



City Council Meeting SYNOPSIS

Tuesday, June 22, 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**

8:40 a.m. - Closed Session, Call to Order.

Councilmembers Absent: All present.

11:00 a.m. - Regular Session

Councilmembers Absent: All present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 6)**

San Jose Police Chaplaincy program, Chaplain, Bryan Allen offered the invocation and opened up in prayer.

- **Orders of the Day**

The Orders of the Day were approved.

Mayor Sam Liccardo offered that today's meeting would be adjourned in honor and memory of the victims of the Valley Transportation Authority Rail Yard tragedy.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 21-1519

Final Adoption of Ordinances.

(a) Ordinance No. 30613 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.90-Gross Acre, Situated on the West Side of Silver Creek Road, Approximately 200 Feet Northwest of the Intersection of East Capitol Expressway and Silver Creek Road (3155 Silver Creek Road) (APN: 670-15-018) from the (LI)PD Planned Development Zoning District to the CN Commercial Neighborhood Zoning District. [Passed for Publication on 6/8/2021- Item 10.1(b)(1) (21-1333)]

Action: **Ordinance No. 30613** was passed for publication. (11-0.)

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 21-1443

Resolution Remembering the Victims of the Valley Transportation Authority Rail Yard Mass Shooting on May 26, 2021.

As recommended by the Rules and Open Government Committee on June 2, 2021, adopt a resolution remembering the victims of the Valley Transportation Authority Rail Yard mass shooting that occurred on May 26, 2021. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Perez) [Rules Committee referral 6/2/2021 - Item (G)3]

Action: **Resolution No. 80095** remembering the victims of the Valley Transportation Authority Rail Yard mass shooting was adopted. (11-0.)

2.8 21-1483

Planning Commission Appointment.

Appoint the following applicants to the Planning Commission: (a) Citywide: Appoint Charles Cantrell to a term ending June 30, 2024; (b) District 4: Appoint Maribel Montenez to a term ending June 30, 2022; (c) District 7: Appoint Sylvia Ornelas Wise to a term ending June 30, 2024; and (d) District 9: Appoint Michael Young to a term ending June 30, 2022. CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Action: The Planning Commission Appointments were approved. (11-0.)

2.9 21-1445

California Community Choice Association 2021-2022 Membership.

Adopt a resolution authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association ("CalCCA") for fiscal year 2021-2022 at a cost not to exceed \$600,000. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Community Energy)

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2.9 (Cont'd.)

Action: **Resolution No. 80096** authorizing the Director of the Community Energy Department to continue the City's annual membership with the California Community Choice Association for fiscal year 2021-2022 was adopted. (11-0.)

2.10 21-1446

Declaration of Surplus and Sale of Portion of City-Owned Property Located Along Graham Avenue.

Adopt a resolution: (a) Declaring the subject property "exempt surplus land" under California Government Code §54221(f)(1)(B) as the land is not necessary for the City of San José's use, is less than 5,000 square feet, is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes, and is being transferred to a contiguous property owner; (b) Approving the sale of City-owned property located along Graham Avenue at the northwest corner of Goodyear and Sherman Streets, identified as a portion of Assessor's Parcel Number 434-07-084, to Jonathon Elliott for \$45,000 by direct negotiation under San José Municipal Code Section 4.20.070 as the transferee is an adjacent property owner; and (c) Authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, the deed, and all other documents necessary to complete the transaction. CEQA: Categorically Exempt, File No. ER21-090, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 3. (Economic Development)

Action: **Resolution No. 80097** regarding the declaration of surplus and sale of portion of city-owned property located along Graham Avenue was adopted. (11-0.)

2.11 21-1447

Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for 2021-2022.

Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects: (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA Program and workforce programs funded by other sources, including, but not limited to, novation's or assignments, case management contracts, and consultant contracts, for the period July 1, 2021 to June 30, 2022 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2018 to June 30, 2022 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been

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2.11 (Cont'd.)

appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement. (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (d) All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (e) All Eligible Training Provider List (ETPL), Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2021 to June 30, 2022, subject to annual appropriation of funds by the WDB. (f) All agreements specified in sections (a) through (e) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2022), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement. (g) All agreements specified in sections (a) through (e) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2022). CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment. (Economic Development)

Action: **Resolution No. 80098** authorizing the City Manager or designee to negotiate and execute the Annual Workforce Innovation and Opportunity Act (WIOA) Program and Projects for 2021-2022 was adopted. (11-0.)

2.12 21-1485

Non-Profit Charitable Reuse Agreements.

Approve charitable reuse agreements with Goodwill of Silicon Valley for \$249,323; The Salvation Army for \$88,109; and HOPE Services for \$4,340, each with a term from July 1, 2021 through June 30, 2022. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services) [Deferred from 6/15/2021 - Item 2.10 (21-1367)]

Action: The Non-Profit Charitable Reuse Agreements were approved. (11-0.)

2.13 21-1464

Actions Related to the Grant Agreement with the United States Environmental Protection Agency for the Clean Creeks, Healthy Watersheds Project.

