



# City Council Meeting SYNOPSIS

**Tuesday, October 19, 2021**  
**<https://sanjoseca.zoom.us/j/93052835954>**

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



- **Call to Order and Roll Call**

**9:31 a.m. - Closed Session, Call to Order.**  
**Councilmembers Absent: All present.**

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

- **Pledge of Allegiance**

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

- **Invocation (District 9)**

**Karen Adamski, Certified Crystal Healer and Shamanic Practitioner offered the invocation.**

- **Orders of the Day**

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

- **Closed Session Report**

**None presented.**

## **1. CEREMONIAL ITEMS**

### **1.1 Presentation of a Proclamation declaring National Arts and Humanities awareness for the celebration of culture. (Carrasco)**

Councilmember Magdalena Carrasco introduced representatives from The Department of Cultural Affairs and the Department of Economic Development and spoke on the importance of this Proclamation. A commendation was issued to Cultural Affairs Director, Kerry Adams Hapner; Chair of the Arts Commission, Dr. Smita Gard; and Assistant Director of Economic Development, Nanci Klein.

**1.2 Presentation of a Proclamation declaring National Disability Employment Awareness Month. (Foley)**

Councilmember Pam Foley introduced a representative from Hope Services and spoke on the importance of this Proclamation. A commendation was issued to Hope Services Job Developer, Chris Wright and her Service Animal “Peru”.

**1.3 Presentation of a Proclamation declaring Freedom of Workplace Bullying Month. (Perez)**

Councilmember Raul Perez introduced representatives from The Office of Employee Relations and spoke on the importance of this Proclamation. A commendation was issued to Executive Analyst, Bill Gold and Senior Executive Analyst, Randi Perry.

**2. CONSENT CALENDAR**

**2.1 Approval of City Council Minutes.**

**2.2 21-2197 Final Adoption of Ordinances.**

(a) Ordinance No. 30673 - An ordinance of the City of San José Amending Chapter 4. of Title 4 of the San José Municipal Code to Amend Section 4.76.345.6 to Temporarily Expand and Extend, from October 1, 2021 through June 30, 2022, Eligibility for the Existing Financial Hardship Exemptions for Low Revenue Generating Small Businesses and Small Business Owners with Limited Household Incomes to Include All Persons Engaged in Business in the City who Satisfy Certain Financial Hardship Requirements. [Passed for Publication on 9/28/2021 - Item 3.7 (21-2108)] (b) Ordinance No. 30674 - An Ordinance of the City of San José Amending Title 25 of the San José Municipal Code to Add a New Chapter 25.18 Entitled “Construction Crane Fee Program” [Passed for Publication on 9/28/2021 - Item 5.1(a) (21-2109)] (c) Ordinance No. 30675 - An Ordinance of the City of San José Amending, Deleting, and Adding Various Sections of Chapter 6.87 of Title 6 of the San José Municipal Code to Regulate Tobacco Retail Licenses. [Passed for Publication on 9/28/2021 - Item 7.1 (21-2110)] (d) Ordinance No. 30676 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add a New Part to Establish the Building Homes and Jobs Act Fund. [Passed for Publication on 9/28/2021 - Item 8.1(a) (21-2112)]

Action: (a) **Ordinance No. 30673**, (b) **Ordinance No. 30674**, (c) **Ordinance No. 30675**, and (d) **Ordinance No. 30676** were adopted. (10-0-1. Absent: Arenas)

**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 21-2213

**Lease of Airport Premises with Southwest Airlines at 1239 Airport Boulevard.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Third Amendment to the Lease of Airport Premises with Southwest Airlines Co. to: (a) Extend the term of the lease for five additional years, from January 1, 2021 to December 31, 2025; and (b) Revise the termination provision to no less than 90 days written notice from either the Tenant or the City. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Action: **Resolution No. 80247** was adopted. (10-0-1. Absent: Arenas)

