



City Council Meeting MINUTES

**Tuesday, March 30, 2021
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
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



MINUTES OF THE CITY COUNCIL

March 30, 2021

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.

21-558: CLOSED SESSION. See Page 22 for Closed Session Minutes.

The Council of the City of San José convened into Open Session at 1:32 p.m.

- **Call to Order and Roll Call**

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

Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 3)**

Barbara Medina-Aranda, Chàvez Family Vision, Inc., niece of late civil rights leader Cesar Chàvez, spoke to keeping his vision alive and recited his “Prayer of the Farm Workers’ Struggle”.

- **Orders of the Day**

Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 8.1 deferred to April 6 at Staff’s request, and with Item 8.5 deferred to April 20, 2021. (11-0.)

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas 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 21-620 Approval of Council Committee Minutes.

- (a) Regular Transportation and Environment Committee Meeting Minutes of February 1, 2021.
 - (b) Regular Smart Cities and Service Improvements Committee Meeting Minutes of February 4, 2021.
 - (c) Regular Neighborhood Services and Education Committee Meeting Minutes of February 11, 2021
 - (d) Regular Community and Economic Development Committee Meeting Minutes of February 22, 2021.
 - (e) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of February 18, 2021.
 - (f) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of March 18, 2021.
 - (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 3, 2021.
 - (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 10, 2021.
 - (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 17, 2021.
- 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 21-674

Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Community and Economic Development Committee on March 22, 2021, due to illness.

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

[Rules Committee referral 3/24/2021 - Item A.1.a]

Action: Excused Absence Requests were approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 21-594

Amendments to Pay Plan and Terms of a Side Letter Agreement Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 (MEF).

Adopt a resolution to:

(a) Approve the terms of a side letter agreement between the City and MEF to provide employees in the Crime and Intelligence Analyst classification (1187) and Senior Crime and Intelligence Analyst classification (1186) with an approximate 10.00% base pay increase and provide employees in the Crime and Intelligence Data Administrator classification (1198) with an approximate 3.00% base pay increase effective April 4, 2021;

(b) Amend the Pay Plan to increase the annual salary range of the classification of Crime and Intelligence Analyst (1187) to \$67,891.20 - \$82,555.20, effective April 4, 2021;

(c) Amend the Pay Plan to increase the annual salary range of the classification of Senior Crime and Intelligence Analyst (1186) to \$79,809.60 - \$96,928.00, effective April 4, 2021;

(d) Amend the Pay Plan to increase the annual salary range of the classification of Crime and Intelligence Data Administrator (1198) to \$87,027.20 - \$106,017.60, effective April 4, 2021.

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

Action: **Resolution No. 79941** offering Amendments to the Pay Plan and Terms of a Side Letter Agreement was adopted. (11-0.)

2.8 21-566 Declaration of Municipal Use for City-Owned Property Located 460 Park Ave.

Adopt a resolution rescinding a portion of Resolution No. 74994, adopted on June 16, 2009, that declared that the City-owned property at 460 Park Ave. (Assessor's Parcel Number 259-46-097) was surplus to the needs of the City of San José, based on the findings made herein that the 460 Park Ave. property is needed for present and/or future City use. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development)

Action: **Resolution No. 79942** rescinding a portion of Resolution No. 74994 was adopted. (11-0.)

2.9 21-583 Amendment to the Agreement with Skipstone, LLC, for Negotiations with Google Regarding Downtown West Project.

Approve the Fifth Amendment to the Agreement with Skipstone, LLC, for work relating to negotiations with Google, LLC for its proposed Downtown West Mixed-Use Project, in the amount of \$150,000, for a total Agreement of \$470,000, and extending the term of the Agreement to December 31, 2021. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3 and 6. (Economic Development)

Action: The Fifth Amendment to the Agreement with Skipstone, LLC was approved. (11-0.)

2.10 21-567 Amendment to Title 17 of the San José Municipal Code Related to the Energy and Water Building Performance Ordinance.

Approve an ordinance amending Sections 17.85.200, 17.85.300, 17.85.410, 17.85.420, 17.85.510, 17.85.520, and 17.85.540 of Chapter 17.85 of Title 17 of the San José Municipal Code related to the San José Energy and Water Building Performance Ordinance to make non-substantive changes, extend the time for Beyond Benchmarking reporting requirements, and grant the Environmental Services Department Director authority for further extensions that may be necessary related to the pandemic. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Environmental Services)

Action: **Ordinance No. 30550** providing Amendments to Title 17 of the San José Municipal Code was passed for publication. (11-0.)