(a) Adopt a resolution authorizing the City Manager to: (1) Negotiate and execute a grant agreement and other related documents with the United States Environmental Protection Agency (EPA) to fund the Clean Creeks, Healthy Watersheds Project if

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2.13 (Cont'd.)

awarded for the term of July 1, 2021 through June 30, 2025, with a grant to the City in the amount of \$1,540,000, at a cost to the City over the term of the Agreement of \$1,540,000. (2) Negotiate and execute agreements upon award of the grant with: (i) Keep Coyote Creek Beautiful, a non-profit 501(c)(3) corporation, for the term July 1, 2021 through June 30, 2025, to conduct volunteer trash cleanups and community outreach and education in an amount not to exceed \$500,000; and (ii) South Bay Clean Creeks Coalition, a non-profit 501(c)(3) corporation, for the term July 1, 2021 through June 30, 2025, to conduct volunteer trash cleanups and community outreach and education in an amount not to exceed \$500,000. (b) Adopt the following FY 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund: (1) Increase the estimate for Revenue from the Federal Government by \$385,000; and (2) Establish a Citywide Clean Creeks, Healthy Watersheds appropriation to the Environmental Services Department in the amount of \$385,000. CEQA: Categorically Exempt, File No. ER21-100, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment. Council Districts 2, 3, 4, 6, 7, and 9. (Environmental Services/City Manager)

Action: (a) **Resolution No. 80099** regarding the grant agreement and other related documents to fund the Clean Creeks, Healthy Watersheds Project, (b) FY 2021-2022 Appropriation **Ordinance No. 30618**, and (b) Funding Sources **Resolution No. 80100** amending the General Fund were adopted. (11-0.)

2.14 21-1465

Amendment to the Agreement with Santa Clara Valley Habitat Agency to Manage the Burrowing Owl Habitat.

Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement between the Santa Clara Valley Habitat Agency and the City of San José for Burrowing Owl Habitat Management at the San José-Santa Clara Regional Wastewater Facility to increase the term from July 1, 2016 through June 30, 2026. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)

Action: **Resolution No. 80101** regarding the First Amendment to the Agreement between the Santa Clara Valley Habitat Agency to manage the Burrowing Owl Habitat Management at the San José-Santa Clara Regional Wastewater Facility was adopted. (11-0.)

2.15 21-1449

Actions Related to the Suspension of the Affordable Housing Impact Fee.

Adopt a resolution amending Resolution No. 77218, as previously amended by Resolutions No. 78010, 78392, 78473, 78576, and 79294 (collectively the “Housing Impact Fee Resolution”), to suspend the Affordable Housing Impact Fee program for new projects approved on or after May 1, 2021. CEQA: Not a Project. File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

DEFERRED TO 6/29/2021 PER ADMINISTRATION

2.16 21-1444

Agreement with Destination: Home SV for Emergency Rental Assistance Services.

Adopt a resolution authorizing the City Manager to negotiate and execute a contract with Destination: Home SV, a supporting organization of Silicon Valley Community Foundation, in an amount not to exceed \$2,112,000 through December 31, 2022 to assist low-income San José residents with obtaining assistance for rental and utility relief. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)

Action: **Resolution No. 80103** regarding the agreement with Destination: Home SV for emergency rental assistance was adopted. (11-0.)

2.17 21-1450

Actions Related to the Winchester Ranch Turnkey Parkland Agreement.

(a) Approve a Turnkey Parkland Agreement between the City of San José and Pulte Home Company, LLC, a Michigan limited liability Company, to satisfy the requirements of the City's Park Impact Ordinance (San José Municipal Code Chapter 14.25) and Parkland Dedication Ordinance (San José Municipal Code Chapter 19.38) which includes: (1) Dedication of a 2.01 gross acre site to the City; (2) Design and construction of park improvements on this site; and (3) Payment of City Design and Review Fees. (b) Adopt a Master Plan for a public park. (c) Adopt an official name for the park based on the following alternatives: (1) "Winchester Orchard Park" as recommended by staff and the Parks and Recreation Commission as a result of a public naming process; or, (2) Select an alternative park name from the list of eligible names generated through the public outreach process and that was considered in a public forum. (d) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Subdivision Park Trust Fund: (1) Establish the Winchester Orchard Park Design, Review, and Inspection appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$342,000; and (2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$342,000. CEQA: Winchester Ranch Residential Project Certified Environmental Impact Report (Resolution No. 79376), File Nos. GP18 014, GPT19 004, PDC18 037, PD19 019, PT19 023. Council District 1. (Parks, Recreation and Neighborhood Services)

Action: (a) The Winchester Ranch Turnkey Parkland Agreement between the City of San José and Pulte Home Company, LLC, (b) the Master Plan for a public park, and (c) the official name for the park were approved; and (d) Appropriation **Ordinance No. 30619** regarding 2021-2022 amendments in the Subdivision Park Trust Fund were adopted. (11-0.)

2.18 21-1451

Authorization to Negotiate and Execute Parks, Recreation and Neighborhood Services 2021-2022 Agreements.

Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager: (a) The City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment A of the staff memorandum); (b) The City Manager to accept any funds

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2.18 (Cont'd.)

exceeding the figures identified in Attachment A of the staff memorandum for the specified programs and purposes identified as "Compensation Paid to the City of San José," provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and (c) The Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2021-2022 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B of the staff memorandum) consistent with Adopted Budget amounts for the following City programs or services: (1) After School Education and Safety; (2) BeautifySJ Initiative; (i) Encampment Trash Program; (ii) Litter, Trash, and Illegal Dumping Service Agreements, where applicable; (iii) Memoranda of Understanding; (3) BeautifySJ Fiscal Agent Agreement (4) Citywide Aquatics Program; (5) Community Service Provider Agreements; (6) Facility Use Agreements; (7) Food and Necessities Distribution Program Agreements; (8) Friends of PRNS Non-Profit Organizations; (9) Golf Course Agreements; (10) Grant Programs; (i) Bringing Everyone's Strengths Together; (ii) BeautifySJ Neighborhood Associations Grant Program; (iii) Franklin-McKinley Children's Initiative; (iv) Safe Summer Initiative Grant; (v) Saint James and Public Life; (vi) Senior Health and Wellness; (vii) Spartan-Keyes Neighborhood Action Center; (11) Grant Revenue Agreements; (12) Happy Hollow Park & Zoo; (i) Education Programs; (ii) Private Events; (13) Leisure and Recreation Fee Class Vendor Agreements; (14) Little League Agreements; (15) Mayor's Gang Prevention Task Force; (i) Memoranda of Understanding; (ii) County of Santa Clara Agreement for Hospital-Based Intervention Program (Trauma to Triumph) (16) Mitigation Monitoring and Maintenance Support Services; (17) Neighborhood Center Partner Program; (18) Park Concessionaires Agreements; (19) San José Police Activity League Agreement; (20) Recreation of City Kids Program; (21) Reimbursement Agreements; (22) Right-of-Entry Agreements; (23) Standard Consultant Agreements for Non-Capital Projects; (24) Summer Food Service Program. CEQA: Categorically Exempt, File No. PP16-042, CEQA Guidelines Section 15301, Existing Facilities. (Parks, Recreation and Neighborhood Services).

Action: **Resolution No. 80104** regarding the appropriation of funds authorizing to negotiate and execute Parks, Recreation and Neighborhood Services for 2021-2022 Agreements were adopted, with an increase to the Contract Authority for Conservation Corps from \$500,000 to now \$750,000 for the one-year extension. (11-0.)

2.19 21-1452

Agreement with the Peninsula Corridor Joint Powers Board for the San José Diridon Station Integrated Concept Plan.

Adopt a resolution authorizing the City Manager or his designee to negotiate and execute the Funding Agreement between the City of San José and the Peninsula Corridor Joint Powers Board in an amount not to exceed \$718,734, to fund development and delivery of the Diridon Integrated Station Concept Plan. CEQA: Not a Project, File

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2.19 (Cont'd.)

No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6. (Transportation)

Action: **Resolution No. 80105** regarding the Funding Agreement between the City of San José and the Peninsula Corridor Joint was adopted. (11-0.)

2.20 21-1453

Amendment to the Funding Agreement with VTA for the U.S. 101/Zanker Road Project.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority (VTA) for the US 101/Zanker Road Project to extend the term of the agreement to December 31, 2023. CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council District 3. (Transportation)

Action: **Resolution No. 80106** regarding the amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority (VTA) for the US 101/Zanker Road Project was adopted. (11-0.)

2.21 21-1491

Retroactive Approval of Make Music Day Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on June 9, 2021: (a) Retroactively approve Make Music Day scheduled on June 21, 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 6/9/2021 - Item G.1.a]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)

2.22 21-1498

Retroactive Approval of Alzheimer's and Brain Awareness Month Proclamation and Tower and Rotunda Lighting Sponsored by Council District 3 and 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 June 9, 2021: (a) Retroactively approve the Alzheimer's and Brain Awareness Month proclamation and Tower and Rotunda lighting from June 20-25, 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. (Perez and Carrasco) [Rules Committee referral 6/9/2021 - Item G.1.d]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)

2.23 21-1565

Report on Request for Proposal and Actions Related to Employee Health Services.

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Concentra to provide employee health services with an initial term beginning July 1, 2021 through June 30, 2024, with three options to extend annually through June 30, 2021 for total compensation not to exceed \$1,095,000 for the initial 3 year term and a total amount not to exceed \$375,950 for Option 1, \$387,229 for Option 2 and \$398,845 for Option 3, for a maximum total amount of compensation not to exceed \$2,257,024, subject to 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. (City Manager)

Action: **Resolution No. 80107** authorizing the City Manager to negotiate and execute an agreement with Concentra to provide employee health services was adopted. (11-0.)

2.24 21-1594

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

As recommended by the Rules and Open Government Committee on June 16, 2021: (a) Approve July 2021 as Parks and Recreation Month to be recognized by the City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas) [Rules Committee referral 6/16/2021 - Item G.1.a]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.25 21-1601

Retroactive Approval of Northwood 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 June 16, 2021: (a) Retroactively approve the Northwood Park Dumpster Day scheduled on June 19, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 6/16/2021 - Item G.1.b]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0.)

2.26 21-1605

Approval of Three Neighbor Day Events 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 June 16, 2021: (a) Retroactively approve the Shadowbrook Neighbor Day held on May 22, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Retroactively approve the VEP Neighbor Day scheduled on June 19, 2021 as a City

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2.26 (Cont'd.)

Council sponsored Special Event and approve the expenditure of funds. (c) Approve the Playa del Rey Neighbor Day scheduled on June 26, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (d) 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 6/16/2021 - Item G.1.c]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.27 21-1609

Approval of Proclamation for National Immigrant Heritage 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 June 16, 2021: (a) Approve National Immigrant Heritage Month scheduled on June 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. (Carrasco) [Rules Committee referral 6/16/2021 - Item G.1.d]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.28 21-1615

Expediting the Commission Appointment Process for Various Commissions.

