



City Council Meeting MINUTES

Tuesday, November 30, 2021

11:00 AM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/93052835954>**

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



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Numbers 79485, 80237, 80266 and 80290, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session Canceled.

11:00 a.m. Present: Councilmembers - Carrasco (12:04), Arenas, Davis (via Zoom), Mahan, Jimenez (via Zoom), Jones, Cohen, Esparza (11:30), Peralez (via Zoom), Foley; Liccardo.

Absent: Councilmembers - All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 10)**

Pastor Jordan Wong, Senior Pastor at Almaden Neighborhood Church provided the Invocation.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Pam Foley presented a Commendation recognizing Family Court Awareness Month. (Foley)
- 1.2 Councilmember Sylvia Arenas presented a Proclamation recognizing International Day for the Elimination of Violence Against Women and Human Rights Day. (Arenas)
- 1.3 Councilmember Raul Peralez presented a Proclamation recognizing December 1st as World AIDS Day in the City of San José. (Peralez)

2. CONSENT CALENDAR

Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated.

Public Comments: Paul Soto offered comments.

(9-0-2. Absent: Carrasco, Esparza.)

2.1 Approval of City Council Minutes.

None provided.

2.2 21-2495 Final Adoption of Ordinances.

(a) Ordinance No. 30686 - An Ordinance of the City of San José Amending Section 27.30.080 of Chapter 27.30 of Title 27 of the San José Municipal Code to Remove the Requirement that the City Council Must Approve Any Change Order that Results in Extending the Completion Date of a Project by More than 180 Days beyond the Original Completion Date.

[Passed for Publication on 11/16/2021 - Item 2.16 (21-2384)]

(b) Ordinance No. 30687 - An Ordinance of the City of San José Amending Chapter 12.06 of Title 12 of the San José Municipal Code to (A) Align the City's Disclaimer Requirements for Campaign Advertisements with State Law but with Stricter Requirements for the Disclosures of "Top Contributors"; (B) Require Campaign Committees Making Independent Expenditures to File Campaign Advertisements with the City Clerk; and (C) Make Other Technical Changes, Including Aligning the Definition and Use of Surplus Funds in the Municipal Code with the Meaning under State Law.

[Passed for Publication on 11/16/2021 - Item 3.5 (21-2420)]

(c) Ordinance No. 30688 - An Ordinance of the City of San José Rezoning 63 Certain Real Properties from the R-1-5 Single Family Residence Zoning District to the A Agriculture Zoning District; 33 Certain Real Properties from the R-1-1 Single Family Residence Zoning District to the A Agriculture Zoning District; 60 Certain Real Properties from the R-1-5 Single Family Residence Zoning District to the A Agriculture Zoning District; 11 Certain Real Properties from the R-MH Mobilehome Park Zoning District to the A Agriculture Zoning District; Two Certain Real Properties from the Hi Heavy Industrial Zoning District to the A Agriculture Zoning District; Two Certain Real Properties from the A Agriculture Zoning District to the OS Open Space Zoning District; 22 Certain Real Properties from the A(PD) Planned Development Zoning District to the OS Open Space Zoning District; One Certain Real Property from the A(PD) Planned Development

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2.2 (Cont'd.)

Zoning District to the PQP Public/Quasi-Public Zoning District; One Certain Real Property from the R-1-5 Single Family Residence to the PQP Public/Quasi Public Zoning District; One Certain Real Property from the R-1-5 Single Family Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District; One Certain Real Property from the CP Commercial Pedestrian Zoning District to the A Agriculture Zoning District; Four Certain Real Properties from the A Agriculture Zoning District to IP Industrial Park Zoning District; and One Certain Real Property from the A(PD) Planned Development Zoning District to the A Agriculture Zoning District, All Located within the North, Mid- and South Coyote Valley in the City of San José.
[Passed for Publication on 11/16/2021 - Item 10.3(c) (21-2387)]
(d) Ordinance No. 30689 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 214.5 Gross Acres Situated on the East Side of Monterey Road between Metcalf Road and 1,400 Feet South of Palm Avenue from the A Agriculture Zoning District to the A(PD) Planned Development Zoning District.
[Passed for Publication on 11/16/2021 - Item 10.3(d) (21-2387)]
(e) Ordinance No. 30690 - An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (Zoning Ordinance) to Revise Table 20-40 in Section 20.20.200 OS Open Space and A Agricultural District Development Standards to be Consistent with the General Plan Coyote Valley Agriculture Overlay.
[Passed for Publication on 11/16/2021 - Item 10.3(e) (21-2387)]

Action: (a) Ordinance No. 30687; (b) Ordinance No. 30687; (c) Ordinance No. 30688; (d) Ordinance No. 30689; and Ordinance No. 30690 were adopted. (9-0-2. Absent: Carrasco, Esparza.)

