



City Council Meeting SYNOPSIS

Tuesday, December 1, 2020

1:30 PM

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

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



SYNOPSIS OF THE CITY COUNCIL

DECEMBER 1, 2020

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations.

20-1525 CLOSED SESSION: Absent: Esparza.

The Council of the City of San José reconvened to Open Session at 1:30 p.m.

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

Absent: Councilmembers - All Present.

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

* The previously scheduled Evening Session was cancelled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (Mayor)**

Pastor Jason Reynolds, Senior Pastor of Emmanuel Baptist Church in San José provided the Invocation.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved. Councilmember Pam Foley requested that National Aids Day be included as a Consent Calendar Item. (11-0.)

Councilmember Pam Foley and Councilmember Raul Peralez spoke to AIDS Awareness, honored lives lost to this disease, the survivors, the activism and the heroes that emerged from this crisis.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

The Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

20-1567 Final Adoption of Ordinances.

(a) Ordinance No. 30500 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.9- Gross Acre Situated on the North Side of Alum Rock Avenue (1661, 1663, 1665 Alum Rock Avenue) from the CG Commercial General, CP Commercial Pedestrian, and R-2 Two-Family Residence Zoning Districts to the CP(PD) Planned Development Zoning District. [Passed for Publication on 11/17/2020 - Item 10.3(b) (20-1450)]

Action: Ordinance No. 30500 was adopted. (11-0.)

2.3 20-1569 Approval of Council Committee Minutes.

(a) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of October 15, 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 Council Committee Minutes were approved. (11-0.)

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 20-1526 Amendment to the Agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. for Brokerage Services.

Adopt a resolution authorizing the City Manager to negotiate and execute the Tenth Amendment to the Agreement with Arthur J. Gallagher and Co. Insurance Brokers of California, Inc. for ongoing insurance brokerage and property loss and loss control services to increase the compensation from \$105,000 to \$113,000 for the term from July 1, 2020 through June 30, 2021, with a total maximum compensation not to exceed \$744,000, 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. 79802** regarding the Amendment to the Agreement with Arthur J. Gallagher & Co. Insurance Brokers of California, Inc. was adopted. (11-0.)

2.8 20-1527 Report on Request for Bids for Citywide Purchase Orders for Desktops, Laptops, Tablets, and Monitors.

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with ComputerLand of Silicon Valley (San José, CA) for desktops and Chromebook laptops, Saitech, Inc. (Fremont, CA) for android tablets, SHI International Corp. (Somerset, NJ) for desktops, Apple iOS tablets, and Apple MacBook Pro laptops, and Granite Data Solutions (Sacramento, CA) for monitors for a combined maximum not-to-exceed compensation of \$1,345,000 for the initial one-year term ending September 30, 2021, subject to the appropriation of funds;

(b) Amend purchase orders with Saitech, Inc. for 2-in-1 laptops to increase by up to \$217,000 for a maximum compensation of \$347,000, and SHI International Corporation for standard, large screen, and ruggedized laptops to increase by up to \$750,000 for a maximum compensation of \$1,600,000 for the initial one-year term, subject to the appropriation of funds;

(c) Approve a contingency of \$800,000 for all purchase orders as required to meet unanticipated increases in demand during the initial term, subject to the appropriation of funds; and

(d) Execute purchase orders for these products for up to four additional one-year options through September 30, 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. 79803** regarding Request for Bids for Citywide Purchases was adopted. (11-0.)

2.9 20-1528 Amendment to the Master Agreement with Placeworks for Landscape Architectural Design Services for Various City Facility Projects.

Approve the Third Amendment to the Master Agreement with Placeworks (CPMS Contract No. 8069) extending the term from December 31, 2020 to December 31, 2022 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of the Kelley Park Master Plan Update Project. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The Third Amendment to the Master Agreement with Placeworks was approved. (11-0.)

2.10 20-1529 Amendment to the Agreement with Cal Engineering & Geology, Inc. for Consultant and Professional Engineering Services for 8721 - FEMA - San José Family Camp Project (SCSJG89/PW1138).

Approve the First Amendment to the agreement for professional engineering services with Cal Engineering & Geology, Inc. for the San José Family Camp Project, increasing the total compensation by \$128,000 for a total agreement amount of \$673,222 and extending the term of the agreement from December 31, 2020 to December 31, 2022. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: The First Amendment to the agreement for professional engineering services with Cal Engineering & Geology, Inc. was approved. (11-0.)

