



# **City Council Meeting SYNOPSIS**

**Tuesday, June 8, 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**

**9:42 a.m. - Closed Session, Call to Order.**  
**Councilmembers Absent: All present.**

**1:30 p.m. - Regular Session**  
**Councilmembers Absent: All present.**

- **Pledge of Allegiance**

**Mayor Sam Liccardo led the Pledge of Allegiance.**

- **Invocation (District 6)**

**Board President of the Billy DeFrank LGBTQ Community Center, Gabrielle Antolovich offered the invocation.**

- **Orders of the Day**

**The Orders of the Day were approved.**

**Councilmember offered that today's meeting would be adjourned in memory of Charles Davidson.**

- **Closed Session Report**

**None provided.**

## **1. CEREMONIAL ITEMS**

## **2. CONSENT CALENDAR**

### **2.1 21-1403 Approval of City Council Minutes.**

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

Action: The City Council Minutes were approved. (10-0-1. Absent: Carrasco)

### **2.2 21-1268 Final Adoption of Ordinances.**

(a) Ordinance No. 30571 - An Ordinance of the City of San José Adding Chapter 11.93 to Title 11 of the San José Municipal Code to Allow Permit Parking for One Way Car Sharing Programs. [Passed for Publication on 5/18/2021- Item 2.12(a) (21-1085)] (b) Ordinance No. 30573 - An Uncodified Ordinance of the City of San José Renewing the Grant of a Potable Water Franchise to Great Oaks Water Company. [Passed for Publication on 5/18/2021- Item 3.8(b) (21-1091) (c) Ordinance No. 30607 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 3.49-Acres Situated on the East Side of Senter Road Approximately 415 Feet Southerly of East Capital Expressway (3195 Senter Road) from the (A) Agriculture Zoning District to the PQP Public/Quasi-Public Zoning District [Passed for Publication on 5/25/2021- Item 10.1(a) (21-1184)] (d) Ordinance No. 30608 - A Codified Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Add Section 20.70.700 to Title 20 of the San José Municipal Code to Clarify that Project Specific Ordinances for the Downtown West Mixed-Use Plan Shall Govern Development within the Downtown West Planned Development Zoning District and Supersede Any Conflicting Provisions in Title 20. [Passed for Publication on 5/25/2021- Item 10.2(e) (21-1186)] (e) Ordinance No. 30609 - An Ordinance of the City of San José Rezoning Approximately 80 Acres of Real Property Situated in Downtown San José from the Light Industrial, Heavy Industrial, Industrial Park, Commercial Neighborhood, Commercial General, Downtown Primary Commercial, Public, Combined Industrial/Commercial, and A(PD) Planned Development Zoning Districts to the DC (PD) Planned Development Zoning District, and Adopting a Codified Amendment to Title 11, Sections 11.24.070 and 11.24.250, and Adopting Various Uncodified Amendments to the Municipal Code Associated with the Planned Development Zoning District. [Passed for Publication on 5/25/2021- Item 10.2(f) (21-1186) (f) Ordinance No. 30610 - An Ordinance of the Council of the City of San José Approving a Development Agreement between the City of San José and Google LLC Relative to the Development of Property Located in the Diridon Station Area Plan for the Downtown West Mixed-Use Plan and Authorizing the City Clerk to Execute the Development Agreement and Cause the Same to be Recorded with the Santa Clara

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## 2.2 (Cont'd.)

County Recorder's Office and Authorizing the City Manager or Designee to Execute the Related Transfer Agreements and to Negotiate and Execute the Reimbursement Agreement and Amendments thereto. [Passed for Publication on 5/25/2021- Item 10.2(i) (21-1186) (g) Ordinance No. 30611 - An Ordinance of the City of San José Rezoning Certain Real Property within Approximately 262 Gross Acres Located within the Boundaries of the Diridon Station Area Plan Generally Bounded by Lenzen Avenue and the Union Pacific Railroad Tracks to the North; the Guadalupe River and State Route 87 to the East; Interstate 280 to the South; and Sunol Street and the Diridon Station Commuter Rail to the West from Zoning Districts that Include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light Industrial, Two-Family Residential, and Transit Employment Center to Zoning Districts that Include Downtown Primary Commercial, Open Space, and R-M Residence Zoning Districts (Multiple Unit/Lot). [Passed for Publication on 5/25/2021- Item 10.3(d) (21-1185)]