2.8 21-2229

**Proclamation of Indigenous Peoples' Day.**

(a) Adopt a resolution proclaiming the second Monday in October as Indigenous Peoples' Day. (b) Approve an ordinance to amend Section 11.04.040 of Title 11 of the San José Municipal Code to revise City holidays. (c) Adopt a resolution amending City Council Policy 2-1, "Exhibition of Federal, State, and City Flags from City Buildings - All Occasions". CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: (a) **Resolution No. 80255** and (c) **Resolution No. 80256** were adopted; (b) **Ordinance No. 30679** amending Title 11 of the San José Municipal Code was passed for publication. (10-0-1. Absent: Arenas)

2.9 21-2214

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

(a) Adopt a resolution: (1) 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 Property"); (2) Conditionally vacating the Subject Property, which after the satisfaction of the condition, will be superseded by relocation; (3) After satisfaction of the condition, directing the City Clerk to record certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and (4) Declaring the Subject Property "exempt surplus land" to the needs of the City. (b) Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute: (1) Purchase and Sale Agreement with the adjacent property owners Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned "exempt surplus property" on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A), in exchange for the conditionally vacated 674 square feet and Assessor's Parcel Number 259-35-055 being voluntarily annexed to the Convention Center Facilities District; (2) Purchase and Sale Agreement with adjacent property owner Axis Homeowners Association for the sale of approximately 707 square feet of conditionally vacated City-owned "exempt surplus property" on a portion of Almaden Boulevard, between N. Almaden Boulevard

*(Item Continued on the Next Page)*

## 2.9 (Cont'd.)

and W. Santa Clara Street, in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; and (3) All other documents necessary to complete the transactions. CEQA: Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, H18-038. Council District 3. (Economic Development and Cultural Affairs/Public Works) [Deferred from 8/31/2021 - Item 2.8 (21-1886), 9/14/2021 - Item 2.10 (21-1978), 9/21/2021 - Item 2.12 (21-2045) and 9/28/2021 - Item 2.9 (21-2096)]

**DEFERRED TO 11/2/21 PER ADMINISTRATION.**

### 2.10 21-2215 **Applications for California State Park's Outdoor Equity Grants Program for Residents to Engage in the Family Camp Experience.**

Adopt resolutions approving the Parks, Recreation and Neighborhood Services Department's applications to the California Department of Parks and Recreation's Outdoor Equity Grants Program for the following Project Hope neighborhoods to encourage healthy communities by connecting people with nature through a free experience at Family Camp at Yosemite: (a) Foxdale (Sylvia Cassell Park); (b) Poco Way (Emma Prusch Farm Park); (c) Santee (Fair Swim Center); and (d) Washington (Washington United Youth Center). CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. Council Districts 3, 5, and 7. (Parks, Recreation and Neighborhood Services)

Action: (a) **Resolution No. 80257**, (b) **Resolution No. 80258**, (c) **Resolution No. 80259**, and (d) **Resolution No. 80260** were adopted. (10-0-1. Absent: Arenas)

### 2.11 21-2216 **Amendment to the Master Agreement with Smartwave Technologies and Infinity Communications & Consulting, Inc. for ESUHSD Community WIFI.**

Approve the First Amendment to the Master Consultant Agreement with: (a) Smartwave Technologies, LLC, to increase the amount of compensation by \$400,000 for a total amount not to exceed \$1,400,000, for projects funded by Community Development Block Grant Fund; and (b) Infinity Communications & Consulting, Inc. to decrease the amount of compensation by \$400,000 for a total amount not to exceed \$200,000 for projects funded by Community Development Block Grant Fund. CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Public Works)

**DEFERRED TO 10/26/2021 PER ADMINISTRATION.**

### 2.12 21-2217 **Funding Agreement with Union Pacific Railroad for Work at Horning Street.**

Approve the Funding Agreement between the City of San José and the Union Pacific Railroad for surface crossing improvements across the rail tracks at Horning St. along the Warm Springs Subdivision, with an estimated cost to the City of approximately \$124,156 and with all work expected to be completed by the end of 2021. CEQA:

*(Item Continued on the Next Page)*

## 2.12 (Cont'd.)

Categorically Exempt, File No. PP19-036, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 3. (Transportation)

Action: The Funding Agreement with Union Pacific Railroad for Work at Horning Street was approved. (10-0-1. Absent: Arenas)

