



# City Council Meeting

## Draft Minutes/Synopsis

**Tuesday, April 21, 2020**

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



## MINUTES OF THE CITY COUNCIL MEETING

SAN JOSÉ, CALIFORNIA

TUESDAY, APRIL 7, 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; it was teleconferenced from remote locations. Public comments were accepted via eComment, email, by phone and webinar.*

By unanimous consent, Council recessed from the Closed Session at 11:03 AM and reconvened to Regular Session at 1:32 PM on Tuesday, April 21, 2020 by teleconference. (See Pages 20/21 for Closed Session Minutes.)

Present: Councilmembers - Liccardo, (1:36 PM); Jones, Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, Khamis.

Absent: Councilmembers - All Present.

• **CALL TO ORDER AND ROLL CALL: 1:32 PM.**

### INVOCATION

(District 4)

### PLEDGE OF ALLEGIANCE

Vice Mayor Chappie Jones led the Pledge of Allegiance.

### ORDERS OF THE DAY

Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were accepted, with item 8.1 deferred to 4/28/20, and Item 8.4 heard before Item 8.3.  
(11-0)

• **CLOSED SESSION REPORT**

No report.

### 1. CEREMONIAL ITEMS

None presented.

**2. CONSENT CALENDAR**

Public Comments: Offering comments on the Consent Calendar were Blair Beekman, Jeffery Buchanan, and Mike Sodergen. Paul Soto was recognized to speak; he deferred comments until Items 8.2, 8.3 and 8.4 are heard later. Public speaker Mois was recognized to speak; she deferred comments until Item 8.4.

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Consent Calendar was approved, with Items 2.2(b), 2.6, 2.11, 2.12, and 2.13 pulled, voted on separately, and the below listed actions taken as indicated.

(11-0)

**2.1 Approval of City Council Minutes.**

None presented.

**2.1 20-460 Approval of City Council Minutes.**

**Recommendation:**

- (a) Regular City Council Meeting Minutes of August 6, 2019.
- (b) Regular City Council Meeting Minutes of August 27, 2019.
- (c) Regular City Council Meeting Minutes of March 17, 2020.
- (d) Regular City Council Meeting Minutes of March 24, 2020.
- (e) Regular City Council Meeting Minutes of April 1, 2020.

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

Action: The Regular Council Meeting Minutes of August 6, 2019, Regular Council Meeting Minutes of August 27, 2019, Regular City Council Meeting Minutes of March 17, 2020, Regular City Council Meeting Minutes of March 24, 2020, and Regular City Council Meeting Minutes of April 1, 2020, were approved.

**2.2 20-466 Final Adoption of Ordinances.**

**Recommendation:**

a. ORD. NO. 30386-An Ordinance of the City of San José Rezoning Retroactively Suspending Late Payment Charges for City-Provided Water Service Billed on a Bi-Monthly Basis and Multi-Family Dwelling Solid Waste Collection Service Billed on a Monthly Basis, with Due Dates Ranging from March 17, 2020 through June 30, 2020. [Passed for Publication on 4/7/2020 - Item 2.12 (20-407)]

Action: Ordinance No. 30386 was adopted.  
(11-0)

(b) Ord No. 38387 - An Ordinance of the City of San José Levying Special Taxes within Community Facilities District No. 8 (Communications Hill). [Passed for Publication on 4/7/2020 - Item 2.16(b) (20-389)]

Councilmember Johnny Khamis stated his conflict of interest, and recused himself.

*(Item Continued on the Next Page)*

**2.2 20-466 Final Adoption of Ordinances. (Cont'd)**

Action: Upon motion by Councilmember Dev Davis, to move approval, seconded by Councilmember Sergio Jimenez, and carried unanimously, Ordinance No. 38387 was adopted.

(10-0-1. Recused: Khamis)

(c) Ord No. 30391 - An Uncodified Ordinance of the City of San José Enacting Temporary Sick-Leave Requirements for Certain Private Employers for the Duration of the Current COVID-19 Health Emergency.

[Passed for Publication on 4/7/2020 - Item 3.4(b) (20-437)]

Action: Ordinance No. 30391 was adopted.

(d) Ord No. 30394 - An Ordinance of the City of San José Certain Real Property of Approximately 7.22 Gross Acres Situated on the Northwest Corner of Metro Drive and North First Street (25, 101, and 181 Metro Drive) (APN: 230-29-084) From The A(PD) Zoning District (File No. PDC84-076) to the IP Industrial Park Zoning District.

[Passed for Publication on 4/7/2020 - Item 10.1(a) (20-402)]

Action: Ordinance No. 30394 was adopted.

**2.3 20-461 Approval of City Council Committee Minutes**

**Recommendation:** Regular Rules and Open Government Committee Meeting Minutes of April 8, 2020. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Regular Rules and Open Government Committee Meeting Minutes of April 8, 2020 was approved.

**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.**

Councilmember Dev Davis, provided updates on Federated, Long term, and Short term investment bond and responded to questions.

Action: Upon motion by Councilmember Dev Davis, to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Report from the Council Liaison to the Retirement Boards, was approved.

