



City Council Meeting SYNOPSIS

Tuesday, December 15, 2020

11:00 AM

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

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



SYNOPSIS OF THE CITY COUNCIL

DECEMBER 15, 2020

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 City 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.

20-1623 CLOSED SESSION: Absent: Arenas.

The Council of the City of San José reconvened to Open Session at 11:32 a.m.

- **Call to Order and Roll Call**

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

Absent: Councilmembers - Arenas. (excused)

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

* The previously scheduled Evening Session was cancelled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (Mayor)**

Rev. Steve Pinkston provided the Invocation.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Item 8.1 deferred per Staff.

Councilmember Magdalena Carrasco offered words of remembrance, indicating that today's meeting would be adjourned in memory of Melchor Landin Ramirez, an icon that started a popular bakery in East San José. (10-0-1. Absent: Arenas.)

- Closed Session Report

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

The Consent Calendar was approved and the below listed actions were taken as indicated.

2.1 Approval of City Council Minutes.

None provided.

2.2 20-1664 Final Adoption of Ordinances.

(a) **Ordinance No. 30502** - An Ordinance of the City of San José Amending Chapter 17.845 of Title 17 of The San José Municipal Code to Amend Sections 17.845.010, 17.845.020, 17.845.030, 17.845.040, 17.845.050, and 17.845.060 and Add Section 17.845.045 to Prohibit Natural Gas Infrastructure in Newly Constructed Buildings.

[Passed for Publication on 12/1/2020 - Item 6.1 (20-1556)]

(b) **Ordinance No. 30504** - An ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.46 Gross Acre Situated on the West Side of North Capitol Avenue, Approximately 240 Feet Northerly of Penitencia Creek Road (907 North Capitol Avenue) from the R-M Multiple-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District.

[Passed for Publication on 12/1/2020 - Item 10.2 (a) (20-1547)]

Action: Ordinance No. 30502 and Ordinance No. 30504 were adopted. (10-0-1. Absent: Arenas.)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 20-1624 *Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.*

Adopt a resolution authorizing the City Attorney to negotiate and execute an Eighth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to extend the term through December 31, 2022 with no increase in the total amount of compensation.

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

Action: **Resolution No. 79829** regarding the Amendment to the Agreement with Hanson Bridgett LLP for legal services was adopted. (10-0-1. Absent: Arenas.)

2.8 20-1654 *Amendment to Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.*

Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourth Amendment to the agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, extending the term retroactively from December 3, 2020 through December 31, 2021 and increasing the maximum amount of compensation by \$100,000 for a total amount not to exceed \$420,000.

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

Action: **Resolution No. 79830** regarding the Amendment to the Agreement with Richards, Watson & Gershon for legal services was adopted. (10-0-1. Absent: Arenas.)

2.9 20-1634 *Preliminary Review of the Allocation Process and Monitoring of COVID-19 Related Housing Grants.*

Accept the report on the preliminary review of the allocation process and monitoring of COVID-19 related housing grants.

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

Action: The report regarding monitoring of COVID-19 related housing grants was approved. (10-0-1. Absent: Arenas.)

2.10 20-1625 Resolution to Join California Cities Gaming Authority. -- DEFERRED

(a) Adopt a resolution authorizing the City Manager to execute the Amendment to the Joint Exercise of Powers Agreement to join the California Cities Gaming Authority on behalf of the City of San José.

(b) Approve up to \$30,000 annually as the City's share of the costs of the California Cities Gaming Authority.

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

Deferred to 1/5/2021 per Administration.

2.11 20-1636 Actions Related to Agreements for Revenue Enhancement Services.

(a) Adopt a resolution authorizing the Director of Finance to negotiate and execute the following agreements with MuniServices LLC, dba Avenu MuniServices LLC, a Delaware Limited Liability Company (MuniServices) to provide:

(1) Sales and Use Tax revenue enhancement services and data analysis for the term of January 1, 2021 through June 30, 2023 at a maximum annual compensation not to exceed \$200,000 in year 1 (for the prorated six month period through June 30, 2021), \$400,000 in year 2, and \$500,000 in year 3, with three two-year options to extend through June 30, 2029, at a maximum annual compensation not to exceed \$500,000 for each additional optional year subject to the City Council's annual appropriation of funds;

(2) Telephone Line Tax, Utility Users Tax, and Franchise Fee compliance services for the term of January 1, 2021 through June 30, 2023 at a maximum annual compensation not to exceed \$87,500 in year 1 (for the prorated six month period through June 30, 2021) and \$175,000 for each additional contract year thereafter, with three two-year options to extend through June 30, 2029, at the same rate of compensation for each additional optional year, subject to the City Council's annual appropriation of funds; and

(3) Lodging Taxes and Fees compliance services for the term of January 1, 2021 through June 30, 2023 at a maximum annual compensation not to exceed \$38,500 in year 1 (for the prorated six month period through June 30, 2021) and \$77,000 for each additional contract year thereafter, with three two-year options to extend through June 30, 2029, at the same rate of compensation for each additional optional year subject to the City Council's annual appropriation of funds.

(b) Adopt a resolution authorizing MuniServices to examine all Sales and Use Tax records of the California Department of Tax and Fee Administration (including Transaction and Use Tax records) for tax collection purposes and other governmental functions of the City of San José.

(Item Continued on the Next Page)

2.11 (Cont'd.)