## 2.13 21-2232

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

Recommendation:As recommended by the Rules and Open Government Committee on October 6, 2021: (a) Approve the Flickinger Dumpster Day scheduled on October 23, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 10/6/2021 - Item G.1.a]

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

## 2.14 21-2264

### **Amendment to Chapter 4.10 of the San José Municipal Code Related to the Debarment of Contractors.**

(a) Approve an ordinance amending Chapter 4.10 of the San José Municipal Code to consolidate, streamline, update and clarify the manner in which the City will conduct contractor debarments. (b) Adopt a resolution repealing Resolution No. 70592, which established procedures for administrative debarment hearings that have been incorporated into Chapter 4.10, as amended, and are therefore no longer needed. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works/Finance) [Deferred from 10/5/2021 - Item 2.10 (21-2133)]

DEFERRED TO 11/2/2021 PER ADMINISTRATION.

## 2.15 21-2271

### **Retroactive Approval of the Day on the Bay 2021 Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on October 13, 2021: (a) Retroactively approve the Day on the Bay 2021 scheduled on October 16, 2021 as a City Council sponsored Special Event, approve the expenditure of funds, and approve the purchase of gift cards intended as prizes; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 10/13/2021 - Item G.1.a]

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

2.16 21-2274

**Approval of Coronado Ave Activation Series Sponsored by Council District 2 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

As recommended by the Rules and Open Government Committee on October 13, 2021:

(a) Approve the Coronado Ave Activation Series scheduled from October 8, 2021 through November 12, 2021 as City Council sponsored Special Events and approve the expenditure of funds for the series: (1) Retroactively approve the Culture Night Market scheduled on October 8, 2021; (2) Retroactively approve the Culture Night Market scheduled on October 15, 2021 (tentative); (3) Approve the Halloween Costume Contest and Street Dancing scheduled on October 29, 2021; and (4) Approve the Villagefest scheduled on November 12, 2021. (b) Approve the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed \$50 for a free raffle; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 10/13/2021 - Item G.1.b]

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

2.17 21-2276

**Redistricting Commission Appointment.**

Appoint the following Commissioner to the Redistricting Commission.: (a) District 3 Seat: Appoint Dee Barragan. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities, resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 10/13/2021 - Item A.1.a]

Action: Redistricting Commission appointment was approved. (10-0-1. Absent: Arenas.)

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

City Manager, Jennifer Maguire offered the Verbal Report and gave an update on the Department of Transportation Pavement Maintenance Program and the Local and Neighborhood Streets Program. She thanked the essential members of both these programs and workforce involved.

#### **3.2 Labor Negotiations Update.**

3.3 21-2218

**2020-2021 City Manager's Annual Report.**

(a) Accept the 2020-2021 City Manager's Annual Report in compliance with City Charter Section 701(F). (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2020-2021 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions). CEQA: Not a Project, Files No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding

*(Item Continued on the Next Page)*



### 3.3 (Cont'd.)

Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment. (City Manager)

Action: (a) The 2020-2021 City Manager's Annual Report was accepted, (b) Appropriation **Ordinance No. 30682**, and (b) Funding Sources **Resolution No. 80261** were adopted. (10-0-1. Absent: Arenas)

### 3.4 21-2219

#### **Extension of Proclamation of Local Emergency Related to COVID-19.**

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

Action: **Resolution No. 80262** was adopted. (10-0-1. Absent: Arenas)

### 3.5 21-2220

#### **Actions Related to the 9821 - SJC Guadalupe Gardens Fencing Project and Temporary Closure of Spring Street and Asbury Streets.**