Action: (a) **Ordinance No. 30571**, (b) Uncodified **Ordinance No. 30573**, (c) Rezoning **Ordinance No. 30607**, (d) Codified **Ordinance No. 30608**, (e) Rezoning **Ordinance No. 30609**, (f) **Ordinance No. 30610**, and (g) Rezoning **Ordinance No. 30611** were all passed for publication. (10-0-1. Absent: Carrasco)

## 2.3      **21-1404**      **Approval of Council Committee Minutes.**

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 5, 2021.(b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of May 6, 2021. (c) Regular Community and Economic Development Committee Meeting Minutes of May 24, 2021. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (10-0-1. Absent: Carrasco)

## 2.4      **Mayor and Council Excused Absence Requests.**

## 2.5      **City Council Travel Reports.**

## 2.6      **Report from the Council Liaison to the Retirement Boards.**

## 2.7      **21-1283**      **Approval of the Philippine Independence Day Community Event, City Hall Tower and Rotunda Lighting, and Flag Raising Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

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

- 2.8      21-1290      Approval of a Flag Raising and Lighting for Pride Month Sponsored by Council District 6 and Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**  
As recommended by the Rules and Open Government Committee on May 19, 2021: (a) Approve a flag raising and lighting for Pride Month to be recognized by the City Council on June 8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis and Foley) [Rules Committee referral 5/19/2021 – Item G.1.b]
- Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1. Absent: Carrasco)
- 2.9      21-1337      Boards and Commissions Appointment.**  
Approve the following Boards and Commissions appointment: (a) Council Appointment Advisory Commission: (1) District 4 Seat: Appoint Michael Booker for a term ending December 31, 2022. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
- Action: The Boards and Commissions appointment was approved. (10-0-1. Absent: Carrasco)
- 2.10      21-1292      Amendment to the Lease Agreement with the County of Santa Clara for use of the Environmental Innovation Center as a Household Hazardous Waste Collection Facility.**  
Adopt a resolution authorizing the City Manager to negotiate and execute a Fourth Amendment to the Lease Agreement with the County of Santa Clara for the Household Hazardous Waste Collection Program’s use of the City’s Environmental Innovation Center property. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development)
- Action: **Resolution No. 80038** authorizing the City Manager to negotiate and execute a Fourth Amendment to the Lease Agreement with the County of Santa Clara for the Household Hazardous Waste Collection Program’s use of the City’s Environmental Innovation Center property was adopted. (10-0-1. Absent: Carrasco)
- 2.11      21-1330      Actions Related to the Purchase and Sale Agreement for Acquisition of Property Located at 199 Race Street.**  
(a) Adopt a resolution authorizing the City Manager to negotiate and execute: (1) A Purchase and Sale Agreement with Nathan Gordon and the Gordon Foundation Trust for the purchase by the City of approximately 0.29 acres (12,503 square feet) of land commonly known as 199 Race Street and located at the northwest corner of

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## 2.11 (Cont'd.)

Race Street and Park Avenue, identified as Assessor's Parcel Number 261-27-093, for a price of \$1,450,000; and (2) Execute all other documents necessary to effectuate the transfer to the City. (b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Subdivision Park Trust Fund: (1) Decrease Future PDO / PIO Projects Reserve by \$1,450,000; and (2) Establish the Council District 6 Property Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,450,000. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 6. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager)

Action: (a) **Resolution No. 80039** authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement with Nathan Gordon and the Gordon Foundation and (b) 2020-2021 Appropriation **Ordinance No. 30612** regarding the amendments in the Subdivision Park Trust Fund were adopted. (10-0-1. Absent: Carrasco)

## 2.12 21-1293

### **Actions Related to Purchase Orders for Monitoring, Inspection, Maintenance and Repair Services for Fire and Burglar Alarm Systems.**

Adopt a resolution authorizing the City Manager to negotiate and execute purchase orders with Security Alert Systems of California, Inc. (Gilroy, CA) for monitoring, inspection, maintenance and repair services for fire and burglar alarm systems, to extend services for up to two additional one-year option terms for a total of three options through August 13, 2023 under the same material terms and conditions for a not-to-exceed amount of \$900,000 through August 13, 2022, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80040** authorizing the City Manager to negotiate and execute purchase orders with Security Alert Systems of California, Inc. was adopted. (10-0-1. Absent: Carrasco)

## 2.13 21-1294

### **Amendment to the Agreement with CherryRoad Technologies, Inc. for Human Resources, Payroll, Budget, and Timekeeping Systems.**

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

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## 2.13 (Cont'd.)