Approve an Ordinance of the City of San José amending Sections 2.08.2140, 2.08.2220, 2.08.2640, 2.08.2830, 2.08.3040, 2.08.3240, and 2.08.3440 of Chapter 2.08 of Title 2 of the San José Municipal Code to Expedite the Appointment Process for Various Commissions When the Council Appointment Advisory Commission is Unable to Meet. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

Action: **Ordinance No. 30632** amending the San José Municipal Code to Expedite the Appointment Process for Various Commissions was passed for publication. (11-0.)

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 21-1454

Approval of Various Budget Actions for Fiscal Year 2020-2021.

Adopt the 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in the General Fund and Special/Capital Fund

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3.3 (Cont'd.)

attachments to the memorandum to Council. 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. (City Manager)

Action: The 2020-2021 Appropriation **Ordinance No. 30620** and Funding Sources **Resolution No. 80108** amending various funds in the General Fund and Special/Capital Fund were adopted. (11-0.)

3.4 21-1455

Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2021-2022 Budget, and Resolution Establishing the Fiscal Year 2021-2022 Appropriation Limit.

(a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2021-2022 and the Manager's Final Budget Addendum. (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2021-2022 and the Manager's Final Budget Addendum. (c) Adopt a resolution taking the following actions with respect to the City's 2021-2022 "Gann Limit": (1) Elect the per capita income index as the inflation factor for 2021- 2022 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor; (2) Elect the County of Santa Clara population growth index as the population factor for 2021-2022; and (3) Establish the Fiscal Year 2021-2022 Appropriation Limit at \$1,314,478,566 in compliance with Article XIII B of the State Constitution. 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. (City Manager)

Action: (a) Annual Appropriation **Ordinance No. 30621**, (b) Annual Funding Sources **Resolution No. 80109** for Fiscal Year 2021 2022 budget, and (c) **Resolution No. 80110** establishing the fiscal year 2021-2022 Appropriation limit were adopted. (11-0.)

3.5 21-1456

Extension of the Proclamation of Local Emergency Related to COVID-19.

Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José. CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

Action: **Resolution No. 80111** regarding the extension of the proclamation of local emergency related to COVID-19 was adopted. (11-0.)

3.6 21-1486

Report on Request for Proposal and Actions Related to Employee Health Services.

RENUMBERED TO ITEM 2.23 (21-1565)

3.7 21-1448

City of San José General Obligation Bonds, Series 2021ABC.

Adopt a resolution authorizing the City to issue its general obligation bonds in an aggregate principal amount not to exceed \$225,000,000, and directing the execution of a Fiscal Agent Agreement and certain other related documents, and authorizing actions related thereto. 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: **Resolution No. 80112** regarding the City of San José to issue its General Obligation Bonds was adopted. (11-0.)

3.8 21-1457

City of San José 2021 Tax and Revenue Anticipation Note. -

(a) Adopt a resolution: (1) Authorizing the issuance and sale of the City of San José 2021 Tax and Revenue Anticipation Note (the “2021 Note”) in an aggregate principal amount not to exceed \$285,000,000 to be sold through a direct bank placement; and (2) Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement with Bank of America, N.A. and other related documents, as necessary, in connection with the issuance of the 2021 Note and authorizing other related actions in connection therewith. (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2021-2022: (1) Increase the estimate for Other Revenue in the amount of \$285,000,000; and (2) Increase the Citywide TRAN Debt Service appropriation to the Finance Department in the amount of \$285,000,000. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance/City Manager)

Action: (a) **Resolution No. 80113** regarding the 2021 Tax and Revenue Anticipation Note and (b) Appropriation **Ordinance No. 30622** and Funding Sources **Resolution No. 80114** amending the General Fund for Fiscal Year 2021-2022 were adopted. (11-0.)

3.9 21-1458

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

(a) Adopt a resolution authorizing the City Manager to: (1) Negotiate and execute the Third Amendment to the Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to increase funding by \$1,377,741 for a revised total funding amount of \$5,476,183 for ongoing operations, maintenance, support, and technology refreshes for the James Lick, William C. Overfelt, and Yerba Buena High School attendance areas and to extend the term of the agreement through December 31, 2026. (2) Negotiate and execute the Third Amendment to the Agreement for East Side Union High School District Community Wi-Fi Deployment between the City of San José and SmartWAVE Technologies LLC (Alpharetta, GA) to reflect final costs for the William C. Overfelt and Yerba Buena High School attendance areas, reduce compensation by \$43,972 for a revised maximum compensation of \$3,263,018 for the initial term ending December 31, 2021, and add scope of work and estimated costs for technology refreshes

(Item Continued on the Next Page)

3.9 (Cont'd.)

at the James Lick, William C. Overfelt and Yerba Buena High School attendance areas during agreement option terms through December 31, 2026, subject to the appropriation of funds. (3) Negotiate and execute a Funding Agreement between the City of San José and East Side Union High School District Relating to Installation of a Community Wireless Network in the District to design, build, and/or maintain a Community Wireless Network in the District for a term of five years through 2026, with the City's contribution amount not to exceed \$3,900,000 to fund the implementation, maintain services and replacement of technology for five attendance areas: Independence, Andrew P. Hill, Oak Grove, Mt. Pleasant, and Silver Creek. (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund: (1) Increase the East Side Union High School District Community Wireless Network Project appropriation to the Public Works Department by \$1,377,769; and (2) Increase the estimate for Revenue from Local Agencies by \$1,377,769. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library/Finance/City Manager) [Deferred from 6/15/2021 - Item 3.13 (21-1405)]

DEFERRED TO 6/29/2021 PER ADMINISTRATION

3.10 21-1582

Annual Merit Increases and Additional Executive Leave for Council Appointees.

