



City Council Meeting MINUTES

Tuesday, October 20, 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

OCTOBER 20, 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 and convened in Closed Session on Tuesday, October 20, 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 9:58 a.m.; Council reconvened to Regular Session at 1:31 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 (District 9)

Poet, Sterling Hawkins offered the Invocation reciting her original poem.

• Orders of the Day

Public Comments: (1) 4 speakers stated they’re in agreement with a 15-minute time limit. (2) Tessa Woodmansee stated the economy should become self-sufficient, fossil fuel free, and grow food locally.

Mayor Sam Liccardo requested a soft limitation.

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Orders of the Day (Cont’d.)

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with a 15-minute time limit, and a soft limitation. (11-0.)

Councilmember Sergio Jimenez offered that today's meeting would be adjourned in memory of Charlotte Elizabeth Bruce Powers.

• **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis 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 20-1257 Final Adoption of Ordinances.

(a) Ordinance No. 30493 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.18 Gross Acre Site Situated on the Northeast Corner of Delmas Avenue and West Virginia Street (796 Delmas Avenue) (APN: 264-23-056) from the R-2 Two Family Residence Zoning District to the CP Commercial Pedestrian Zoning District. [Passed for Publication on 10/6/2020 - Item 10.1(a) (20-1203)]

Action: **Ordinance No. 30493** was adopted. (11-0.)

2.3 20-1311 Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 13, 2019. (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 4, 2019. (c) Regular Joint Meeting for the Rules and Open Government Committee

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2.3 (Cont'd.)

and Committee of the Whole Meeting Minutes of January 15, 2020. (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 29, 2020. (e) Regular Smart Cities and Service Improvements Committee Meeting Minutes of November 7, 2019. (f) Regular Smart Cities and Service Improvements Committee Meeting Minutes of December 5, 2019. (g) Regular Community and Economic Development Committee Meeting Minutes of November 18, 2019. (h) Regular Transportation and Environment Committee Meeting Minutes of December 2, 2019. (i) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of December 12, 2020. (j) Regular AD-HOC Committee on Development Services Meeting Minutes of January 16, 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 20-1233 Report on Bids and Award of Construction Contract for 9588 – Exploratory Trenches Project at the San José-Santa Clara Regional Wastewater Facility.

Report on bids and award a construction contract for the 9588 - Exploratory Trenches Project to the low bidder, Westland Contractors, Inc., in the amount of \$345,000, and approve a 20 percent contingency in the amount of \$69,000. CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final Environmental Impact Report (SCH#201105274) and Addenda Thereto, File No. ER20-118, CEQA Guidelines 14 CCR § 15168(c)(2). (Environmental Services/Public Works)

Action: The report on bids and award of construction contract was accepted. (11-0.)

2.8 20-1248 Actions Related to the 7232 - Trail: Three Creeks Pedestrian Bridge

Over Los Gatos Creek Project.

(a) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders to the 7232 - Trail: Three Creeks Pedestrian Bridge Over Los Gatos Creek construction contract with Gordon N. Ball, Inc. to do the following: (1) Increase the current base contract amount by up to \$700,000, from \$1,786,247 to a revised contract amount not to exceed \$2,486,246, subject to the condition that this increase is a full settlement of all cost increases; and (2) Extend the completion date of the work by more than 180 calendar days. (b) Authorize increasing the contract contingency by \$55,806, from \$162,745 to \$218,551, to provide for any unexpected work needed for the proper completion of the project. CEQA: Environmental Impact Report for the Three Creeks Trail Pedestrian Bridge Project, File No. PP13-085. Council District 6. (Public Works)

Action: **Resolution No. 79741** regarding actions related to the Three Creeks Pedestrian Bridge was adopted. (11-0.)

2.9 20-1299 Approval of Filipino American History Month Community Events Sponsored by Council District 7 and Council District 8 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on October 14, 2020: (a) Approve October 2020 as Filipino American History Month to be recognized by the City Council on October 20, 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. (Esparza and Arenas) [Rules Committee referral 10/14/2020 - Item G.1.a and Item G.1.b]

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).