(11-0)

**2.7 20-454****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.****Recommendation:**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth 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 increase the compensation by \$500,000, for a total amount not to exceed \$1,900,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)  
[Deferred from 3/17/2020 - Item 2.7 (20-273); and 3/24/2020 - Item 2.12 (20-353)]

Action: Resolution No. 79481 was adopted.

**2.8 20-455****Amendment to the Agreement with AST LLC for a Service Request Management/Customer Relationship Management Software Solution.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the Second Amendment to the Agreement with Applications Software Technology (“AST”) LLC (Naperville, IL) for a Service Request Management/Customer Relationship Management Software Solution (now known as San José 311, formally My San José) to increase the compensation by \$777,500 for Spanish and Vietnamese translation integration, Recycle Plus service delivery, architectural remediation, and related technical services for the San José 311 website and mobile application for a total contract maximum compensation of \$1,416,983 during the initial term ending November 30, 2021; and
  - (b) Increase the contingency by \$50,000 to cover any additional in-scope changes or requirements to the agreements with AST LLC and Oracle America, Inc. for the SRM/CRM Software Solution for a total contingency not to exceed \$250,000 during the initial terms, 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/Information Technology/City Manager)  
[Deferred from 4/14/2020 - Item 2.8 (20-422)]

Action: Resolution No. 79482 was adopted.

**2.9 20-458****Actions Related to the 2019 Edward Byrne Memorial Justice Assistance Grant Spending Plan.****Recommendation:**

- (a) Approve the proposed Spending Plan for the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$290,587.
- (b) Adopt a resolution accepting the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$290,587 and authorize the City Manager to negotiate and execute the Grant Agreement and all related documents for the grant award received from the U.S. Department of Justice without further City Council action.

Action: Resolution No. 79483 was adopted.

*(Item Continued on the Next Page)*

**2.9 20-458 Actions Related to the 2019 Edward Byrne Memorial Justice Assistance (Cont'd)**

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:

(1) Increase the estimate for Revenue from Federal Government in the amount of \$290,587; and

(2) Establish an appropriation to the Police Department for the 2019 Justice Assistance Grant (JAG) in the amount of \$290,587.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Action: Ordinance No. 30397 was adopted, and Resolution No. 79484 was adopted.

**2.10 20-456 2020 Local Streets Remove and Replace Asphalt Concrete Pavement Project.****Recommendation:**

(a) Approve award of a construction contract for the 2020 Local Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$2,515,471.

(b) Approve an approximate ten percent contingency in the amount of \$251,500.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The 2020 Local Streets Remove and Replace Asphalt Concrete Pavement Project, was approved.

**2.11 20-485 Approval of Stress 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 April 15, 2020:

(a) Approve the Stress Awareness Month scheduled on April 21, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 4/15/20 - Item G.1.a]

Councilmember Sylvia Arenas provided comments on stress awareness and yoga, and invited colleagues to join her in future yoga sessions.

Action: Upon motion by Councilmember Sylvia Arenas to move approval, seconded by Councilmember Dev Davis, and carried unanimously, the Stress Awareness Month District 8 Special Event was approved, and expenditure of funds; and acceptance of donations from various individuals, businesses, or community groups to support the event, was approved.

(11-0)

## 2.12 20-486

**Modify City Sunshine Resolution and Procedures for Agenda Items Submitted After Rules Committee.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 15, 2020: Adopt a resolution repealing and replacing Resolution No. 79450 (modifying public meetings, noticing, and document posting in the City's Sunshine Procedures), to:

(a) Allow only the City Manager-not Mayor and Council Offices-to request the City Clerk place an item on the City Council Agenda after the date of the hearing of the Rules Committee, but at least 72 hours prior to the meeting, in compliance with the Council Rules of Conduct Resolution No. 79367 Rule 3(d), which requires 2/3 vote of Council to add items after Rules; and

Councilmember Maya Esparza differentiated control over City agenda by elected, and unelected City officials, or even through the Rules Committee and via our current procedures for adjusting items through the Orders of the Day.

Mayor Sam Liccardo clarified that the Rules Committee allow proposals to move through to get the Council. Therefore, what's recommended in the current agenda item is not any different than the rules that would typically apply under Council Resolution 77135, (or the existing Consolidated Open Government and Ethics Provisions) as adopted, and referenced herein, which has been in place since 2014.

Public Comments: Lori Landis was recognized to speak; she deferred comments until Item 8.2 is called because she intends to address tiny homes.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Dev Davis, and carried unanimously, Resolution No. 79485 was adopted, and staff report, approved.  
(10-0-1. Noes: Esparza)

(b) Allow Councilmembers and the Mayor to have the City Clerk place an item on the City Council Agenda under Orders of the Day after the date of the hearing of the Rules Committee, but at least 72 hours prior to the meeting, if the Clerk utilizes the procedures authorized in Consolidated Open Government and Ethics Resolution ("Sunshine Resolution") No. 77135, Section 2.3.2.1.E to allow items to be so added if the Mayor, City Manager, and City Attorney concur that the item requires immediate action, and Council authorizes its addition by a 2/3 vote.