2.3 Approval of Council Committee Minutes.

- (a) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of September 16, 2021.
- (b) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of October 21, 2021.
- (c) Regular Transportation and Environment Committee Meeting Minutes of October 4, 2021.
- (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of October 6, 2021.
- (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 3, 2021.
- (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of November 10, 2021.

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2.3 (Cont'd.)

(g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of October 7, 2021.

(h) Regular Smart Cities and Service Improvements Committee Meeting Minutes of November 4, 2021.

(i) Regular Neighborhood Services and Education Committee Meeting Minutes of October 14, 2021.

(j) Regular Community and Economic Development Committee Meeting Minutes of October 25, 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: Council Committee Minutes were approved. (9-0-2. Absent: Carrasco, Esparza.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

21-2494 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Esparza from the Regular Meeting for the City Council on November 16, 2021 due to illness. (Esparza)

Action: The request for an excused absence was accepted. (9-0-2. Absent: Carrasco, Esparza.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 21-2473 Application for California State Park's Outdoor Equity Grants Program for Independence High School and Community Watershed Education.

Adopt a resolution:

(a) Approving the Environmental Services Department's application to the California Department of Parks and Recreation's Outdoor Equity Grants Program for Independence High School and the surrounding community to provide opportunities for members of the community and students to learn about and explore their local waterways, build a relationship with nature, foster a sense of environmental stewardship, and provide career development skills for the students; and

(b) Authorizing the City Manager to negotiate and execute documents necessary to accept the grant, if awarded.

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2.7 (Cont'd.)

CEQA: Not a Project, File No. PP17-007, Grant Application with no commitment or obligation to enter to an agreement at the time of application. Council Districts 3, 4 and 5. (Environmental Services)

Action: **Resolution No. 80302** regarding the application for California State Park's Outdoor Equity Grants Program was adopted. (9-0-2. Absent: Carrasco, Esparza.)

2.8 21-2474 **Amendment to Memorandum of Understanding Between City of San José and Natural Resources Defense Council, Inc.**

Approve the Second Amendment to the American Cities Climate Challenge Memorandum of Understanding extending the term until June 30, 2022.

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

Action: The Second Amendment to the American Cities Climate Challenge Memorandum of Understanding was approved. (9-0-2. Absent: Carrasco, Esparza.)

2.9 21-2475 **Emergency Drought Declaration.**

Adopt a resolution, to be in effect through October 31, 2022, unless amended or revoked by Council, declaring a water shortage of 15 percent citywide and limiting use of potable water for landscape and turf irrigation to two scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants/trees grown for consumption, nursery/garden center plants for sale, and environmental mitigation projects.

CEQA: Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Action: **Resolution No. 80303** regarding an Emergency Drought Declaration was adopted. (9-0-2. Absent: Carrasco, Esparza.)

2.10 21-2476 **Report on Request for Proposal and Actions Related to Regulatory/Program Specific Safety Training.**

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with National Association of Training and Environmental Consulting and Safety Compliance Management to provide regulatory/program specific safety training with an initial term beginning January 1, 2022 through December 30, 2024, with two

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2.10 (Cont'd.)

options to extend annually through December 30, 2026 for total compensation for each contract not to exceed \$225,000 for the initial three-year term and a total amount not to exceed \$75,000 for Option 1, and \$75,000 for Option 2 for a maximum total amount of compensation not to exceed \$375,000 per agreement (\$750,000 total for both agreements), subject to annual appropriation of funds.

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

Action: **Resolution No. 80304** regarding execution of an agreement with National Association of Training and Environmental Consulting and Safety Compliance Management to provide regulatory/program specific safety training was adopted. (9-0-2. Absent: Carrasco, Esparza.)

2.11 21-2477 **Actions Related to the Proposed 2021-2023 Spending Plan for the Supplemental Law Enforcement Services Grant and the Revised 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.**

(a) Approve the proposed 2021-2023 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,577,585 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the memorandum to Council and in the event State Supplemental Law Enforcement Services Grant payments are less or more than expected.

(b) Approve the revised 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Grant in the amount of \$2,570,553.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Establish an estimate for Revenue from State of California in the amount of \$1,726,756;

(2) Increase the appropriation to the Police Department for the SLES Grant 2020-2022 by \$976,756; and

(3) Establish the SLES Grant 2021-2023 appropriation to the Police Department in the amount of \$750,000.