Approving a 2.5% merit increase for the City Attorney and City Clerk, effective July 1, 2021, and granting an additional forty (40) hours of executive leave to each of these Council Appointees for the payroll calendar year 2021. [Rules Committee referral 6/16/2021 - Item A.1.a]

DEFERRED TO 6/29/2021 PER ADMINISTRATION

3.11 21-1583

City Auditor Appointment and Compensation Package/Employment Agreement and Salary Setting.

(a) Adopt a resolution reappointing Joe Rois as City Auditor and approving compensation for services as City Auditor for a term beginning July 1, 2021 and ending June 30, 2025 consistent with the following terms and the attachment in this memo: (1) Salary: The starting salary will be \$210,000 annually. In addition to this starting salary, the City Auditor will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$220,500. (2) Executive Management Benefits: As executive management, the City Auditor will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The City Auditor will continue to receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage. (3) Vacation and Executive Leave: The City Auditor will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The City Auditor has zero (0) hours remaining of executive leave in the 2021 calendar year and will not be eligible for additional executive leave in 2021. Executive Leave cannot be cashed out or carried

(Item Continued on the Next Page)

3.11 (Cont'd.)

over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate. (4) Outside Employment: The City Auditor will not engage in outside employment without City Council approval. (b) Adjust the annual compensatory range for the City Auditor to better align with other jurisdictions' chief auditors, and amend the City of San José Pay Plan to a salary range of \$145,117 to \$240,000, effective July 1, 2021. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 6/16/2021 - Item A.1.a]

DEFERRED TO 6/29/2021 PER ADMINISTRATION

3.12 21-1584

Independent Police Auditor Appointment and Compensation Package/Employment Agreement and Salary Setting.

(a) Adopt a resolution reappointing Shivaun Nurre as Independent Police Auditor (IPA) and approving compensation for services as Independent Police Auditor for a term beginning January 1, 2021 and ending December 31, 2024 consistent with the following terms and the attachment in this memo: (1) Salary: The new salary will be \$230,000 annually effective July 1, 2021. In addition to this new salary, the IPA will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$241,500 effective July 1, 2021. (2) Executive Management Benefits: As executive management, the IPA will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The IPA will also receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage. The IPA will also receive a monthly cell phone and data stipend, which is currently \$35 for cell phone use and/or \$40 for data plan use. However, the IPA has waived this stipend as she currently has a City-issued cell phone. (3) Vacation and Executive Leave: The IPA will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The IPA has twenty-eight (28) hours remaining of executive leave in the 2021 calendar year and will not be eligible for additional executive leave in 2021. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate. (4) Outside Employment: The IPA will not engage in outside employment without City Council approval. (b) Adjust the annual compensatory range for the Independent Police Auditor to better align with other jurisdictions' chief police auditors, and amend the City of San José Pay Plan to a salary range of \$145,117 to \$263,000, effective July 1, 2021. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 6/16/2021 - Item A.1.a]

DEFERRED TO 6/29/2021 PER ADMINISTRATION

4. PUBLIC SAFETY SERVICES

- 4.1 21-1459 Independent Police Auditor 2020 Year End Report. -**
Accept the 2020 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Independent Police Auditor)
- Action: The 2020 Independent Police Auditor Year End Report was accepted. (11-0.)
- 4.2 21-1460 San José Police Department Internal Affairs Unit - 2020 Department Initiated Investigations Report.**
Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2020. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
- Action: The San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2020 was accepted. (11-0.)
- 4.3 21-1487 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 from 6/8/2021 - Item 4.1 (21-1323); 6/15/2021 - Item 4.3 (21-1406)]
- Action: The status report from staff on the Police Reforms Work Plan was accepted, with staff to come back in September for an evaluation.
- Including the acceptance of the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones, and Councilmember Raul Peralez, dated June 17, 2021, recommending accepting the status report on the Police Reforms Work Plan: Reimagining Community Safety Work, and include the following direction: (1) Direct staff to return to the Public Safety Finance Strategic Support Committee in September with an additional status report and update to determine whether an adjustment to the strategy moving forward is needed, i.e. bifurcate Police Reform and Reimagining Community Safety, and other strategies.
- Including the acceptance of the staff memorandum, dated June 18, 2021, with amendments as noted recommending: (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

(Item Continued on the Next Page)

4.3 (Cont'd.)

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. On page 5 of the staff memorandum under the Coalition Proposal: An Advisory Committee composed of 27 voting members appointed by community organizations. This body would also include 8 non-voting members who would provide expertise or represent various agencies; *and staff would identify who out of the 27 voting members can also wear a "second hat" in or near the gang hot spots, and add no more than two neighborhood positions.* A Youth Council composed of 12 members appointed by community organizations. The Youth Council would be parallel to and independent from the Advisory Committee; *and every 6 months once the Youth Council is identified, they would deliver their own recommendations to achieve independently from the Advisory Committee to keep the progress moving forward, add more of a youth voice, and promote further youth involvement.* On page 4 of the Coalition Proposal under Youth Council Members- Youth Organization Nominees: (1) SV DeBug (2) City of San Jose Youth Commission (3) African American CSA (4) HERO Tent (5) LGBTQ Youth Space (6) Bill Wilson Center (7) NAACP (8) LEAD (9) Fresh Lifelines for Youth (10) Young Women's Freedom Center (11) San Jose Unified Equity Coalition & Multi-racial youth San Jose Strong (12) APALI Youth Leadership Academy (13) *Billy DeFrank Center.* (11-0.)