City Manager, David Sykes announced emergency orders regarding COVID-19 updates and acknowledged the Unsung Heroes such as the Office of Administration, Policy, and Intergovernmental Relations, Director, Sarah Zarate for her role in the EOC during the pandemic, the housing branch, the homeless support branch, and the Beautify SJ Planning team. Deputy City Manager, Emergency Operations Center Director, Kip Harkness, spoke on

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3.1 (Cont'd.)

the Public Health Order updates. Deputy EOC Director, Andrew Erick; spoke on the move to Stage 8/ Tier 3 & gave an EOC update. Director of Strategic Partnerships, Jeff Rusters, spoke to the Census including the homeless community. Assistant Director of Human Resources, Powered by People 2.0 Task Force Director, Kelli Parmley, presented the City Services Update. San José Artist submissions reflecting on COVID-19, titled “Holding the Moment”, were also presented.

Public Comments: Ten speakers, including Blair Beekman, Eddie Truong, Steve Solorio, and Hector Ortiz spoke to a variety of issues, such as code enforcement issues, appreciation for art displays, housing issues, businesses aligning with the emergency orders, health and safety of inspectors during COVID and extending the AI fresco model to midnight.

3.2 Labor Negotiations Update.

None provided.

3.3 20-1235 2019-2020 City Manager’s Annual Report.

(a) Accept the 2019-2020 City Manager’s Annual Report in compliance with City Charter Section 701 (F). (b) Adopt Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2019-2020 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions). (c) Approve the following position changes in the City Manager’s Office: (1) Add 1.0 Director of City Manager’s Office; (2) Add 1.0 Assistant to the City Manager; (3) Add 1.0 Senior Executive Analyst; and (4) Add 1.0 Staff Specialist. CEQA: Not a Project, Files No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment. (City Manager) Budget Director, Jim Shannon; Financial Status Coordinator, Selena Ubando; Deputy Budget Director, Bonny Duong; Operating Budget Coordinator, Bryce Ball; and Deputy Budget Director, Claudia Chang offered the presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, the City Manager’s Annual Report was accepted; appropriation **Ordinance No. 30494** and Funding Source **Resolution No. 79742** were adopted. (11-0.)

3.4 20-1236 Preliminary Review of Documentation for COVID-19 Related Costs.

Accept the report on the Preliminary Review of Documentation for COVID-19 related costs. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Auditor)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, the Documentation Report for COVID-19 related costs was accepted. (11-0.)

3.5 20-1237 Actions Related to the Agreements for Food Distribution and Related Services for COVID-19 Pandemic.

(a) Adopt a resolution authorizing the City Manager to: (1) Negotiate and execute an Agreement to Provide Meals for a Limited Duration between the City of San José and Catholic Charities of Santa Clara County (San José, CA) to provide groceries to temporarily sheltered, unsheltered, isolated, medically vulnerable, and low-income individuals and families experiencing food insecurity due to the impacts of the COVID-19 pandemic to extend the term by adding up to four options through December 30, 2020, with no change to the maximum aggregate compensation amount of \$914,550 for service in San José; (2) Negotiate and execute Third Amendments to the two Agreements to Provide Meals for Limited Duration between the City of San José and Hunger at Home (San José, CA) to provide meals to temporarily sheltered, unsheltered, isolated, medically vulnerable, and low-income individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic to add five options to extend the term of both agreements to December 30, 2020, with an increase to the maximum aggregate compensation amount to \$1,752,795 with \$931,775 for service in San José and \$821,020 for service inside Santa Clara County and outside of San José; (3) Negotiate and execute Third Amendments to the two Agreements to Provide Meals for a Limited Duration between the City of San José and Team San José (San José, CA) to provide meals to unhoused individuals to add six options to extend the term to December 30, 2020, with an increase to the maximum aggregate compensation amount to \$3,338,469 with \$2,545,133 for service in San José and \$793,336 for service in Santa Clara County and outside of San José; (4) Negotiate and execute a Third Amendment to the Agreement to Provide Meals for Limited Duration between the City of San José and The Health Trust (San José, CA) to prepare and deliver frozen meals to higher risk-eligible individuals aged 60+ and to unhoused individuals to add up to six options to extend the term through December 30, 2020, with an increase to the maximum compensation amount to \$1,295,350 for service in San José; and (5) Negotiate and execute a Second Amendment to the two Agreements to Provide Meals for Limited Duration between the

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3.5 (Cont'd.)

