary parking in the event that there are significant parking impacts in a residential neighborhood, and, (b) Ensure that their contact information is explicitly available to the general public for inquiries, concerns and complaints. (3) Report back in a future Transportation & Environment Committee meeting the following: (a) Per recommendations 1 (a & b) on the December 14, 2018 council memorandum¹ authored by Mayor Liccardo, Vice Mayor Jones and Councilmembers Peralez and Davis, report back on what findings staff has made on using fees, fines and voluntary contributions to further transportation safety efforts and whether it could be applicable to this policy change as well. (b) A progress report on this program, specifically on any outcomes related to Recommendation #2a. (11-0.)

2.13 21-1086

Actions Related to Metropolitan Transportation Commission (MTC) Safe & Seamless Quick-Strike Grant Program.

Adopt a “Resolution of Local Support” to receive grant funds from the Metropolitan Transportation Commission (MTC) for Safe & Seamless Quick Strike grant program that indicates the City will: (1) Provide local funding and that MTC grant funding cannot be increased; (2) Follow all grant program delivery timelines; (3) Complete projects as identified in the grant applications; and (4) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC, and administered by California Department of Transportation (Caltrans), in an amount not to exceed \$6,745,000 for reimbursement

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2.13 (Cont'd.)

for the following 4 projects: (i) San José Downtown Bikeways, in an amount not to exceed \$4,025,000; (ii) En Movimiento Quick Build for East San José, in an amount not to exceed \$1,325,000; (iii) Julian St. and McKee Rd. Vision Zero Complete Streets, in an amount not to exceed \$705,000; and (iv) Bascom Avenue Protected Bike Lanes, in an amount not to exceed \$690,000 (b) Adopt a “Surplus Lands Act Resolution” that demonstrates City is in compliance with the State’s Surplus Land Act. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation)

RENUMBERED TO ITEM 5.3

2.14 21-1191

Approval of Mental Health Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on April 14, 2021: (a) Approve May 2021 as Mental Health Awareness Month scheduled on May 11, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas) [Rules Committee referral 4/14/2021 - Item G.1.a] [Deferred from 5/11/2021 Item 2.7 (21-1008)]

Action: The City Council Sponsored Special Event was approved. (10-0-1. Absent: Liccardo)

2.15 21-1198

Approval of Two Proclamations for Asian Pacific American Heritage Month and Affordable Housing Month Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 12, 2021: (a) Approve Asian Pacific American Heritage Month scheduled on May 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve Affordable Housing Month scheduled on May 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (c) 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. (Carrasco, Raul Peralez and Matt Mahan) [Rules Committee referral 5/12/2021 - Item G.1.a]

Action: The City Council Sponsored Special Events were approved. (10-0-1. Absent: Liccardo)

2.16 21-1207

Approval of Townsend Park Dumpster Day Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 12, 2021:

(a) Approve the Townsend Park Dumpster Day scheduled on May 22, 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. (Cohen) [Rules Committee referral 5/12/2021- Item G.1.b]

Action: The City Council Sponsored Special Event was approved. (10-0-1. Absent: Liccardo)

2.17 21-1214

Retroactive Approval of Safe Neighbor Community Service Training Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 12, 2021:

(a) Retroactively approve the Safe Neighbor Community Service Training event scheduled on May 15, 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. (Cohen) [Rules Committee referral 5/12/2021 - Item G.1.c]

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1. Absent: Liccardo)

2.18 21-1221

Approval of May as Food Allergy Awareness Month Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on May 12, 2021:

(a) Approve May 2021 as Food Allergy Awareness Month scheduled on May 18, 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. (Mahan) [Rules Committee referral 5/18/2021- Item G.1.d]

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1. Absent: Liccardo)

3. STRATEGIC SUPPORT

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

None provided .

3.2 Labor Negotiations Update.

None provided.

3.3 **21-1087** **Public Hearing on the 2021-2022 Proposed Operating and Capital Budgets and the 2021-2022 Proposed Fees and Charges for the City of San José.**

Conduct a Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2021 to June 30, 2022, the Proposed Five-Year Capital Improvement Program for 2022-2026, and the Proposed Fees and Charges Report for the Fiscal Year 2021-2022. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: The Public Hearing on the 2021-2022 Proposed Operating and Capital Budgets and the 2021-2022 Proposed Fees and Charges for the City of San José was conducted. (11-0.)