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

(Mayor)

[Rules Committee referral 4/15/20 - Item G.2]

Action: Staff recommendation was approved.  
(10-0-1. Noes: Esparza)

2.13 20-487

**Resolution Condemning Xenophobia Against the Asian Pacific Islander Community Stemming from the COVID-19 Crisis and Related Actions.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 15, 2020:  
 (a) Adopt a resolution condemning all xenophobic and discriminatory behavior towards the Asian Pacific Islander ("API") Community arising from the COVID-19 pandemic and affirm the well-being and safety of the API community.  
 (b) Direct the City Manager to solicit recommendations from community-based and social justice organizations to inform the City's strategies to combat xenophobia related to COVID-19.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor/Jones/Diep) [Rules Committee referral 4/15/20 - Item G.4]

Councilmember Raul Peralez addressed the need to adopt a resolution to speak for our Asian-Pacific islander population in the Bay Area because of the unfortunate side effect of covid-19 and the blatant discrimination directed against them.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Lan Diep, and carried unanimously, Resolution No. 79486 was adopted, and staff report, was approved.

(11-0)

**3. STRATEGIC SUPPORT**

3.1 20-453

**Report of the City Manager, David Sykes (Verbal Report).****Recommendation:**

- (a) City Manager's COVID-19 Update (Verbal Report).
- (b) City Manager's Report on Other City Matters (Verbal Report)

**Heard before Consent**

City Manager David Sykes provided updates regarding the City's response to COVID-19 and emergency housing, food distribution, and the Local Assistance Center. The City Manager is in the process of holding a series of virtual town hall meetings with City employees. The first session will be held on April 22, 2020.

Each of these virtual town hall sessions will provide updates about the City's response to COVID-19; discuss the City's current, and future budget, as well as take questions from attendees. City staff with any questions for the City Manager to answer at these town halls are encouraged to email them to:

SJTownHallwebinar@sanjoseca.gov.

Deputy City Manager Kip Harkness, and the leadership team from the City's Emergency Operations Center, (EOC), provided update on the City's roadmap, and efforts to provide food and emergency shelter to those in need, the City's new Virtual Local Assistance Center for residents, businesses, and nonprofits, as well as highlighted staffs' hard work throughout the organization.

Action: No motion was required. Council accepted the verbal report.



### 3.2 Labor Negotiations Update.

None presented.

### 3.3 20-457 Update on Digital Access and Inclusion for Schools during COVID 19.

#### **Recommendation:**

Accept the report on Digital Access and Inclusion for schools during the COVID-19 pandemic.

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 Manager)

Deputy City Manager Kip Harkness, Santa Clara County Superintendent of Schools Dr. Mary Ann Dewan, California Emerging Technology Fund (CETF) President and CEO Sunne Wright McPeak, and City of San Jose Librarian Jill Bourne, gave a presentation and responded to questions.

Public Comments: Offering comments on the Update on Digital Access and Inclusion for Schools during COVID-19 were 10 community members as follows: Chelsea Graham; Chris Franco, Commissioner; Emily Flores, (Superintendent of the Evergreen School District); Jorge Pacheco, Oakland School District Trustee, and Teacher; Christian Arrowsmith; Blair Beekman; Jeffery Buchanan, Working Partnerships USA; Unnamed Speaker; Paul Soto; Four Last Digits of phone #1367; (Lillian); and Kathryn Hedges.

Action: Upon motion by Councilmember Sylvia Arenas to move approval, seconded by Councilmember Maya Esparza, and carried unanimously, Update on Digital Access and Inclusion for Schools during COVID-19, was approved, including approval of the Memorandum from Councilmembers Arenas, Carrasco, and Esparza to:

Request City Administration take the following actions and return to Council on May 5 with updates on:

1. What it would take to prioritize and quickly expand community Wi-Fi in San Jose, including:

- a. What would it take to substantially accelerate the planned deployment of Access East Side to Yerba Buena High School?
- b. What would it take to rapidly add additional schools, including expanding Access East Side and potentially bringing this model to other areas that face similar need?
- c. What would be needed to invest in immediate solutions as part of our emergency COVID response, that address the lack of internet access in targeted communities?

2. Coordination with Santa Clara County and the Santa Clara County Office of Education on areas for expanded collaboration – and specifically on strategies to identify reimbursable funding streams to San Jose or a partner agency, in collaboration with the consultants supporting our COVID-19 reimbursement funding strategies.

*(Item Continued on the Next Page)*

**3.3 20-457****Update on Digital Access and Inclusion for Schools during COVID 19. (Cont'd)**

3. Work with the Santa Clara County Office of Education and school districts in San Jose, requesting a report on students' emergency access to laptops and other web ready devices, gaps in online access, and distance learning plans. Request the underlying need they've assessed and the steps necessary in their districts to achieve universal access for students.

4. Request that the administration support efforts to outreach to private internet providers with suggested changes to their COVID-19 responses processes and end-dates.

5. Update Council on the role that digital inclusion fund grantees are playing in the COVID response and the role that community fundraising can play in the response.

Also approved was the Memorandum from Vice Mayor Jones to:

Accept staff report and add the following:

A. Direct staff to work with Santa Clara County Office of Education to:

1. Identify the most heavily concentrated areas where digital connectivity is unavailable and students are unable to access education,

2. Locate sites, such as schools and parks, where a range of connectivity solutions, including Rapid Deployment Sites, and other technologies may be deployed.