2.11 21-568

Report on Request for Proposal for Parking Citation Management and Permit Management Systems (Including Subsystems) and Processing Services. - DEFERRED

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with Turbo Data Systems, Inc. (Tustin, CA) for the purchase and deployment of Parking Citation Management and Permit Management Systems (Including Subsystems) and Processing Services, including associated licenses and subscriptions, handheld units for citation issuance, vehicle-mounted Automated License Plate Recognition equipment, staffing of a customer service walk-in center in downtown San José, and related professional services for project management, implementation, training, maintenance, and support for an initial one (1) year term beginning July 1, 2021 and ending June 30, 2022 with a maximum compensation not to exceed \$1,385,730, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$100,000 during the initial one (1) year term, subject to the appropriation of funds; and
- (c) Exercise up to 9 one-year options to extend the term of the agreement through June 30, 2031 for ongoing software subscriptions, support, maintenance, and related professional services, 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)
DEFERRED TO 4/6/21 PER ADMINISTRATION

2.12 21-584

Amendments to the City-Generated Tow Services Agreements.

Adopt a resolution authorizing the City Manager to negotiate and execute Fifth Amendments to the City-Generated Tow Services Agreements with Alongi Brothers, Inc., Century Tow, City Towing, Courtesy Tow Services, Inc., Matos Auto Towing & Transport, and Motor Body Company, Inc., to extend previously amended terms that otherwise expire on March 31, 2021 for the duration of the Agreement, which is currently through March 31, 2022 but may be extended year-by-year through March 31, 2026 at the City's option. These Fifth Amendments to include:

- (a) All the terms amended by the Second and Third Amendments, including the reduction of the tow operator's security deposit from 25,000 to 5,000; and
- (b) Reduction of the Contract Compensation Fee to \$0, as amended in the Fourth Amendment.

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

(Item Continued on the Next Page)

2.12 (Cont'd.)

Councilmember Pam Foley pulled Item 2.12 with questions regarding towing process, and Division Manager, Planning Building and Code Enforcement, Rachel Roberts offered clarification.

Action: **Resolution No. 79943** regarding Amendments to the City-Generated Tow Services Agreements was adopted. (11-0.)

2.13 21-569 **Actions Related to the Planning Study Report for the River Oaks Regional Stormwater Capture Project.**

(a) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration (MND) for the River Oaks Regional Stormwater Capture Project (File No. PP ER20-186) and the associated Mitigation Monitoring and Reporting Program (MMRP), in accordance with the California Environmental Quality Act.

(b) Accept the Planning Study Report for the River Oaks Regional Stormwater Capture Project.

CEQA: River Oaks Stormwater Capture Project Initial Study and Mitigated Negative Declaration, Planning File No. ER20-186. Council District 4. (Public Works)

Action: (a) **Resolution No. 79944** adopting the Initial Study/Mitigated Negative Declaration (MND) for the River Oaks Regional Stormwater Capture Project was adopted, and the Planning Study Report was accepted. (11-0.)

2.14 21-565 **Approval of Cesar Chavez Day Lighting and Proclamation 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 March 17, 2021:

(a) Approve the Cesar Chavez Day lighting (March 30, 2021 to April 5, 2021) and proclamation event scheduled on March 30, 2021 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 3/17/2021 - Item G.1.b]

Councilmember Raul Peralez spoke to Cesar Chàvez as an advocate for social justice, championing better living and working conditions for many, and indicated that City Hall would be lighted in red to commemorate his vision. Gabriel Medina, nephew of Cesar Chàvez and representing the Chavez Family Vision, spoke to the many things he accomplished and his legacy for social justice.

Public Comments: Blair Beekman and Paul Soto offered public testimony.

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

2.15 21-656 Approval of Transgender Day of Visibility Sponsored by Council District 6 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 March 24, 2021:

(a) Approve the Transgender Day of Visibility scheduled on March 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and

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

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

[Rules Committee referral 3/24/2021 - Item G.1.a]

Councilmember Dev Davis and Councilmember Pam Foley called attention to Transgender Day of Visibility and its raising awareness to the transgender and non-binary community, noted their susceptibility to hate crimes and honored notable transgender figures; virtual workshops on transgender community sponsored by the Billy DeFrank Community Center were announced. Gabrielle Antolovich spoke to online discussions and videos on Defrank.org and gave a shout out to young people that have given language to how we express ourselves.