3.4 **21-1088** **Actions Related to the 9005 - Mineta San José International Airport Airfield Electrical Rehabilitation Phase 2 Re-Bid Project.**

Adopt a resolution authorizing the Director of Public Works to: (a) Award and execute the 9005 - Mineta San José International Airport - Airfield Electrical Rehabilitation Phase 2 RE-BID Project to the low bidder, St. Francis Electric, LLC, in the amount of \$4,791,651.75, contingent upon the award and execution of an Airport Improvement Program grant from the Federal Aviation Administration; and (b) Establish a construction contingency of 10% in the amount of \$479,165. CEQA: Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan, File No. PP18-103 (Resolution No. 79497). (Airport/Public Works)

Action: **Resolution No. 80002** regarding actions to the Actions Related to the 9005 - Mineta San José International Airport Airfield Electrical Rehabilitation Phase 2 Re-Bid Project was adopted. (11-0.)

3.5 **21-1089** **Amendment to Chapter 8.04 of Title 8 of the San José Municipal Code to Expand the Duties and Responsibilities of the Independent Police Auditor Through June 30, 2022.**

Approve an ordinance amending Section 8.04.010 of Chapter 8.04 of Title 8 of the San José Municipal Code to expand the duties and responsibilities of the Independent Police Auditor (IPA) and allow the IPA and IPA staff to ask direct questions of a *subject* or witness during Police Department administrative interviews through June 30, 2022. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Action: **Ordinance No. 30572** amending Section 8.04.010 of Chapter 8.04 of Title 8 of the San José Municipal Code to expand the duties and responsibilities of the Independent Police Auditor through June 30, 2022 was adopted. (11-0.)

3.6 21-1083

Amendment to the Agreement with Axon Enterprise, Inc. for Body Worn Camera and Evidence Management System.

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute the Second Amendment to the Agreement with Axon Enterprise, Inc. (Scottsdale, Arizona) for a Body Worn Camera and Evidence Management System to extend the agreement for a five-year option term through June 30, 2026 and increase compensation by \$6,302,172 for a maximum compensation of \$11,574,736, subject to the annual appropriation of funds; and (b) Negotiate and execute amendments and change orders as required for additional body worn cameras and related services at the same unit pricing and consistent with the material terms and conditions of the original agreement, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80003** regarding the amendment to the Agreement with Axon Enterprise, Inc. for Body Worn Camera and Evidence Management System was adopted. (11-0.)

3.7 21-1090

Approval of Digital Inclusion Grant Awards.

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 TO 6/8/2021 PER ADMINISTRATION

3.8 21-1091

Public Hearing on the Application of Great Oaks Water Company for Renewal of a Potable Water Franchise.

(a) Hold a Public Hearing on the Great Oaks Water Company application for renewal of a potable water franchise per San José Municipal Code Section 15.40.720. (b) Approve an uncodified ordinance to extend the term of the Great Oaks Water Company nonexclusive franchise until July 1, 2022, with no change in any other terms and conditions of the franchise. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Public Work/Environmental Services)

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3.8 (Cont'd.)

Action: (a) The Public Hearing on the Application of Great Oaks Water Company for Renewal of a Potable Water Franchise was conducted and (b) uncodified **Ordinance No. 30573** extending the term of the Great Oaks Water Company nonexclusive franchise until July 1, 2022 was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

- 5.1 21-1092 Award of Construction Contract for 2021 Major Streets Resurfacing Project.**
(a) Approve award of a construction contract for the 2021 Major Streets Resurfacing Project, to the low bidder, MCK Services, Inc. in the amount of \$8,223,307 and approve an approximate 15% contingency in the amount of \$1,233,496. (b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Cost Sharing Agreement with the City of Milpitas for pavement maintenance improvements on Landess Avenue between Highway 680 and Piedmont Road as part of the 2021 Major Streets Resurfacing Project in an amount not to exceed \$1,097,275. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: (a) the Award of Construction Contract for 2021 Major Streets Resurfacing Project was approved and (b) Resolution **No. 80004** authorizing the City Manager or designee to negotiate and execute a Cost Sharing Agreement with the City of Milpitas for pavement maintenance improvements was adopted. (11-0.)