B. Direct staff to explore and determine appropriate short-term solutions for bridging the gap in connectivity until long-term solutions are identified.

C. Direct staff to locate funding sources, including those reserved for digital inclusion grants for rapid connectivity solutions to bring access to unconnected areas as quickly as possible.

D. Allow the City Manager to negotiate with Joint Venture and telecom companies to enter into an agreement to deploy a range of rapid connectivity solutions, such as rapid deployment of Telco programs and infrastructure and standing up Rapid Deployment Sites, in areas identified as highest need.

E. Direct staff to return to Council May 5<sup>th</sup> with an update on the progress of the aforementioned direction.

(11-0).

- Council recessed at 6:10PM
- Council reconvened at 6:40PM

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 20-488 Urgency Ordinance and Companion Ordinance for Temporary Rent Freeze on all new Rent Increases for Rent Stabilized Apartments and Mobile Homes.****Recommendation:**

- (a) Adopt an urgency ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobilehome owners and mobilehome residents residing in mobilehomes subject to rent control. Specifically, the ordinance would:
- (1) Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health, or safety, to temporarily prohibit the eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19;
  - (2) Prohibit rent increases through December 31, 2020;
  - (3) Apply the moratorium to rent increases that went into effect on or after April 1, 2020
  - (4) Provide that a landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties;
  - (5) Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;
  - (6) Suspend of late fees for unpaid Apartment Rent Ordinance Program fees; and
  - (7) Waive building/repair maintenance permit fees for rental properties with 20 or fewer units.

**Please Note: Approval of this Urgency Ordinance requires 8 or more affirmative votes (2/3)**

- (b) Approve an ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobilehome owners and mobilehome residents residing in mobilehomes subject to rent control. Specifically, the ordinance would:
- (1) Prohibit rent increases through December 31, 2020;
  - (2) Apply the moratorium to rent increases that went into effect on or after April 1, 2020
  - (3) Provide that a landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties;
  - (4) Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;
  - (5) Suspend of late fees for unpaid Apartment Rent Ordinance Program fees; and
  - (6) Waive building/repair maintenance permit fees for rental properties with 20 or fewer units.

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

[Rules Committee referral 4/15/20 - Item A.1.a]

Action: Deferred to 4/28/20 per Orders of the Day.

## 8.2 20-489

**Actions Related to the Homeless Housing Assistance and Prevention Grant from the State of California.****Recommendation:**

- (a) Adopt a resolution authorizing the City Manager or his designee:
- (1) To accept the Homeless Housing, Assistance, and Prevention ("HHAP") grant award of \$23,832,510.94 from the State of California to fund emergency and crisis intervention services for the homeless and negotiate and execute related documents to accept these grant funds without further City Council action;
  - (2) To negotiate and execute a second amendment to the grant agreement with Habitat for Humanity dated June 3, 2019 to increase the grant amount by up to an additional \$6,000,000 for a total amount of \$11,100,600 to develop and construct an additional site located on Monterey and Bernal for emergency bridge housing or emergency shelters;
  - (3) To negotiate and execute a Third Amendment to the grant agreement that was transferred to Destination: Home SV by Asset Transfer Agreement dated November 28, 2017, to increase the grant amount by \$3,000,000 for a total of \$5,179,129, to continue implementing the Employment Initiative and Homelessness Prevention System for homeless individuals and families through June 30, 2021; and
  - (4) To negotiate and execute a third amendment to the grant agreement with Bill Wilson Center dated August 15, 2017, increasing the maximum amount of compensation by \$2,000,000 from \$2,179,129 to \$4,179,129 to provide housing and supportive services to homeless youth ages 18 to 25 through their Transition in Place program through June 30, 2020.

Housing Deputy Director Ragan Henninger, Deputy City Manager Jim Ortbal, and Housing Director Jacky Morales-Ferrand, gave a presentation and responded to questions.

Housing Director Jacky Morales-Ferrand read the following into record:

*(a)(4) To negotiate and execute a Third Amendment to the grant agreement with Bill Wilson Center dated August 15, 2017, increasing the maximum amount of compensation by \$2,000,000 from \$2,179,129 to \$4,179,129 to provide housing and supportive services to homeless youth ages 18 to 25 through their Transition in Place program through June 30, 2020 June 30, 2022.*

**Public Comments:** Offering comments on Actions Related to the Homeless Housing Assistance and Prevention Grant from the State of California, were the following 30 community member: Unnamed female speaker with the last four digits telephone number: 5910, Kathryn Hedges, Mois Haedir, Samar B, Blair Beekman, David Niedermayer, Susan Johnson, Frank Magy, Bakar Ali, Tony Dhosti, Michelle Liu, Kalpana Ragothaman, Fatema, Ashisha, Albert Sushmida, Norman Hall, Walter A, Mo Abushanba, Puneet Mathur, Unnamed Female Speaker, Elvira Faria, Ivan Podhubny, Laurie Landis, Unnamed Speaker, Devai, J, Jonathan Fleming, Unnamed Speaker, Francis, Pramods, and Paul Soto.