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. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

Action: Actions Related to the Proposed 2021-2023 Spending Plan for the Supplemental Law Enforcement Services Grant and the Revised 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Fund Grant were approved; and (c) Appropriation **Ordinance No. 30691** and Funding Sources **Resolution No. 80305** were adopted. (9-0-2. Absent: Carrasco, Esparza.)

2.12 21-2478 Actions Related to the Funding Agreement Between the Santa Clara Valley Water District and City of San José for the Coyote Creek Trail Patrol Program.

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute an agreement for the Coyote Creek Trail Patrol Program with the Santa Clara Valley Water District in the amount of \$400,000 for the initial term (January 1, 2022 to December 31, 2022); and
 - (2) Exercise up to 4 one-year extensions for a total not-to-exceed amount of \$2,000,000, subject to the appropriation of funds.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the estimate for Revenue from Local Agencies by \$400,000; and
 - (2) Increase the Coyote Creek Trail Patrol City-Wide Expenses appropriation to the Police Department by \$400,000.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Police/City Manager)

Action: (a) **Resolution No. 80306** related to the Funding Agreement Between the Santa Clara Valley Water District and City of San José for the Coyote Creek Trail Patrol Program; and Appropriation **Ordinance No. 30692** and Funding Sources **Resolution No. 80307** were adopted. (9-0-2. Absent: Carrasco, Esparza.)

2.13 21-2479 Actions Related to the Construction Contract for 9700 - Police E-Lot Fencing Project Re-Bid at the Southwest Corner of West Mission Street and North San Pedro Street for the Police Department.

- (a) Retroactively approve the Director of Public Works establishing a 15 percent construction contingency in the amount of \$34,953 for the 9700 - Police E-Lot Fencing Re-bid Project; and
- (b) Approve a \$55,260 increase to the contract contingency for a revised contingency amount of \$90,213, to pay for additional work completed by the Contractor for a total revised contract amount of \$323,232.
- CEQA: Exempt, File No. PP19-014, CEQA Guidelines 15301, Existing Facilities. Council District 3. (Public Works)
[Deferred from 11/9/2021 - Item 2.7 (21-2342); and 11/16/2021 - Item 2.17 (21-2407)]

Action: Actions Related to the Construction Contract for 9700 - Police E-Lot Fencing Project Re-Bid at the Southwest Corner of West Mission Street and North San Pedro Street with related contingencies were approved. (9-0-2. Absent: Carrasco, Esparza.)

2.14 21-2480 Amendment to the Master Agreements with GHD, Inc. and RRM Design Group for Trail Engineering Services.

(a) Approve the Second Amendment to the Master Agreement for consultant services with GHD, Inc. (CPMS Contract No. 9011), extending the term of the agreement from December 30, 2021 to December 31, 2024 to complete various ongoing trail projects, at no additional cost to the City.

(b) Approve the Second Amendment to the Master Agreement for consultant services with RRM Design Group (CPMS Contract No. 9011), extending the term of the agreement from December 30, 2021 to December 30, 2022 to complete various ongoing trail projects, at no additional cost to the City.

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

Action: Amendments to Master Agreements with GHD, Inc. and RRM Design Group for Trail Engineering Services were approved. (9-0-2. Absent: Carrasco, Esparza.)

2.15 21-2481 Amendment to the Master Agreement with Salas O'Brien Engineers Inc. for Mechanical, Electrical and Plumbing Services for Various City Facility Projects.

Approve the First Amendment to the Master Agreement with Salas O'Brien Engineers Inc. for Mechanical, Electrical and Plumbing Services to extend the term of the Agreement from December 31, 2021 to December 31, 2023, for the sole purpose of allowing the Consultant to continue providing design consulting and construction support services through completion of City Hall Audio Visual System Upgrade, Measure T - Community Centers Improvement, Second St. Block 6 Garage Elevator, 45 North Market St. Garage Elevator and The Tech Interactive Fire Alarm Projects.

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

Action: An amendment to a Master Agreement with Salas O'Brien Engineers Inc. for Mechanical, Electrical and Plumbing Services for Various City Facility Projects was approved. (9-0-2. Absent: Carrasco, Esparza.)

2.16 21-2493 Retroactive Request for Travel for Mayor Liccardo.

Retroactively authorize travel for Mayor Liccardo to attend the signing ceremony of the Bipartisan Infrastructure Investment and Jobs Act in Washington, D.C. from November 14 - 16, 2021 and to advocate with legislators and staff for transit appropriations. Source of Funds: Mayor's Office Budget.

