



# **City Council Meeting Amended Agenda**

**Tuesday, February 9, 2021**

**1:30 PM**

**Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>**

**City Council Regular Meeting and  
City Council Special Meeting (Closed Session) Agenda**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, DISTRICT 10



*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).

**American Disability Act:** To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

**Accommodations:** Any member of the public who needs accommodations should email the ADA Coordinator at [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

**\* COVID-19 NOTICE \***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

**How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

**How to submit written Public Comment before the City Council Meeting:**

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislate application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

**How to submit written Public Comment during the City Council Meeting:**

- 1) Email during the meeting to [councilmeeting@sanjoseca.gov](mailto:councilmeeting@sanjoseca.gov), identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

**How to provide spoken Public Comment during the City Council Meeting:**

- 1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click \*9 to raise a hand to speak. Click \*6 to unmute when called.  
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.

**For Closed Captions, please visit the City's YouTube channel:**

**<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream**

**<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.**

**Interpretation is available in Spanish and Vietnamese. In your webinar controls, select "Interpretation." Click the language you would like to hear.**

**Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn "Interpretation" (Phiên dịch).**

**Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación).**

- **Call to Order and Roll Call**

9:30 a.m. - Regular Meeting Closed Session

[21-222](#) Regular Meeting Closed Session Agenda

**Attachments** [Regular Meeting Closed Session Agenda](#)

9:30 a.m. Special Meeting Closed Session (IMMEDIATELY FOLLOWING THE REGULAR MEETING CLOSED SESSION)

[21-293](#) Special Meeting Closed Session Agenda

**Attachments** [Special Closed Session Agenda](#)

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - Cancelled

The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**
- **Invocation (District 2)**
- **Orders of the Day**

To be heard after Ceremonial Items

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Adjournment**

**In memory of Wanda Irene Alexander Broadie, former longtime CEO of ACT for Mental Health and community leader.**

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

## **2. CONSENT CALENDAR**

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

### **2.1 Approval of City Council Minutes.**

### **2.2 Final Adoption of Ordinances.**

21-246**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30522 - An Ordinance of the City of San José Enacting a Temporary Moratorium on No-Cause Evictions and Evictions Due to Nonpayment of Rent for Residential Tenants Where the Failure to Pay Rent Results From Income Loss Resulting From the Novel Coronavirus (COVID-19).

[Passed for Publication on 1/26/2021- Item 8.3(c) (21-189)]

(b) Ordinance No. 30524 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.90 Gross Acre Located at the Southwest Corner of West San Carlos Street and Gifford Avenue (470 West San Carlos Street) (APNs: 264-20-082, 264-20-083, 264-20-084, 264-20-085, 264-20-086, 264-30-087) from the Li Light Industrial Zoning District and R-2 Two Family Residence Zoning District to the DC Downtown Primary Commercial Zoning District.

[Passed for Publication on 1/26/2021- Item 10.3(c) (21-137)]

(c) Ordinance No. 30525 - An Ordinance of the Council of the City of San José Rezoning Certain Real Property of Approximately 8.6 Gross Acres on a Portion Generally Bounded by Brooktree Way, Bret Hart Drive, Queenswood Way, and Hampswood Way; a Portion South of Hampswood Way, Approximately 260 Feet Easterly of Hampswood Court; a Portion Northerly of Portswood Drive, Approximately 380 Feet Easterly of Belder Drive; a Portion Generally Bounded by the South of Portswood Drive and Along the North Side of Raich Drive into the North Terminus of Cahen Drive; a Portion Generally Bounded by the South of Raich Drive, West of Cahen Drive and North of McKean Road (790 Portswood Drive and 0 Bret Hart Drive) (APNs: 701-48-057; 701-58-048) from the A Agriculture Zoning District and Unzoned Properties to the R-1-5 Single Family Residence Zoning District.