Mayor Liccardo advised speakers that no new public speakers would be taken after 9:15 PM, and requested community members wishing to speak to indicate interest by raising hand.

*(Item Continued on the Next Page)*

## 8.2 20-489

**Actions Related to the Homeless Housing Assistance and Prevention...(Cont'd)**

Action: The motion by Councilmember Sergio Jimenez to move approval of his memo, as follows, seconded by Councilmember Johnny Khamis, **did not get voted on.**

To approve the Memorandum from Councilmember Jimenez to:

Accept staff recommendation and provide the following direction to the City Administration and the City Manager:

1. Limit Bridge Housing Communities and other emergency interim-housing developments to one per Council District unless respective Council representative is open to more locations.
2. Review and revise the evaluation criteria used to determine site viability and readiness, specifically to:
  - a. Reconsider all City sites that had been evaluated for BHC in 2017-2018 and deemed suboptimal; and
  - b. Open up additional potential sites that had not previously been considered.
3. Prioritize sites that equitably and fairly disperse Bridge Housing Communities and other emergency interim-housing developments across San Jose.
4. Provide a plan to each Council District that receives an emergency interim-housing development on how and when “enhanced services” will be implemented. Enhanced services include, but are not limited to:
  - a. Increased police patrol;
  - b. Proactive parking enforcement;
  - c. Increased litter and blight services;
  - d. Increased homeless outreach and abatement; and
  - e. Other actions and services that enhance the quality of life around BHC and interim-housing development locations, to be determined in collaboration with the Council office. AND don't open the Monterey Bernal Site at this time, but move forward with the Rue Ferrari site.

Action: Upon substitute motion by Councilmember Dev Davis to move approval, including a CAC for each of those sites, seconded by Councilmember Pam Foley, and carried unanimously, Resolution No. 79487 was adopted, including approval of the Memorandum from Mayor Liccardo to:

1. Accept Staff's recommendations, with the direction to the City Administration to make the changes below to recommendation (a)(4):
  - a. For the HHAP youth set-aside appropriation of \$2 million to Bill Wilson Center, extend contract period to June 30, 2022.
  - b. Expand Bill Wilson Center's efforts under HHAP funding to include emergency shelter, transitional housing assistance and rapid rehousing in addition to the Transition in Place program

*(Item Continued on the Next Page)*

## 8.2 20-489

**Actions Related to the Homeless Housing Assistance and Prevention...(Cont'd)**

Also approved was Item #4 from the Memorandum from Councilmember Jimenez to:

Provide a plan to each Council District that receives an emergency interim-housing development on how and when “enhanced services” will be implemented. Enhanced services include, but are not limited to:

- a. Increased police patrol;
- b. Proactive parking enforcement;
- c. Increased litter and blight services;
- d. Increased homeless outreach and abatement; and
- e. Other services that enhance the quality of life around BHC and interim- housing development locations, to be determined in collaboration with the Council office

Also approved was Item #2 from Memorandum from Councilmember Jimenez to:

Review and revise the evaluation criteria used to determine site viability and readiness, specifically to:

- a. Reconsider all City sites that had been evaluated for BHC in 2017-2018 and deemed suboptimal; and
- b. Open up additional potential sites that had not previously been considered.

This was addended, (while not tying our hands, but mindful or realistic about our current budgetary situation), with approval of a friendly amendment from Councilmember Arenas to include the proposed plan for family-friendly housing items in the portion of the plan that affects federal funding, including providing a plan for how, and when enhanced services, such as increased security and/or police patrol, litter, and blight mitigation services will be implemented in it.

(9-0-2. Noes: Jimenez, Khamis)

(b) Adopt a resolution finding that the expenditures in connection with the COVID-19 emergency for the purposes of procuring, developing and constructing emergency bridge housing communities, emergency interim shelters or emergency shelters are deemed by the Council to be of urgent necessity for the preservation of life, health, or property and that such expenditures and contracts are exempted from Charter bidding and procurement requirements pursuant to Section 1217(e)(5) of the City Charter.

**Please note: approval of this Ordinance requires 8 or more affirmative votes (2/3)**

Action: Resolution No. 79488 was adopted.

(9-0-2. Noes: Jimenez, Khamis)

(c) Adopt the following Appropriation Ordinance Amendments in the Emergency Reserve Fund:

- (1) Establish a Transfer to the Multi-Source Housing Fund in the amount of \$3,919,821; and
- (2) Decrease the COVID-19 Emergency Response appropriation by \$3,919,821.

Action: Ordinance No. 30398 was adopted.

(9-0-2. Noes: Jimenez, Khamis)

*(Item Continued on the Next Page)*

**8.2 20-489****Actions Related to the Homeless Housing Assistance and Prevention...(Cont'd)**

(d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

- (1) Increase the estimate for Revenue from the State of California by \$23,832,511;
- (2) Increase the estimate for Transfers and Reimbursements by \$3,919,821;
- (3) Establish a SB89 COVID-19 Emergency appropriation to the Housing Department in the amount of \$3,919,821;
- (4) Establish an Emergency Shelters appropriation to the Housing Department in the amount of \$17,232,511;
- (5) Increase the Homelessness Prevention System appropriation to the Housing Department by \$3,000,000;
- (6) Establish a Homeless Youth appropriation to the Housing Department in the amount of \$2,000,000; and
- (7) Establish a Grant Administration appropriation to the Housing Department in the amount of \$1,600,000.