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. 80041** authorizing the City Manager to execute the First Amendment to the Agreement with CherryRoad Technologies, Inc. for Human Resources, Payroll, Budget, and Timekeeping Systems was adopted. (10-0-1. Absent: Carrasco)

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

Adopt a resolution authorizing the City Manager to: (a) Execute purchase orders with Castillo Plumbing, Inc. (Burlingame, CA), ECS Design, Inc. (San José, CA), Dynasel USA, Inc. (Santa Clara, CA), and Tucker Construction, Inc. (San José, CA) for maintenance, repair, and operation services for citywide facilities for the Department of Public Works for an initial twelve-month period, starting on or about June 15, 2021 and ending on or about June 14, 2022 for a total cumulative compensation not-to-exceed amount of \$2,200,000; and (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about June 14, 2026, subject to the annual appropriation of funds. CEQA: Categorically Exempt, File No. ER21-094, CEQA Guidelines 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80042** authorizing the City Manager to Execute purchase orders with Castillo Plumbing, Inc., ECS Design Inc., Dynasel USA, Inc., and Tucker Construction Inc. maintenance, repair, and operation services for citywide facilities was adopted. (10-0-1. Absent: Carrasco)

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

Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement with Granicus, Inc. (Denver, CO) for Webstreaming Software and Hosting Services to extend the term through August 8, 2025 by adding up to 2 two-year option terms with the same material terms and conditions as the original agreement for a maximum compensation of \$147,805 for the option term ending August 8, 2023, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80043** authorizing the City Manager to execute the Third Amendment to the Agreement with Granicus, Inc. (Denver, CO) for Webstreaming Software and Hosting Services was adopted.

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## 2.15 (Cont'd.)

Including the acceptance of the amended memorandum from Councilmember Matt Mahan, dated June 08, 2021, recommending to adopt Staff's recommendation authorizing the City Manager to execute the Third Amendment to the Agreement with Granicus, Inc., and direct the City Manager to: (1) Solicit from the Mayor's Office, Council Offices, and other relevant stakeholders requests for service improvements related to the streaming and agenda management tools currently provided by Granicus, Inc. (2) Assess, in particular, the value of the streaming services provided by Granicus, Inc. in light of the tools available via Zoom, YouTube and other potential service providers. (3) Provide an update to the Smart Cities and Service Improvements Committee by *December 31, 2021*, including but not limited to requested service improvements, the assessment of streaming services, and staff's recommended approach to improving these services through future requests for proposal and/or amendments to existing contracts. (11-0.)

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

As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept the Third Quarter (period ended March 31, 2021) Financial Reports for Fiscal Year 2020-2021 for the following programs: (a) Dept Management. (b) Investment Management. (c) Revenue Management. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance) [Public Safety, Finance and Strategic Support Committee referral 5/20/2021 - Item (c) 1]

Action: The Third Quarter Financial Reports for Fiscal Year 2020-2021 was accepted. (10-0-1. Absent: Carrasco)

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

Adopt a resolution: (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2021-2022 as filed or modified by Council; (b) Confirming the individual assessments as proposed or modified by Council; and (c) Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes. CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Works)

Action: **Resolution No. 80044** approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2021-2022 was adopted. (10-0-1. Absent: Carrasco)

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

Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2021-2022 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Categorically Exempt, File No. PP18-060, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 4, and 8. (Public Works)

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## 2.18 (Cont'd.)