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-1461

Award of Contract for the 2021 Major Streets Sealing Project.

Approve award of a construction contract for the 2021 Major Streets Sealing Project, to the low bidder, Graham Contractors, Inc. in the amount of \$4,478,003.59 and approve an approximate 10% contingency in the amount of \$447,800. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The award of a construction contract for the 2021 Major Streets Sealing Project was approved. (11-0.)

5.2 21-1462

Award of Contract for the 2021 Local Streets Microsurfacing Project.

(a) Approve award of a construction contract for the 2021 Local Streets Microsurfacing Project, to the low bidder, Graham Contractors, Inc., in the amount of \$3,536,791.90.

(b) Approve an approximate 10% contingency in the amount of \$353,600. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

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

5.3 21-1463

Award of Contract for the 2021 Local Streets Resurfacing #3 Project.

(a) Approve award of a construction contract for the 2021 Local Streets Resurfacing #3 Project, to the low bidder, MCK Services, Inc. in the amount of \$7,986,987.50. (b)

Approve an approximate 10% contingency in the amount of \$798,600. CEQA:

(Item Continued on the Next Page)

5.3 (Cont'd.)

Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2, 4, 5, 8 and 10. (Transportation)

Action: The award of a construction contract for the 2021 Local Streets Resurfacing #3 Project was approved. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-1473 Housing Crisis Workplan Status Report.

As recommended by Community and Economic Development Committee on May 24, 2021, accept the report on progress implementing the City Council approved Housing Crisis Workplan. CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/ Housing/ Planning, Building and Code Enforcement) [Community and Economic Development Committee referral 5/24/2021 - Item (d)4]

DEFERRED TO 8/10/2021 PER ADMINISTRATION

8.2 21-1476 Approval of the Affordable Housing Siting Policy. - DEFERRED

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

DEFERRED TO 6/29/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

8.3 21-1586 Sunset the 2021 Moratorium on Rent Increases for Tenants and Mobilehome Residents and Owners Financially Impacted by COVID-19 on June 30, 2021.

(a) Accept the staff report to sunset 2021 COVID-19 Rent Increase Moratorium, Ordinance No. 30530, for rent stabilized tenants and mobilehome residents on the expiration date of June 30, 2021. (b) Terminate waiver of late registration fees and

(Item Continued on the Next Page)

8.3 (Cont'd.)

permitting fees for repairs/maintenance for rent stabilized apartments and mobilehomes covered under Chapter 17.22 and 17.23 of the San José Municipal Code, previously established under Ordinance No. 303530. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing) [Rules Committee referral 6/16/2021 - Item A.1.a]

Action: The staff report to sunset the 2021 COVID-19 Rent Increase Moratorium for Tenants and Mobilehome Residents and Owners on June 30, 2021 was accepted. (11-0.)

8.4 21-1587

Enact an Urgency and Companion Ordinance Implementing an Eviction Moratorium Through August 31, 2021 for Tenants Financially Impacted By COVID-19.

(a) Accept the staff report providing findings that support enacting a temporary moratorium through August 31, 2021 on evictions to protect tenants currently financially impacted by COVID-19 while the State and local rental assistance programs commence distribution of rental payments to the most vulnerable residents. (b) Adopt an Urgency Ordinance enacting a temporary moratorium on no-cause evictions, and evictions due to nonpayment of rent for residential tenants, mobilehome owners and residents, who, before the notice to pay rent or quit expire: (1) Pay at least 50% of the July and August monthly rent; and (2) Provide to the property owner or manager a signed Declaration stating they are: (i) Currently experiencing COVID-19-related financial distress; and (ii) Have applied or will apply within 14 days for rental assistance. (3) Invoke the urgency provisions in the City Charter, as an emergency measure for the immediate preservation of the public peace, health and/or safety, to include additional provisions protecting against eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19. (c) Approve a Companion Ordinance through August 31, 2021 enacting a temporary moratorium on no-cause evictions, and evictions due to nonpayment of rent for residential tenants, mobilehome owners and residents, who, before the notice to pay rent or quit expire: (1) Pay at least 50% of July and August monthly rent; and (2) Provide to the property owner or manager signed Declaration stating they are: (i) Currently experiencing COVID-19-related financial distress; and (ii) Have applied or will apply within 14 days for rental assistance. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing) [Rules Committee referral 6/16/2021 - Item A.1.a]

Action: (a) The staff report implementing an Eviction Moratorium Through August 31, 2021 for Tenants Financially Impacted by COVID-19 was accepted; (b) Urgency **Ordinance No. 30623** and (c) Companion **Ordinance No. 30624** were adopted, with staff to come back in August with findings regarding the December eviction moratorium extension.

Including the acceptance of the joint memorandum from Mayor Sam Liccardo, Councilmember Raul Peralez, and Councilmember Sylvia Arenas, dated June 18, 2021, recommending accepting the report and include the following recommendations: (1)

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8.4 (Cont'd.)

Maintain 25% repayment for the month of July and August rent when due (2) Remove clause “Proof of my application for rental assistance is enclosed with this form” from Declaration of Continued COVID-19 Related Financial Distress form (3) Prior to August 31, 2021, return with an analysis for Council consideration to extend the Eviction Moratorium if findings demonstrate the need for a continued moratorium and revisit phased approach of the repayment percentage amount at that time.