CEQA: Pursuant to Governor's Order N-352-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed projects will use Homeless Housing, Assistance, and Prevention Program funds. (Housing/City Manager)

[Rules Committee referral 4/15/20 - Item A.1.a]

Action: Ordinance No. 30399 was adopted and Resolution No. 79489 was adopted. (9-0-2. Noes: Jimenez, Khamis)

**8.3 20-490****Actions Related to the Temporary Sheltering Operations and Services for COVID-19 Emergency Response.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the following agreements and amendments for increased or additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to March 16, 2020:

- (a) Second amendment to the Overnight Warming Location grant agreement with HomeFirst Services of Santa Clara County, adding locations, increasing hours and increasing the maximum amount of compensation by \$2,850,860 from \$1,484,180 to \$4,335,040 at the following City facilities:
  - (1) Bascom Community Center and Library, 1000 S. Bascom Avenue;
  - (2) Southside Hall, 435 S. Market Street;
  - (3) Parkside Hall, 180 Park Avenue; and
  - (4) Camden Community Center, 3369 Union Avenue.
- (b) First amendment to the Bridge Housing Community grant agreement with HomeFirst Services of Santa Clara County in the amount of \$3,178,000, with no increase in funding, at the Maybury Road bridge housing site to allow emergency placement of vulnerable persons at the site during the COVID-19 emergency;

*(Item Continued on the Next Page)*

**8.3 20-490****Actions Related to the Temporary Sheltering Operations and Services for (Cont'd)**

(c) Third amendment to the lease between the City and Allied Services to allow up to 23 units, at the Plaza Hotel located at 96 S. Almaden Avenue, to be used for emergency placement of vulnerable persons during the COVID-19 emergency and making amendments to the method of compensation for the emergency placement, without adding funding; and

(d) Third amendment to the Rapid Rehousing grant agreement with The Health Trust in the amount of \$7,752,235, with no increase in funding, and make amendments as needed for subsidizing emergency placements and FEMA reimbursement.

CEQA: Statutorily Exempt, File No. ER20-081 CEQA Guidelines Section 15269, Emergency Projects, Section (c) Specific actions necessary to prevent or mitigate an emergency. (Housing)

[Rules Committee referral 4/15/20 - Item A.1.a]

Housing Deputy Director Ragan Henninger, and Housing Director Jacky Morales-Ferrand, gave a presentation and responded to questions.

Public Comments: Kathryn Hedges voiced her disappointment and frustration on how slowly the County's responses have been self-congratulating over doing very little. She urged the City to get the ball rolling, get people off the streets, get them away from each other and stop the spread and the homeless population.

Action: Upon motion by Councilmember Dev Davis, to move approval, seconded by Councilmember Pam Foley, and carried unanimously, Resolution No. 79490 was adopted. (11-0)

**8.4 20-491****Substantial Amendments to the Fiscal Year 2015-2020 Consolidated Plan and 2019-2020 Annual Action Plan.****Recommendation:**

(a) Hold a Public Hearing to allow for public comment.

Housing Director Jacky Morales-Ferrand, and Grants Manager Robert Lopez gave a presentation and responded to questions.

Public Comments: Public speaker with the last four digits of phone number: 7863 was recognized to speak; his microphone was inaudible.

Action: Upon motion by Councilmember Maya Esparza to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff recommendation was approved. This was addended, (to keep families focused and supported), with approval of a friendly amendment from Councilmember Arenas to include the portion of the proposed plan for families that relates to the Federal funding and move the \$400,000 from the Community Development Improvement line item, (acquisition, rehabilitation, and infrastructure) for affordable housing sites and public facilities to Public Service pockets to fund First Five to provide diapers, baby wipes, and family activity kits/calming kits for low-income families in response to COVID-19, (depending on needs and their ability to spend these funds.)

(11-0)

*(Item Continued on the Next Page)*



## 8.4 20-491

**Substantial Amendments to the Fiscal Year 2015-2020 Consolidated Plan (Cont'd)**

(b) Adopt a resolution relating to the following actions regarding the spending plans for funds awarded by the U.S. Department of Housing and Urban Development ("HUD") to the City, including additional funds allocated to the City by HUD for COVID-related uses:

(1) Approve a Substantial Amendment to the City's FY 2015-20 Consolidated Plan to add Job Retention as an eligible activity under the Community Development Block Grant ("CDBG") Community Development Investment ("CDI") category.