[Passed for Publication on 1/26/2021- Item 10.4(c) (21-131)]

**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     [21-238](#)     Settlement of Anderson v. City of San José.**

**Recommendation:**     Approve a settlement of Petitioner's claim for attorneys' fees and costs in the amount of \$591,598.42 and authorize the City Attorney to execute a Settlement Agreement to settle Petitioner's claim for attorneys' fees and costs related to the case of Anderson v. City of San José.

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

**Attachments**     [Memorandum](#)  
                              [Agreement](#)

**2.8     [21-224](#)     Terms of Side Letter Agreement Between the City of San José and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) and Amendments to Pay Plan.**

**Recommendation:**     Adopt a resolution to:  
(a) Approve the terms of a side letter agreement between the City and CAMP to provide employees in the Chief of Surveys (3783) classification with an approximate 20.20% base pay increase and provide employees in the Land Surveyor (3875) classification with an approximate 0.77% base pay increase effective February 21, 2021;  
(b) Amend the Pay Plan to increase the annual salary range of the classification of Chief of Surveys (3783) to \$102,381.55 - \$124,757.98, effective February 9, 2021; and  
(c) Amend the Pay Plan to increase the annual salary range of the classification of Land Surveyor (3875) to \$116,622.33 - \$142,047.00, effective February 9, 2021.

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

**Attachments**     [Memorandum](#)  
                              [Resolution](#)



**2.9     [21-237](#)     Amendment to the Agreements with Team San José for Meals to Unhoused Individuals. - DEFERRED**

**Recommendation:**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute Fourth Amendments to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Team San Jose (San José, CA) to compensate Team San Jose for providing meals to unhoused individuals by retroactively adding an additional option to extend the term to January 31, 2021, with no increase to the maximum aggregate compensation amount of \$3,338,469, with \$2,545,133 for service in San José and \$793,336 for service in Santa Clara County and outside of San José.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the Emergency Reserve Fund:

- (1) Increase the appropriation to the City Manager's Office for COVID-19 Emergency Response in the amount of \$2,250,000; and
- (2) Increase the estimate for Revenue from Federal Government in the amount of \$2,250,000.

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

DEFERRED TO 2/23/2021 PER ADMINISTRATION

**2.10     [21-225](#)     Community Energy Department Staffing Additions.**

**Recommendation:**

Approve the following additions to the Community Energy Department staffing in Fiscal Year 2020-2021:

- (a) Job Classification: Principal Power Resources Specialist (FTE: 1.0)
- (b) Job Classification: Power Resources Specialist I/II (FTE: 1.0)

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

**Attachments**     [Memorandum](#)  
                              [Letters from the Public](#)

**2.11    [21-226](#)                      Actions Related to the Gallup-Mesa Development for Affordable Housing Project Located at 5647 Gallup and 1171 Mesa Drive.**

**Recommendation:**    (a) Approve a grant deed reflecting a lot line adjustment on City-owned property located at 5647 Gallup and 1171 Mesa Drive for the development of the Gallup-Mesa affordable housing project by Eden Housing, Inc. or its affiliate under the terms and conditions of the proposed leasehold restrictions, option and ground lease.  
(b) Adopt a resolution authorizing the Director of Housing to negotiate and execute a change in City Loan terms for the Gallup-Mesa development in order to allow an increase in the Development's rents and income up to 60% of the Area Median Income (or low income threshold) for new tenants in the event of the expiration or termination of subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development.

CEQA: Exempt per Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15369 Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. (Housing)

**Attachments**    [Memorandum](#)  
[Agreement](#)

**2.12    [21-245](#)                      Approval of Teen Dating Violence Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on January 27, 2021:  
(a) Approve February 2021 as Teen Dating Violence Awareness Month scheduled on February 9, 2021 as a City Council sponsored Special Event and approve the expenditure of funds.  
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)  
[Rules Committee referral 1/27/2021 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.13    [21-260](#)                    Agreement with Santa Clara Valley Transportation Authority for Bus Shelter Advertising Revenue.**

**Recommendation:**    Approve an Agreement between the City of San José and Santa Clara Valley Transportation Authority to share bus shelter advertising revenue generated from bus shelters located in the City of San José retroactive from January 1, 2018 through December 31, 2021.