2.11 20-1563 Approval of the Free Holiday Tree Giveaway Sponsored by Council District 3 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) Approve the Free Holiday Tree Giveaway event scheduled on December 5, 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)

[Rules Committee referral 11/18/2020- Item G.1.a]

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

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 20-1531 Public Member Appointments to the Board of Administration for Federated City Employees' Retirement System and the Board of Administration for the Police & Fire Employees Retirement System.

(a) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2024.

(b) Interview applicant(s) for appointment to the Public Member Seat and appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Police & Fire 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)

Action: Vincent Sunzeri, incumbent, was appointed to the Public Member Seat on the Board of Administration for the Police & Fire Employees Retirement System through November 30, 2024; and Spencer Horowitz, incumbent, was appointed to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2024. (11-0.)

3.4 20-1535 Pension Obligation Bonds.

As recommended by the Rules and Open Government Committee on October 21, 2020:

(a) Initiate the process for possible issuance of pension bond obligation to fund unfunded actuarial liability of the Federated and Police and Fire Retirement Plans, including:

(1) Develop a workplan of required validation actions, documentation, and filings along with an estimated timeline for achieving key milestones;

(2) Secure needed advisory and legal services; and

(3) Develop required bond documentation for City Council approval to initiate the validation process which would allow the City to move quickly if it decides to issue POBs at a future date.

(b) Conduct other preparatory work that will enable the Council in 2021 to make a fully informed decision about the merits and risks of this

(Item Continued on the Next Page)

3.4 (Cont'd.)

option as a means of reducing our multi-billion-dollar unfunded actuarial liability with an arbitrage strategy in a very low interest rate environment, including:

- (1) Complete research on the prevalence and performance of pension obligation bonds in other municipalities that includes contextual information on structures, sizing, risk considerations, credit implications, fiscal impact, and market conditions contributing to success or failure;
- (2) Study and report on the impact on the City's credit ratings in consultation with our advisors and review of rating metrics;
- (3) Perform a sensitivity analyses on the potential size of the bond issuance, assessing various risk tolerance levels and the projected cost-benefit to the City, including potential for series of bonds issued over time;
- (4) Assess the impact of different strategies for recognizing and applying the savings from the pension obligation bond strategy;
- (5) Conduct a public study session with the Council to fully vet questions and issues, and invite relevant consultants and experts to testify; and
- (6) If Council offers a favorable response after that study session, develop the required documentation for City Council to consider proceeding with the validation and subsequent authorization for the issuance of pension obligation bonds.

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

(Mayor)

[Rules Committee referral 10/21/2020- Item G.5]

Action: The report was accepted, and actions regarding the Pension Obligation Bonds was approved, with staff to include an analysis of how this has worked in other jurisdictions. (11-0.)

3.5 20-1537 **Implementation of Service Fees on Credit Card Payments. - deferred**

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 to 12/08/20 Per Administration

3.6 20-1538 Amendment to the Solar Power Agreement for the Central Service Yard to Accommodate Construction of the Fire Training and Emergency Operations Center Relocation Project.

(a) Adopt a resolution adopting the Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, ("CEQA"), as amended.

(b) Approve a first amendment to the Solar Power and Services Agreement with SunE J10 Holdings, LLC for the removal of a portion of the solar photovoltaic system at the Central Service Yard and the payment of a removal fee in the amount of \$1,131,418.

CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. (Public Works)

Action: **Resolution No. 79804** adopting the Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration and Mitigation Monitoring Program was adopted, and the first amendment to the agreement with SunE J10 Holdings was approved. (11-0.)

4. PUBLIC SAFETY SERVICES

4.1 20-1536 Actions Related to the Purchase Orders with AXON Enterprise, Inc. for the Purchase of Taser 7 Evidence.com Access Licenses and Equipment.

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with AXON Enterprise, Inc. for the purchase of Taser 7 Evidence.com Access software subscription licenses and Conducted Electrical Weapons (CEWs) including related accessories, training, and installation, subject to the pricing obtained from NPPGov contract number PS20270, for an initial five-year term starting on or about December 2, 2020 and ending on or about December 1, 2025, for an amount not to exceed \$4,612,055, subject to the appropriation of funds; and

(b) Execute amendments and change orders not-to-exceed \$350,000 to purchase additional CEWs, related accessories and software subscription license as required, 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. 79805** regarding actions related to the Purchase Orders with AXON Enterprise, Inc. for Purchase of Taser 7 Licenses and Equipment. (11-0.)