- 5.2 21-1093 Award of Construction Contract for 2021 Local Streets Resurfacing #1 Project.**
(a) Approve award of a construction contract for the 2021 Local Streets Resurfacing #1 Project, to the low bidder, DeSilva Gates Construction LP, in the amount of \$7,282,284. (b) Approve an approximate 10% contingency in the amount of \$728,000. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3, 4 and 6. (Transportation)

Action: The Award of Construction Contract for 2021 Local Streets Resurfacing #1 Project was approved. (11-0.)

- 5.3 21-1199 Actions Related to Metropolitan Transportation Commission (MTC) Safe & Seamless Quick-Strike Grant Program. RENUMBERED FROM ITEM 2.13**
(a) Adopt a "Resolution of Local Support" to receive grant funds from the Metropolitan Transportation Commission (MTC) for Safe & Seamless Quick Strike grant program that indicates the City will: (1) Provide local funding and that MTC grant funding cannot be increased; (2) Follow all grant program delivery timelines; (3) Complete projects as identified in the grant applications; and (4) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to

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5.3 (Cont'd.)

effectuate the grant agreements with MTC, and administered by California Department of Transportation (Caltrans), in an amount not to exceed \$6,745,000 for reimbursement for the following 4 projects: (i) San José Downtown Bikeways, in an amount not to exceed \$4,025,000; (ii) En Movimiento Quick Build for East San José, in an amount not to exceed \$1,325,000; (iii) Julian St. and McKee Rd. Vision Zero Complete Streets, in an amount not to exceed \$705,000; and (iv) Bascom Avenue Protected Bike Lanes, in an amount not to exceed \$690,000. (b) Adopt a “Surplus Lands Act Resolution” that demonstrates City is in compliance with the State’s Surplus Land Act. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation)

Action: (a) Local Support **Resolution No. 80005** regarding receiving grant funds from the Metropolitan Transportation Commission (MTC) for Safe & Seamless Quick Strike grant program and (b) Surplus Lands Act **Resolution No. 80006** that demonstrates the City is in compliance with the State’s Surplus Land Act were adopted. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-1094

Public Hearing on the Proposed Maximum Commercial Solid Waste Customer Services Rates.

(a) Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.

(b) Adopt a resolution increasing the Maximum Commercial Solid Waste Services Rates in the City of San José by 8.47 percent pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchise Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organics processing services.

CEQA: Not a Project, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges. (Environmental Services)

Action: (a) Public Hearing on the Proposed Maximum Commercial Solid Waste Customer Services Rates was held and (b) **Resolution No. 80007** increasing the Maximum Commercial Solid Waste Services Rates in the City of San José by 8.47 Percent was adopted. (11-0.)

Actions Related to the Issuance of Non-exclusive Franchise Agreements for the Collection, Transport, and Delivery of Residential Clean-out Material and Construction and Demolition Debris.

(a) Conduct a public hearing on the applications of the companies listed below for Non-Exclusive Franchises for the non-exclusive collection, transport, and delivery of residential clean-out material and construction and demolition debris for twenty-nine companies. These businesses are listed below:

(1) GW Debris Services, LLC dba \$99 Debris Box. (2) Lam Hauling dba 7 Days Box. (3) Accurate Cleaning Systems dba R&D Mendes Enterprises, Inc. (4) All Points Roll Off, Inc. (5) American Debris Box Service, Inc. (6) Bernardini Enterprises, Inc. (7) Citywide Fibers, Inc. (8) David Jaimes dba D & L Hauling and Demolition Services. (9) Uriel Del Toro dba Del Toro Haul. (10) Eco Box Recycling, Inc. (11) Evergreen Waste Services. (12) Ferma GreenBox, Inc. (13) Waste Connections of California, Inc. dba GreenTeam of San José. (14) Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling & Disposal Facility. (15) GW Debris Services, LLC. (16) M & G Hauling, Inc. (17) Pacific Coast Recycling Inc. (18) Peninsula Debris Box Service, LLC. (19) Jonna Corporation dba Premier Recycle Company. (20) Recology South Bay dba Recology Silicon Valley. (21) Allied Waste Services of North America LLC dba Republic Services of Santa Clara County. (22) Recycling & Waste Services, Inc. (23) Phil Ta dba TA Trucking. (24) Francisco Toca dba Toca Debris Box Services (25) Hong Anh Nguyen dba United Recycle Services, LLC. (26) Environmental Resource Recovery Inc dba Valley Recycling. (27) Garden of Eden Landscapes, Inc. dba Ground Force Enterprises. (28) Yellowsack Inc. (29) Superior Demolition Services, Inc. (b) Approve ordinances granting the franchises for these companies. (c) Approve the Non-Exclusive Franchise Agreements with these companies for the collection, transport, and delivery of residential clean-out material and construction and demolition debris, for one-year term beginning July 1, 2021 through June 30, 2022, with an option for the City to extend the agreement for an additional one-year term through, June 30, 2023. CEQA: Categorically Exempt, File No. ER21-060, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Action: (a) a public hearing on the applications of the companies for Non-Exclusive Franchises for the non-exclusive collection, transport, and delivery of residential clean-out material and construction and demolition debris for twenty-nine companies was conducted, (b) Ordinances granting the franchises for the following companies: (1) **Ordinance No. 30574** from GW Debris Services, LLC dba \$99 Debris Box. (2) **Ordinance No. 30575** from Lam Hauling dba 7 Days Box. (3) **Ordinance No. 30576** from Accurate Cleaning Systems dba R&D Mendes Enterprises, Inc. (4) **Ordinance No. 30577** from All Points Roll Off, Inc. (5) **Ordinance No. 30578** from American Debris Box Service, Inc. (6) **Ordinance No. 30579** from Bernardini Enterprises, Inc. (7) **Ordinance No. 30580** from Citywide Fibers, Inc. (8) **Ordinance No. 30581** from David Jaimes dba D & L Hauling and Demolition Services. (9) **Ordinance No. 30582** from Uriel Del Toro dba Del Toro Haul. (10) **Ordinance No. 30583** from Eco Box Recycling, Inc. (11) **Ordinance No. 30584** from Evergreen Waste Services. (12) **Ordinance No. 30585** from Ferma GreenBox, Inc. (13) **Ordinance No. 30586** from Waste Connections of California, Inc. dba GreenTeam of San José. (14) **Ordinance No. 30587** from Guadalupe Rubbish Disposal Co., Inc. dba Guadalupe Recycling &

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6.2 (Cont'd.)

Disposal Facility. (15) **Ordinance No. 30588** from GW Debris Services, LLC. (16) **Ordinance No. 30589** from M & G Hauling, Inc. (17) **Ordinance No. 30590** from Pacific Coast Recycling Inc. (18) **Ordinance No. 30591** from Peninsula Debris Box Service, LLC. (19) **Ordinance No. 30592** from Jonna Corporation dba Premier Recycle Company. (20) **Ordinance No. 30593** from Recology South Bay dba Recology Silicon Valley. (21) **Ordinance No. 30594** from Allied Waste Services of North America LLC dba Republic Services of Santa Clara County. (22) **Ordinance No. 30595** from Recycling & Waste Services, Inc. (23) **Ordinance No. 30596** from Phil Ta dba TA Trucking. (24) **Ordinance No. 30597** from Francisco Toca dba Toca Debris Box Services (25) **Ordinance No. 30598** from Hong Anh Nguyen dba United Recycle Services, LLC. (26) **Ordinance No. 30599** from Environmental Resource Recovery Inc dba Valley Recycling. (27) **Ordinance No. 30600** from Garden of Eden Landscapes, Inc. dba Ground Force Enterprises. (28) **Ordinance No. 30601** from Yellowsack Inc. (29) **Ordinance No. 30602** from Superior Demolition Services, Inc. were adopted, and (c) the Non-Exclusive Franchise Agreements with these companies for the collection, transport, and delivery of residential clean-out material and construction were approved. (11-0.)

6.3 21-1099

Climate Smart San José Plan Semi-Annual Update.

As recommended by the Transportation and Environment Committee on May 3, 2021, accept the update on Climate Smart San José activities. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental Services) [Transportation and Environment Committee referral 5/3/2021 - Item (d)2]

Action: The Climate Smart San José Plan Semi-Annual Update was accepted. (11-0.)