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

(Public Works)

[Deferred from 2/2/2021 - Item 2.8 (21-176)]

**Attachments**    [Memorandum](#)  
                          [Agreement](#)  
                          [Letters from the Public](#)

### **3. STRATEGIC SUPPORT**

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

**3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

**3.3    [21-227](#)                    Approval of the 2020-2021 Mid-Year Budget Review Report.**

**Recommendation:**    (a) Approve the 2020-2021 Mid-Year Budget Review Report.  
                                  (b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2020-2021 Mid-Year Budget Review 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; and 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)

**Attachments**    [2020-2021 Mid-Year Report](#)  
                          [Presentation](#)

**3.4     [21-228](#)     Actions Related to Agreements for Reimbursement of Food and Necessities Distribution Services. - DEFERRED**

**Recommendation:**

- (a) Accept the report on the update on the Interagency Food Distribution.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute Agreements for Reimbursement of Food and Necessities Distribution Services with the following cities: Campbell, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas, Monte Serreno, Morgan Hill, Mountain View, Palo Alto, City of Santa Clara, Saratoga, and Sunnyvale, for various meal preparation, delivery and grocery distribution services from March 18, 2020 through September 30, 2020, for \$1,958,446.70 including the amounts specified in Table 2.0 of the staff memorandum with each jurisdiction and based on the same terms and conditions.

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

[Deferred from 1/26/2021 - Item 3.5 (21-142)]

DEFERRED TO 2/23/2021 PER ADMINISTRATION

**3.5     [21-229](#)     City's COVID-19 Response: Emergency Rental Assistance Program.**

**Recommendation:**

Accept the staff report on the City's implementation of the federally funded COVID-19 Emergency Rental Assistance Program.

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

**Attachments**

[Memorandum](#)

[Memorandum from Esparza, 2/8/2021](#)

[Presentation](#)

[Letters from the Public](#)

- 3.6     [21-230](#)     **Master Consultant Agreements with GHD Inc., and Brown and Caldwell for the City's Planning and Implementation of the Green Stormwater Infrastructure Plan.**

**Recommendation:**     Approve master agreements with GHD Inc. and Brown and Caldwell to support the City of San José's planning and implementation of Green Stormwater Infrastructure (GSI) Plan from the date of execution through February 28, 2026, with each agreement not to exceed \$5,000,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action, and File No. PP17-003 -

Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

**Attachments**     [Memorandum](#)  
                         [Agreement - Brown and Caldwell](#)  
                         [Agreement - GHD Inc](#)

## **4. PUBLIC SAFETY SERVICES**

- 4.1     [21-231](#)     **Less-Than-Lethal Use of Force Options Report. - NOT TO BE HEARD BEFORE 5:00 P.M.**

**Recommendation:**     Accept a report on emerging less-than-lethal use of force options that could potentially reduce the need for the Police Department to rely upon the use of a baton, projectiles, or firearms.

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)

NOT TO BE HEARD BEFORE 5:00 P.M.

**Attachments**     [Memorandum](#)  
                         [Presentation](#)  
                         [Letters from the Public](#)

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

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

**6.1     [21-232](#)             Legacy Lagoons Remediation Budget Actions.****Recommendation:**

Accept the following budget actions for the Legacy Lagoons Remediation Phase 2 project at the San José - Santa Clara Regional Wastewater Facility (RWF):

(a) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Sewer Service and Use Charge Fund:

    (1) Decrease the Transfer to the San José - Santa Clara Treatment Plant Operating Fund by \$23,241,040; and

    (2) Increase the Unrestricted Ending Fund Balance in the amount of \$23,241,040.

(b) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the San José - Santa Clara Treatment Plant Operating Fund:

    (1) Decrease the Legacy Lagoons Remediation appropriation by \$36,800,000;

    (2) Decrease the estimate for revenue from Transfers and Reimbursements by \$23,241,040; and

    (3) Decrease the estimate for Revenue from Local Agencies by \$13,558,960.