Action: **Resolution No. 80045, 80046, 80047, 80048, 80049, 80050, 80051, 80052, 80053, 80054, 80055, 80056, and 80057** approving and confirming the Annual Budget Reports for Fiscal Year 2021-2022 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 were adopted. (10-0-1. Absent: Carrasco)

## 2.19      21-1315

### **Actions Related to the 7699 - Citywide Outfall Rehabilitation (Six Outfalls) Project.**

Adopt a resolution authorizing the Director of Public Works to: (a) Award and execute the 7699 - Citywide Outfall Rehabilitation (Six Outfalls) Project construction contract to the lowest responsive and responsible bidder, in a total amount not to exceed \$1,600,000 and approve a construction contingency of 15 percent of the amount of the construction contract, not to exceed \$240,000; (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and rebid the project; and (c) Negotiate and execute any single and/or multiple change orders for the Project in excess of \$100,000 up to the amount of the contingency of \$240,000. CEQA: Categorically Exempt, File No. ER20-266, CEQA Guidelines Section 15301, Existing Facilities and Section 15302, Replacement Reconstruction. (Public Works)

Action: **Resolution No. 80058** authorizing the Director of Public Works to award and execute the 7699 - Citywide Outfall Rehabilitation (Six Outfalls) Project was adopted. (10-0-1. Absent: Carrasco)

## 2.20      21-1316

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

(a) Approve the proposed Fiscal Year 2020/21- 2025/26 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program. (b) Approve the Fiscal Year 2019-2020 Rule 20B (In-Lieu Fee) Undergrounding Master Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: Actions Related to the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Including Approval of the Program Workplan and the Rule 20B (In Lieu Fee) Undergrounding Master Plan were approved. (10-0-1. Absent: Carrasco)

## 2.21      21-1317

### **Residential Construction Tax Contribution Rate Amendments.**

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

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## 2.21 (Cont'd.)

Action: **Resolution No. 80059** amending the contribution rates for eligible Improvements under the residential construction tax contribution fund pursuant to San José Municipal Code Section was adopted. (10-0-1. Absent: Carrasco)

### 2.22      21-1314

#### **Cooperative Agreements for BART Silicon Valley Phase II Extension Project.**

(a) Adopt a resolution making certain findings from the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report prepared by Valley Transportation Authority (“VTA”) as the Responsible Agency for purposes of and pursuant to the California Environmental Quality Act of 1970 in connection with the approval of discretionary actions by the City necessary for the construction of VTA’s BART Silicon Valley Phase II Extension Project and adopting the related Mitigation Monitoring Reporting Program. (b) Approve Cooperative Agreement #1 with the Santa Clara Valley Transportation Authority addressing design, construction and reimbursement obligations arising from VTA’s BART Silicon Valley Phase II Extension Project. (c) Adopt a resolution authorizing the City Manager or their designee to negotiate and execute future Cooperative Agreements, at no cost to the City, pursuant to the Master Agreement with the VTA for the BART Silicon Valley Phase II Extension Project (Attachment A to the staff memorandum) that address future design reviews, construction inspection and testing requirements and similar project-related issues. CEQA: Santa Clara Valley Transportation Authority’s Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for the BART Silicon Valley Phase II Extension, File No. ER21-065. Council District 3, 4 and 6. (Public Works/Transportation)

Action: The Cooperative Agreement #1 with the Santa Clara Valley Transportation Authority from VTA’s BART Silicon Valley Phase II Extension Project was approved, (a) **Resolution No. 80060** regarding the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report prepared by Valley Transportation Authority and (c) **Resolution No. 80061** authorizing the City Manager or their designee to negotiate and execute future Cooperative Agreements, at no cost to the City, pursuant to the Master Agreement with the VTA for the BART Silicon Valley Phase II Extension Project were adopted. (10-0-1. Absent: Carrasco)

### 2.23      21-1349

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

As recommended by the Rules and Open Government Committee on May 26, 2021: (a) Retroactively approve the Dumpster Day held at Glacier Drive scheduled on September 19, 2020 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Retroactively approve the Dumpster Day held at Donna Lane scheduled on October 10, 2020 as a City Council sponsored Special Event and approve the expenditure of funds. (c) Retroactively approve the Dumpster Day held at Emiline Drive scheduled on November 21, 2020 as a City Council sponsored Special Event and approve the expenditure of funds. (d) Retroactively approve the

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## 2.23 (Cont'd.)