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

Action: (a) **Resolution No. 79831** regarding agreements with MuniServices LLC; and (b) **Resolution No. 79832** authorizing MuniServices to examine all Sales and Use Tax records of the California Department of Tax and Fee Administration were adopted. (10-0-1. Absent: Arenas.)

2.12 20-1641 Amendment to the Agreement with Raimi + Associates, Inc. for Diridon Station Area Community Engagement and Public Outreach Services.

Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement for Consultant Services between the City of San José and Raimi + Associates, Inc. to extend the term through December 31, 2021 and increase maximum compensation by \$200,000 for a total compensation of \$475,000 for Diridon Station Area community engagement and public outreach services.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Economic Development)

Action: **Resolution No. 79833** regarding an agreement with Raimi + Associates, Inc. was adopted. (10-0-1. Absent: Arenas.)

2.13 20-1642 Actions Related to the Successor Trustee of the Louise Scaglione Elia Credit Shelter Trust for Real Property Located at 100 W. Alma Avenue and 1413 Sanborn Avenue.

Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:
(a) A Donation of Real Property Agreement between Randall D. Reedy, Successor Trustee of the Louise Scaglione Elia Credit Shelter Trust Dated March 1, 2008 under the 2006 Elia Family Revocable Living Trust and the Rocco Elia Survivor's Trust under the 2006 Elia Family Revocable Living Trust and the City of San José for two parcels of real property located at 100 W. Alma Avenue and 1413 Sanborn Avenue in the City of San José, further identified as Assessor's Parcel Numbers 434-23-133 and 434-23-134, respectively;
(b) Lease agreements with tenants at 110 W. Alma Avenue, 102 W. Alma Avenue, 104 W. Alma Avenue, and 1413 Sanborn Avenue; and
(c) All other necessary documents to complete the transfer of the two parcels.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 7. (Economic Development/Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 79834** regarding an agreement with Randall D. Reedy, Successor Trustee of the Louise Scaglione Elia Credit Shelter Trust was adopted. (10-0-1. Absent: Arenas.)

2.14 20-1655 Republic Services and Zero Waste Energy Development for Commercial SuperMRF. -- DEFERRED

Approve the recommendation for the City to enter negotiations with Allied Waste Services of North America, LLC, dba Republic Services and Zero Waste Energy Development on the processing of all commercial solid waste for the City of San José at a new proposed SuperMRF.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Environmental Services)

Deferred to 1/5/2021 per Administration.

2.15 20-1626 Agreement with Next Door Solutions to Domestic Violence for Housing Opportunities for Persons with AIDS - Violence Against Women Act.

Adopt a resolution authorizing the Director of Housing to negotiate and execute a no cost extension to the following agreement:

Third Amendment to the grant agreement with Next Door Solutions to Domestic Violence, dated January 1, 2020 and extending to June 30, 2021, without increasing compensation to continue to provide housing assistance and supportive services to low-income persons living with HIV/AIDS who are homeless as a result of domestic violence.

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. 79835** regarding the grant agreement with Next Door Solutions was adopted.
(10-0-1. Absent: Arenas.)

2.16 20-1651 Amendment to the City Pay Plan for Various Classifications.

(a) Adopt a resolution amending the City of San José Pay Plan effective December 15, 2020, to create the Senior Financial Analyst (1226) classification with an annual salary range of \$99,944.00 - 121,742.40.

(b) Approve the following position changes in the Finance Department:

(1) Add 1.0 Senior Financial Analyst; and

(2) Delete 1.0 Program Manager I.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Human Resources/Finance/City Manager)

Action: (a) **Resolution No. 79836** regarding an amendment to the City Pay Plan for Various Classifications was adopted. (10-0-1. Absent: Arenas.)

2.17 20-1656 Actions Related to the 2021-2022 Hazardous Vegetation Commencement Report.

Adopt a resolution:

- (a) Accepting the 2021-2022 Hazardous Vegetation Commencement Report compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation;
 - (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be rowing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance; and
 - (c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail a notice of a public hearing on January 26, 2021, at 1:30 p.m. before the City Council to property owners of affected real properties on the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, File No. PP18-094. (Planning, Building and Code Enforcement)

Action: **Resolution No. 79837** regarding Actions Related to the 2021-2022 Hazardous Vegetation Commencement Report was adopted. (10-0-1. Absent: Arenas.)

2.18 20-1627 Pacific Gas and Electric Company Electric Vehicle Charge Network Program Participation and Easement Agreements.

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

- (a) The necessary agreements to allow the City of San José to formally participate in the Pacific Gas and Electric Company's Electric Vehicle Charge Network Program;
 - (b) Easement deed agreements with the Pacific Gas and Electric Company at four City-owned properties located at 174 Asbury Street, 748 Story Road, 1404 Mabury Street, and 4420 Monterey Road to allow for the construction of electric vehicle charging station infrastructure as part of the Electrical Vehicle Charge Network Program; and
 - (c) All other documents necessary to facilitate the construction, inspection, and maintenance of electric vehicle charging station infrastructure as part of City's participation in the program.
- CEQA: Categorical Exemption, File No. ER20-241, CEQA Guidelines Section 15301 Existing Facilities. (Public Works/Economic Development)

Action: **Resolution No. 79838** regarding Pacific Gas and Electric Company Electric Vehicle Charge Network Program Participation and Easement Agreements was adopted. (10-0-1. Absent: Arenas.)