CEQA: Addendum to the Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858), Legacy Biosolids Lagoons Site Cleanup, File No. ER20-007. (Environmental Services/City Manager)

**Attachments**    [Memorandum](#)  
                          [Supplemental Memorandum, 1/15/2021](#)

**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1     [21-280](#)           Hazard Pay for Retail Food Workers.**

**Recommendation:**

As recommended by the Rules and Open Government Committee on February 3, 2021 and directed by the City Council on February 2, 2021:

(a) Adopt an uncodified urgency ordinance requiring hazard pay for retail food workers that includes but is not limited to the following provisions:

(1) Guarantees hazard pay of an additional three dollars an hour for retail food workers;

(2) Applies to retail establishments that sell meats, poultry, dairy products, fresh fruits and vegetables and have at least 300 employees nationwide;

(3) Allows for a private right of action;

(4) Includes a credit for retail establishments that currently provide pay increases related to the COVID-19 pandemic;

(5) Includes an exemption for small business franchisees/publicly owned; and

(6) Commences immediately upon Council approval and continues for 120 days, at which point the Council will evaluate the impacts of the ordinance and decide whether to extend hazard pay for additional time.

PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3)

(b) Approve an uncodified ordinance requiring hazard pay for retail food workers that includes but is not limited to the following provisions:

(1) Guarantees hazard pay of an additional three dollars an hour for retail food workers;

(2) Applies to retail establishments that sell meats, poultry, dairy products, fresh fruits and vegetables and have at least 300 employees nationwide;

(3) Allows for a private right of action;

(4) Includes a credit for retail establishments that currently provide pay increases related to the COVID 19 pandemic;

(5) Includes an exemption for small business franchisees/publicly owned; and

(6) Commences on the effective date of the ordinance and continues for 120 days, at which point the Council will evaluate the impacts of the ordinance and decide whether to extend hazard pay for additional time.

CEQA: Not a Project, File No. PP17 010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Jimenez)

[City Council referral 2/2/2021 - Item 3.4 (21-256)]

[Rules Committee referral 1/27/2021 - Item G.3 and 2/3/2021 - Item A.1.a]



**Attachments**   [Memorandum](#)  
[Replacement Memorandum, 2/2/2021](#)  
[Memorandum from Mayor, 2/1/2021](#)  
[Memorandum from Jones, 2/2/2021](#)  
[Memorandum from Mahan, 2/9/2021](#)  
[Letter from SCC D4 Supervisor](#)  
[\(a\) Ordinance](#)  
[\(b\) Ordinance](#)  
[Letters from the Public - 1 of 3](#)  
[Letters from the Public - 2 of 3](#)  
[Letters from the Public - 3 of 3](#)

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

## **10. LAND USE**

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

### **10.1 Land Use on Consent Calendar**

**CONTINUE GENERAL PLAN HEARING (2020 THIRD CYCLE) FROM 1/26/2021**

- (a) [21-233](#) **GPT19-006 - City-initiated General Plan Text Amendment to the Envision San José 2040 General Plan to Reference Climate Smart San José and Make Updates to Tracking of Measures Associated with the former Green Vision During the General Plan Annual Review Process.**

**Recommendation:** Adopt a resolution approving the General Plan Text Amendment to make modifications to the Envision San José 2040 General Plan to reference Climate Smart San José and make updates to tracking of measures associated with the former Green Vision during the General Plan annual review process.