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

2.16 21-663 Retroactive Approval of Recognizing March 25, 2021 as the 200th Anniversary of Greek Independence Day Sponsored by Council District 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 March 24, 2021:

(a) Retroactively approve March 25, 2021 as the 200th Anniversary of Greek Independence Day 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.

[Rules Committee referral 3/24/2021 - Item G.1.b]

Councilmember Pam Foley shared that March 25 marked the bicentennial of Greek Independence Day, with Greece commemorating 200 years since its War of Independence. Fr. Demosthenes Paraskevaides, of Saint Nicholas Greek Orthodox Church, shared struggle of the Greek people to gain independence and provided a historical account of their presence and contributions to San José.

Public Comments: Blair Beekman offered comments.

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

2.17 21-668 Approval of the 19th Annual March for Meals Month Sponsored by Council District 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 March 24, 2021:

- (a) Approve March 2021 as the 19th Annual March for Meals Month scheduled in March 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

[Rules Committee referral 3/24/2021 - Item G.1.c]

Councilmember Pam Foley announced the March for Meals Campaign, a month-long, nationwide celebration of Meal on Wheels bringing attention to our senior neighbors who rely on the vital service to remain healthy and independent at home. She urged support for the Health Trust Meals on Wheels who help to fight senior hunger and isolation in Santa Clara County.

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

2.18 21-673 Boards and Commissions Appointments.

Approve the following Boards and Commissions appointments:

(a) Neighborhoods Commission:

- (1) District 4 Seat: Anthony Rossello to a term ending June 30, 2021;
- (2) District 7 Seat: Bruce Victorine to a term ending June 30, 2021;
- (3) District 7 Seat: Tasha Tenturier to a term ending June 30, 2021.

(b) Airport Commission:

- (1) District 7 Seat: Nick Patel to a term ending June 30, 2021.

(c) Housing and Community Development Commission:

- (1) District 4 Seat: Linh Vong to a term ending June 30, 2023.

CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 3/24/2021 - Item A.1.a]

Action: The Boards and Commissions appointments were approved. (11-0.)

2.19 21-675 Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support.

Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by \$690,000 for a revised total amount not-to-exceed \$990,000, and retroactively extend the Agreement from February 2, 2021 to March 31, 2022, subject to appropriation of funds.

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2.19 (Cont'd.)

CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)
[Rules Committee referral 3/24/2021 - Item A.1.a]

Action: **Resolution No. 79945** regarding an Amendment to the Agreement with Ernst & Young, LLP was adopted. (11-0.)

2.20 21-676

Amendment to the Agreement with Witt O'Brien's LLC for COVID-19 Related Strategic Planning Support Services.

Adopt a resolution authorizing the City Manager to negotiate and execute the Fifth Amendment to the Agreement with Witt O'Brien's LLC for COVID-19 related strategic planning support services, to increase compensation by \$260,000 for a revised total amount not-to-exceed \$990,000, and retroactively extend the Agreement from March 14, 2021 to March 31, 2022, subject to appropriation of funds.
CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)
[Rules Committee referral 3/24/2021 - Item A.1.a]

Chief of Staff, Office of the City Manager, Lee Wilcox, responded to questions from Councilmember Maya Esparza.

Public Comments: Blair Beekman offered comments.

Action: **Resolution No. 79946** regarding an Amendment to the Agreement with Witt O'Brien's LLC was adopted. (11-0.)

3. STRATEGIC SUPPORT

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

None provided.

Mayor Sam Liccardo left the meeting at 3:30 p.m. and returned at 4 p.m.

3.3 21-571

Effective Council Discussion and Debate.

As referred for discussion by the Rules and Open Government Committee on February 17, 2021, improve the efficiency and effectiveness of Council discussions that will build consensus, inform decision-making and improve public engagement by considering ways and adopting related actions to have more orderly speaker rotation amongst Councilmembers.

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3.3 (Cont'd.)