2.19 20-1628 Master Agreements with ADS Corp and V&A Consulting Engineers for Citywide Storm and Sanitary Sewer Flow Monitoring Services.

Approve master agreements with the following firms for Citywide storm and sanitary sewer flow monitoring services:

(a) ADS Corp. from the date of execution to December 31, 2023 in an amount not to exceed \$1,500,000; and

(b) V&A Consulting Engineers from the date of execution to December 31, 2023, in an amount not to exceed \$500,000.

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

Action: Master Agreements with ADS Corp and V&A Consulting Engineers were approved. (10-0-1. Absent: Arenas.)

2.20 20-1657 Amendment to the Master Consultant Agreement with Wood Rodgers, Inc. for City-Wide Master Planning for Storm Sewer System.

Approve the First Amendment to the Master Consultant Agreement with Wood Rodgers, Inc., for master planning consultant services for the City's storm sewer system, extending the term of the agreement from June 30, 2021 to June 30, 2023, and increasing the amount of compensation by \$750,000 for a total amount not to exceed \$2,250,000, subject to the appropriation of funds.

CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. (Public Works)

Action: An amendment to the Master Consultant Agreement with Wood Rodgers, Inc. was approved. (10-0-1. Absent: Arenas.)

2.21 20-1629 Railroad Maintenance Agreement.

Adopt a resolution authorizing the City Manager to execute the Railroad Maintenance Agreement between Peninsula Corridor Joint Powers Board and the City of San José for the Peninsula Corridor Electrification Project.

CEQA: Peninsula Corridor Electrification Program Final Environmental Impact Report (SCH#2013012079), File No. PP16-061. Council Districts 3, 6, and 7. (Transportation)

Action: **Resolution No. 79839** regarding the Railroad Maintenance Agreement was adopted. (10-0-1. Absent: Arenas.)

2.22 20-1630 Amendment to Funding Agreement with VTA for the I-280/Winchester Boulevard Improvement Project.

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a second amendment to the funding agreement between the City of San José and the Santa Clara Valley Transportation Authority for the I-280/Winchester Blvd Improvement Project to extend the term of the agreement to December 31, 2022.

CEQA: Statutory Exemption, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. Council Districts 1 and 6. (Transportation)

Action: **Resolution No. 79840** regarding the Amendment to a Funding Agreement with VTA was adopted. (10-0-1. Absent: Arenas.)

2.23 20-1631 Amendment to the Funding Agreement with VTA for the US101/De La Cruz Boulevard - Trimble Road Interchange Improvement 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 for the US101/De La Cruz Blvd - Trimble Rd Interchange Improvement Project to extend the term of the agreement to July 31, 2021.

CEQA: Categorical Exemption, File No. ER20-247, CEQA Guidelines Section 15301 Existing Facilities. Council Districts 3 and 4. (Transportation)

Action: **Resolution No. 79841** regarding the Amendment to a Funding Agreement with VTA was adopted. (10-0-1. Absent: Arenas.)

2.24 20-1695 Appoint Members to Charter Review Commission.

(a) Approve the following Charter Review Commission appointments:

- (1) District 1 Seat: Appoint Sammy Robledo;
- (2) District 1 Seat: Appoint Yong Zhao;
- (3) District 2 Seat: Appoint Sherry Segura;
- (4) District 2 Seat: Appoint Christina Johnson;
- (5) District 3 Seat: Appoint Elly Matsumura;
- (6) District 3 Seat: Appoint Jose Posadas;
- (7) District 4 Seat: Appoint Thi Tran;
- (8) District 4 Seat: Appoint Roshni Saxena;
- (9) District 5 Seat: Appoint Veronica Amador;
- (10) District 5 Seat: Appoint Louis Barocio;
- (11) District 6 Seat: Appoint Magnolia Segol;
- (12) District 6 Seat: Appoint Elizabeth Monley;
- (13) District 7 Seat: Appoint Enrico Callender;
- (14) District 7 Seat: Appoint Jeremy Avila;
- (15) District 8 Seat: Appoint Maria Fuentes;

(Item Continued on the Next Page)

2.24 (Cont'd.)

- (16) District 8 Seat: Appoint Jeremy Barousse;
 - (17) District 9 Seat: Appoint Linda LeZotte;
 - (18) District 9 Seat: Appoint Garrick Percival;
 - (19) District 10 Seat: Appoint Dan Bozutto;
 - (20) District 10 Seat: Appoint Frank Maitski;
 - (21) Citywide Seat: Appoint Lan Diep;
 - (22) Citywide Seat: Appoint Barb Marshman;
 - (23) Citywide Chair: Appoint Fred Ferrer.
- CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
- [Deferred from 12/8/2020 - Item 2.8 (20-1491)]

Action: All appointments to the Charter Review Commission were approved. (6-4-1. Noes: Carrasco, Esparza, Jimenez, Peralez. Absent: Arenas.)

2.25 20-1698 Retiree Representative Appointment to the Board of Administration for Federated City Employees' Retirement System.

Appoint Lawrence Jay Castellano as the Retiree Representative to the Board of Administration for Federated City Employees' Retirement System for the term ending November 30, 2024.

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

[Deferred from 12/8/2020 - Item 3.4 (20-1576)]

Action: Lawrence Jay Castellano was appointed as the Retiree Representative to the Board of Administration for Federated City Employees' Retirement System. (10-0-1. Absent: Arenas.)

