



City Council Meeting MINUTES

Tuesday, December 8, 2020

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



MINUTES OF THE SAN JOSÉ CITY COUNCIL

DECEMBER 8, 2020

Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer’s March 16, 2020 Shelter in Place Order, the City Council meeting 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 and convened in Closed Session on Tuesday, December 8, 2020 at 9:34 a.m.

20-1291- CLOSED SESSION: See [Page 18 for Closed Session Minutes](#)

By unanimous consent, Council recessed from the Closed Session at 10:51 a.m.; Council reconvened to Regular Session at 1:30 p.m. virtually from remote locations, and Mayor Sam Liccardo called the meeting to order.

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

Absent: Councilmembers -All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (Mayor)**

Senior Pastor at Cathedral of Faith, Ken Foreman, opened in prayer with the “Irish Blessing” and offered the Invocation.

- **Orders of the Day**

Upon motion by Councilmember Maya Esparza, seconded by Vice Mayor Chappie Jones and carried unanimously, the Orders of the Day were approved, with Item 2.8 deferred one week. (10-0-1. Absent: Carrasco.)

Councilmember Sylvia Arenas offered that today’s meeting would be adjourned in memory of Noé Yaocoatl Montoya.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Public Comment: Blair Beekman spoke to items on the Consent Calendar.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

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 [20-1490](#) Declaration and Recording a Statement of the Results of the November 3, 2020 Run-off Municipal Election and Special Municipal Election.

Adopt a resolution declaring and recording a statement of the results of the November 3, 2020 Run-off Municipal Election and Special

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2.7 (Cont'd.)

Municipal Election per Elections Code Sections 10263, 10264, and 15400.CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. 79815** was adopted. (11-0.)

2.8 20-1491

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 TBD; (8) District 4 Seat: Appoint TBD; (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 Callendar; (14) District 7 Seat: Appoint Jeremy Avila; (15) District 8 Seat: Appoint Maria Fuentes; (16) District 8 Seat: Appoint Jeremey Barousse; (17) District 9 Seat: Appoint Linda LaZotte; (18) District 9 Seat: Appoint Garrick Percival; (19) District 10 Seat: Appoint Dan Bazutto; (20) District 10 Seat: Appoint TBD; (21) Citywide Seat: Appoint TBD; (22) Citywide Seat: Appoint TBD; (23) Citywide Chair: Appoint TBD. CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Councilmember Maya Esparza requested a deferral of Item 2.8. until further information can be provided.

Councilmember Johnny Khamis stated he made an appointment with Frank Maitski on December 7, 2020.

ITEM 2.8 IS DEFERRED TO THE DECEMBER 15, 2020 COUNCIL MEETING.

2.9 20-1570

Actions Related to City Healthcare Program.

Adopt a resolution to: (a) Approve the terms of a Side Letter Agreement related to the lump sum healthcare program between the City of San José and the bargaining units listed below and authorize the City Manager to execute the Side Letter Agreement: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) (2) Association of Engineers and Architects, IFPTE Local 21 (AEA) (3) Association of Legal Professionals (ALP) (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP) (5) City Association of Management Personnel, IFPTE Local 21 (CAMP) (6) San Jose Fire Fighters, IAFF Local 230 (IAFF) (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW) (8) Municipal Employees' Federation, AFSCME Local No. 101 (MEF) (9) International Union of Operating Engineers, Local No. 3 (OE#3) (10) San Jose Police Officers' Association (POA) (11)

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2.9 (Cont'd.)

Park Ranger Peace Officer Association (POPRA) (b) Approve the lump sum for executive management and professional employees in Unit 99 and other unrepresented employees consistent with the terms of the Side Letter Agreement with the City's bargaining units. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. 79816** was adopted. (11-0.)

2.10 20-1571

Actions Related to the Purchase Order for the Advertising and Publication of Legal Notice Services.

Adopt a resolution authorizing the City Manager to: (a) Execute a purchase order with Daily Journal Corporation (Los Angeles, CA) for advertising and the publication of legal notice services starting on or about December 16, 2020 and ending on or about December 15, 2021, for an amount not to exceed \$175,000; and (b) Exercise up to four additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 15, 2025, 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)

Action: **Resolution No. 79817** was adopted. (11-0.)

2.11 20-1597

Retroactive Approval of City Hall Tower and Rotunda Lighting Events During December 2020 and January 2021 in Colors Associated with Various Winter Cultural Holidays.