City of San José and World Central Kitchen (Washington, DC) to add up to six options through January 9, 2021, based on the same terms and conditions, with no change to the maximum compensation amounts of \$2,316,600 for services inside San José and \$1,247,400 for service in Santa Clara County and outside of San José. (b) Adopt the following Funding Sources Resolution and Appropriation Ordinance amendments in the Emergency Reserve Fund: (1) Increase the estimate for Revenue from the Federal Government in the amount of \$1,750,000; and (2) Increase the appropriation to the City Manager's Office for COVID-19 Emergency Response in the amount of 1,750,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

This Item was bifurcated to hear (a)(4) separately, due to Councilmember Raul Peralez recusing himself from the Health Trust Agreement issue.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sylvia Arenas and carried unanimously, with the exclusion of Item (a)(4), (a) **Resolution No. 79743**, (b) Funding Sources **Resolution No. 79744**, and Appropriation **Ordinance No. 30495** were adopted. (11-0.)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Sylvia Arenas and carried unanimously, Item (a)(4) regarding the Health Trust Agreement was adopted. (10-0-0-1. Abstain: Peralez.)

3.6 20-1238 Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2019.

Accept the following reports: (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2019. (b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2019. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Retirement Services)

DEFERRED TO 10/27/20 PER ADMINISTRATION

3.7 20-1239 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

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3.7 (Cont'd.)

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 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)]

DEFERRED PER RULES AND OPEN GOVERNMENT COMMITTEE

of Trash, Debris, and Bio-Waste at Homeless Encampment Sites.

Adopt a resolution authorizing the City Manager to: (a) Execute purchase orders with NRC Environmental Services, Inc. (Alameda, CA), HCI Environmental and Engineering (Riverside, CA), and Tucker Construction, Inc. (San José, CA) for removal and disposal of trash, debris, and bio-waste at homeless encampment sites to mitigate the spread of COVID-19 within the encampments for an initial 11-week term retroactive to October 11, 2020 and ending on or about December 30, 2020, for a total cumulative compensation not-to-exceed amount of \$3,000,000; and (b) Execute purchase orders for up to six, six-month options to extend the service with one or more of the vendors for removal and disposal of trash, debris and bio-waste at homeless encampment sites to address any ongoing public health and safety issues beginning December 31, 2020, 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/City Manager) [Rules Committee referral 10/7/2020 - Item A.1.a]

Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79745** regarding the Removal and Disposal at Homeless Encampment Sites was adopted. (11-0.)

3.9 20-1252 Cut the Commute Pledge.

As recommended by the Rules and Open Government on October 7, 2020: (a) City of San José as an organization shall pledge to join Bay Area Quality Management District's "Cut the Commute" Campaign as a continued effort to reduce traffic congestion, help maintain our air quality progress, reduce employer and employee costs, and reduce climate impacts. (b) In support of Cut the Commute, direct the City Manager and Administration to sign the pledge. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Jones and Arenas) [Rules Committee referral, in part, 10/7/2020- Item G.2]

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Maya Esparza and carried unanimously, the Cut the Commute Pledge was accepted.

Including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones, and Councilmember Sylvia Arenas dated October 16, 2020. The memorandum recommended the following: 1. Direct City Administration to sign and implement the Cut the Commute Pledge in accordance with current policies and technical support resources. 2. Direct the City Manager to bring the additional items outlined below forward during, council policy priority-setting, budget

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3.9 (Cont'd.)

process, meet-and-confer, or other appropriate future discussions on prioritizing City workload and resources: a. Encourage a remote work policy of at least 25% in accordance with the City's Administrative Policy 4.2.14 on Flexible Workplace. For those employees that don't have that flexibility, the organization will encourage the use of public transit and alternatives to driving alone through its existing resources and programs. b. Consider and evaluate Recommendations number 2 through 5 of the October 7, 2020 Rules Memo via its existing workplans to realize the City's adopted Climate Smart and General Plan goals. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-1240 Report on Bids and Award of Construction Contract for 7448 - Filter Rehabilitation Project at the San José-Santa Clara Regional Wastewater Facility.

Report on bids and award a construction contract for the 7448 - Filter Rehabilitation Project to the low bidder, Walsh Construction Company, LLC, for base bid and Add Alternate No. 3, in the amount of \$33,290,577, and approve a 20 percent construction contingency in the amount of \$6,658,000. CEQA: Categorically Exempt, File No. PP17-049, CEQA Guidelines Section 15301(b), Existing Facilities. (Environmental Services/Public Works)

ESD Deputy Director, Mariana Chavez-Vazquez; Consultant, Simon Alder; and ESD Assistant Director, Napp Fukuda offered the presentation and responded to questions.