4.2 20-1539 Actions Related to the Agreement with City and County of San Francisco for the Allocation of 2020 Bay Area Urban Areas Security Initiative Grant Funds.

(a) Adopt a resolution authorizing the City Manager to execute an agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2020 UASI grant allocation in the amount of \$1,560,786, and to negotiate and execute additional amendments and related documents without further City Council action.
(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2020 in the amount of \$554,500;

(2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2020 in the amount of \$331,286; and

(3) Increase the estimate for Revenue from Federal Government by \$885,786.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.
(Police/Fire/City Manager)

Action: (a) **Resolution No. 79806**, executing execute an agreement between the City of San José and the City and County of San Francisco, and (b) Appropriation **Ordinance No. 30501** and Funding Sources **Resolution No. 79807** were adopted. (11-0.)

4.3 20-1540 Actions Related to the 2020 Internet Crimes Against Children Task Force Invited Awards Grant Agreement. – Deferred.

(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 Amended) resulting in no physical changes to the environment.
(Police/City Manager)

Deferred to 12/08/20 Per Administration

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance.

Approve an ordinance amending Chapter 17.845 of Title 17 of the San José Municipal Code to amend Sections 17.845.010, 17.845.020, 17.845.030, 17.845.040, 17.845.050, and 17.845.060 and add Section 17.845.045 to prohibit natural gas infrastructure in newly constructed buildings effective on August 1, 2021 to:

- (a) Cover all new construction building types;
- (b) Add an exception for Hospitals;
- (c) Allow limited exemptions on or before December 31, 2022 for:
 - (1) Food Service Establishments; and
 - (2) Manufacturing and Industrial Facilities; and
- (d) Allow limited exemption on or before December 31, 2024 for facilities with a Distributed Energy Resource.

CEQA: Categorically Exempt, File No. ER20-202, CEQA Guideline Section 15308 Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

[Deferred from 11/17/2020 - Item 6.3 (20-1445)]

Action: The Updated Natural Gas Infrastructure Prohibition **Ordinance No. 30502** was passed for publication, with the approval of staff recommendations and supplemental memoranda dated November 16, 2020 and November 25, 2020, with the inclusion of the ADU exemption from the November 16, 2020 supplemental memorandum, editing the reference to the hardship exemption to add: "*or the public health safety or economic welfare in the event of an electric grid outage*" and clarification to include State standards for distributed energy, as well as convening a Future of Work Workshop as recommended by UA Local Union 393. To include completion by March 31, 2021 of an exploration with workload assessment returning to the Rules and Open Government Committee (ROGC). (8-3. Noes: Peralez, Carrasco, Foley.)

7. NEIGHBORHOOD SERVICES

7.1 20-1543 College and Career Readiness Quality Standards.

As recommended by the Neighborhood Services and Education Committee on November 12, 2020:

(a) Accept the staff report on the development of College and Career Readiness Quality Standards for all City funded, operated, or endorsed programs.

(b) Adopt a resolution approving the College and Career Readiness Quality Standards.

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

[Neighborhood Services and Education Committee referral 11/12/2020 - Item (d)1]

Action: The staff report was accepted, and (b) **Resolution No. 79808**, approving the College and Career Readiness Quality Standards were adopted, with Staff directed to return to the NSE Committee to report out on broader framework of strategic alignment of the programs discussed. (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1544 Actions Related to the Grant Agreement and Grant Extensions for Multiple Homeless Programs.

(a) Adopt a resolution authorizing the Director of Housing to negotiate and execute one grant agreement and six grant amendments serving homeless populations:

(1) Grant agreement with the County of Santa Clara in the amount of \$2,000,000 to implement the Housing for Homeless Veterans Program retroactive to July 1, 2019 through June 30, 2023;

(2) Fifth Amendment to the grant agreement with the County of Santa Clara increasing the maximum total amount of compensation by \$1,025,000 from \$5,337,000 to \$6,362,000 to continue to implement the Care Coordination Project and the UPLIFT Transit Pass program retroactive to July 1, 2020 through June 30, 2021;

(3) Sixth Amendment to the grant agreement with Project WeHope increasing the maximum total amount of compensation by \$500,000 from \$1,265,350 to \$1,765,350 to continue to implement the Dignity on Wheels Program retroactive to July 1, 2020 through June 30, 2021; and

(4) Four grant agreement amendments for Rapid Rehousing Rental Subsidy Administrator and Rehousing Supportive Services Administrator, retroactive to July 1, 2020 to operate through December 31, 2020, while a Request for Proposals for new contracts is completed:

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8.1 (Cont'd.)