Retroactively approve City Hall Tower and Rotunda Lighting scheduled from December 7, 2020 through January 8, 2021 for various winter cultural holidays as a Ceremonial Item. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Economic Development/City Manager)

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

2.12 20-1572

Willow Glen Community Benefit Improvement District Financial Report FY 2019-2020.

Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2019-2020, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: The Willow Glen Community Benefit and Improvement District Financial Report was accepted. (11-0.)

2.13 20-1573

Transportation Fund for Clean Air Grant Funding Agreement 2020-2021.

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority (VTA) in an amount not to exceed \$1,022,000 for reimbursement of work that occurs on or after July 1, 2020. (b) Adopt the following 2020-2021 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund: (1) Increase the estimate for Revenue from Local Agencies by \$352,000; (2) Establish the TFCA 2020-2021 Monterey Road Signal Retiming appropriation to the Department of Transportation (DOT) in the amount of \$192,000; (3) Establish the TFCA 2020-2021 Transit Signal Priority (TSP) appropriation to DOT in the amount of \$80,000; and (4) Establish the TFCA 2020-2021 Hillsdale Avenue Safety and Bikeway Improvements appropriation to DOT in the amount of \$80,000. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 2, 3, 4, 7 and 9. (Transportation/City Manager)

Action: (a) **Resolution No. 79818**, (b) Funding Source **Resolution No. 79819**, and (b) Appropriation **Ordinance No. 30505** were adopted. (11-0.)

2.14 20-1574

Downtown San José Property-Based Improvement District (PBID) Annual Financial Report.

Approve the downtown San José Property-Based Improvement District Annual Financial Report for FY 2019-2020. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Transportation)

Action: The downtown San José Property-Based Improvement District Annual Financial Report for FY 2019-2020 was accepted. (11-0.)

2.15 20-1596

Retroactive Approval of the World AIDS Day Tower and Rotunda Lighting Sponsored by Council District 3 and 9 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 November 18, 2020: (a) Retroactively approve the World AIDS Day Tower and Rotunda Lighting event scheduled on November 30 - December 6, 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. (Peralez & Foley)[Rules Committee referral 11/18/2020- Item G.1.b]

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

2.16 20-1607

First Quarter Financial Reports for Fiscal Year 2020-2021.

As recommended by the Public Safety, Finance and Strategic Support Committee on November 19, 2020: (a) Accept the First Quarter (period ending September 30, 2020) Financial Reports for Fiscal Year 2020-2021 for the following programs: (1) Debt Management (2) Investment Management (3) Revenue Management (b) Adopt (1) a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$2,779,960.60. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance) [Public Safety, Finance and Strategic Support Committee referral 11/19/2020 - Item c.(1)]

Action: (a) The First Quarter Financial Reports were accepted and (b) **Resolution No. 79820** was adopted. (11-0.)

2.17 20-1669

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

As recommended by the Rules and Open Government Committee on December 2, 2020: (a) Retroactively Approve the Dumpster Day scheduled on December 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve expenditure of office budget to purchase gift cards to thank volunteers, up to \$25 per card. (c) 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. (Diep) [Rules Committee referral 12/2/2020 - Item G.1.a]

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

2.18 20-1677

Approval of SAP Grant for Starting Arts.

As recommended by the Rules and Open Government Committee on December 2, 2020, approve a \$1,000 grant to Starting Arts for their general fund for general operating expenses to support arts education in our community to be paid by Council District 9's Arena Community Fund City-Wide appropriation. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley) [Rules Committee referral 12/2/2020 - Item G.2]

Action: The SAP Grant for Starting Arts was approved. (11-0.)

3. STRATEGIC SUPPORT

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

City Manager, David Sykes spoke on the Unsung Heroes: Business Process Automation Team, gave a verbal report of COVID-19 updates, and the move to Stage 8 / Tier 3. Deputy City Manager, Emergency Operations Center Director, Kip Harkness and Chief of Staff, Emergency Operations Center Director, Lee Wilcox presented the EOC Update, Regional Stay-at-Home Order, and Efforts and Strategies for

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3.1 (Cont'd.)

Distribution of COVID-19 Vaccine. Community and Economic Recovery Task Force Director, Andrea Flores Shelton, Community and Economic Recovery Task Force Assistant Director, Michelle McGurk, and Office of Economic Development Deputy Director, Chris Burton; presented the Community and Economic Recovery Update.

3.2 Labor Negotiations Update.

None provided.