Including the acceptance of the memorandum from Councilmember David Cohen, dated June 22, 2021, recommending: (1) Accept the recommendations in the June 18, 2021 Memo from Mayor Liccardo and Councilmembers Peralez and Arenas. (2) Direct EOC to provide information on the state’s COVID-19 Rent Relief program at EOC-operated vaccination sites, including who qualifies for the program, how to prove eligibility, and how to apply for relief. Resources should be provided in multiple languages, including Spanish and Vietnamese. (3) Direct PRNS to provide similar resources at community centers and libraries.

Also including the acceptance of the joint memorandum from Councilmember Magdalena Carrasco and Councilmember Maya Esparza, dated June 18, 2021, recommending accepting the report and include the following recommendations: (1) Approve the implementation of an Eviction Moratorium along with the following recommendations: (a) Extend the moratorium expiration date until December 31st, 2021. (b) Maintain the required percentage of rent tenants must pay to 25%. (c) Keep current documentation requirements for proof of COVID-19 impact. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

10.1(a) 21-1479 **GP19-007 - City-Initiated General Plan Amendment for Property Located at 2078 and 0 Evans Lane.**

RENUMBERED TO ITEM 10.6 (21-1566)

10.1(b) 21-1478 **C19-016 & CP18-027 - Conforming Rezoning and Site Development Permit for Property Located on the northeast corner of Story Road and South Jackson Avenue.**

(1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Rotten Robbie on Story Road project and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA). (2) Approve an ordinance rezoning the approximately 0.53-gross acre site located on the northeast corner of Story Road and South Jackson Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.53-gross acre site. (3) Adopt a resolution approving,

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10.1 (b) (Cont'd.)

subject to conditions, a Site Development Permit to allow the demolition of an existing approximately 1,500-square foot convenience store for the construction of an approximately 3,200-square foot convenience store and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 20 ABC License - Beer and Wine only) with late night use (hours of operation 5:00 am to 11:00 pm) on an approximately 0.53-gross acre site. CEQA: Initial Study/Mitigated Negative Declaration (IS/MND) for the Rotten Robbie on Story Road. Council District 5. (Planning, Building and Code Enforcement)

DEFERRED TO 6/29/2021 PER ADMINISTRATION

10.1(c) 21-1567

PP20-002 - Amendment to Title 23 (The Sign Code) of the San José Municipal Code. RENUMBERED FROM ITEM 10.2

Approve an ordinance to amend Chapter 23.02 - General Provisions to repeal Section 23.02.1370, "Sign Variances"; amend Chapter 23.04, Part 2, Downtown Sign Zone, and incorporate changes to Section 23.04.120, "Types of Signs," to allow roof signs on buildings of 80 feet in height or greater; and to make other non-substantive, ministerial, technical, or typographical changes to various Sections of said Chapter 23.04 of the Sign Code. CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

Action: **Ordinance No. 30626** amending Title 23 of the San José Municipal Code was passed for publication. (11-0.)

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

10.2 21-1477

PP20-002 - Amendment to Title 23 (The Sign Code) of the San José Municipal Code.

RENUMBERED TO ITEM 10.1(c)

10.3 21-1480

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

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10.3 (Cont'd.)

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, Salamoni Court and Berryessa Station Way to the east; Mabury Road to the south; and Santa Clara Valley Transportation Authority right-of-way to the west from the A(PD) Planned Development zoning district and IP Industrial Park zoning district to the PQP Public/Quasi-Public zoning district (APNs 254-17-008 and 254- 17-110), from the A(PD) Planned Development zoning district to the CP Commercial Pedestrian zoning district (APN 254-17-111), from the IP Industrial Park zoning district to the PQP Public/Quasi-Public zoning district (APN: 254-17- 083), and from the IP Industrial Park zoning district to the CP Commercial Pedestrian zoning district (APNs 254-17-112 and 254-17-113). CEQA: Initial Study/Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto. Planning Commission recommends approval (5-1-1; Garcia opposed, Caballero absent). Council District 4. (Planning, Building and Code Enforcement) [Deferred from 6/8/2021 - Item 10.2 (21-1335)]

PUBLIC COMMENT HEARD, COUNCIL DISCUSSION HELD, AND NO ACTION WAS TAKEN. ITEM 10.3 CONTINUED TO THE 06/29/2021 COUNCIL MEETING PER ADMINISTRATION.

10.4 21-1481

PDC17-051 - Planned Development Rezoning for Real Property Located at 1590 Berryessa Road.

(a) Adopt a resolution certifying the San José Flea Market Southside Rezoning Environmental Impact Report and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act. (b) Approve an ordinance rezoning certain real property an approximately 61.5-gross acre site located at 1590 Berryessa Road (Assessor Parcel Numbers 254-17-052, 053, 007, 084, 095) from the A(PD) Planned Development Zoning District to CP(PD) Planned Development Zoning District to allow up to 3,450 residential units and up to 3.4 million square feet for commercial uses. (c) Approve an ordinance repealing Section 14.30.035 of Chapter 14.30 of Title 14 of the San José Municipal Code to apply the US-101/Oakland/Mabury Traffic Impact Fee to the current project. (d) Adopt a resolution amending the US-101/Oakland/Mabury Transportation Development Policy to provide a credit to the current project's Traffic Impact Fee obligation. CEQA: The San José Flea Market Southside Rezoning EIR. Planning Commission recommends approval (5-1-1; Garcia opposed, Caballero absent). Council District 4. (Planning, Building and Code Enforcement) [Deferred from 6/8/2021 - Item 10.3 (21-1336)]

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10.4 (Cont'd.)