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Cohen and Davis)
[Rules Committee referral 2/17/2021 - Item G.4]

Public Comments: Members of the public offered their views on the topic, including: Martha O'Connell, Paul Soto, Jeffrey Buchanan (Working Partnerships), and Blair Beekman.

Motion: Councilmember David Cohen expressed areas of concern as outlined by Mayor Sam Liccardo and moved the joint memo he coauthored with Councilmember Dev Davis, dated March 25, 2021. Councilmember Dev Davis seconded the motion.

Councilmember Maya Esparza and Councilmember Raul Peralez requested friendly amendments as noted below in "Action". The maker of the motion and seconder agreed to amending their original motion.

Councilmember Sylvia Arenas requested a friendly amendment asking that time be paused while staff is answering questions. The friendly amendment was declined.

Action: Approval of the March 25, 2021 joint memorandum from Councilmembers Cohen and Davis, as amended, to improve the efficiency and effectiveness of Council discussions that will build consensus, inform decision-making and improve public engagement by implementing the following:

1. Agenda items should have an orderly speaker rotation among Councilmembers that starts with an initial round of comments and questions from each Councilmember who wishes to speak followed by successive rounds of discussions in timed increments
2. Require the meeting chair to apply orderly speaker rotation guidelines during Council discussion and deliberation, with discretion. For example, if somebody hits their time limit and is still on a point or wrapping up, they should be allowed to finish. Use natural stopping points. The initial round shall be 10 minutes per person, without a hard stop, and each councilmember shall be called, if desired, once before moving on to a second round. Councilmembers can have multiple rounds of 10 minute turns.

Including friendly amendments from Councilmember Maya Esparza and Councilmember Raul Peralez, that this shall only apply during virtual meetings and shall be revisited when meetings resume in person, and the COVID update shall be exempt from the time limits. In addition, the agenda shall show a time estimate of staff presentations, and staff should look at the practices of other Cities including holding Closed Session on a different day of the week.

(8-2-1. Noes: Arenas, Esparza. Absent: Liccardo.)

3.4 21-572 Actions Related to Declarations Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the San José Municipal Code (Al Fresco).

Adopt a resolution extending the terms of the Declarations of the Director of Emergency Services of the City of San José issued June 4, 2020, June 26, 2020, July 22, 2020, July 31, 2020, and August 5, 2020, until *December 31, 2021*.

CEQA: Categorically Exempt, File No. ER21-042, CEQA Guidelines Section 15304 Minor Alterations to Land. (Economic Development)

Motion: Councilmember Dev Davis moved to extend the duration until December 31, 2021. Councilmember David Cohen seconded the motion.

Public Comments: Offering public comments, were Caller “5140”, Blair Beekman, Nathan Ulsh (Downtown Association), Eddie Chong (Silicon Valley Organization), Paul Soto, and Kathryn Hedges.

Division Manager, Planning Building and Code Enforcement, Rachel Roberts, responded to questions about ‘bad actors’.

Action: On a call for the question, the motion carried unanimously, and **Resolution No. 79947** extending the terms of the Declarations of the Director of Emergency Services of the City of San José issued June 4, 2020, June 26, 2020, July 22, 2020, July 31, 2020, and August 5, 2020, until *December 31, 2021*, was adopted. (11-0.)

3.5 21-573 Report on Request for Proposal and Approval of Agreements for the Affordable Housing Portal.

(a) Approve the City Housing Department’s participation in a regional collaboration effort with other jurisdictions known as the Regional Doorway Collaborative to continue discussions on coordinating development and ongoing maintenance of the Affordable Housing Portal.

(b) Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute an agreement with Exygy, Inc. (San Francisco, CA) for Phase 2 of an Affordable Housing Portal, including development, implementation, configuration, training, support, maintenance, and hosting, for an initial two-year term beginning April 1, 2021 through March 31, 2023 and a maximum compensation not to exceed \$2,053,416;

(2) Negotiate and execute a Cooperation Agreement with San Mateo County to establish a payment schedule, roles, and responsibilities for both agencies to jointly manage the Affordable Housing Portal project beginning April 1, 2021 through March 31, 2023, and for San Mateo County to fund a portion of the cost for milestone 1-4 features and services in the amount of \$383,303;

(Item Continued on the Next Page)

3.5 (Cont'd.)