3.3 **20-1588** Annual Performance Review of Team San Jose and Convention and Visitors Bureau, 2019-2020.

As recommended by the Community and Economic Development Committee on November 23, 2020, accept the report on Team San Jose and Convention and Visitors Bureau's performance. 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)[Community and Economic Development Committee referral 11/23/20 - Item (d)2]

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, the report on Team San Jose and Convention and Visitors Bureau's Performance was accepted. (10-0-1. Absent: Arenas.)

3.4 **20-1576** Retiree Member Appointments to the Board of Administration for Federated City Employees' Retirement System.

Appoint applicant to the Retiree Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2024. CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

DEFERRED TO DECEMBER 15, 2020 PER CITY CLERK.

3.5 **20-1577** Fiscal Recovery Update and Appropriation Actions to Continue the City's COVID-19 Pandemic Response.

(a) Receive a report on the status of the City's fiscal recovery efforts related to the COVID-19 pandemic. (b) Adopt 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the Coronavirus Relief Fund, the Emergency Reserve Fund, and the General Fund as described in Attachment A to the staff memorandum. (c) Adopt a resolution authorizing the City Manager to negotiate and execute amendments to existing emergency operations contracts funded with Coronavirus Relief Funds in accordance with the approved Appropriation Ordinance and Funding Sources Resolution amendments, to revise the scope of services, extend the term to a date no later than June 30, 2021, and increase the amount awarded, provided the amount of any increase to any single award shall not exceed \$1,000,000. CEQA:

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3.5 (Cont'd.)

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

Chief of Staff, Emergency Operations Center Director, Lee Wilcox; Budget Director, Jim Shannon; Finance Director, Julia Cooper offered the presentation.

Public Comments: Wendy, the Chief of First 5 and Blair Beekman offered public comment regarding the item.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the report on the status of the City's fiscal recovery efforts related to the COVID-19 pandemic was accepted; (b) Appropriation **Ordinance No. 30506**, (b) Funding Sources **Resolution No. 79821**, and (c) **Resolution No. 79822** were adopted. (11-0.)

3.6 20-1578

Government Accountability Measures.

As recommended by the Rules and Open Government Committee on August 19, 2020:(a) To assist City Hall save money and eliminate wasteful spending as we brace for difficult financial challenges ahead, as well as to create a more accountable and transparent City Hall to better serve our residents, discuss and consider committing the City to the following, with direction to the Administration to work with the City Attorney's Office to return to Council with the appropriate action, as applicable: (1) In any year where the City Manager and the Budget Director report a budget surplus in their October budget update, at least 50% of that surplus will be set aside to our Budget Stabilization Fund, until an amount equal to 15% of the General Fund balance has been achieved or be used to pay municipal debt. (2) A standing commission shall be created consisting of appointed residents of San José to provide oversight of any ballot measures or policy proposals proposed or endorsed by the City that result in tax increases or additional revenue. The commission shall produce a public report annually to certify whether the Council has allocated dollars as promised when the measure or ordinance was proposed. (3) Prior to the start of the annual budget season and priority setting session, the intergovernmental team shall report to Council about the latest trends and chatter coming from Sacramento and Washington about potential policy changes and funding opportunities relevant to municipalities so that we may strategically align our priorities and resources to maximize benefits for San José residents.(4) Direct the City Auditor to commence regular performance audits of three key departments that are constituent-facing - such as Police, Fire, Planning, Housing, Transportation, Public Works, Environmental Services, and Parks - every year henceforth, to identify cost savings and process efficiencies, with results put on the Council agenda for public hearing and review:(i) Audits should reoccur every four years: (ii) Amend the City Auditor's 2020-2021 workplan to include an audit of our Police Department, focusing specifically on identifying cost savings and process efficiencies. (b) Accept the response from the Administration on the Government Accountability Measures discussed in the memorandum from Councilmember Diep referred to the City Council from the Rules and Open Government Committee on

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3.6 (Cont'd.)

August 19, 2020. (c) As an alternative to recommendations (a)(1) and (a)(2) above, adopt a resolution amending City Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to modify Section 4 (Fund Balance) and Section 15 (Public Involvement). 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. (Diep)[Rules Committee referral 8/19/2020 - Item G.3][Deferred from 9/22/2020 - Item 3.5 (20-1089), 10/20/2020 - Item 3.7 (20-1239)]

Public Comments: Blair Beekman, Matt Mason, Chris, SJFD local 230 Union Member; and two speakers provided public testimony regarding the item.