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

Action: Authorization of travel for Mayor Liccardo to Washington, D.C. from November 14 - 16, 2021 was retroactively approved. (9-0-2. Absent: Carrasco, Esparza.)

2.17 21-2451 Approval of District 3 Night at Christmas in the Park 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 10, 2021:

(a) Approve the District 3 Night at Christmas in the Park scheduled on December 1, 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. (Peralez)

[Rules Committee referral 11/10/2021 - Item G.1.b]

Action: The City Sponsored Special Event was approved. (9-0-2. Absent: Carrasco, Esparza.)

2.18 21-2458 Approval of Free Christmas 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 10, 2021:

(a) Approve the Free Christmas Tree Giveaway scheduled on December 4, 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. (Peralez)

[Rules Committee referral 11/10/2021 - Item G.1.c]

Action: The City Sponsored Special Event was approved. (9-0-2. Absent: Carrasco, Esparza.)

2.19 21-2465 Retroactive Approval of Apology Ceremony to the Chinese American Community 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 10, 2021:

- (a) Retroactively approve the Apology Ceremony to the Chinese American Community scheduled on September 29, 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. (Peralez)
[Rules Committee referral 11/10/2021 - Item G.1.d]

Action: The City Sponsored Special Event was retroactively approved.
(9-0-2. Absent: Carrasco, Esparza.)

2.20 21-2472 Retroactive Approval of Multiple Special Events Sponsored by Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on November 10, 2021:

- (a) Retroactively approve the Dumpster Day held on North 28th Street and East Saint James Street scheduled on August 21, 2021;
- (b) Retroactively approve the Dumpster Day held on Martha Street and South 8th Street scheduled on September 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Retroactively approve the Dumpster Day held on Sonora Avenue scheduled on October 9, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Retroactively approve the Dumpster Day held on North 2nd Street and East Mission Street scheduled on October 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (e) 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 11/10/2021 - Item G.1.e]

Action: The City Sponsored Special Events were retroactively approved.
(9-0-2. Absent: Carrasco, Esparza.)

2.21 21-2498 Retroactive Approval of Shred-A-Thon and E-Waste Collection Day Sponsored by Council District 1 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 17, 2021:

- (a) Retroactively approve the Shred-A-Thon and E-Waste Collection Day scheduled on November 6, 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. (Jones)
[Rules Committee referral 11/17/2021 - Item G.1.a]

Action: The City Sponsored Special Event was retroactively approved.
(9-0-2. Absent: Carrasco, Esparza.)

2.22 21-2502 Approval of Santa Visits Alviso and District 4 Pajama Giveaway Sponsored by Council District 4 as a City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on November 17, 2021:

- (a) Approve the Santa Visits Alviso scheduled on December 11, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the District 4 Pajama Giveaway scheduled on December 15, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 11/17/2021 - Item G.1.b]

Action: The City Sponsored Special Event was approved.
(9-0-2. Absent: Carrasco, Esparza.)

3. STRATEGIC SUPPORT

3.1 City Manager's COVID-19 Update (Verbal Report).

Assistant City Manager, Lee Wilcox and staff provided a comprehensive report and responded to questions from Council.

Public Comments: Blair Beekman and Paul Soto provided comments.

Council adjourned for lunch at 12:43 and returned at 1:31 P.M. with all Councilmembers present

3.2 Labor Negotiations Update.

None provided.

- 3.3 21-2503 City of San José Council District Redistricting Public Hearing.**
Conduct a Public Hearing for City of San José Council District Redistricting.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Clerk)
Heard last and note before 6:00 P.M.

City Attorney, Nora Frimann explained that no decisions would be made today, this would only allow an opportunity for a public hearing. This matter will return to Council during a Closed Session Friday of this week. City Clerk Toni Taber explained why redistricting is required.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Seventy members of the public provided public comment, including Nathan Ulsh, Jefferson Liu, Victoria Partida; Betsy Hammer Carr; Rich Crowley, Ryan Jones; Mundo Escarcega; Isabel Olazcoaga; Ingrid Mult; Laura H., Carmen B; Cindy Vinson, Ben Vo and Ted Earle.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza and carried unanimously, Council determined to only hear public testimony this evening and reserve their discussion for a future meeting of the Council. (10-0-1. Absent: Jimenez.)

3.4 21-2482 Annual Intergovernmental Relations Report.

- (a) Accept the Annual Intergovernmental Relations Report; and
(b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)
Heard concurrently with Item 3.5.