(3) Negotiate and execute amendments and change orders to the agreement with Exygy, Inc. to address changes in requirements, including San Mateo County participation in milestones 5-7, for a contingency amount not to exceed \$395,000 during the initial term, subject to the appropriation of funds;

(4) Negotiate and execute amendments to the Cooperation Agreement to include funding for participation in additional and related scopes of work and milestones and extension of the term consistent with the material conditions of the original agreement, subject to the appropriation of funds; and

(5) Execute options to the agreement with Exygy, Inc. for up to 5 one-year options through March 31, 2028 for ongoing maintenance, support, hosting, and related professional services.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low and Moderate Income Housing Asset Fund:

(1) Establish an estimate for Revenue from Local Agencies in the amount of \$383,303;

(2) Decrease the Affordable Housing Web Portal Reserve appropriation by \$1,732,000;

(3) Increase the Unrestricted Ending Fund Balance by \$61,887; and

(4) Establish an Affordable Housing Web Portal appropriation to the Housing Department in the amount of \$2,053,416.

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

(Finance/Housing/City Manager)

Director of Housing Jacky Morales-Ferrand and Deputy Director of Housing Rachel VanderVeen Provided a presentation.

Public Comments: Blair Beekman, Kathryn Hedges, Tessa Woodmansee and Caller “5140” offered comments.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Dev Davis and carried unanimously, (a) The City Housing Department’s participation in a regional collaboration effort with the Regional Doorway Collaborative was approved; (b) The report on the Request for Proposal was accepted, including adoption of **Resolution No. 79948**; and (c) Appropriation **Ordinance No. 30551** and Funding Sources **Resolution No. 79949** were adopted. (11-0.)

The Council Meeting was recessed at 5:11 p.m. and reconvened at 6 p.m. to hear Items 8.3 and 8.4

4. PUBLIC SAFETY SERVICES

4.1 21-580 Illegal Street Racing.

As recommended by the Rules and Open Government Committee on March 3, 2021:

- (a) Direct the City Attorney to draft an ordinance targeting promoters of illegal street racing and sideshows, including those who use social media to promote, support, and encourage this illegal and dangerous behavior.
 - (b) Direct Staff to explore the use of Automated License Plate Readers and return to Council with options for deployment in corridors that have been hardest impacted by illegal street racing and sideshows, and as added by the Rules and Open Government Committee, to explore installation of physical barriers at wide intersections.
 - (c) Direct the City Manager to allocate the necessary funding for the Police Department to address this issue as part of our annual budget process.
 - (d) Direct Staff to explore formation of a County-wide Task Force on responding to illegal street racing and sideshows that would allow for coordinated multijurisdictional responses throughout Santa Clara County.
- CEQA: Not a Project, File No. PP17-07, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Esparza and Davis) [Rules Committee referral 3/3/2021 - Item G.2]

San José Police Captain Todd Trayer and Deputy Director, Department of Transportation, Laura Wells offered a presentation.

Public Comments: Tessa Woodmansee, Kathryn Hedges, Paul Soto, Speaker “5140” and Armando offered public comments and responded to questions from Council.

Motion: Councilmember Maya Esparza moved the memorandum she coauthored with Councilmember Dev Davis, including Vice Mayor Chappie Jones March 30, 2021 memorandum. Councilmember Dev Davis seconded the motion.

Councilmember Sylvia Arenas requested a friendly amendment, asking that Items #3 and #4 from her memorandum of March 30, 2021 be included. The friendly amendment was accepted.

Action: Direction was provided, per the joint memorandum from Councilmember Maya Esparza and Councilmember Dev Davis dated February 25, 2021 to:

1. Direct the City Attorney to draft an ordinance targeting promoters of illegal street racing and sideshows, including those who use social media to promote, support, and encourage this illegal and dangerous behavior.
2. Direct Staff to explore the use of Automated License Plate Readers and return to Council with options for deployment in corridors that have been hardest impacted by illegal street racing and sideshows.
3. Direct the City Manager to allocate the necessary funding for the Police Department to address this issue as part of our annual budget process.
4. Direct Staff to explore formation of a County-wide Task Force on responding to illegal street racing and sideshows that would allow for coordinated multijurisdictional responses throughout Santa Clara County.

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4.1 (Cont'd.)