Motion: Councilmember Lan Diep made a motion to include his memorandum, the joint memorandum from Councilmember Esparza and Councilmember Arenas, and the staff supplemental memorandum. Vice Mayor Chappie Jones seconded the motion.

Substitute Motion: Councilmember Maya Esparza made a substitute motion to include her joint memorandum and Diep's Memorandum. The substitute motion failed for a lack of a second.

Mayor Sam Liccardo stated Councilmember Esparza's substitute motion was the same as Councilmember Diep's motion.

Action: On a call for question, the original motion carried and passed unanimously.

Including the acceptance of the memorandum from Councilmember Lan Diep, dated August 13, 2020, recommending: To assist City Hall save money and eliminate wasteful spending as we brace for difficult financial challenges ahead, as well as to create a more accountable and transparent City Hall to better serve our residents, adopt an ordinance committing the City to the following: (1) In any year where the City Manager and the Budget Director report a budget surplus in their October budget update, at least 50% of that surplus will be set aside to our Budget Stabilization Fund, until an amount equal to 15% of the General Fund balance has been achieved or be used to pay municipal debt; (2) A standing commission shall be created consisting of appointed residents of San Jose to provide oversight of any ballot measures or policy proposals proposed or endorsed by the City that result in tax increases or additional revenue. The commission shall produce a public report annually to certify whether the Council has allocated dollars as promised when the measure or ordinance was proposed; (3) Prior to the start of the annual budget season and priority setting session, the inter-governmental team shall report to Council about the latest trends and chatter coming from Sacramento and Washington about potential policy changes and funding opportunities relevant to municipalities so that we may strategically align our priorities and resources to maximize benefits for San Jose residents; (4) Direct the City Auditor to commence regular performance audits of three key departments that are constituent-facing - such as Police, Fire, Planning, Housing, Transportation, Public Works, Environmental Services, and Parks — every year henceforth, to identify cost savings and process efficiencies, with results put on the Council agenda for public hearing and review; a. Audits should reoccur every four years; b. Amend the City Auditor's 2020-2021 workplan to include an audit of our Police Department, focusing specifically on identifying cost savings and process efficiencies.

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3.6 (Cont'd.)

Also including the acceptance of the joint memorandum from Councilmember Sylvia Arenas and Councilmember Maya Esparza, dated December 4, 2020, to: (1) Accept the staff recommendations on this item regarding Recommendations 2-4 of Councilmember Diep's memorandum. (2) In regard to Recommendation 1 of Councilmember Diep's memorandum, recommend that staff, including the Office of Racial Equity review potential amendments to Council Policy 1-18, Section 4 and bring back potential changes as part of our next budget process that ensure that our most urgent community needs are equitably balanced against our longer-term fiscal goals. (11-0.)

3.7 20-1580 **Amendment to Declaration Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the San José Municipal Code Issued June 4, 2020.**

Adopt a resolution of the City Council amending the Declaration issued June 4, 2020 by the Director of Emergency Services of the City of San José, as amended, to authorize the Chief of Police to immediately suspend outdoor business operations on private property when there is an imminent threat to the public health, safety or welfare. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79823** was adopted. (9-0-2. Absent: Jimenez, Esparza.)

3.8 20-1585 **Privacy Policy Update.**

As recommended by the Smart Cities and Service Improvements Committee on November 5, 2020, accept the update on the completion of the City's Privacy Policy and roadmap to implementation and approve the Digital Privacy Policy. 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) [Smart Cities and Service Improvements Committee referral 11/5/2020 - Item (d)2]

Assistant to the City Manager, City Data Analytics Lead, Andrew Ehrich; City Information Security Officer, Marcelo Peredo; Deputy City Manager, Kip Harkness; and Chief Information Officer, Rob Lloyd offered the presentation.

Public Comment: Samina Guzman, Blair Beekman, Ethan Gregory the founder of Citizens Privacy Coalition of Santa Clara County, and a speaker provided public testimony regarding the item.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Lan Diep and carried unanimously, the Smart Cities and Service Improvements Committee of the City's Privacy Policy and Digital Privacy Policy Update was accepted, including acceptance of the staff recommendation, a statement within the Emergency Responder Exception per the Mayors direction to state that emergency responders must abide by protections provided in the 4th, 5th, 6th, and 14th amendment of the U.S Constitution, and further recommendation for staff to clarify that nothing within the Privacy Policy precludes working with individual researchers or groups that want to advance policy improvements through qualitative and quantitative analysis. (10-0-1. Absent: Arenas.)