(a) Adopt a resolution delegating authority to the Director of Public Works to award the construction contract for the 9821 - SJC Guadalupe Gardens Fencing Project, pursuant to City Charter Section 1217(h), in an amount not greater than \$1,500,000. (b) Conduct a public hearing on the proposed temporary closure of Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street. (c) Adopt a resolution to temporarily close Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street. (d) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Renewal and Replacement Fund: (1) Decrease the Ending Fund Balance in the amount of \$700,000; and (2) Increase the Guadalupe Gardens Fencing appropriation in the amount of \$700,000. (e) Direct the City Manager to: (1) Near term (next two months): Continue trash/debris removal and abatements as previously proposed; install k-rail or other suitable barriers to prevent vehicles from entering abated areas and to deter illegal dumping; close Spring Street to allow additional RV/vehicle parking through the end of Phase III abatements; and provide daily police presence and security patrols to prevent re-encampment of abated areas. (2) Medium term (next 2-8 months): Engage surrounding community and stakeholders, and recommend to Council temporary recreational uses of the site to activate cleared areas; and identify funding sources. (3) Long term (6-18 months): Engage surrounding community and stakeholders to identify permanent compatible public uses and identify funding sources. CEQA: Categorical Exemption, CEQA guidelines Section 15303(e) New Construction or Conversion of Small Structures, File No. ER21-005. (Airport/Parks, Recreation and Neighborhood Services/Public Works/Transportation/City Manager) [Deferred from 9/28/2021 - Item 3.6 (21-2107)]

*(Item Continued on the Next Page)*



### 3.5 (Cont'd.)

Action: (b) The public hearing was conducted. (a) **Resolution No. 80263**, (c) **Resolution No. 80264**, and (d) **Appropriation Ordinance No. 30683** were adopted. (e) The directive to the City Manager was accepted with staff and the full council to come back for further discussion on January 11<sup>th</sup>, 2021 with an analysis of stage 1 and 2 of the SJC Guadalupe Gardens Fencing Project.

Including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones, Councilmember Raul Peralez, and Councilmember David Cohen, dated October 15, 2021 recommending: Direct the City Manager to accelerate the restoration of Guadalupe River Park and Gardens by rapidly identifying housing solutions as well as enhancing park safety, cleanliness, and vibrancy through the following approaches: (1) HOUSING: Accelerate rehousing for current unhoused residents at Guadalupe that have been identified through the HomeFirst census currently being conducted at the site, by: (a) Providing priority within the Coordinated Entry system for unhoused persons requiring rehousing pursuant to a specific federal directive, as here. (b) Identify a safe parking site on public or private land and allocate a portion of funds from the RFP that will be released soon that would provide a place for the operational cars and/or RVs currently parked in the Guadalupe River Park and Gardens area. (c) Engage with the County about using sites near the Guadalupe River Park and Gardens, including the Armory and the unutilized County-owned parcels immediately behind the Armory, for rapid-build interim housing, emergency shelter structures, or safe parking. (2) SECURING THE SITE: In order to immediately secure areas from vehicles reentering cleared phases: (a) Expand the use of K-Rail barriers around the first two phases to create vehicle-proof perimeter boundaries for the Gardens and deter illegal dumping addressed in the recommendation 4. (b) Direct unhoused residents in RVs to move RVs off park land onto paved street surfaces in the area until either the completion of the cleanup or identification of a safe parking location. (c) Accept staff recommendation b) and c) from the 9/28/2021 Council memorandum temporarily closing Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street.(3) HUMAN PRESENCE INSTEAD OF FENCE: Explore allocating additional resources from the American Rescue Plan Act (ARPA) to enhance safety in the area and deter re-encampment of cleared phases, and return to the City Council in November with cost estimates on the following: (a) Monitoring: Routine deployment of Park Rangers, using overtime budgeting if necessary; (b) Cleanup: Prioritize the expansion of SJ Bridge from the June 2021 approved Budget for routine (at least weekly) cleanup in the Guadalupe River Park, employing unhoused residents with programs to provide skills and opportunities for jobs and housing; (c) Police: Return to Council in November and at mid-year with specific funding estimates and personnel capacity analysis required for the Police Department to deter illegal activity along our creeks and waterways. Prioritize work in the first year to the Guadalupe River from Arena Green and Confluence Point to the Airport with a focus of deterring re-encampments, but de-emphasizing arrests; (d) Commence discussions immediately with relevant employee bargaining units to enable creation of trainee programs for park rangers and maintenance positions, to rapidly create a talent pipeline with adults who will be learning on-the-job to fill the many longstanding vacancies: (i) Determine how such trainees can rapidly deploy to the Guadalupe River Park immediately; (ii) In particular, explore how Resilience Corps and Conservation Corps members can have immediate access to such a program offering career pathways with the City. (4) ILLEGAL DUMPING: Explore allocating additional resources in the City/Airport budget to increase cleanliness and security of the Guadalupe River Park and Gardens through the following measures: (a) Deploy signage articulating the “no dumping” restrictions along with an explicit warning that the area may be video-monitored; (b) Deploy cameras and other technology where appropriate;