Dumpster Day held at Kenton Lane scheduled on May 8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (e) Approve and accept donations from various individuals, businesses or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley) [Rules Committee referral 5/26/2021 - Item G.1.a]

Action: The Multiple City Council Sponsored Special Event were retroactively approved. (10-0-1. Absent: Carrasco)

## 2.24      21-1362

### **Retroactive Approval of City Hall Lighting Display for Eritrean Independence Day Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on June 2, 2021: (a) Retroactively approve the City Hall Lighting Display for the 30th Anniversary of Eritrea Independence Day, scheduled on May 24, 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. (Jones) [Rules Committee referral 6/2/2021 - Item G.1.a]

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

## 2.25      21-1425

### **Retroactive Approval of Vigil for the Victims of the Mass Shooting Event at VTA Maintenance Yard as a Citywide Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Retroactively approve vigil for the victims of the mass shooting event at the VTA maintenance yard held on May 27, 2021 as a Citywide Special Event and approve the expenditure of funds. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 6/2/2021- Item A.1.a]

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

## **3. STRATEGIC SUPPORT**

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

City Manager, Dave Sykes recognized the Unsung Hero, Ron Duba from the Planning, Building, and Code Enforcement Department.

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### 3.1 (Cont'd.)

Chief of Staff, Emergency Operations Center Director, Lee Wilcox and Deputy City Manager, Emergency Operations Center Director, Kip Harkness presented the COVID-19 Update , the updated San José City Roadmap, and the Emergency Operation Center Update.

Director, City Manager's Office of Administration, Policy, and Intergovernmental Relations, Sarah Zarate offered the Federal/State/County Public Health Guidance Update.

EOC Vaccination Taskforce Director, Anh Tran and Deputy Director, EOC Emergency Public Information, Carlos Velazquez offered the Vaccination Support Update and the updated Vaccination Task Force Roadmap.

Assistant Director of Human Resources, Kelli Parmley offered the Return to Onsite Work and Reopening of City Facilities Update.

City Clerk, Toni J. Taber offered the Hybrid Meetings update.

### 3.2 Labor Negotiations Update.

None provided.

### 3.3 21-1291 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 from 5/18/2021 - Item 3.7 (21-1090)]

Action: **Resolution No. 80062** approving the award of Digital Inclusion Grant Awards to 13 organizations was adopted.

Including the acceptance of the memorandum from Mayor Sam Liccardo, dated June 08, 2021, recommending: (1) to accept Staff recommendation to execute round two grant agreements between the City, the California Emerging Technology Fund (CETF), and the San José Digital Inclusion Fund's round one 23 participating grantees. (2) Direct the City Manager and Librarian to ensure Digital Inclusion Fund

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### 3.3 (Cont'd.)

grants are outcomes based in order to maximize opportunities for qualifying low-income residents in receiving assistance connecting to broadband Internet at home, having an adequate computing device, and receiving digital literacy training to the UNESCO Level Three standard. Staff will only disburse round two grant funds to qualifying grantees who have demonstrated completion of full adoptions from round one. (10-0-1. Recused: Mahan)

## **4. PUBLIC SAFETY SERVICES**

- 4.1      21-1323      Police Reforms Work Plan: Reimagining Community Safety Status Report.**  
(a) As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept a status report on the Police Reforms Work Plan: Reimagining Community Safety work. (b) Discussion and direction to the Administration on: (1) Expanding the scope of the Reimagining Community Safety process; (2) The organizational framework and leadership model for the process; and (3) The City's commitment of resources in support of the process. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager) [Public Safety, Finance and Strategic Support Committee referral 5/20/2021 - Item (d)1]

**DEFERRED TO 6/15/2021 PER ADMINISTRATION**

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

- 5.1      21-1324      2021 Local Streets Remove & Replace Project (Re-Bid).**  
(a) Reject all bids received on March 4, 2021 for the 2021 Local Streets Remove and Replace Project. (b) Approve award of a construction contract for the 2021 Local Streets Remove & Replace Project (Re-bid), to the lowest bidder, Teichert Construction, in the amount of \$2,823,304. (c) Approve an approximate 10% contingency in the amount of \$282,300. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: (a) The rejection of all the bids received on March 4, 2021 for the 2021 Local Streets Remove and Replace Project, (b) the award of a construction contract for the 2021 Local Streets Remove & Replace Project (Re-bid), and (c) the approximate 10% Contingency were approved. (11-0.)