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember David Cohen and carried unanimously, the Annual Intergovernmental Relations Report was accepted, with all City positions summarized in the Intergovernmental Relations Priority Legislation Log reaffirmed, including Mayor Liccardo's direction to staff to return with a project list in addition to the priority list in order to get clear funding strategies in place, and including Councilmember Esparza's direction for an equity lens assessment on how we move projects forward. (11-0.)

3.5 21-2483 2022 Legislative Program and the Top Legislative Priorities.

Adopt the 2022 Legislative Program and the top legislative priorities for 2022.

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

Heard concurrently with Item 3.4.

Assistant to the City Manager, Sarah Zaraté introduced the topic, and she and staff offered a presentation.

Public Comments: Blair Beekman, Ryan Skolnick (Nurses Association), Tessa Woodmansee, Paul Soto, Peggy Elwell, Assembly Member Ash Kalra, Jonathan Karpf, “brogreg” (California Nurses Association), Roland LeBrun, Carmen B., Krista De La Torre, Roma Dawson, Brenda Zendejas, Peter Ortiz, Vickie Mueller Olvera, Ruth Silver Taube and Joni offered comments.

Mayor Sam Liccardo asked that staff compile a project list with strategies, requesting that this be included on the motion.

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember David Cohen and carried unanimously, the 2022 Legislative Program and the top legislative priorities for 2022 were accepted, with staff compile a project list with strategies. (11-0.)

3.6 21-2485 COVID-19 Pandemic Response and Community and Economic Recovery Budget Adjustments.

(a) Accept the report on recommended adjustments to the City’s COVID-19 pandemic response and community and economic recovery budget.

(b) Approve the position additions for various City Departments in support of pandemic response and recovery efforts as described in Attachment B to the staff memorandum.

(c) Adopt 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the American Rescue Plan Fund, the Emergency Reserve Fund, and the General Fund as described in Attachment C to the staff memorandum.

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

[Deferred from 11/2/2021 - Item 3.3 (21-2297)]

Budget Director Jim Shannon provided a presentation.

Public Comments: Forty members of the public provided comment, including: Gabriel Hernandez, a representative from SCVN, Alan Gouig (Silicon Valley Non-profits), Peter Ortiz, R. Konda, Blair Beekman, Kathleen King, Kylie Clark (West Valley Community Services Support), Sameena Usman,

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3.6 (Cont'd.)

Public Comment (Cont'd.): Nora Morales, Chris Logan (Sacred Heart), Jon Pedigo, Laverne Foster, Cayce Hill (Veggielution), Tessa Woodmansee, Ashley Raggio, Leslie Bacho, Tracy Weatherby, Jeremy Barousse, Speaker '4217', Paul Soto, Victoria Partida, Carmen Bremmer, Roland LeBrun, Daniel Torres, Ruth Silver Taube, Sarah McDermott (Local 19), Felwina Opiso-Mondina, Louise Auerhahn, Arturo Munoz, Krista De La Torre, Nick Kuwada, (SVCN), Milan Balinton, Forest, Ari Luna, José L. Pavon, Kathy Tran, Patrica Mendoza, Wendi Mahaney-Gurawa and Steve Eckert.

Deputy City Manager, Angel Rios, Jr. responded to questions, and extensive Council discussion ensued.

Mayor Sam Liccardo recommended that Item 5a as outlined in Councilmember Sylvia Arenas' memorandum dated November 29, 2021 be dropped for discussion at a later date, including an amendment to Item #1 from her memo as noted below.

Motion: Councilmember Sylvia Arenas moved the three memoranda as indicated below in "Action" including changes to her memorandum as recommended by Mayor Sam Liccardo. Councilmember Maya Esparza seconded the motion.

Councilmember Peralez proposed a friendly amendment to include privacy data retention policies relating to public safety issue returning to PSFSS Committee along with the information that is being provided to Smart Cities Commission. The friendly amendment was accepted.

Action: On a call for the question, actions Related to the COVID-19 Pandemic Response and Community and Economic Recovery Budget Adjustments were approved; and (c) Appropriation **Ordinance No. 30693** and Funding Sources **Resolution No. 80308** were adopted.