CEQA: Determination of Consistency with 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 (6-0-1; Bonilla absent). (Planning, Building and Code Enforcement)

**Attachments** [Memorandum](#)  
[Resolution](#)  
[Letters from the Public](#)

**END OF CONSENT CALENDAR**

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

**10.2    [21-234](#)            GPT20-005 - City-initiated General Plan Text Amendment to Update Policy H-2.9 with Objective Standards and Make Clarifying Revisions to the Neighborhood/Community Commercial Land Use Designation.**

**Recommendation:**    Adopt a resolution approving the General Plan Text Amendment to revise Policy H-2.9 in Chapter 4 and the Neighborhood/Community Commercial land use designation in Chapter 5 of the Envision San José 2040 General Plan.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617) and Addenda thereto. Planning Commission recommends approval (6-0-1; Bonilla absent) (Planning, Building and Code Enforcement)

**Attachments    [Memorandum](#)**

[Supplemental Memorandum, 2/8/2021](#)

[Memorandum from Peralez & Jimenez, 2/5/2021](#)

[Memorandum from Esparza, 2/8/2021](#)

[Presentation](#)

[Resolution](#)

[Letters from the Public](#)

**10.3    [21-235](#)            GP20-004, GPT18-009 and PDC17-022 - General Plan Amendment, General Plan Text Amendment for the Martha Gardens Specific Plan, and a Planned Development Rezoning for Real Property Located at 802 S. 1st Street. - DEFERRED**

**Recommendation:**    (a) Adopt a resolution adopting the South First Street/East Virginia Street Mixed-Use Development Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.  
                                      (b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood and Mixed Use Commercial to Transit Residential for 802 S. 1st Street on a 1.2-gross acre site (File No. GP20-004).  
                                      (c) Adopt a resolution amending the Martha Gardens Specific Plan to increase the allowable height on the subject site to 80 feet with an addition 10 feet for architectural projections and reduction to zero setback to accommodate the proposed project (File No. GPT18-009).  
                                      (d) Approve an ordinance rezoning certain real property located on the south east corner of S. First Street and E. Virginia Street (802 S. 1st Street) from CP Commercial Pedestrian and CN Commercial Neighborhood Zoning District to the A(PD) Planned Development Zoning District for up to 246 residential units on approximately 1.2 gross acres.  
CEQA: Initial Study/Mitigated Negative Declaration for the South First Street/East Virginia Street Mixed-Use Development Project. Planning Commission recommends approval (7-0). Council District 3. (Planning, Building and Code Enforcement)  
DEFERRED TO 2/23/2021 PER ADMINISTRATION

**Attachments**    [Memorandum](#)  
                          [\(a\) Resolution](#)  
                          [\(b\) Resolution](#)  
                          [\(c\) Resolution](#)  
                          [Ordinance](#)

**10.4    [21-236](#)                    GP20-003 - General Plan Amendment for Certain Property Located at 1975 Cambrianna Drive. - DEFERRED**

**Recommendation:**

(a) Adopt a resolution adopting the Cambrian School District General Plan Amendment Initial Study/Negative Declaration, in accordance with the California Environmental Quality Act, as amended.

(b) Adopt a resolution:

(1) Denying the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to allow changing the land use designation from Public/Quasi-Public to Residential Neighborhood on an approximately 2.7-gross-acre site, located at 1975 Cambrianna Drive; or

(2) Approving the Envision San José 2040 General Plan Land Use/Transportation Diagram Amendment to allow changing the land use designation from Public/Quasi-Public to Residential Neighborhood on an approximately 2.7-gross-acre site, located at 1975 Cambrianna Drive.

(c) Add an item to the Housing Crisis Workplan to explore policy changes for public school land conversions that could provide more opportunities for housing and revenue for public school districts. CEQA: Cambrianna Drive General Plan Amendment Initial Study and Negative Declaration. Planning Commission recommends denial (6-0-1, Bonilla absent). Council District 9. (Planning, Building and Code Enforcement)

[Deferred from 1/26/2021 - Item 10.2 (21-136)]

DEFERRED TO 2/23/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

**CONTINUE GENERAL PLAN HEARING (2020 THIRD CYCLE) TO 2/23/2021**

- **Open Forum**

**Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.**

- **Adjournment**

**In memory of Wanda Irene Alexander Broadie, former longtime CEO of ACT for Mental Health and community leader.**

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

**1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

**2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.