Public Comment: A speaker spoke to waste management, recycling, composting, and sustainable living.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez and carried unanimously, the report on Bids and Award of Construction Contract was accepted. (11-0.)

7. NEIGHBORHOOD SERVICES

7.1 20-1241 Age-Friendly City Initiative Update and San José Age-Friendly 3-Year Action Plan.

As recommended by the Neighborhood Services and Education Committee on October 8, 2020: (a) Accept the Age-Friendly City Initiative Update. (b) Adopt a resolution approving the San José Age-Friendly 3-Year Action Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services) [Neighborhood Services and Education Committee referral - 10/8/2020 Item d (2)]

Interim Deputy Director, Andrea Flores Shelton and Encore Fellow and Age-Friendly Project Manager, Susan Nash offered the presentation and responded to questions.

Public Comment: (1) Blair Beekman spoke to his experiences being 50 years old. (2) A speaker spoke on her dream to steer away from capitalism that was prevalent in the 1970's.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 79746** regarding the Age-Friendly City Initiative and 3-Year Action Plan was adopted.

The Mayor's direction for staff to include the subject of digital inclusion and access as a part of the Age-Friendly City Initiative was accepted. (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1242 Ratification of Application and Authorization for Project Homekey Funds for Acquisition of the Best Western San José Airport Hotel Located at 1488 North First Street for Supportive Housing.

(a) Adopt a resolution: (1) Ratifying the submission and execution by the City Manager of an application for Project HomeKey funds to the California Department of Housing and Community Development (HCD) in order to address housing needs of individuals and families experiencing homelessness or at risk of experiencing homelessness and who are impacted by the COVID-19 pandemic; (2) Authorizing the City Manager to negotiate and execute an HCD Standard Agreement and all other necessary related documents to accept \$10,868,000 in acquisition funding and up to \$1,362,477 in operating subsidy totaling \$12,230,477 from HCD in Project HomeKey funds; (3) Authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement with San José Hospitality, Inc., for the purchase by the City of San José

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8.1 (Cont'd.)

Housing Department of the Sure Stay Best Western San José Airport Hotel located at 1488 North 1st Street for a price of \$14,136,000; and (4) Authorizing the Director of Housing to negotiate and execute a Property Management Agreement with San José Hospitality, Inc., for the purposes of providing property management services to the Best Western San José Airport Hotel upon acquisition for the duration of 120 days in the amount of \$400,000. (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund: (1) Establish an estimate for Revenue from State of California in the amount of \$12,230,477; (2) Decrease the Ending Fund Balance by \$400,000; and (3) Establish a Project Home Key appropriation to the Housing Department in the amount of \$12,630,477. CEQA: Not a discretionary project subject to CEQA pursuant to Health & Safety Code section 50675.1.1(g); Exempt per Public Resources Code 21080(b)(1) and CEQA Guidelines Section 15369 Ministerial Project pursuant to Government Code Section 65913.4. Council District 3. (Housing/City Manager)

Deputy Director, Housing Department, Rachel VanderVeen and Real Estate Manager, Office of Economic Development, Kevin Ice offered the presentation and responded to questions.

Public Comments: (1) A speaker addressed housing and homeless issues in the community. (2) Roland spoke to his concerns of hotels being used for homeless shelters. (3) A speaker thanked the staff and council for all their efforts.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, (a) **Resolution No. 79747**, (b) Appropriation **Ordinance No. 30496** and (b) Funding Sources **Resolution No. 79748** were adopted.

Including the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez dated October 16, 2020. The memorandum recommended the following: to provide a high-level outreach plan that includes an overview of the continuation of services at the hotel and a community contact for the surrounding neighborhoods. (11-0.)

8.2 **20-1306** **Actions Related to the Temporary Emergency Shelter Operations for COVID-19 Emergency Response.**

Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Third Amendment to the Overnight Warming Location grant agreement with HomeFirst Services of Santa Clara County to increase hours and the maximum amount of compensation by \$4,715,945 for a total of \$9,050,985 to continue operating COVID-19 emergency shelters at the following City facilities, retroactive to July 1, 2020 through December 30, 2020: (a) Parkside Hall, 180 Park Avenue; (b) South Hall, 435 S Market Street; (c) Bascom Community Center and Library, 1000 S.

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8.2 (Cont'd.)