Including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones and Councilmembers Carrasco and Mahan dated November 24, 2021 as modified, to:

Accept staff's recommendation for American Rescue Plan Act (ARPA) allocations, with the following modifications:

1. Allocate up to an additional \$1.6 million towards the SJ Bridge program to expand the transitional jobs program from 100 to 150 participants (\$950,000) and offer housing solutions to the additional 50 participants (\$650,000) through June 30, 2023; and
 - a. ~~Reduce the potential program cost by modifying the housing voucher, requiring SJ Bridge participants to pay some modest portion of their earnings for rent, thereby helping them to rebuild credit history and improve prospects securing rental housing post-program. For example, requiring 150 participants to pay \$250 per month for rent could save approximately \$450,000 annually.~~
 - b. Return to Council or the appropriate committee in January with the identification of the additional hotspots identified for cleaning in the City, along with outcomes to date, and proposed metrics for ongoing program evaluation. Hotspot identification should reflect equitable consideration of those neighborhoods that have tolerated the most burdensome blight and trash in recent months.
 - c. Execute the initial contracts awarded for the Request for Proposal (RFP) as directed in the June Budget message while working towards contract amendments for the expansion contemplated in #2 above.

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3.6 (Cont'd.)

2. Allocate additional funding for Food Distribution as follows:
 - a. Add \$1.8 million for the Food Distribution Resilience Corps workstream to support at the 75% level to enable Second Harvest to transition away from a labor-intensive “boxed meal” model from April to June.
 - b. Add \$2.025 million for the Food Services workstream to support the remaining providers at the 75% level from April to June with the conditions that:
 - i. As a condition of the extensions of the contracts, providers will have clear metrics for signing up clients for CalFresh and WIC between January and June 30th to enable a more sustainable approach to meeting food needs; and
 - ii. City staff and providers will consult with County with regard to a shared responsibility for food provision, given the County’s role as subdivision of the State of California.
3. Allocate \$250,000 for leases of license-plate reading cameras (LPR’s), data storage, and software to enable SJPd to better deter and make arrests in armed “smash-mob” burglaries and robberies, auto thefts, and drive-by shootings, with the following restrictions:
 - a. LPR’s may only be utilized for investigation of felonies – not for misdemeanors, such as vehicle code violations.
 - b. No data nor images gathered from LPR’s may be shared with federal immigration authorities, nor used in the investigation of any matter related to immigration status of a San José resident.
 - c. Staff shall return to Council or the appropriate Council committee in the first quarter of next year to review City policies regarding the collection, use, and retention of LPR data, and to consider changes where appropriate.

Also including Councilmember Sylvia Arenas’ memorandum dated 11/29/21, with Item 5a dropped for discussion at a later date, and amendment to Item #1 as noted:

1. Keep our funding commitment to San José children by adopting child care related ARPA funding proposals (*Up to 10.5 Million*) previously submitted in November 2nd memos by the Mayor, City Councilmembers and City Manager.
2. Direct the City Manager to continue to move forward the Child and Youth Master Plan work plan items and follow direction from the NSE Committee and the NSE/Committee of the Whole Joint Hearing regarding Child and Youth Strategy work plan priorities.
3. Direct the City Manager to allocate sufficient American Rescue Plan Act (ARPA) funds to expedite the development of a Promotora program now, with additional funding for the execution of the program to be allocated through the regular budget process.
4. Direct the City Manager to include homeless women and homeless women with children as priority categories for SJ Bridge Program participants and conduct outreach with agencies that serve these communities, such as: YWCA, Next Door, Somos Mayfair, Community Solutions.
5. Direct the City Manager return to Council with a comprehensive report regarding proposed changes to Measure E and the outcomes it would produce on all relevant city plans, as well as how it would change the demographics of those served by Measure E. Additionally:

(Item Continued on the Next Page)

3.6 (Cont'd.)

- ~~a. Direct the City Manager to ensure that at least 30% of any Measure E funds shifted serve families with children, or enough funding to provide interim housing to all homeless children currently eligible in the continuum of care system database.~~
 - b. Direct the City Manager to present a funding strategy for interim housing operations that preserves Measure E's ability to fund the construction of deed restricted affordable housing. The funding strategy should be approved by Council concurrently with any votes on reallocating Measure E.
 - c. Direct the City Manager to convene a joint meeting of the full City Council and the full Board of Supervisors on the subject of addressing homelessness in San José – with an agenda that includes child and youth homelessness, as well as county mental health support at interim housing sites.
6. Direct the City Manager to bring forward in the Mid-Year Budget technical corrections to the 2021/2022 budget of the Office of Equality Assurance to fund replacement software for processing verified payrolls – utilizing ARPA funds or General Funds, and refer future year funding needs to the budget process.

Also including Councilmember Peralez friendly amendment to include privacy data retention policies relating to public safety issue returning to PSFSS Committee along with the information that is being provided to Smart Cities Commission.