2.26 20-1700 Approval of Community Awards-Virtual Celebration and the Free Sock/Glove Giveaway Sponsored by Council District 2 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 December 9, 2020:

- (a) Approve the Community Awards-Virtual Celebration scheduled on December 18, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the expenditure of District 2 office budget funds to purchase gift cards as a thank you and recognition for awardees for their community contributions not to exceed \$50.
- (c) Approve the Free Sock and Glove giveaway scheduled for December 21, 2020 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.

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

2.27 20-1701 Retroactive Approval of the Park Pleasant Dumpster Day 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 December 9, 2020:

(a) Retroactively approve the Park Pleasant Dumpster Day scheduled on November 28, 2020 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 and Open Government referral 12/9/2020 - Item G.1.b]

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

2.28 20-1699 Agreement with The Health Trust for Housing Opportunities for Persons with AIDS - Violence Against Women Act.

Adopt a resolution authorizing the Director of Housing to negotiate and execute a no cost extension to the following agreement:

Second Amendment to the grant agreement with The Health Trust, dated January 1, 2020 and extending to June 30, 2021, without increasing compensation to continue providing housing assistance and supportive services to low-income persons living with HIV/AIDS who are homeless as a result of domestic violence.

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. 79842** regarding the Agreement with The Health Trust for Housing Opportunities was adopted. (9-0-1-1. Absent: Arenas. Abstain: Peralez.)

2.29 20-1696 Boards and Commissions Appointments.

Approve the following Arts Commission appointment:

(a) District 4 Seat: Appoint Lynn Rosenthal to a term ending June 30, 2022

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

[Rules Committee referral 12/9/2020 - A.1.a]

Action: The appointment of Lynn Rosenthal to the Arts Commission was approved. (10-0-1. Absent: Arenas.)

- 2.30 20-1704 Approval of a Commendation Presented to Patty O'Malley Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds.**
Approve the Commendation for Patty O'Malley as a City Council sponsored Special Event and approve the expenditure of funds; and
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 12/09/2020 - A.1.a]

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

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 20-1633 Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax. - DEFERRED

Consideration and discussion of the draft framework related to certain transfers of real property to nonprofits and the real property transfer tax on the March 3, 2020 ballot.

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

[Deferred from 2/11/2020 - Item 3.4 (20-133); 3/17/2020 - Item 3.3 (20-257)]

Deferred to 1/5/2021 per Rules and Open Government Committee

3.4 20-1658 Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2020.

Accept the Fiscal Year 2019-2020 Comprehensive Annual Financial Report for the City of San José.

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

Heard Concurrently with Items 3.5 and 9.1

Action: The Comprehensive Annual Financial Report was accepted. (10-0-1. Absent: Arenas.)

3.5 20-1659 External Auditor's Report: Report to Those Charged with Governance for Fiscal Year Ended June 30, 2020.

Accept the Report to Those Charged with Governance for the fiscal year ended June 30, 2020 as issued by Macias Gini & O'Connell LLP, the City of San José external auditor.

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

Heard Concurrently with Items 3.4 and 9.1

Action: The External Auditor's Report was accepted. (10-0-1. Absent: Arenas.)

3.6 20-1660 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2020.

Accept the Fiscal Year 2019-2020 Comprehensive Annual Debt Report for the City of San José.

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

Action: The Comprehensive Annual Debt Report was accepted. (10-0-1. Absent: Arenas.)

3.7 20-1639 San José 311 and Digital Strategy Roadmap. - DEFERRED

Accept the report on the implementation of San José 311 and the refreshed Digital Strategy Roadmap, detailing SJ311 status, direction on digital services, and approaches to the addition of new services via online, mobile app, voice, virtual agent, and chat service channels.

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

Deferred to 1/5/2021 per Rules and Open Government Committee.

3.8 20-1661 COVID-19 Paid Sick Leave Ordinance.

(a) Accept progress report on the City's COVID-19 Paid Sick Leave Ordinance set to expire on December 31, 2020.

(b) Direct staff to provide progress report in early 2021 on federal and state paid sick leave extensions and recommendations for updates to the City's COVID-19 Paid Sick Leave Ordinance.

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

Action: The progress report was accepted, with direction to staff as outlined in the joint memorandum from Councilmembers Carrasco, Esparza and Arenas, dated December 11, 2020, with this item to return to Council on January 5, 2021, and with the ordinance to be retroactive to January 1, 2021. *(Item Continued on the Next Page)*

3.8 (Cont'd.)

1. Direct staff to prepare to extend San José's Paid Sick Leave Ordinance through an urgency ordinance should the federal government extend the federal paid sick leave provisions of the FFCRA past the current December 31st deadline. Such protections should extend for the term of the extended federal protections.
2. Should the federal government fail to extend Paid Sick Leave Protections before Congress adjourns, the City Attorney and City Manager are directed to prepare a comprehensive emergency COVID Paid Sick Leave Ordinance that would provide the same levels of protection currently being given to San José workers for consideration by the Council either at a Special Meeting of the Council, or at the next regular meeting of the Council on January 5, 2021. As part of this work the Administration should locate additional resources necessary for enforcement of this ordinance.

(10-0-1. Absent: Arenas.)

3.9 20-1635 Actions Related to Food Distribution Agreements.