7. NEIGHBORHOOD SERVICES

7.1 21-1105

Illegal Dumping Fines and Enforcement.

As recommended by the Rules and Open Government Committee on April 28, 2021: (a) Direct the City Manager to increase illegal dumping fines to \$10,000 for the first and subsequent offenses. (b) Direct the City Manager to prepare an MBA for the current budget cycle that outlines the cost of increased enforcement against illegal dumping, such as purchasing additional cameras to monitor hotspots, utilizing Community Service Officers to patrol identified hotspots, and establishing a community awareness campaign to encourage reporting of illegal dumping. (c) Direct the City Attorney to evaluate whether fines collected can be used to reward residents who provide information leading to a citation and fine for illegal dumping. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Jimenez and Peralez) [Rules Committee referral 4/28/2021 - Item G.5]

(Item Continued on the Next Page)

7.1 (Cont'd.)

Action: The Illegal Dumping Fines and Enforcement to increase illegal dumping fines to \$10,000 for the first and subsequent offenses was approved.

Including the acceptance of the joint memorandum from Mayor Sam Liccardo, Councilmember Dev Davis, and Councilmember Pam Foley, dated May 14, 2021, recommending approving the April 22, 2021 Memo on Illegal Dumping Fines and Enforcement from Councilmember's Jimenez and Peralez, and: Direct the City Manager to carve an easier path for our residents and businesses to "do the right thing" by: (1) Work with our waste haulers to provide an easy-to-find, permanently accessible number to call & URL for trash, recycling and the Free Junk Pick-Up Services in English, Spanish and Vietnamese imprinted on the side of new collection carts. (2) Identify relevant third-parties—including contractors, realtors, apartment managers, appliance and mattress retailers home improvement stores—who could convey information about proper disposal of appliances and other large waste items to people moving in and out of homes and to those completing home improvement projects. Assess a potential range of voluntary and mandatory mechanisms by which information might be conveyed to customers. (3) Make disposal of e-waste, paint, batteries, light bulbs and other Household Hazardous Waste (HHW) more accessible to residents by working with relevant agencies to shift hours of the HHW program to offer late afternoon, evening and weekend hours. (4) Reactivate appliance recycling by working to address current challenges with recycling "smart" appliances: (a) Environmental Services Department (ESD) and InterGovernmental Relations (IGR) staff should advocate with CalRecycle and other state agencies to introduce a smart appliance recycling fee to help recover the additional labor cost for dismantling and recycling smart appliances. (b) Identify and evaluate successful efforts at behavior change introduced by other States and municipalities to reactivate appliance recycling.

Including the acceptance of the joint memorandum from Councilmember Sergio Jimenez and Councilmember Raul Peralez, dated May 13, 2021, recommending approving the memorandum from Councilmembers Jimenez and Peralez dated April 22, 2021 to the Rules and Open Government Committee with the following additions: (1) If Council chooses to adopt increased fines for illegal dumping, direct staff to evaluate equitable implementation measures to reduce the risk of disproportionate impacts on low-income, underserved communities. For example, consider delayed implementation to allow for proper noticing; payment plans and/or fee waivers for residents who demonstrate financial hardship; community service opportunities directly tied to cleanups and beautification efforts in lieu of fines; and similar measures. (2) Include in an MBA from the City Manager: (a) Cost estimates for a multilingual, culturally sensitive educational campaign focused on deterring illegal dumping, informing residents of services available to safely dispose of unwanted items and encouraging pride in clean neighborhoods. (b) Cost estimate for placing easily accessible junk collection bins across the City in underserved neighbors with chronic dumping problems for residents who are unfamiliar or unable to schedule a free large item pick-up. (c) Feasibility analysis of monthly or bimonthly large item pick-up days on which residents can place unwanted items curbside for collection from residential haulers without needing to schedule an appointment in advance. (d) Evaluation of behavioral insights to attempt to change behaviors around illegal dumping. (3) Direct the City Manager's Office to advocate for and plan for additional funding resources from the State of California to address illegal dumping and to increase coordination and collaboration with State agencies for cleanups along freeways, overpasses, and other areas not in the City's jurisdiction that impact residents. (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-1190

Response to City Council Direction for Sanctioned Encampment.