(11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

- 5.1 21-2487 **Direct Lease Concession Loan Policy for Concessionaires at Norman Y. Mineta San José International Airport.**
- (a) Adopt a resolution approving the Direct Lease Concession Loan Policy.
 - (b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the food and beverage concession agreement, to incorporate direct lease business loan terms into the agreement in accordance with the Direct Lease Concession Loan Policy, in an amount not to exceed \$3 million dollars per agreement with Elevate Gourmet Brands-SFO Group, and WSE Group, Inc.
 - (c) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Revenue Fund:
 - (1) Increase the Transfer to the Airport Maintenance and Operation Fund by \$6,000,000; and
 - (2) Decrease the Ending Fund Balance Airline Agreement Reserve by \$6,000,000.

(Item Continued on the Next Page)

5.1 (Cont'd.)

(d) Adopt the following 2021-2022 Appropriation Ordinance and Revenue Resolution Amendments in the Airport Maintenance and Operation Fund:

(1) Establish an appropriation to the Airport Department for the Tenant Business Loan Program in the amount of \$6,000,000; and

(2) Increase Transfers and Reimbursements from the Airport Revenue Fund by \$6,000,000.

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

[Deferred from 11/16/2021 - Item 5.1 (21-2385)]

Public Comments: Blair Beekman provided comments.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No. 80309** approving the Direct Lease Concession Loan Policy; (b) **Resolution No 80310** regarding an amendment to the food and beverage concession agreement, to incorporate direct lease business loan terms into the agreement in accordance with the Direct Lease Concession Loan Policy; and (c) Appropriation **Ordinance No. 30694**; and (d) Appropriation **Ordinance No 30695** and Revenue Amendment **Resolution No. 80311** were adopted. (11-0.)

5.2 21-2486 Amendment to the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards.

(a) Adopt a resolution approving the Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report (SCH# 2018102020), certified by the San José City Council on April 18, 2020, in accordance with the California Environmental Quality Act.

(b) Conduct a Public Hearing regarding the Project Plan for two Outdoor Advertising Digital Billboards under the Norman Y. Mineta San José International Airport City of San José Advertising Concession Agreement by and between the City of San José and Clear Channel Outdoors Inc. with estimated annual revenue to the Airport of \$490,000.

CEQA: US 101 Electronic Signs Addendum, File No. ER21-015.

(Airport)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Twenty-eight members of the public offered comments, including: Rosalie, Bruce Qualls (Clear Channel), Marni Kamzan, Paul D. Lynam (Lick Observatory), Giulianna Pendleton (Audubon Society), Tami S., Jason Hemp representing “No Digital Billboards”, Tessa Woodmansee, Shani Klinehaus (SCVAS), Dashiell Leeds, Todd, Tim Clauson, Anthony Leones, John Miller, Katja Irvin, Roland LeBrun, Blair Beekman, Caller “5140”, Caller 3207 speaking on behalf of Jessie Cascara, Robert Herrera, Paul Soto, Brian Darby, Alice, Les Levitt, Billy Andrew Macias, Tina Morrill and Julie Engelbrecht.

Mayor Sam Liccardo closed the public hearing.

5.2 (Cont'd.)

Motion: Councilmember Raul Peralez moved the memorandum dated November 24, 2021 that he coauthored with Vice Mayor Chappie Jones, Mayor Sam Liccardo and Councilmembers Foley and Cohen to accept staff's policy alternative recommendation #1 to not approve the EIR addendum and direct the City Manager to conduct a Request for Proposal (RFP) process for two proposed outdoor advertising digital billboards at Norman Y. Mineta San José International Airport (SJC). Vice Mayor Chappie Jones seconded the motion.

On a call for the question, the motion failed on a 5-5 vote. (Noes: Davis, Esparza, Foley, Mahan, Liccardo. Absent: Jimenez.)

Motion: Councilmember Pam Foley moved approval of the staff recommendations, including the removal of the eight billboards discussed and nighttime restrictions. Mayor Sam Liccardo seconded the motion.

Councilmembers Cohen and Esparza expressed concerns on environmental impact and other questions not adequately addressed.

On a call for the question, the motion failed. (Noes: Peralez, Cohen, Esparza, Arenas, Mahan, Jones. Absent: Jimenez.)

Motion: Councilmember David Cohen moved that this item be returned to the Airport Commission for more information. Councilmember Matt Mahan seconded the motion.

Action: Following extensive discussion and two failed motions, a call for the question was made, and the motion carried with Council determining that this item return to the Airport Commission for further review with the expectation that a more comprehensive report be provided and returned to Council for final determination. (9-1-1. Noes: Peralez. Absent: Jimenez.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-2490 Measure E Real Property Transfer Tax Refund Pilot Program for Qualifying Nonprofit Real Property Transfers.