Bascom Avenue; and (d) Camden Community Center, 3369 Union Avenue. CEQA: Statutorily Exempt, File No. ER20-081 CEQA Guidelines Section 15269, Emergency Projects, Section (c) Specific actions necessary to prevent or mitigate an emergency. Council Districts 3, 6, and 9. (Housing) [Rules Committee referral 10/14/2020 - Item A.1.a]

Public Comments: Tessa Woodmansee spoke to the ideas of temporary housing for the City and its homeless residents to become more resilient.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79749** regarding the Temporary Emergency Shelter Operations for COVID-19 Emergency Response was adopted. (11-0.)

8.3 20-1307 **Ratify Grant Agreements with PATH and HomeFirst Services of Santa Clara County to Operate Three Emergency Interim Housing Locations to Provide Emergency Non-Congregate Shelter for COVID-19 Vulnerable Individuals.**

Adopt a resolution ratifying the following grant agreements to operate three emergency interim housing locations providing emergency non-congregate shelter for COVID-19 vulnerable individuals: (a) A grant agreement with PATH in the amount of \$2,678,044 dated October 9, 2020 to operate the Evans Lane emergency interim housing for an initial term beginning June 15, 2020 through June 30, 2021, with an option to extend the agreement for an additional year beyond the initial term; and (b) A grant agreement with HomeFirst Services of Santa Clara County in the amount of \$6,104,501 dated October 9, 2020 to operate two emergency interim housing sites located at Monterey and Bernal and Rue Ferrari for an initial term beginning June 15, 2020 through June 30, 2021, with an option to extend the agreement for an additional year beyond the initial term. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing) [Rules Committee referral 10/14/2020 - Item A.1.a]

Public Comments: (1) Tessa Woodmansee stated the community needs to help educate each other on how to live together cohesively with the planet's health in mind. (2) Blair Beekman spoke on housing issues and concerns in San José.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79750** to ratify Grant Agreements with PATH and HomeFirst Services was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Used on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

10.2 20-1243 C19-013, CP19-013 and T20-015 - Conforming Rezoning, Conditional Use Permit, and Tentative Map for Certain Real Property Located at 550-570 Meridian Avenue, 1401 Parkmoor Avenue, and 529, 591, and 691 Race Street.

(a) Adopt a resolution certifying the Avenues: The World School Project Environmental Impact Report (SCH#201907027) and making certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended. (b) Approve an ordinance rezoning certain real property located on the northwest corner of Race Street and Parkmoor Avenue from the IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District on an approximately 11.87-gross acre site. (c) Adopt a resolution approving, subject to conditions, a Tentative Map to merge eight lots into one lot. (d) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow to allow the demolition of existing buildings totaling 210,426 square feet and the phased construction and operation of a private school (toddler through 12th grade, ages 2 to 18) totaling approximately 458,155 square feet above grade (inclusive of the adaptive reuse of two commercial buildings and one four-level parking structure) for up to 2,744 students and 480 faculty and staff at final build-out, and the removal of 122 on-site trees, nine of which are ordinance-size trees and associated modifications on the existing surface parking and landscaping on an approximately 11.87-gross acre site. CEQA: Avenues: The World Schools Project Environmental Impact Report. Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

Director of Director, Planning, Building and Code Enforcement, Rosalynn Hughey offered the presentation and responded to questions.

Public Comments: (1) James spoke to his support of the project. (2) Martin Chillatorav spoke to his struggles of owning a business during these trying times.

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10.2 (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Maya Esparza and carried unanimously, (a) **Resolution No. 79751** certifying the Avenues of The World School Project and Environmental Impact Report, (c) **Resolution No. 79752** regarding the Tentative Map to merge eight lots into one lot, and (d) **Resolution No. 79753** regarding the Conditional Use Permit to allow demolition of existing buildings were adopted; and (b) **Ordinance No. 30497** regarding the rezoning on certain real property was passed for publication.