(4) (i) Fifth Amendment to the grant agreement with The Health Trust increasing the maximum total amount of compensation by \$450,000 from \$7,752,235 to \$8,202,235 to continue to serve as the Rental Subsidy Administrator.

(ii) Third Amendment to the grant agreement with The Health Trust without increasing compensation to continue to serve as a Supportive Service Administrator.

(iii) Third Amendment to the grant agreement with Bill Wilson Center without increasing compensation to continue to serve as a Supportive Service Administrator.

(iv) Third Amendment to the grant agreement with People Assisting the Homeless (PATH) without increasing compensation to continue to serve as a Supportive Service Administrator.

(b) Adopt the following Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Decrease the City Housing Authority Reserve by \$2,000,000; and

(2) Increase the VA Rental Subsidy Program appropriation to the Housing Department by \$2,000,000.

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

(Housing/City Manager)

Item 8.1 was bifurcated due to a recusal by Councilmember Raul Peralez due to a conflict of interest with the Health Trust. Items (i) and (ii) were voted on separately.

Action: (a) **Resolution No. 79809**, for execution of grant agreements and amendments serving homeless populations – *Health Trust issue only (i) and (ii)* was adopted. (10-0-0-1. Recused: Peralez)

For execution of grant agreements and amendments serving homeless populations – *Items (iii) and (iv)* was adopted. (11-0.)

Action: (b) Appropriation **Ordinance No. 30503** was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **20-1545** **HL20-002 - Historic Landmark Nomination for Real Property Located at 1516 Newport Avenue.**

Adopt a resolution designating “The George A. Fleming House” as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature for a single-family residence (George A. Fleming House) on a 1.07-gross acre site located at 1516 Newport Avenue.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 6. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

Action: **Resolution No. 79810**, designating “The George A. Fleming House” as a City Landmark was adopted. (11-0.)

- (b) **20-1546** **HL20-003 & MA20-001 - Historic Landmark Nomination and Historical Property Contract for Real Property Located at 546 South 3rd Street.**

(1) Adopt a resolution designating the “Somavia-Anderson House” as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature for a single family residence (Somavia-Anderson House) on a 0.14 gross acre site located at 546 S. Third Street.

(2) Adopt a resolution approving a Historical Property (Mills Act) Contract between the City of San José and the property owner for the subject property located at 546 S. Third Street on a 0.14-gross acre site. CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 3. Historic Landmarks Commission recommends approval (6-0-0). (Planning, Building and Code Enforcement)

Action: **Resolution No. 79811**, designating “Somavia-Anderson House” as a City Landmark; and **Resolution No. 79812**, approving a Historical Property (Mills Act) Contract were adopted. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 20-1547 **PDC17-046, PD19-022 & PT17-047 - Planned Development Rezoning, Planned Development Permit and Tentative Map for Certain Real Property Located at 907 North Capitol Avenue.**

(a) Approve an ordinance rezoning certain real property located at the west side of North Capitol Avenue, approximately 240 feet northerly of Penitencia Creek Road (907 North Capitol Avenue) from the R-M Multi-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District to allow up to six single-family attached residences on an approximately 0.46-gross acre site.

(b) Adopt a resolution approving, subject to conditions, a tentative map to allow the subdivision of one parcel into seven parcels consisting of six residential parcels and one common area parcel on an approximately 0.46-gross acre site located at 907 North Capitol Avenue.

(c) Adopt a resolution approving, subject to conditions, a planned development permit to demolish an existing single-family residence, two-car garage, and shed totaling 2,400 square feet, the removal of five ordinance-size trees, and allow the construction of six single-family attached residences on an approximately 0.46-gross acre site located at 907 North Capitol Avenue.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15303(b) New Construction or Conversion of Small Structures. Council District 4. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

Action: **Ordinance No. 30504** rezoning Certain Real Property Located at 907 North Capitol Avenue was passed for publication; and (b) **Resolution No. 79813** and (c) **Resolution No. 79814**, - Planned Development Rezoning, Planned Development Permit and Tentative Map for Certain Real Property were adopted. (11-0.)

OPEN FORUM

Speaker "5140" offered criticism of the City of San José government.

ADJOURNMENT

The Council of the City of San José adjourned at 10:12 p.m.