*(Item Continued on the Next Page)*

### 3.5 (Cont'd.)

(c) Invest in swing gates at trail entrances (~\$15k each) to prevent driving and parking on trails and the dumping of abandoned vehicles; (d) Prioritize funding for vegetation and trimming along the River Park to create better sight lines and continue use of Resiliency Corps members for this effort. (5) ACTIVATION: Explore and prioritize creative options for interim uses that ultimately enable uses that align with the Guadalupe Gardens Master Plan and create more vibrancy while discouraging future encampments. (a) Return to Council with a cost estimate of extending the recycled water “purple pipe” infrastructure throughout a larger area of the park; (b) Explore partnerships that could enable a working farm and orchard, where unhoused residents can cultivate food as part of a program run by a nonprofit such as Valle Verde or Veggielution; (c) Partner with community agriculture/tree nursery nonprofits seeking permanent spaces to use and activate portions of the site; (d) Partner with companies and sports organizations to develop low-density and high-demand park features such as running trails, biking loops, dog parks, and activities like disc golf. (6) FUNDING: Create a funding plan for various plan elements including the following: (a) Use existing funds: \$1.5 million from SJC, \$3 million from Housing, and \$1.4 million from the Mayor’s Budget Message for maintenance and restoration of GRPG, and other sources; (b) Funds from the American Rescue Plan Act, as noted in the above recommendations, to be allocated by the Council in November; (c) Work with IGR to position this area for state funding, including Caltrans given their jurisdiction over the Airport’s approach area, and adjacency to Highway 87.

Also including *only recommendation (e)* of the joint memorandum from John Aitken, John Ristow, Jon Cicirelli, Matt Cano, and Jim Shannon, dated October 15, 2021 recommending: (a) Adopt a resolution delegating authority to the Director of Public Works to award the construction contract for the 9821 – SJC Guadalupe Gardens Fencing Project pursuant to City Charter Section 1217(h), in an amount not greater than \$1,500,000. (b) Conduct a public hearing on the proposed temporary closure of Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street. (c) Adopt a resolution to temporarily close Spring Street between Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street between Taylor Street and Asbury Street. (d) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Renewal and Replacement Fund: (1) Decrease the Ending Fund Balance in the amount of \$700,000; and (2) Increase the Guadalupe Gardens Fencing appropriation in the amount of \$700,000. (e) *Direct the City Manager to: (1) Near term (next two months): Continue trash/debris removal and abatements as previously proposed; install k-rail or other suitable barriers to prevent vehicles from entering abated areas and to deter illegal dumping; close Spring Street to allow additional RV/vehicle parking through the end of Phase III abatements; and provide daily police presence and security patrols to prevent re-encampment of abated areas; (2) Medium term (next 2-8 months): Engage surrounding community and stakeholders, and recommend to Council temporary recreational uses of the site to activate cleared areas; and identify funding sources; and (3) Long term (6-18 months): Engage surrounding community and stakeholders to identify permanent compatible public uses, and identify funding sources.* (9-1-1. Absent: Arenas, Noes: Davis)

## **4. PUBLIC SAFETY SERVICES**

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

### **5.1 21-2221 Actions Related to the 9295 - SJC Airport Accessibility Upgrades - Phase 1 Parking and Roadways Re-Bid Project.**

Adopt a resolution authorizing the Director of Public Works to: (a) Award and execute the Design-Bid-Build Contract for the Project to the lowest, most responsible bidder Strawn Construction, Inc. in an amount of \$5,536,371; (b) Establish a construction contingency of fifteen percent of the amount of the construction contract for the Project; and (c) Negotiate and execute any single and/or multiple contract change orders for the Project up to the contingency amount. CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 79497), File No. PP18-103. (Airport/Public Works)