Including the March 30, 2021 memorandum from Vice Mayor Jones to:

1. Direct Staff to explore the use of Bott's Dots (round non-reflective raised pavement marker) as a physical deterrent for sideshows.
2. Direct the City Manager to explore reinstating the Racing Enforcement Detail of the San Jose Police Department.

Additionally, from Councilmember Sylvia Arenas memorandum dated March 30, 2021 Items #3 and #4 as noted:

3. Direct the City Manager to include an equity lens in the proposed process for the selection of the five initial locations for physical deterrents to street racing to include at least one location in Foothill Division and one in Southern Division. *[based on intelligence]*
4. Direct the City Manager to explore private/public partnerships to strategically install Automated License Plate Reader stationary/trailers at known gathering locations and retail plazas for illegal street racing, including but not limited to Capitol Expressway & Tully Road, Aborn Square on Capitol Expressway, and Aborn Road & Aborn Court. And #2 to return to Council at a later time for discussion to Direct the City Attorney to draft the ordinance, without creating a criminal history for youth, and explore a tiered approach to fine repeat violators for vandalizing and damaging city roads (damage from donuts, drifting, burnouts, etc.) and using these funds to invest in the City's Vision Zero Initiative and the implementation of traffic calming measures.

(11-0.)

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-581 Airport On-Demand Ground Transportation Management.

(a) Adopt a resolution authorizing the City Manager to:

- (1) Negotiate and execute an Agreement with Safer LLC for Airport On-Demand Ground Transportation Management at Mineta San José International Airport effective April 1, 2021, for a two-year term with 3 one-year options to extend at the sole discretion of the City; and
- (2) Negotiate and execute a lease agreement with Safer LLC as deemed necessary by the Director of Aviation for office and vehicle staging to support its operations at the Airport.

(b) Approve an ordinance amending San José Municipal Code Chapter 25.08 to eliminate the requirement for on-demand taxicab company and driver Airport access permits and authorize the Director of Aviation to re-institute the on-demand taxicab company and driver Airport access permit requirements, including the 300 permit cap, in the event that efficient airport operations, passenger service needs and the public interest require a limitation on the number of on-demand ground transportation providers at the Airport.

CEQA: Environmental Impact Report for Norman Y. Mineta San Jose International Airport Master Plan (Resolution No. 79497 and SCH#2018102020), File No. PP18-103. (Airport)

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5.1 (Cont'd.)

Director of Aviation, John Aitken, A.A.E. and Robert Lockhart, Deputy Director of Operations provided a presentation.

Public Comments: Seven members of the public, including Blair Beekman, Sam, Tessa Woodmansee, Brian Darby, Caller “5140”, and Gabriel Santos offered public testimony.

Mayor Sam Liccardo asked that his memorandum dated March 29, 2021 be considered.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Matt Mahan and carried unanimously, (a) **Resolution No. 79950** regarding an Agreement with Safer LLC for Airport On-Demand Ground Transportation Management was adopted; and (b) **Ordinance No. 30552** amending San José Municipal Code Chapter 25.08 was passed for publication. Including Mayor Sam Liccardo’s March 29, 2021 memorandum, with the following direction: “Airport staff and SAFER LLC (SAFER) to establish a trip volume trigger of 200 taxi trips per day at the San Jose Mineta International Airport (SJC) that will allow for access to a staging area – preferably to the previous taxi staging area at the Airport – provided there aren’t pandemic related constraints that must be considered”.
(11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 21-585 **Amendment to Council Policy 7-1 “Below Market Rental Policy for Use of City-Owned Land and Buildings by Qualified Organizations for Governmental or Other Public Purposes.”**
Adopt a resolution approving revisions to Council Policy 7-1 “Below Market Rental Policy for Use of City-Owned Land and Buildings by Qualified Organizations for Governmental or Other Public Purposes,” as adopted April 13, 1970 and amended on November 29, 1994 and May 23, 2006, modifying the term of 7-1 Policy leases, expanding the definition of qualified organizations, amending reporting requirements for qualified organizations, and making other similar revisions.
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 and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development)

Deferred to April 6, 2021 per Orders of the Day.

8.2 21-586 Acceptance of the Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Element and the Housing Successor to the Redevelopment Agency Annual Report.