- (a) Accept the report on the update on the Emergency Operations Center Food and Necessities Branch support of the City's Pandemic Response.
- (b) Accept the report on the Request for Bid for Meal Preparation and Delivery Services to Temporary Shelters.
- (c) Adopt a resolution authorizing the City Manager to negotiate and execute:
 - (1) Grant agreements for various meal preparation and delivery services and grocery distribution with Bateman Community Living LLC dba TRIO Community Meals, Revolution Foods, and Second Harvest of Silicon Valley, for an aggregate compensation of \$3,634,000 through December 30, 2020;
 - (2) Amendments to the agreements for various meal preparation and delivery services and grocery distribution with Hunger at Home and Veggielution for an aggregate compensation of \$1,156,075 through December 30, 2020.
 - (3) Grant agreements for food and necessities services with Catholic Charities of Santa Clara County, San José Conservation Corps, and Silicon Valley Center for Nonprofits for an aggregate compensation of \$2,700,000 from December 31, 2020 through on or about March 31, 2021, with options to extend through December 31, 2021, subject to the appropriation of funds;
 - (4) Grant agreements with organizations qualified under the Collective Impact and Unmet Needs Grant Program for an aggregate compensation of \$2,000,000 retroactive from December 31, 2020 through March 31, 2021 with options to extend the term through December 31, 2021, subject to the appropriation of funds;

(Item Continued on the Next Page)

3.9 (Cont'd.)

- (5) Amendments to agreements for meal and grocery delivery services to individual homes with Off the Grid, LLC and The Health Trust for an aggregate compensation of \$6,645,760 from October 20, 2020 through March 31, 2021 with options to extend the term through December 31, 2021, subject to the appropriation of funds;
- (6) Amendments to the Agreements to Provide Meals for Limited Duration between the City of San José and World Central Kitchen based on the same terms and conditions with an increase of the compensation by \$1,015,266 for services inside San José and an increase of the compensation by \$1,522,899 for services outside of San José and inside Santa Clara County for an aggregate amount of \$6,102,165 through February 9, 2021, with options to extend through December 31, 2021, subject to the appropriation of funds;
- (7) Agreements for meal preparation and delivery services to temporary shelters with Bateman Community Living LLC, Nob Hill Catering Inc., and Team San Jose for an aggregate compensation of \$1,800,000 from December 31, 2020 through March 31, 2021 with options to extend the term through December 31, 2021, subject to the appropriation of funds;
- (8) Purchase Order with Bateman Community Living, LLC for supplemental Senior Nutrition Program services at San José community centers for a maximum compensation of \$390,000 from December 31, 2020 through March 31, 2021;
- (9) Purchase Order with First 5 Santa Clara County for the purchase of baby formula, diapers, and wipes to distribute to families experiencing food and necessity insecurities for a maximum compensation of \$600,000 from December 31, 2020 through March 31, 2021; and
- (10) Amendments and options to extend the terms of the agreements set forth in the "Food and Necessities Distribution Agreements" (Attachment A to the staff memorandum) to continue food and necessities distribution services to individuals and families impacted by the COVID-19 pandemic through December 31, 2021, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance/City Manager)

Action: The reports were accepted, and (c) **Resolution No. 79843** regarding grant agreements, amendments to agreements and purchase orders related to food distribution, *including the Health Trust*, was adopted. (8-0-2-1. Absent: Jimenez, Arenas. Abstain: Peralez.)

Action: All actions, *excluding those relating to the Health Trust*, were approved. (9-0-2. Absent: Jimenez, Arenas.)

3.10 20-1684 JPA-issued Bonds for Moderate-Income Housing.

As recommended by the Rules and Open Government Committee on December 2, 2020:

Accept the staff report that provides a summary of staff analysis and work to-date on two unsolicited proposals for the City to join a joint powers authority for moderate-income rental housing sponsored by the California Community Housing Agency, and alternatively comparable program by the California Statewide Communities Development Authority.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Housing/Finance/Economic Development)
[Rules Committee referral 12/2/2020 - Item G.4]

Action: The staff report regarding JPA-issued Bonds for Moderate-Income Housing was accepted, including the joint memorandum from Councilmember Maya Esparza, Vice Mayor Chappie Jones and Councilmember Sylvia Arenas, dated December 11, 2020, with direction to return to Council in April 2021 with: (1) an update on the process for a recommendation including a JPA-issuer evaluation and terms for City partnership; and (2) the capacity for the item in Staff workload at that time.

Also including the supplemental memorandum from Staff, dated December 14, 2020, including further considerations for a future agreement to join any joint powers authority (JPA) offering to provide moderate-income rental housing in the City.
(10-0-1. Absent: Arenas.)

3.11 20-1703 Fee Cap on Food Delivery Services.

As recommended by the Rules and Open Government Committee on December 9, 2020:

Direct staff to return to Council with an urgency ordinance that:

- (a) Caps the delivery fee that third-party food delivery platforms can charge member establishments at 15% of the purchase price of an online order;
- (b) Caps the total fee amount for the use of all services-including the delivery and processing fees- that third-party food delivery platforms can charge at 18% of the purchase price of an online order;
- (c) Allows member establishments to agree to pay a third-party food delivery platform a fee that exceeds the limits in sections 1 and 2 to obtain optional products or services, including, but not limited to, advertising, marketing, or access to customer subscription programs, in addition to delivery or pickup service;
- (d) Prohibits the reduction of compensation to food delivery drivers, including the reduction of any amount of tips provided to delivery drivers that results from the restrictions on commission or delivery fees as set forth in this order;

(Item Continued on the Next Page)

3.11 (Cont'd.)