3.9 20-1581

Status Report on the November 2018 Ballot Measure T - Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond.

Accept the status report on the workplan and implementation updates for projects included in the approved 2018 Measure T Bond measure. CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Director of Public Works, Matt Cano and Deputy Director of Public Works, John Cannon offered the presentation.

Public Comment: Blair Beekman offered public comment regarding the item.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Maya Esparza and carried unanimously, the status report on the workplan and implementation updates for projects included in the approved 2018 Measure T Bond measure was accepted. (10-0-1. Absent: Arenas.)

3.10 20-1611

Economic Recovery Work Plan Update.

As recommended by the Community Economic Development Committee on November 23, 2020, accept the status report on the implementation of the Economic Recovery work being undertaken by the Office of Economic Development in response to 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. (Economic Development)[Community Economic Development Committee referral 11/23/2020- Item (d)3]

REPORT DROPPED- DISCUSSED WITH ITEM 3.1

3.11 20-1599

Implementation of Service Fees on Credit Card Payments.

Adopt a resolution: (a) Approving credit card service fees (commonly referred to as convenience fees) on certain eligible transactions as included in the 2020-2021 Adopted Operating Budget and set forth in the staff memorandum to Council; and (b) Authorizing the Director of Finance to negotiate and execute an addendum to the existing Merchant Card Services Agreement (as amended) with Wells Fargo Bank, NA for the collection of service fees at rates sufficient to cover all associated fees the City would otherwise pay. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)[Deferred from 12/1/2020 - Item 3.5 (20-1537)]

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79824** was adopted. (10-0-1. Absent: Arenas.)

3.12 20-1685

Police Retiree Member Term Extension to the Board of Administration for the Police & Fire Employees Retirement System.

As recommended by the Rules and Open Government Committee on December 2, 2020: Extend the term of the Police Retiree Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through June 30, 2021. 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 12/2/2020 - Item A.1.a]

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the extended term of the Police Retiree Member Seat on the Board of Administration for the Police & Fire Employees Retirement System was approved. (10-0-1. Absent: Arenas.)

3.13 20-1681

Update to the Greater Downtown San José Economic Recovery Initiative.

As recommended by the Rules and Open Government Committee on December 2, 2020, approve the recommendations outlined in the attached letter dated November 24, 2020 and direct the City Manager to integrate those recommendations into staff's work plan. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Perez) [Rules Committee referral 12/2/2020 - Item G.3]

Councilmember Raul Perez provided the presentation and responded to questions.

Public Comment: Nate LeBlanc and Dalia Rawson, Director of New Ballet provided public testimony regarding the item

Action: Upon motion by Councilmember Raul Perez, seconded by Councilmember Magdalena Carrasco and carried unanimously, the Update to the Greater Downtown San José Economic Recovery Initiative was approved. (10-0-1. Absent: Arenas.)

4. PUBLIC SAFETY SERVICES

4.1 20-1601

Actions Related to the 2020 Internet Crimes Against Children Task Force Invited Awards Grant Agreement.

(a) Adopt a resolution accepting the 2020 Internet Crimes Against Children Task Force Invited Awards in the amount of \$521,869 and authorizing the City Manager to execute the Grant Agreement and to execute additional amendments and all related documents, including online certifications at time of reimbursement request, without further City Council action. (b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund: (1) Establish a City-Wide Expenses appropriation to the Police Department for the Internet Crimes Against Children (ICAC) Task Force Invited Awards - Police 2020 in the amount of \$521,869; and (2) Increase the estimate for Revenue from Federal Government by \$521,869. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or

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4.1 (Cont'd.)

Amended) resulting in no physical changes to the environment. (Police/City Manager)
[Deferred from 12/1/2020 Item 4.3 (20-1540)]

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Raul Peralez and carried unanimously, (a) **Resolution No.79825**, (b) Funding Sources **Resolution No. 79826**, and (b) 2020-2021 Appropriation **Ordinance No. 30507** were adopted. (10-0-1. Absent: Arenas.)

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-1586

Increase Authority of the Director of Public Works for the Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project.