Accept the report providing a response to City Council direction to implement a sanctioned encampment program for the duration of the public health emergency and provide direction on the level of services for a sanctioned encampment program. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) [Deferred from 5/11/2021 Item 8.3 (21-1147)]

Action: The report providing a response to City Council direction to implement a sanctioned encampment program for the duration of the public health emergency and provide direction on the level of services for a sanctioned encampment program was accepted. (11-0.)

Including the acceptance of the memorandum from Councilmember Pam Foley, dated May 17, 2021, to approve staff recommendation with the following additions: (1) Direct staff to be prepared to fund and implement the sanctioned encampment program with Level 2 service as a baseline for all sanctioned encampment sites. (2) Direct staff to implement all the way up to 100% Level 3 utilization for at least one sanctioned encampment as a pilot program to identify and analyze program effectiveness. (3) Prioritize the items within each sanctioned encampment level of service so that City Council has a clear idea of which items provide the most value to the program and greater community. (4) Design a sanctioned encampment program that lasts at least through the duration of the Local State of Emergency with an analysis and review of the program's effectiveness being conducted 6 months after the first sanctioned encampment opens. Staff and City Council shall review a potential timeline for "sanctioned encampments" after the 6-month analysis has returned to Council. (5) Incorporate the potential for unhoused individuals living out of their recreational vehicles to park and reside at any future sanctioned encampment. (6) While creating a sanctioned encampment work plan, analyze and implement programs concurrently that aim to prevent fires at all homeless encampments throughout the city. Services Outreach Assistance and Resources (SOAR) sites, larger encampments, and encampments in environmentally sensitive areas shall be prioritized. Staff shall consider providing fire extinguishers, solar/ electric powered devices/cooking supplies, and/or enforcement against gasoline or flammable liquids/materials being located at homeless encampments unless a waiver is granted by city staff. 7. Continue taking recommendations from Councilmembers to expand services at SOAR sites that are not identified as "sanctioned encampments."

Including the acceptance of recommendation 1, 2 with added verbiage for clarification, and 4 of the memorandum from Mayor Sam Liccardo, dated May 18, 2021, to approve staff recommendation with the following additions: (1) Continue with Council's March 2021 direction, as articulated through its unanimous approval of my March Budget Message, to expand the number of SOAR sites, maintaining such existing services provided at SOAR sites as street outreach and support, hygiene, portable latrines, movable showers, trash disposal, health services, and rapid rehousing. (2) To provide unhoused residents in those SOAR encampments a greater measure of stability, deploy a policy that ensures that encampments served by SOAR services may not be abated without extended notice—such two to three months—to the residents. Limited exceptions may be made for such reasons as: (a) Public safety concerns regarding fires at encampments or criminal activity, (b) Instances where residents have

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8.1 (Cont'd.)

encamped in the public right of way; or (c) Planned construction activity. To provide two to three notices two to three months' notice if abatements are to be done. (4) Offer Council an explicit comparison of the quantities of federal and state dollars available to address our homelessness crisis for the following purposes for the next fiscal year: a. Emergency, transitional, and permanent housing (assuming that Housing staff has the bandwidth and undivided focus to appropriately seek those resources), versus b. Operation of sanctioned encampments for persons living outside.

Also including the acceptance of the memorandum from Councilmember Matt Mahan, dated May 18, 2021, to approve staff recommendation with the following additions: (1) Prior to approving a sanctioned encampment pilot program, direct the City Manager to return to Council with a cost/benefit analysis that compares the two following strategies for improving conditions for unhoused residents and protecting our entire community: (a) Expanding SOAR services, including trash removal, hygienic services and human services outreach, to existing encampments, as recommended in the Mayor's March Budget Message, and (b) Providing legally sanctioned encampments at the "Level 3" service tier, as defined in staff's memorandum. (2) For each strategy, please include: (a) A description of the services provided under each approach to help Council evaluate the level of "benefit" associated with each, (b) An estimate of the cost-per-person served to help the Council better evaluate the number of people who can be provided services with a fixed amount of expenditure, and (c) The City Attorney's qualitative assessment of the legal risk involved in each approach and suggested risk mitigation strategies, which should be cross-referenced in the cost analysis for sanctioned encampments specifically. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

10.1(a) 21-1106 Parker No. 28 Reorganization/Annexation to the City of San José of Property Located at 15415 Woodard Road.