(2) Approve the following relating to Substantial Amendments to the FY 2019-20 Annual Action Plan to:

(i) Add Job Retention as an eligible activity under the CDBG CDI category;

(ii) Allocate CDBG CDI funding for emergency job creation and retention loans to microenterprises in the amount of \$2,500,000 to the Opportunity Fund, and authorize the Director of Housing to negotiate terms and conditions and execute a Subrecipient Agreement with the Opportunity Fund;

(iii) Award \$1,200,000 of CDBG Public Services funding for City food services to Loaves and Fishes, and authorize the Director of Housing to negotiate and execute a sole source agreement with Loaves and Fishes;

(iv) Allocate \$2,000,000 of CDBG Public Services category funding for emergency hotel/motel vouchers for families to LifeMoves, and authorize the Director of Housing to negotiate and execute an amendment to the current LifeMoves contract relating to these additional funds;

(v) Allocate \$519,000 of CDBG CDI funding to fund operations costs for emergency shelters established by the City;

(vi) Reduce CDBG Public Services category funding to the San José Housing Rights Consortium ("Consortium") to provide Legal Services for Low-income Tenants by \$125,000, from \$500,000 to \$375,000 and authorize the Director of Housing to negotiate and execute an amendment to the current contract with the Consortium relating to this reduction in funding;

(vii) Increase CDBG CDI funding to Rebuilding Together Silicon Valley to provide the Emergency and Minor Repair Program for single family homes by \$400,000, from \$1,650,000 to \$2,050,000, and authorize the Director of Housing to negotiate and execute an amendment to the current Rebuilding Together contract relating to these additional funds;

(viii) Reduce CDBG CDI funding for Code Enforcement to provide enhanced code enforcement services by \$404,074, from \$1,102,037 to \$697,963;

(ix) Program and authorize \$5,263,414 in CDBG funding made available by the Coronavirus Aid, Relief, and Economic Security Act ("CARES") to provide emergency shelter costs, hotel/motel vouchers, and COVID-related staffing costs;

(x) Program and authorize \$2,683,479 in Emergency Solutions Grant (ESG) funding made available by the CARES Act to provide emergency shelter costs, rapid rehousing services including hotel/motel vouchers, homelessness prevention services, and COVID-related staffing costs;

*(Item Continued on the Next Page)*

## 8.4 20-491

**Substantial Amendments to the Fiscal Year 2015-2020 Consolidated Plan (Cont'd)**

(xi) Program and authorize \$209,618 in Housing Opportunities for Persons with AIDS ("HOPWA") funding made available by the CARES Act to the Health Trust to provide additional housing assistance to people living with HIV/AIDS, and authorize the Director of Housing to negotiate and execute an amendment to the Health Trust's current contract relating to these additional funds.

(3) Authorize the City's Housing Department to submit the Substantial Amendments to the U.S. Department of Housing and Urban Development.

Action: Resolution No. 79491 was adopted.

(11-0)

(c) Adopt the following Appropriation Ordinance and Funding Sources amendments in the Community Development Block Grant Fund:

(1) Increase the estimate for Revenue from the Federal Government by \$5,263,414;

(2) Decrease the Neighborhood Infrastructure Improvements appropriation to the Housing Department in the amount of \$5,695,926;

(3) Decrease the Code Enforcement Operations appropriation to the Planning, Building and Code Enforcement Department by \$404,074;

(4) Increase the Housing Emergency and Minor Repair Program appropriation to the Housing Department by \$400,000;

(5) Establish a CARES Act appropriation to the Housing Department in the amount of \$5,263,414;

(6) Establish a City Food Services appropriation to the Housing Department in the amount of \$1,200,000;

(7) Establish an Emergency Housing Vouchers appropriation to the Housing Department in the amount of \$2,000,000; and

(8) Establish a Microenterprise Loans appropriation to the Housing Department in the amount of \$2,500,000.

Action: Ordinance No. 30400 was adopted and Resolution No. 79492 was adopted.

(11-0)

(d) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from Federal Government by \$2,893,097;

(2) Establish a CARES Emergency Shelter Grants appropriation to the Housing Department in the amount of \$2,683,479; and

(3) Establish a CARES HOPWA Grants appropriation to the Housing Department in the amount of \$209,618.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

[Rules Committee referral 4/15/20 - Item A.1.a]

Action: Ordinance No. 30401 was adopted and Resolution No. 79493 was adopted.

(11-0)

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

**10. LAND USE**

**10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10538

Location: S/S of Prune Way and Olsen Drive and N/S of 280-Junipero Serra Freeway, 1,000' west of Winchester Boulevard.

District: 1

Lots/Units: 21/224

Type: MFA

Developer: Pulte Group

**MINUTES OF SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA**

The Council meeting was teleconferenced from remote locations. The Council of the City of San José convened for Closed Session by teleconference at 9:36 AM. on Tuesday, April 21, 2020.

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

Absent: Councilmembers - All present.