(a) Authorizing the Director of Public Works to negotiate and execute a First Amendment to the Design-Build Contract with Overaa Construction Company to increase the Contract Price of \$16,150,187 by \$8,256,906 for a total amount not to exceed \$24,407,093 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project, and design and construction costs for utilities, intersection and traffic signal upgrades for Facilities and PD Hangar; (b) Authorizing an increase in the amount of the City-controlled contingency of \$1,923,000 by \$1,062,028 for a total contingency amount of \$2,985,028 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project, and PD Hangar; and (c) Authorizing the Director of Public Works to approve contract changes, project delivery, additions, and contingencies up to the full budget of \$30,088,669 for the Aircraft Rescue and Fire Fighting Facility (ARFF) / Fire Station 20 Project. 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: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79827** was adopted. (10-0-1. Absent: Arenas.)

5.2 20-1587

Potential Amendment to Parking Agreement with Almaden Corner Hotel, LLC.

(a) Consideration of developer's request to "toll" or pause the executed parking agreement for up to two years or until pending CEQA litigation is settled (trial court and all appeals). (b) If the tolling request is approved, adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the parking agreement with Almaden Corner Hotel, LLC (Hotel). CEQA: Determination of Consistency to the Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, File No. H18-038. Council District 3. (Transportation)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79828** was adopted. (10-0-1. Absent: Arenas.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 20-1589** **Envision San José 2040 General Plan Annual Performance Review Report for FY 2019-2020.**
Accept the Envision San José 2040 General Plan Annual Performance review report. CEQA: Not a Project, File No. PP17-009. Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement) Senior Planner, Midpeninsula Regional Open Space District, Jared Hart offered the Presentation and responded to questions.
- Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Johnny Khamis and carried unanimously, the Envision San José 2040 General Plan Annual Performance Review Report FY 2019-2020 was accepted. (10-0-1. Absent: Arenas.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

1. Scott stated his neighborhood on Reed St. had a recent car “side show”, and stated he’s concerned due to the current Covid-19 restrictions.

- **Adjournment**

The Council of the City of San José adjourned at 8:46 p.m. in memory of Noé Yaocoatl Montoya, an actor, musician, and Chicano activist who played an integral role in establishing Chicano and Native American performance art here in San José. An early member of El Teatro Campesino, Noé toured in productions throughout the country, and often represented El Teatro on marches with the United Farm Workers led by Cesar Chavez. Noé was admired for his kindness and commitment to social activism, as well as his artistic talent. Noé passed away from complications due to COVID-19 on Thanksgiving Day, and is survived by his son Robert, and former wife, Rose Amador, president of ConXion to Community and co-founder of La Raza Roundtable.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC City Clerk

yj/12-8-20/CCMin

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

FOR RECEIPT:

Tract: 10443

Location: Northeast corner of Rosemar Court and Rosemar Avenue

District: 5

Lots/Units: 3/3

Type: SFD

Developer: Rosemar Enterprises Corporation

FOR APPROVAL:

Tract: 10443

Location: Northeast corner of Rosemar Court and Rosemar Avenue

District: 5

Lots/Units: 3/3

Type: SFD

Proposed Decision: Approved

Developer: Rosemar Enterprises Corporation



CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, DECEMBER 8, 2020

The Council of the City of San José convened into Closed Session at 9:34 a.m. This meeting was teleconferenced from remote locations.

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

Absent: Councilmembers - Carrasco, Arenas.

CLOSED SESSION:

Council convened to Closed Session virtually from remote locations; for the following:

(A) CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION: Number of matter(s) to be discussed: 1. (B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Number of matter(s) to be discussed: 1. (C) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1): (1) Claim of Reinert (2) Jacob, et al. v. City, et al.(3) Faz,.v. City, et al. (4) National Urban League, et al., v. Ross, et al.(5) City v. Monsanto Company, et al. (6) City of San Jose, et al. v. AmerisourceBergen Drug Corporation, et al. (7) City, v. 3M Company, et al. (8) IN RE Petition for Reconsideration of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (9) City v. Osder (10) Barrera v. Pro-Sweep, et al. (D) CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) (2) Association of Engineers & Architects (AEA) (3) Association of Maintenance Supervisory Personnel (AMSP) (4) City Association Management Personnel Agreement (CAMP) (5) International Association of Firefighters (IAFF), Local 230 (IAFF#230) (6) International Brotherhood of Electrical Workers, Local 332 (IBEW) (7) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF) (8) International Union of Operating Engineers, Local No. 3 (OE#3) (9) Peace Officer Park Ranger Association (POPRA) (10) San José Police Officers' Association (SJPOA) (11) Association of Legal Professionals of San José (ALP)

By unanimous consent, Council recessed from the Closed Session at 10:51 a.m.; to reconvene in Regular Open Session at 1:30 p.m. virtually from remote locations.