- 5.2      21-1325      2021 Local Streets Resurfacing #2 Project.**  
(a) Approve award of a construction contract for the 2021 Local Streets Resurfacing #2 Project, to the low bidder, MCK Services, Inc. in the amount of \$6,999,419.10. (b) Approve an approximate 10% contingency in the amount of \$699,900. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2 and 7. (Transportation)

Action: The award of a construction contract for the 2021 Local Streets Resurfacing #2 Project was approved. (11-0.)

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

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

Approve the dewatered biosolids management strategy to be implemented in stages in the next five to ten years, which includes off-site disposition service contracts, an on-site fertilizer partnership facility, and land application on local natural and working lands. CEQA: Not a Project, File No. PP17-007. Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services)

Action: The dewatered biosolids management strategy for the San José-Santa Clara Regional Wastewater Facility was approved. (11-0.)

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

Approve the Master Consultant Agreement with Black & Veatch Corporation for various Operations and Maintenance training and support activities at the San José-Santa Clara Regional Wastewater Facility for a full term through June 30, 2026 for a maximum not-to-exceed aggregate compensation amount of \$3,750,000, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: The Master Consultant Agreement with Black & Veatch Corporation for Consulting Services at the San José- Santa Clara Regional Wastewater Facility was approved. (11-0.)

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

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

Action: The First Amendment to the Master Consultant Agreement with Kennedy/Jenks Consultants, Inc., for engineering services for the Facility Wide Water Systems Improvements project at the San José-Santa Clara Regional Wastewater Facility was approved. (11-0.)



## **7. NEIGHBORHOOD SERVICES**

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

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

Approve the Second Amendment to the Second Amended and Restated Arena Management Agreement by and between the City of San José and the San José Arena Management LLC. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development).

Action: The Second Amendment to the Second Amended and Restated Arena Management Agreement was approved. (11-0.)

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

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

Action: **Resolution No. 80064** authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement for Acquisition of Property of land located at the northeast corner of Olinder Court and Felipe Avenue was adopted. (11-0.)

### **8.3      21-1342      Assessment of Fair Housing.**

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

Action: The report on the Assessment of Fair Housing was accepted.

Including the acceptance of the memorandum from Vice Mayor Chappie Jones, dated June 8, 2021, recommending to accept staff recommendations, the memos of Council Members Arenas, Esparza, and joint memo of Jones/Carrasco and include the following: Evaluate potential funding from the US Department of Housing and Urban Development's recent allocation of \$100 million towards an initiative to increase Black homeownership in traditionally redlined neighborhoods, and how it may be applied to Black San Jose residents seeking homeownership.



Including the acceptance of the memorandum from Councilmember Sylvia Arenas, dated June 7, 2021, recommending accepting the Staff Report and Supplemental, and additionally: (1) Reaffirm Council's proactive commitment to promote policies that address longstanding systemic segregation and housing discrimination in San José. (2) Direct staff to return with a report that goes above and beyond the minimum actions required by state law and federal regulation. (3) Affirm as a statement from the San José City Council that housing segregation in San José is the result of federal, state, and local policies. That a segregated city was deliberately achieved by policy makers, and that – as a harm that was created by public policy that the Council asks staff to return with actionable pathways to promote desegregation in San José. (4) Recommend that the scope of work for draft strategies to return to Council should be a cross-departmental collaboration, particularly including recommendations for strategies that the Planning Department, Transportation Department, and the Office of Economic Development can add to their work plans and processes. (5) Modify staff's planned next steps and timeline to allow for NSE and CED to each hear both draft action items scheduled for committee presentations in October.

Including the acceptance of the memorandum from Councilmember Maya Esparza, dated June 7, 2021, recommending accepting the staff recommendations and recommendations from the June 4th Memo from the Vice Mayor and Councilmember Carrasco and: (1) In tandem with the development of a strategy to increase African American home ownership, consider strategies and opportunities to promote the production of affordable for-sale units, including incorporating these goals and strategies as part of the longer term work with BAHFA on lower-to-moderate income housing preservation and development.