- (a) Accept the Calendar Year 2020 Annual Progress Report on the Implementation of the San José 2014-23 Housing Element;
 - (b) Accept the Fiscal Year 2019-20 Housing Successor to the Redevelopment Agency Annual Report; and
 - (c) Approve the submission of an Amended and Restated Fiscal Year 2018-19 Housing Successor to the Redevelopment Agency Annual Report to correct a calculation error in the Seniors Test percentage.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/Planning, Building and Code Enforcement)

Supervising Planner, Ruth Cueto, provided a presentation.

Public Comments: Six speakers offered public comments, including: Tessa Woodmansee, Caller “5140”, Blair Beekman, Sandra, and Paul Soto.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Chappie Jones and carried unanimously, the Calendar Year 2020 Annual Progress Report, Fiscal Year 2019-20 Housing Successor to the Redevelopment Agency Annual Report and Amended and Restated Fiscal Year 2018-19 Housing Successor to the Redevelopment Agency Annual Report were accepted. (11-0.)

8.3 21-588 Citywide Residential Anti-Displacement Strategy Recommendations Status Report. -HEARD CONCURRENTLY WITH ITEM 8.4

As recommended by the Neighborhood Services and Education Committee on March 11, 2021 and Community and Economic Development Committee on March 22, 2021:

- (a) Accept the status report on the top three recommendations of the Citywide Residential Anti-Displacement Strategy.
 - (b) Accept the status report on the City Council Policy Priority #10: The Anti-Displacement Tenant Preference Ordinance, including incorporation into the Citywide Residential Anti-Displacement Strategy Recommendation #2.
 - (c) Accept the status report on the City Council’s direction to add a seat to the Housing and Community Development Commission for a commissioner with lived experience in homelessness into Recommendation #4 of the Citywide Residential Anti-Displacement Strategy.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)
[Neighborhood Services and Education Committee referral 3/11/2021 - Item (d)6]
[Community and Economic Development Committee referral 3/22/2021 - Item (d)1]

Action: The Citywide Residential Anti-Displacement Strategy Recommendations Status Report was accepted. (11-0.)

8.4 21-589 City Council Policy Priority #10: Anti-Displacement Tenant Preference Ordinance Status Report.

As recommended by the Community and Economic Development Committee on March 22, 2021, accept the status report on City Council Policy Priority #10: Anti-Displacement Tenant Preference Ordinance. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/Economic Development/Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 3/22/2021 - Item (d)2]

Heard Concurrently with Item 8.3 At 6:00 P.M.

Deputy Director of Housing, Ragan Henninger and Director of Housing Jacky Morales-Ferrand provided a presentation.

Public Comments: Kathryn Hedges, Brenda, Tessa Woodmansee, Paul Soto, Marty Kanzen, Huascar Castro (Working Partnerships), Blair Beekman, Matthew Reed (SV@Home), Alex Shoor (Catalyze SV), Peter Ortiz (Santa Clara Board of Education), Satchen and Anil Babbar (California Apartment Association) offered public comment.

Action: The City Council Policy Priority #10: Anti-Displacement Tenant Preference Ordinance Status Report was accepted. (11-0.)

8.5 21-672 Nomination of The Alameda Park/Schiele Avenue Historic District.

As recommended by the Rules and Open Government Committee on March 24, 2021, forward a recommendation to approve a resolution to nominate and initiate the Alameda Park/Schiele Avenue Historic District.

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

[Rules Committee referral 3/24/2021 - Item G.2]

Deferred to April 20, 2021 per Orders of the Day.

8.6 21-677 Grant Agreement with Abode Services to Maintain and Operate the Plaza Hotel for Homeless Individuals Who Are Vulnerable to COVID-19.

(a) Adopt a resolution:

(1) Authorizing the Director of Housing to negotiate and execute a grant agreement with Abode Services in the amount of \$519,485 to operate and maintain a non-congregate shelter for homeless individuals who are vulnerable to COVID-19 at the Plaza Hotel with an initial term of January 1, 2021 through June 30, 2021; and

(2) Authorizing the Director of Housing to negotiate and execute amendments to the lease agreement with Allied Housing Inc. to align with the terms of the new Plaza operating agreement.

(Item Continued on the Next Page)

8.6 (Cont'd.)

(b) Adopt the following Fiscal Year 2020-2021 Appropriation Ordinance Amendments in the Housing Trust Fund:

(1) Decrease the Unrestricted Ending Fund Balance appropriation by \$129,871; and

(2) Increase the appropriation to the Housing Department for Housing and Homeless Projects by \$129,871.