Including the acceptance of the following revised language as read into the record by Rosalynn Hughey, Director, Planning, Building and Code Enforcement. The 47.a.ii. Race Street and Parkmoor Avenue. Subject to a future City Council approved agreement... than the budgeted Eight Million Nine Hundred Thousand Dollars (\$8,900,000), any remaining funds will be used towards the Meridian Avenue and Parkmoor Avenue improvements identified under Phase 2 below. Coordination and permits from VTA and California Public Utilities Commission (CPUC) are required and the City will take the lead on coordination, reviewing and expediting the proposed improvements with VTA and CPUC with permittee's support. *Pursuant to the project scope of work and anticipated cost sharing articulated above, the permittee shall work with City of San José Public Works staff to implement the safety measures that both the Federal Railroad Administration (FRA) and the California Public Utilities Commission (CPUC) identified as necessitated by the Project and in response to the City's application for a quiet zone, as described in this Condition 47.* (10-0-1. Absent: Arenas)

10.3 [20-1244](#) CP18-011 Appeal - Administrative Hearing on the Appeal of the

Planning Commission's Approval of Conditional Use Permit No. CP18-011 for the 6211 Santa Teresa Boulevard Fuel Station Project.

(a) Conduct an Administrative Hearing on the appeal of the Planning Commission's approval of Conditional Use Permit No. CP18-011 for the 6211 Santa Teresa Boulevard Fuel Station Project which permits the demolition of an existing approximately 2,100 square foot pump canopy and associated fueling station equipment, the removal of 11 ordinance-sized trees and 3 non-ordinance-sized trees, and the construction of a new approximately 1,800-square foot fueling canopy and an 817-square foot addition to the existing 2,239-square foot building for a total of approximately 3,056 square feet for a retail store with 24-hour use, fueling station, a patio with a seating area, site improvements and discontinuation of the non-conforming auto repair use on an approximately 0.47-gross acre site located at 6211 Santa Teresa Boulevard. (b) Adopt a resolution adopting the 6211 Santa Teresa Boulevard Fuel Station Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared and circulated for public review, in accordance with the California Environmental Quality Act, as amended. (c) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Conditional Use Permit to allow the

(Item Continued on the Next Page)

10.3 (Cont'd.)

demolition of an existing approximately 2,100 square foot pump canopy and associated fueling station equipment, the removal of 11 ordinance-sized trees and 3 non-ordinance-sized trees, and the construction of a new approximately 1,800-square foot fueling canopy and an 817-square foot addition to the existing 2,239-square foot building for a total of approximately 3,056 square feet for a retail store with 24-hour use, fueling station, a patio with a seating area, site improvements and discontinuation of the non-conforming auto repair use on an approximately 0.47-gross acre site. CEQA: 6211 Santa Teresa Boulevard Fuel Station Project Mitigated Negative Declaration. Council District 2. (Planning, Building and Code Enforcement)

Mayor Sam Liccardo opened the public hearing.

Public Comments: (1) Tessa Woodmansee stated she would like to see the Santa Teresa Blvd. and Blossom Hill Rd. areas be walkable and bikeable. (2) A speaker spoke against the ideas of 7/11 convenient stores selling alcohol 24/7 due to the customers it would bring throughout the night and neighborhood.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, (b) **Resolution No. 79754** regarding Mitigated Negative Declaration, and (c) **Resolution No. 79755** denying the permit appeal and approving the Conditional Use Permit were adopted. (11-0.)

● Open Forum

1. Tessa Woodmansee discussed the importance of taking care of the earth.
2. Blair Beekman spoke to state level funding issues and nuclear power.
3. A speaker thanked the Committee for all the information shared at the meeting.

● Adjournment

The Council of the City of San José adjourned at 11:36 p.m.



CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, OCTOBER 20, 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 - Arenas, Carrasco, Davis, Diep, Esparza, Foley
Jimenez, Khamis, Peralez, Jones, Liccardo.

Absent: Councilmembers - All Present.

CLOSED SESSION:

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

A.CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6: Nature of all negotiations: wages/salaries, hours, working conditions, etc. for the following Organizations or Name and Title of Unrepresented Employees: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) (2) Association of Engineers & Architects (AEA) (3) City of San José Association of Maintenance Supervisory Personnel (AMSP) (4) City of San José and City Association of Management Personnel Agreement (CAMP) (5) City of San José and International Association of Firefighters (IAFF), Local 230 (IAFF #230) (6) City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW) (7) City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF) (8) City of San José and International Union of Operating Engineers, Local No. 3 (OE#3) (9) City of San José and Peace Officer Park Ranger Association (POPRA) (10) City of San José and San José Polices' Association (SJPOA) (11) City of San José and Association of Legal Professionals of San José (ALP)

By unanimous consent, Council recessed from the Closed Session at 9:58 a.m.; to reconvene in Regular Open Session at 1:31 p.m. virtually from remote locations, and Mayor Sam Liccardo called the meeting to order.