PUBLIC COMMENT HEARD, COUNCIL DISCUSSION HELD, AND NO ACTION WAS TAKEN. ITEM 10.4 CONTINUED TO THE 06/29/2021 COUNCIL MEETING PER ADMINISTRATION.

10.5 21-1482

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

Approve an ordinance rezoning certain real properties of six parcels totaling approximately 2,029-gross acres located in various locations east and south of the Urban Service Area boundary, including the East Foothills of San José on Sierra Road, on Miracle Mountain Drive north of the Boulder Ridge Golf Club, and in South San José on Casa Loma Road, from the R-1-1 Zoning District to the OS Open Space Zoning District. CEQA: Initial Study/Addendum (File No. ER20-187) to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement) [Deferred from 6/8/2021 - Item 10.4 (21-1334)]

DEFERRED TO 6/29/2021 PER ADMINISTRATION

10.6 21-1566

GP19-007 - City-Initiated General Plan Amendment for Property Located at 2078 and 0 Evans Lane. RENUMBERED FROM ITEM 10.1(a)

(1) Adopt a resolution adopting the Evans Lane General Plan Amendment Negative Declaration for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act. (2) Adopt a resolution approving the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation from Mixed Use Neighborhood to Urban Residential on an approximately 5.93-gross-acre site, located at 2078 and 0 Evans Lane (APNs 456-09-016 and 456-09-017). CEQA: Evans Lane General Plan Amendment Negative Declaration. Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

Action: (1) **Resolution No. 80123** regarding the Evans Lane General Plan Amendment Negative Declaration and (2) **Resolution No. 80124** regarding the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment were adopted (11-0)

• Open Forum

1. Blair Beekman addressed issues regarding Caltrain Diridon Station.
2. Tessa Woodmansee addressed her concerns with the time allowance during public comments, public outreach, and community input.
3. Brenda Zendejas thanked Councilmembers Carrasco, Peralez, Esparza, and Vice Mayor Jones for their advocacy and their efforts.

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Open Forum (Cont'd.)

4. Paul Soto recited a spoken word poem.
5. Roland made suggestion for alternate locations for the vendors at the Berryessa Flea Market.
6. Brian spoke on Erik Schoenauer's job process and stated he's not the enemy.
7. Serena stated the importance of having maximized public speaking times be allowed to hear the concerns and voices of those most affected.
8. A speaker thanked the staff and council for their work and recommended they hire staff to work on community outreach.
9. Katherine Hedges stated that an Americans with Disabilities (ADA) Officer should be hired in the future.

• Adjournment

The Council of the City of San José meeting adjourned at 12:13 a.m. in honor and memory of the victims of the Valley Transportation Authority Rail Yard tragedy.

THE COUNCIL MEETING WAS CONTINUED TO 6/29/2021 PER ADMINISTRATION

JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA

JUNE 22, 2021

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the Joint Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations.

The Joint City of San José Council/Financing Authority convened on Tuesday, June 22, 2021 at 1:45 p.m.

Present: Councilmembers -Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers -All Present.

1. **21-1488** **Issuance of City of San Jose Financing Authority Commercial Paper Notes for San Jose Clean Energy Operations and Related Budget Actions.**

(a) City Council take the following actions: (1) Adopt a resolution authorizing the issuance by the City of San José Financing Authority (the "Authority") of City of San José Financing Authority Lease Revenue Commercial Paper Notes ("CP Notes") to finance the purchase of power and other operating costs of San José Clean Energy ("SJCE") in an amount not to exceed \$95.0 million, subject to the satisfaction of certain conditions. (2) Adopt a resolution authorizing the City Manager and the Director of Finance, or their authorized designees, to negotiate, execute and deliver a Second Amendment to the Revolving Credit Agreement with Barclays Bank PLC amending certain terms and provisions of the Revolving Credit Agreement in connection with the issuance of CP Notes secured by General Fund lease payments to finance the purchase of power and other operating costs of SJCE. (3) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the San José Clean Energy Fund: (i) Increase the estimate for Financing Proceeds by \$15,000,000; (ii) Decrease the estimate for Fees, Rates and Charges by \$13,050,000; (iii) Increase the Cost of Energy appropriation to the Community Energy Department in the amount of \$22,925,000; and (iv) Decrease the Unrestricted Ending Fund Balance by \$20,975,000. (b) City of San José Financing Authority Board (the "Authority Board") adopt a resolution authorizing the issuance of CP Notes to finance the purchase of power and other operating costs of SJCE in an amount not to exceed \$95.0 million, subject to the satisfaction of certain conditions. 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: (a)(1) **Resolution No. 80125**, (a)(2) **Resolution No. 80126**, (a) (3) Funding Sources **Resolution No. 80127**, (a)(3) Appropriation **Ordinance No. 30631**, and (b) **Resolution No. SJFA 152** were adopted; with staff to return to the Transportation and Environment Committee in the Fall with a report on the business plan and indications on the outlook

(Item Continued on the Next Page)

1. SJFA (Cont'd.)

for the next 12 months, to include the closed session discussion in the Fall, and the potential 900% increase litigation against the Power Charge Indifference Adjustment (PCIA). (11-0.)

ADJOURNMENT

The joint meeting was adjourned, and the meeting of the City of San José City Council was reconvened.