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

(Housing/City Manager)

[Rules Committee referral 3/24/2021 - Item A.1.a]

Deputy Director of Housing, Ragan Henninger introduced the topic.

Public Comments: Tessa Woodmansee and Paul Soto offered comments.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Raul Peralez and carried unanimously, (a) **Resolution No. 79951** negotiating and executing a grant agreement with Abode Services including amendments to the lease agreement with Allied Housing Inc.; and (b) Appropriation **Ordinance No. 30553** were adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **21-590** **HL20-006 - Historic Landmark Designation for the “The Greenawalt House” Located at 1650 Senter Road.**

Adopt a resolution approving the Historic Landmark Nomination to designate “The Greenawalt House” as a City Landmark, currently located on the 14-gross acre site (History Park) located at 1650 Senter Road, known for its special historical, architectural, cultural, aesthetic, or engineering interest or value.

CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 7. (Planning, Building and Code Enforcement)

Heard Immediately After Consent

Councilmember Maya Esparza pulled this item to express the excitement in the community as a result of the City’s preservation of the history of the Vietnamese community for use of the Greenawalt House as the Viet Museum located within History Park, and she thanked the County for their partnership.

Action: **Resolution No. 79952** approving the Historic Landmark Nomination to designate “The Greenawalt House” as a City Landmark was adopted. (11-0.)

10.1 Land Use on Consent Calendar (Cont'd.)

(b) 21-591 **C20-019 - Conforming Rezoning for Real Property Located at 236 E. Empire Street.**

Approve an ordinance rezoning certain real property from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residence Zoning District on a 0.06-gross acre site located on the south side of East Empire Street, at the corner of East Empire Street and North Sixth Street located at 236 E. Empire Street.

CEQA: Exempt pursuant to CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures and Section 15331 for Historical Resource Restoration/Rehabilitation. Council District 3. (Planning, Building and Code Enforcement)

Heard Immediately After Consent

Councilmember Maya Esparza pulled Item 10.1(a): to express the community's excitement regarding the Viet Museum and History Park in ensuring the preservation of history of the Vietnamese community. She thanked the County for their partnership.

Public Comments: Paul Soto offered comments.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, **Ordinance No. 30554** Conforming Rezoning for Real Property Located at 236 E. Empire Street was passed for publication. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

OPEN FORUM

1. Tessa Woodmansee spoke to allowance of development of affordable housing across from light industrial and questioned disparate zoning regulations.
2. Blair Beekman expressed appreciation for Tessa Woodmansee's input, and spoke to towing ideas that other cities have adopted, specifically for RV's.
3. Caller "5140" had criticism of the City's care of public parks.
4. Adam Juratovac, an organizer of last week's Stop Asian Hate Rally, noted they are planning another community rally on Sunday, April 25 at 1 p.m. The rally will take place at Cesar Chavez Park, and he invited community involvement.
5. Sandra congratulated the Housing Department and Council for headway made on ADU's and streamlining the permitting process and need to continually think outside the box with future projects.
6. Paul Soto read an original poem, and reminded everyone that we have a mandate to be kind.
7. Alex Shoor (Catalyze SV) urged the developer and vendors at the flea market to work together, and actions that need to be addressed so as not to misplace merchants.
8. Kathryn Hedges spoke of the valuable resources the incubator of microbusinesses at the Flea Market offers to our economy and importance of its preservation.

ADJOURNMENT

The Council of the City of San José adjourned at 10:33 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/03-30-2021MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

MARCH 30, 2021

The Council of the City of San José convened into Closed Session at 9:00 a.m.
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Davis, Mahan, Jimenez, Jones, Cohen,
Peralez, Foley; Liccardo.

Absent: Councilmembers - Esparza.

Closed Session Item(s) discussed:

**A. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE EVALUATION PURSUANT TO
GOVERNMENT CODE SECTION 54957:**

Title:City Clerk
Name:Toni Taber

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

**Significant exposure to litigation pursuant to 54956.9(d)(2) and (e)(1) of the
Government Code:**

Number of matter(s) to be discussed: 1

By unanimous consent, Council recessed from the Closed Session to reconvene in
Regular Open Session at 1:30 p.m. in the Council Chamber.