Upon motion unanimously adopted, Council recessed at 9:36 AM. to a Closed Session by Teleconference to (A) confer with Legal Counsel anticipated litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1. (B) confer with Legal Counsel - anticipated litigation: significant exposure to litigation pursuant to sections 54956.9(d)(2) and (e)(1) of the government code: number of matter(s) to be discussed: 1. (c) confer with legal counsel – existing litigation pursuant to Government Code Section 54956.9(d)(1): 1. Case Name: In re: Claim of Nibbi. Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court. Case No.: ADJ11763882; Amount of Money or Other Relief Sought: Benefits. 2. Case Name: In re: Claim of Voreyer. Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court. Case No.: ADJ10323525. Amount of Money or Other Relief Sought: Benefits. 3. Case Name: Preservation of Benefit Plan Retirees Association, et al. v. City of San José, et al. Name(s) of Parties(s) Involved: PRESERVATION OF BENEFIT PLAN RETIREES ASSOCIATION, JOSEPH BASS, DAVID BOGGINI, LAWRENCE JAY CASTELLANO, RICHARD COCO, LESLYE CORSIGLIA, HARRY FREITAS, MICHAEL GUISTI, LINDA HORWEDEL (THE BENEFICIARY OF DECEASED CITY RETIREE JOSEPH HORWEDEL), WILLIAM HUGHES, DANNY JORDAN, EVET LOEWEN, DAVID MAAS, BARRY NG, ANITA PHAGAN, GEORGE RIOS, GARY SCHOENNAUER, KEN TANASE, WAYNE TANDA, NINA TOBIN, RANDAL TURNER, STEVEN TURNER, ROBERT WILSON, CITY OF SAN JOSÉ, BOARD OF THE ADMINISTRATION OF THE FEDERATED CITY EMPLOYEES' RETIREMENT SYSTEM; NORBERTO DUEÑAS, IN HIS OFFICIAL CAPACITY AS THE CITY MANAGER OF THE CITY OF SAN JOSÉ, AND DOES 1-50. Court: Superior Court of the State of California, County of Santa Clara, Unlimited Jurisdiction. Case No.: 17CV312610. Amount of Money or Other Relief Sought: Petition for Writ of Mandate. 4. Case Name: Bushey v. Bushey, et al. Name(s) of Parties(s) Involved: SHANNON BUSHEY, REGISTRAR OF VOTERS FOR THE COUNTY OF SANTA CLARA, in her official capacity; TONI TABER, CITY CLERK FOR THE CITY OF SAN JOSE, in her official capacity. Court: Superior Court of the State of California, County of Santa Clara. Case No.: 20-CV-365450. Amount of Money or Other Relief Sought: Petition for Writ of Mandate. 5. Case Name: Altman, et al. v. City, et al. Name(s) of Parties(s) Involved: JANICE ALTMAN, an individual; RYAN GOODRICH, an individual; ALBERT LEE SWANN, an individual; ROMAN KAPLAN, an individual; YAN TRAYTEL, an individual; DMITRIY DANILEVSKY, an individual; GREG DAVID, an individual; SCOTT CHALMERS, an individual; CITY ARMS EAST LLC; CITY ARMS LLC; CUCKOO COLLECTIBLES LLC d.b.a. EDDY'S SHOOTING SPORTS; SECOND AMENDMENT FOUNDATION; CALIFORNIA GUN RIGHTS FOUNDATION; NATIONAL RIFLE ASSOCIATION OF AMERICA; CALIFORNIA ASSOCIATION OF FEDERAL FIREARMS LICENSEES, INC.; and FIREARMS POLICY COALITION, INC.; COUNTY OF SANTA CLARA, CALIFORNIA; LAURIE SMITH, in her capacity as Sheriff of the County of Santa Clara; JEFFREY ROSEN, in his official capacity as Santa Clara County District Attorney; SARA CODY, in her official capacity as Santa Clara County Health Officer;

*(Item Continued on the Next Page)*

**CLOSED SESSION (Cont'd.)**

CITY OF SAN JOSE, CALIFORNIA; SAM LICCARDO, in his official capacity as Mayor of San Jose; EDGARDO GARCIA, in his official capacity as Chief of Police for the City of San Jose; CITY OF MOUNTAIN VIEW, CALIFORNIA; MAX BOSEL, in his official capacity as the Chief of Police for the City of Mountain View; COUNTY OF ALAMEDA, CALIFORNIA; GREGORY AHERN, in his capacity as Sheriff of the County of Alameda; ERICA PAN, in her capacity as Health Officer of the County of Alameda; COUNTY OF SAN MATEO, CALIFORNIA; CARLOS BOLANOS, in his capacity as Sheriff of the County of San Mateo; SCOTT MORROW in his capacity as San Mateo County Health Officer; CITY OF PACIFICA, CALIFORNIA; DAN STEIDLE, in his official capacity as the Chief of Police for the City of Pacifica; COUNTY OF CONTRA COSTA, CALIFORNIA; DAVID LIVINGSTON, in his capacity as Sheriff of the County of Contra Costa; CHRIS FARNITANO, in his capacity as Health Officer of Contra Costa County; CITY OF PLEASANT HILL, CALIFORNIA; BRYAN HILL in his official capacity as Chief of Police for the City of Pleasant Hill. Court: U.S. District Court; Northern District of California; Oakland Division. Case No.: 4:20-cv-02180-JST. Amount of Money or Other Relief Sought: Damages according to proof.

By unanimous consent, Council recessed from the Closed Session at 11:03 AM to reconvene to Regular Session at 1:30 PM by teleconference.

**• OPEN FORUM**

1. Blair Beekman offered comments on local accountability, and the allocation of FEMA funds to the San Jose City Council; the need for prudent spending on broadband, as well as community involvement in the process of spending those funds.

**• ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 11:40 PM

Minutes Recorded, Prepared and Respectfully Submitted by,

**DRAFT**

Toni J. Taber, CMC  
City Clerk

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**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. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.**

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