- (e) Exempts chain restaurants, with the exception of those franchisees who own and operate only three restaurants or fewer;
 - (f) Grants food-delivery companies 14 days per incident to refund any fees taken in excess of these limits;
 - (g) Remains in effect through June 2021, at which point the City Council may choose to extend or suspend the fee cap based on the extent of indoor restaurant capacity (e.g. 50%) and the availability of a COVID-19 vaccine for essential workers.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Mayor/Diep)
[Rules Committee referral 12/9/2020 - Item G.4]

Action: **Urgency Ordinance No. 30509** was adopted, as outlined in the December 3, 2020 memorandum from Mayor Sam Liccardo and Councilmember Lan Diep presented to the December 9, 2020 Rules and Open Government Committee. (10-0-1. Absent: Arenas.)

3.12 20-1702 **Inter-Department Transfer of District 4 Council Funds to Other Departments.** **--DROP**

- As recommended by the Rules and Open Government Committee on December 9, 2020:
Adopt the following 2020-2021 Appropriation Ordinance Amendments in the General Fund:
1. Decrease the appropriation to the Council District 4 (July-December) by \$440,000 for the purpose of advancing the underfunded and unmet needs identified herein:
 2. Increase the Non-Personal/Equipment appropriation to the Department of Planning, Building, and Code Enforcement in the amount of \$200,000:
 - a. \$100,000 to hire consultants to speed up the work unilaterally aligning our General Plan and zoning designations, as mandated by the State of California.
 - b. \$100,000 to hire consultants to hire consultants to further the historical preservation work in San José; identifying sites that merit preservation so that development can proceed without fights over what is and isn't historic.
 3. Increase the Non-Personal/Equipment appropriation to the Department of Information Technology in the amount of \$115,000:
 - a. \$30,000 towards the improvement of Vietnamese Language Translation Services in our San José 311 website and mobile channels.
 - b. \$25,000 to reinitiate the Purchasing Innovation project so that the Finance and Civic Innovation team can improve procurement speeds, shorten timelines, and increase flexibility. Specifically, the work should

(Item Continued on the Next Page)

3.12 (Cont'd.)

focus on identifying advances in purchasing rules and processes for elected officials, technology, and use of small software-as-a-service offerings.

c. \$60,000 to enhance digital signage in the public areas of City Hall and Police Headquarters to adaptively direct the public where to go as space uses change, provide instructions and direction in multiple languages, and display culturally-relevant imagery to make public spaces more welcoming and informative.

4. Increase the Non-Personal/Equipment appropriation to the Office of Economic Development in the amount of \$100,000:

a. To support the creation of a Citywide Small Business Retention Program within OED's Business Development Division to provide assistance to our local small businesses and entrepreneurs with fewer than 35 employees, which represent a third of the jobs in our city, to help them deal with increased risk of displacement as redevelopment efforts in our General Plan bring new challenges for small businesses.

5. Increase the Non-Personal/Equipment appropriation to the Office of Cultural Affairs the amount of \$25,000:

a. To provide grants to artists or fund art projects, supporting the art community through this difficult time when our transit occupancy taxes revenues have fallen, adversely affecting funding for the arts.

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

[Rules and Open Government referral 12/9/2020 - Item G.4]

Item Dropped

4. PUBLIC SAFETY SERVICES

4.1 20-1638 Update on Fine Amounts for Illegal Fireworks.

(a) Accept the Update on Fine Amounts for Illegal Fireworks.

(b) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of San José Municipal Code Chapter 10.17, Part 2, Section 10.17.100, to increase fine amounts for first, second, third and subsequent violations pertaining to the unlawful sale, storage, use, or discharge of fireworks and repealing Resolution No. 79332.

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

Action: The update was accepted, and (b) **Resolution No. 79844** amending the Administrative Citation Schedule of Fines was adopted. (10-0-1. Absent: Arenas.)

7. NEIGHBORHOOD SERVICES

7.1 20-1640 Police Activities League Operating Model Contract. - DEFERRED

Approve guiding principles for an agreement between the City of San José and San José Police Activities League to provide operations of the J.R. Blackmore Police Activities League Stadium Complex, including operating athletic programs, performing minor facility maintenance and conducting fundraising activities.

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

Council District 5. (Parks, Recreation and Neighborhood Services)

Deferred to 1/5/2021 per Rules and Open Government Committee

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1652 Actions Related to the Agreement with Valley Water District for the South San Francisco Bay Shoreline Project.

Adopt a resolution authorizing the City Manager, or his designee, to:

(a) Negotiate and execute a funding agreement with the Santa Clara Valley Water District (Valley Water), a Special District created by the Legislature of the State of California, for the Regional Wastewater Facility's (RWF) payment of project betterment costs for the South San Francisco Bay Shoreline Project (Shoreline Project), in the amount of \$2,000,000, or half of total project betterment costs, whichever is less, subject to the appropriation of funds;

(b) Declare the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) as "exempt surplus land" to the needs of the City pursuant to Cal. Gov. Code §54221(f)(1)(D);

(c) Negotiate and execute an agreement for the transfer of the "exempt surplus land" of the Legacy Lagoons 16-19 property to Valley Water (portion of APN 015-31-051) in accordance with Cal Gov. §54221(f)(1)(D) and San José Municipal Code §4.20.080;

(d) Negotiate and execute an agreement for the transfer of project easements to Valley Water for Shoreline Project access, construction staging, and levee protection on RWF lands in exchange for compensation to be established by an appraisal completed by Carneghi, Nakasako, and Associates; and

(e) Negotiate and execute all other necessary documents to effectuate the transfer of the Legacy Lagoon 16-19 property and related project easements.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858). File No. PP20-006. Council District 4 (Economic Development/Environmental Services)

Action: Deferred per Orders of the Day.

Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard. - DEFERRED

Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection (Subject Portion);
- (b) Conditionally vacating the Subject Portion, which after the satisfaction of the condition, will be superseded by relocation;
- (c) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara;
- (d) Declaring the Subject Portion “exempt surplus land” to the needs of the City;
- (e) Authorizing the City Manager, or their designee, to negotiate and execute a Purchase and Sale Agreement with adjacent property owner Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned “excess surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in the amount of \$218,477 in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A);
- (f) Authorizing the City Manager, or their designee, to negotiate and execute a Purchase and Sale Agreement with adjacent property owner Bit Holdings Sixty-Eight, Inc. for the sale of approximately 707 square feet of conditionally vacated City-owned “excess surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in the amount of \$1 in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070; and
- (g) Authorizing the City Manager, or their designee, to negotiate and execute all other documents necessary to complete the transactions.

CEQA: Determination of Consistency to the Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, File No. H18-038. Council District 3. (Economic Development/Public Works)

Deferred to 1/5/2021 per Rules and Open Government Committee

8.3 20-1644 Approval of the Sale of Two Properties with City Loans by Housing for Independent People and the Release of 30 Year Affordability Restrictions.

(a) Accept the staff report.

(b) Adopt a resolution authorizing the Director of Housing to:

(1) Negotiate and execute two 55-year affordability restrictions for properties owned by Housing for Independent People (HIP) located at 5668 and 5684 Hoffman Court;

(2) Negotiate and execute rescissions for the 30 year restrictions on HIP properties recorded on August 29, 1990 on the following properties located in San José: 3825 Barker Drive, 1579 Branham Lane, 3456 Calvin Avenue, 1824 Curtner Avenue, 1794 Donna Lane, 1231 Minnesota, 1726 Ross Circle, 1713 Ross Circle, and 1731 Ross Circle; and any other associated documents and amendments; and

(3) Negotiate and execute documents needed to facilitate the sale, by HIP, of the properties located at 3456 Calvin Avenue and 1726 Ross Circle.

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. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

Action: The staff report was accepted, and (b) **Resolution No. 79845** regarding the Sale of Two Properties with City Loans by Housing for Independent People and the Release of 30 Year Affordability Restrictions was adopted. (10-0-1. Absent: Arenas.)

8.4 20-1645 Award of Contracts for the Employment Development and Housing Stability and Rapid Rehousing Programs.

Adopt a resolution authorizing the Director of Housing to negotiate and execute the following grant agreements for the Employment Development and Housing Stability Program and the Rapid Rehousing Program:

(a) Employment Development and Housing Stability Program grant agreements for 18-months with initial terms beginning on January 1, 2021 and operating through June 30, 2022 with 3 one-year options to extend:

(1) An agreement with JobTrain in the amount of \$500,000;

(2) An agreement with International Rescue Committee in the amount of \$192,000;

(b) Rapid Rehousing Program grant agreements for 6-months with initial terms beginning on January 1, 2021 and operating through June 30, 2021 with 3 one-year options to extend:

(1) An agreement with Bill Wilson Center in the amount of \$800,000;

(2) An agreement with LifeMoves in the amount of \$1,000,000; and

(Item Continued on the Next Page)

8.4 (Cont'd.)

(c) Rapid Rehousing Program grant agreement for 18-months with an initial term beginning on January 1, 2021 and operating through June 30, 2022 with 2 one-year options to extend an agreement with HomeFirst Services of Santa Clara County in the amount of \$2,867,825.

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. 79846** regarding grant agreements for the Employment Development and Housing Stability Program and the Rapid Rehousing Program was adopted. (10-0-1. Absent: Arenas.)

8.5 20-1646 FY 2019-2020 Consolidated Annual Performance Evaluation Report.

As recommended by the Neighborhood Services and Education Committee on December 10, 2020, accept the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan (2015-2020) and the FY 2019-2020 Annual Action Plan (Housing) regarding the use of federal funds from the U.S. Department of Housing and Urban Development.

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)

[Neighborhood Services and Education Committee 12/10/2020 - Item (d)1]

Action: The FY 2019-2020 Consolidated Annual Performance Evaluation Report was accepted. (10-0-1. Absent: Arenas.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

The Successor Agency to the Redevelopment Agency of the City of San José was Convened.

9.1 20-1663 Successor Agency to the Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2020.

Accept the Fiscal Year 2019-2020 Independent Auditors' Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.

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

Heard Concurrently with Items 3.4 and 3.5

Action: The Audited Financial Statements for Fiscal Year Ended June 30, 2020 was accepted. (10-0-1. Absent: Arenas.)

The Successor Agency to the Redevelopment Agency of the City of San José was Adjourned.

10. LAND USE

10.1 Land Use on Consent Calendar

(a) 20-1647 C20-004 & STORY 69 - Prezoning and Annexation Initiating Hearing for Property Located on Fleming Avenue.

(1) Approve an ordinance rezoning certain real property in unincorporated Santa Clara County designated as Story No. 69 to the R-1-8 Single Family Residence Zoning District located on an approximately 0.99-gross acre site situated approximately 50 feet south of the southeast corner of Fleming Avenue and Nob Hill Drive (APN: 601-29-008).