Action: **Resolution No. 80265** was adopted. (10-0-1. Absent: Arenas)

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

## **7. NEIGHBORHOOD SERVICES**

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

### **8.1 21-2222 Approval of Downtown High-Rise Tax/Fee Waiver for 27 West at 27 S. First Street.**

Conduct a public hearing to approve a tax/fee waiver in connection with a reduction in construction taxes and the Affordable Housing Impact Fee for a downtown residential high-rise at 27 S. First Street in the amount of \$6,393,994, pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6 C. CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and addenda thereto, Planning File Nos. SP18-016. Council District 3. (Economic Development and Cultural Affairs)

Action: The Downtown High-Rise Tax/Fee Waiver for 27 West at 27 S. First Street was approved.

Including the memorandum from Councilmember Raul Peralez, dated October 15, 2021 recommending: To approve staff recommendations for Downtown High Rise Incentives for 27 West at 27 S. First Street and with the following additional direction: (1) Require from the applicant proof of receipt that they received the High Rise Building Best Practices Toolkit. (2) Request from the applicant a commitment to not retain the services of any contractor or sub-contractors found by the judicial system or by final administrative action of an investigatory government agency that have a history of wage theft violations in the past five years, and will provide an affidavit to that effect to the City of San José prior to the start of construction. (9-0-2. Absent: Arenas, Carrasco)

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

## **10. LAND USE**

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

**No Land Use items on the Consent Calendar.**

#### **END OF CONSENT CALENDAR**

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

#### **• Open Forum**

1. Tessa Woodmansee spoke to the public comment meeting process and not having the capabilities during Zoom to know which staff or councilmember is speaking during council meetings.
2. Blair Beekman addressed the Fence Project issues near the airport and the rehousing process for the unhoused community.
3. Caller 'Shprese' inquired about relocation and timeline of the unhoused encampment near her neighborhood.
4. Scott Largent spoke to the 71 Vista Montana St. unhoused encampment site and offered long-term solutions to help the unhoused community.
5. Caller '5140' spoke to the unhoused community.
6. Adam Cole addressed all the Santa Clara County services being provided to the community with a "skeleton staff crew" of CEMA Labor Union Members, spoke to hazard pay, overtime costs, and the financial crisis.
7. Thomas Doherty spoke to the concerns of the unhoused encampment site near his neighborhood on 71 Vista Montana St. and RV parking issues.
8. Roland spoke to the light rail system and suggested next steps.
9. Alma Goldchain spoke to the 71 Vista Montana St. unhoused encampment site concerns such as access to running water and arsenic levels.
10. Dolores Morales spoke to her disappointment with Councilmember Matt Mahan's comments regarding essential workers for the Santa Clara County.
11. Krishna spoke to safety concerns with the 71 Vista Montana St. unhoused encampment site.
12. Anne Marie spoke to the work and efforts the CEMA Labor Union Members have done during the Pandemic and addressed Councilmember Matt Mahan's comments towards front line workers.

*(Item Continued on the Next Page)*

## **Public Comment (Cont'd.)**

13. Rachel Garcia Feezel spoke to the Santa Clara County Hero's Pay for front line workers during the Pandemic and expressed her disappointment with Councilmember Matt Mahan's comments regarding 'Hero Pay'.
14. Mike Sodergren spoke to the Zoom meeting capabilities and public comment process.
15. Armando Barbosa spoke to Item 3.4, the essential workers during the COVID-19 Pandemic, and expressed his disappointment with Councilmember Matt Mahan's comments regarding 'Hero Pay'.
16. Sheena M. spoke to the 71 Vista Montana St. unhoused encampment site relocation, wrap-around services, and the concerns with the lack of security offered at the site.
17. Bharat spoke to the 71 Vista Montana unhoused encampment site security issues and concerns.
18. Raja spoke to the lack of security being offered at the 71 Vista Montana St. unhoused encampment site.

## **• Adjournment**

The Council of the City of San José adjourned at 6:58 p.m.