Also including the acceptance of the joint memorandum from Vice Mayor Chappie Jones and Councilmember Magdalena Carrasco dated June 4, 2021, recommending accepting the staff recommendation and include the following: (1) Extend the timeline of the draft Assessment of Fair Housing (AFH) Plan to no earlier than November 2021 to allow Staff adequate time to gather extensive community outreach on Fair Housing prior to presenting strategies to the Housing and Community Development Commission. (2) When staff returns to Council with a draft Assessment of Fair Housing (AFH) Plan, evaluate and include: a. a specific strategy that increases African American and Latino home ownership opportunities, considering any best practices or guidance that may be developed by the US Department of Housing and Urban Development (HUD); and b. evaluate local, state and federal funding, and identify which sources are eligible to support the proposed home ownership opportunities program. c. An analysis on how creative land use policies that increase historically marginalized communities in areas of opportunity can work to address fair housing. (3) Expand Anti Retaliation Policy based on the findings that discrimination is continuing to take place and stems from various factors (race, gender, size of family.) (4) Conduct further analysis on housing conditions among low-income tenants of color, develop policy to address this issue including mechanisms of enforcement for landlords unwilling to address properties/units experiencing poor habitability. (5) Evaluation of current anti-displacement strategies as it relates to the findings of this report. (11-0.)

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

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

Successor Agency Board adopt resolutions approving: (a) The Administrative Budget for July 1, 2021 through June 30, 2022; and (b) The Recognized Obligation Payment Schedule 2021-22 (the “ROPS 21-22”) and authorizing payment of expenditures for items on ROPS 21-22, which details the obligations of the Successor Agency for the period of July 1, 2021 through June 30, 2022. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Action: (a) Successor Agency **Resolution No. 7085** regarding the approval of the Administrative Budget for July 1, 2021 through June 30, 2022 and (b) Successor Agency **Resolution No. 7086** regarding the Annual Recognized Obligation Payment Schedule 2021-22 were adopted. (11-0.)

## **10. LAND USE**

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

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

Approve an ordinance of the City of San José amending sections of Title 20 (Zoning Ordinance or Zoning Code) to amend Chapter 20.80 Specific Use Regulations including Section 20.80.11.50 to add criteria for issuing a Conditional Use Permit for pawnshops and pawnbrokers that meet certain distance criteria from sensitive uses, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Planning, Building and Code Enforcement)

**DEFERRED TO 6/29/2021 PER ADMINISTRATION**

#### **10.1(b) 21-1333 C20-016 & T20-030 - Conforming Rezoning and Tentative Map for Property Located at 3155 Silver Creek Road.**

(1) Approve an ordinance rezoning an approximately 0.74-gross acre portion of an approximately 9.90-gross acre parcel, located at the west side of Silver Creek Road, approximately 200 feet northwest of the intersection of E. Capitol Expressway and Silver Creek, from the LI(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District. (2) Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one parcel into two parcels of approximately 0.74 acre and 9.16 acres, respectively. CEQA: Class 15 Categorical

*(Item Continued on the Next Page)*

## 10.1 (b) (Cont'd.)

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

Action: (1) **Ordinance No. 30613** rezoning an approximately 0.74-gross acre portion of an approximately 9.90-gross acre parcel was passed for publication and (2) **Resolution No. 80065** approving a Tentative Map to subdivide one parcel into two Parcels was adopted. (11-0.)

## END OF CONSENT CALENDAR

## 10. Land Use - Regular Agenda

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

- 10.2      21-1335      GP20-008 & C21-001 - City-Initiated General Plan Amendment and Conforming Rezoning for the Berryessa BART Urban Village Plan.**
- (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

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## 10.2 (Cont'd.)

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 TO 6/22/2021 PER ADMINISTRATION**

## 10.3 21-1336

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

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 TO 6/22/2021 PER ADMINISTRATION**

## 10.4 21-1334

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

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 TO 6/22/2021 PER ADMINISTRATION**

- **Open Forum**

1. Caller 'User1' spoke to injustices happening to people of all races.
2. Blair Beekman thanked staff for their work on equity, reimagining ideas, and including natural disaster preparedness in their work. He also spoke to the Vision Zero Task Force Committee.
3. Roland spoke to the legislation of the Government Executive Order regarding the Brown Act and his concerns with the high speed rail.
4. Tessa Woodmansee spoke to her concerns of fossil fuels, pollution, and diesel impacts living near train tracks in her neighborhood.

- **Adjournment**

The Council of the City of San José meeting adjourned at 6:34 p.m. in memory of Charles Davidson, who passed away at the age of 90 on March 25, 2021. It is an honor to recognize Charles for his many contributions to our community.