(2) Adopt a resolution initiating proceedings and setting February 9, 2021, for City Council consideration of the reorganization of territory designated as Story No. 69, which involves the annexation to the City of San José of approximately 0.99-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Council District 5. (Planning, Building and Code Enforcement)

Action: (1) **Ordinance No. 30508** rezoning real property in unincorporated Santa Clara County was passed for publication; and (2) **Resolution No. 79847** initiating proceedings and setting a date for City Council consideration of the reorganization of territory was adopted. (10-0-1. Absent: Arenas.)

OPEN GENERAL PLAN HEARING (2020 THIRD CYCLE)

(b) 20-1648 GPT20-003 & GP20-006 - City-Initiated General Plan Amendment to Make Minor Modifications and Clarifying Revisions to the Envision San José 2040 General Plan. - RECOMMEND DEFERRAL

Adopt a resolution approving the General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan and the Midtown Specific Plan.

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 (7-0). File Nos. GPT20-003; GP20-006. Council District: Citywide. (Planning, Building and Code Enforcement)

Deferred to 1/26/2021 per Administration.

END OF CONSENT CALENDAR

10 LAND USE - REGULAR AGENDA

10.2 20-1649 HP19-008 - Appeal Hearing on the Planning Director's Approval of the Historic Preservation Permit for the St. James Park Capital Vision and Levitt Pavilion Project bordered by East St. James Street to the north, East St. John Street to the south, North First Street to the west, and North Third Street to the east, in downtown San José (Public Project PP16-037).

(a) Conduct a de novo hearing to consider the Appeal of the Planning Director's approval of the Historic Preservation Permit, File No. HP19-008, for the St. James Park Capital Vision and Levitt Pavilion Project to allow physical and programmatic changes to St. James Park, a contributing property to the St. James Square City Landmark Historic District consisting of approximately 7.6 acres in downtown San José. The St. James Park Capital Vision and Levitt Pavilion Project includes construction of a new Performing Arts Pavilion, café and restroom building, open air picnic pavilion and picnic grove, two dog parks, Meadow, playground, fountain, park office building, security lighting, perimeter fencing, transportation modifications and pedestrian and utility improvements.

(b) Adopt a resolution denying the permit appeal and approving, subject to conditions, Historic Preservation Permit, File No. HP19-008, for the St. James Park Capital Vision and Levitt Pavilion Project to allow physical and programmatic changes to St. James Park, a contributing property to the St. James Square City Landmark Historic District, on approximately 7.6 acres in downtown San José.

(Item Continued on the Next Page)

10.2 (Cont'd.)

CEQA: Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion (Resolution No. 79770), File No. PP16-037. Council District 3. (Planning, Building and Code Enforcement)

The hearing was held.

Action: (b) **Resolution No. 79848** denying the permit appeal and approving, subject to conditions, Historic Preservation Permit, File No. HP19-008 was adopted. (10-0-1. Absent: Arenas.)

10.3 20-1650 **GPT20-001 - Privately-Initiated General Plan Text Amendment to Modify the Five Wounds Urban Village Plan.**

(a) Adopt a resolution adopting the Five Wounds Urban Village General Plan Text Amendment Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act;

(b) Adopt a resolution approving, in part, the General Plan Text Amendment application to amend the Five Wounds Urban Village Plan to: (1) modify Interim land Uses and Land Use Policies to allow transit-supportive development to move ahead of the full funding of the 28th Street/Little Portugal BART station; and (2) revise the Urban Village land use designation to increase residential density from 95 to 250 dwelling units per acre (DU/AC), and denying the portion of the application requesting the change the Urban Village land use designation floor to area ratio (FAR).

CEQA: Addendum to 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 all Addenda thereto. Planning Commission recommends approval (7-0). File No. GPT20-001. Council District 3. (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 79849** adopting the Five Wounds Urban Village General Plan Text Amendment Addendum; and (b) **Resolution No. 79850** approving, in part, the General Plan Text Amendment application to amend the Five Wounds Urban Village Plan, were adopted. (10-0-1. Absent: Arenas.)

GENERAL PLAN HEARING (2020 THIRD CYCLE) CONTINUED TO 1/26/2021

OPEN FORUM

1. Robert Geary urged representation of the unhoused, observing the increased number of deaths in this community.
2. Blair Beekman spoke to states dealing with their own voting issues and the need for local government in handling disasters.
3. Scott Largent addressed homelessness, difficulties of getting into shelters during COVID, and unhoused individuals dying in the streets.
4. Stacey Lares criticized the City's approach to closing businesses and 'lockdown' practices during the pandemic.
5. Nick Kuwada, Census 2020 Program Manager for the County of Santa Clara, offered appreciation to the City for their response during the census.
6. Roland offered recommendations for the use of acreage for the Santa Teresa Light Rail Station and use of VTA CARES Act funding.

ADJOURNMENT

The Council of the City of San José adjourned at 9:02 p.m. in memory of Melchor Landin Ramirez, an icon that started a popular bakery in East San José. He founded Mexico Bakery, a small, immigrant owned business that takes pride in showcasing our traditional Mexican culture. Melchor is admired by his humble beginnings and his giving heart to help the community. He has donated pan dulce and many other treats to our community for many years. His legacy carries on with his beautiful family that continues to operate the bakeries and help the community. Melchor will be missed but never forgotten.