Adopt a resolution ordering the reorganization of territory designated as Parker No. 28 which involves the annexation to the City of San José of approximately 1.36 gross acres of land located on the northeast corner of Woodard Road and Calico Avenue (15415 Woodard Road) and adjacent streets including 120 feet of Calico Avenue at project Frontage and 661.3 feet of Woodard Road to the east of Calvin Avenue, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, West Valley Sanitation District, Santa Clara County Lighting Service Area, and Santa Clara County Library Services. CEQA: Determination of consistent with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617) and Addenda thereto. Council District 9. (Planning, Building and Code Enforcement)

Action: **Resolution No. 80008** ordering the reorganization and of territory designated as Parker No. 28 which involves the annexation to the City of San José Property located at 15415 Woodward Road was adopted. (11-0.)

END OF CONSENT CALENDAR

PP20-013 - Amendment to Title 20 (Zoning Ordinance) for the Urban Village and Mixed Use Zoning Districts.

Approve an ordinance amending the San José Municipal Code to: (a) Add Chapter 20.55 to Title 20 for Urban Village and Mixed Use Zoning District, thereby creating six zoning districts which conform to the General Plan land use designations by the same names: Urban Village Commercial (UVC), Urban Village (UV), Mixed Use Commercial (MUC), Mixed Use Neighborhood (MUN), Urban Residential (UR), and Transit Residential (TR). Development standards and use regulations for the Urban Village and Mixed Use zoning districts reflect the density and scale of development as established by the Envision San José 2040 General Plan. (b) Revise text for specific use regulations in Chapter 20.80 to add Urban Village and Mixed Use zoning districts to various sections, and add the Urban Village and Mixed Use zoning districts to the following specific use sections: (1) Part 5.75 - Taproom or Tasting Room and Off-Sale of Alcoholic Beverages in Conjunction with a Winery, Brewery, or Distillery; (2) Part 8.5 - Historic Landmark Structure Re-Use; (3) Part 11 - Off-Sales of Alcoholic Beverages; (4) Part 13.7 - Retail Art Studio; (5) Part 14 - Seasonal Sales; and (6) Part 18 - Temporary Trailers; (c) Revise text in Chapter 20.100 to incorporate and clarify how the new zoning districts work in relation to existing permit requirements in the following sections: (1) Part 4 - Adjustments; (2) Part 5 - Site Development Permit; and (3) Part 9 - Single Family House Permit; (d) Revise Table 20-10 in Section 20.10.060, Zoning districts established, and Table 20-270 in Section 20.120.110, Conformance with the general plan, and add the Urban Village and Mixed Use zoning districts to the tables; (e) Revise and add definitions in Chapter 20.200; (f) Revise definitions for Mixed Use and Private Open Space; (g) Add definitions for: Density, Floor Area, Floor Area Ratio (FAR), Privately Owned Public Open Space (POPOS), Public Open Space, and Townhouse or Rowhouse; and (h) Make other technical, non-substantive, or formatting changes within these sections. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Planning Commission recommends (5-1-1, Bonilla opposed; Caballero absent) (Planning, Building and Code Enforcement)

Action: **Ordinance No. 30603** amending the San José Municipal Code, Title 20 (Zoning Ordinance) for the Urban Village and Mixed Use Zoning Districts was adopted. (11-0.)

- **Open Forum**

1. Blair Beekman addressed the cities projected budget spending and spoke to defunding ideas.
2. Roland spoke to his concerns of the Charter Commissions' process, motions being made before public recommendations, brown act violations, and the appointments of independent council.
3. Mike S., an 8th grade teacher, thanked the staff for their efforts, spoke on the expansion of the IPA Initiative for police officers, and attempted to introduce his students to speak but were unable to due to outdated software issues.
4. Kathryn Hedges addressed Americans with Disabilities (ADA) Issues with hopes that the city considers having an ADA Office in the budget in the near future.

- **Adjournment**

The Council of the City of San José adjourned at 11:34 p.m.