Approve an ordinance adding a new Section 4.59.230 to Chapter 4.59 of Title 4 of the San José Municipal Code to provide a refund under certain circumstances to:

(a) Charitable organizations that:

(1) Provide direct services or make grants in the areas of education, health, housing, or human and services serving extremely low-income San José residents;

(2) Irrevocably use or endow the proceeds from the conveyance of real property subject to the real property transfer tax for a charitable community purpose; and

(3) Within three years of the property sale, fund direct services or make grants in the areas of equal education, health, housing, or human services serving extremely low-income San José residents in an amount to three times (300%) of the Measure E tax paid and refunded.

(b) Charitable organizations, or limited partnerships with a general partner charitable organization, who purchase a qualifying affordable housing site and satisfy certain other requirements.

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

Action: Item deferred to the December 9, 2021 Council Meeting.

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

(a) 21-2491 PP21-011 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code.

Approve an ordinance to:

(1) Amend Chapter 20.30, Section 20.30.100 to include minor text alteration to Table 20-50, and clarifying changes to Section 20.30.270, ‘Corner lot- Rear setback-Exception for attached garage’, Section 20.30.500, ‘Development standards’, and Section 20.30.530, ‘Height exceptions - Accessory Buildings’;

(2) Amend Chapter 20.40, Section 20.40.100 to rectify Table 20-90 to add prior approved text;

(Item Continued on the Next Page)

10.1(a) (Cont'd.)

(3) Amend Chapter 20.50, Section 20.50.100 to rectify Table 20-110 to add prior approved text;

(4) Amend Chapter 20.70, Section 20.70.100 to include minor correction to Table 20-140 to incorporate indoor theater use; and

(5) Amend Chapter 20.90, Section 20.90.220 to correct a reference to Table 20-190; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building, and Code Enforcement)
[Deferred from 10/26/2021 - Item 10.1(b) (21-2262)]

Heard in the afternoon

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Ordinance No. 30696** amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code was passed for publication. (10-0-1. Absent: Carrasco.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

CONTINUE GENERAL PLAN HEARING (2021 2ND CYCLE) FROM NOVEMBER 16, 2021

10.2 21-2492 GPT21-001/GPT21-005/GP21-013/GPT21-006/GPT21-007 - Changes to the Envision San José 2040 associated with the Envision San José 2040 General Plan Four-Year-Review and related to Urban Village Implementation and Policy Modifications (GPT21-005 & GP21-013), Residential Uses in Neighborhood Business Districts (GPT21-001), Vehicle Miles Traveled (VMT) Policies (GPT21-006), Evergreen East Hills Development Policy (GPT21-007), and Planned Growth Capacity Shifts and Shared Capacity (GPT21-005). - RECOMMEND DEFERRAL

Adopt a resolution approving the General Plan Text and Diagram Amendments associated with the Envision San José 2040 General Plan Four-Year Review.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR and Supplemental EIR to the Envision San José General Plan Final Program EIR and addenda thereto (City Council Resolution No. 80300). Planning Director recommends approval of staff recommendation. Planning Commission recommends approval of Planning staff recommendation with the changes recommended by the Four-Year Review Task Force in those instances where they differ from the Planning staff's recommendations. (9-1-1 : Oliverio opposed; Garcia absent). (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, item 10.2 was deferred to the December 9, 2021 Council Meeting.

CONTINUE GENERAL PLAN HEARING (2021 2ND CYCLE) TO DECEMBER 14, 2021

OPEN FORUM

1. Blair Beekman addressed the future of a subsidy process in San José and the need for equity.
2. Paul Soto spoke on censorship and manifest destiny.
3. Brian Darby spoke to the tragedy of school shootings.
4. Caller User #1: offered complaints regarding the police, fire, road diets and construction of urban villages.
5. José Villareal suggested moving the mayoral election to presidential election years and including this proposal as a standalone ballot measure.
6. Todd Williams offered support to the Community Map for redistricting to keep redistricting in the hands of the people.
7. Roland expressed criticism of incomplete reports being provided by commissions, citing an example of the Airport Commission report.
8. Andrew Macias offered agreement with moving the mayoral election to presidential years.
9. Gabby Mendoza Spoke on extra time given to speakers during public comment.
10. Sissi offered support of the 'Community Map' for redistricting.
11. Jill Borders expressed concerns of retirement funds being invested into equities.

ADJOURNMENT

The Council of the City of San José adjourned at 10:11 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Ruth Krantz

Ruth Krantz, CMC

Deputy City Clerk, City of San Jose

Approved at Council _____

Attest:

Toni J. Taber, CMC

City Clerk

rmk/11-30-2021 MIN