



City Council Meeting MINUTES

Tuesday, October 26, 2021

1:30 PM

**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



MINUTES OF THE CITY COUNCIL

September 21, 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.

21-2093 **CLOSED SESSION. See Page 17 for Closed Session Minutes.**

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-2093 Closed Session. Absent: Esparza.

1:30 p.m. Present: Councilmembers -Carrasco, Arenas (remotely), Davis (remotely), Mahan, Jimenez, Jones, Cohen (remotely), Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

6:00 p.m. - Evening Session – Cancelled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 9)**

Councilmember Pam Foley honored District 9 Star Recipients South Valley Fish Food Pantry; Vikki Bowes-Mok and H.B. Mok for their Art Box work and rocks to beautify San José; and Latha Santhosh, helping the Cambrian area Indian community for their involvement in celebrating this cultures' roots.

- **Orders of the Day**

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with a new item, 2.20, "Redistricting Commission Appointment" Added Under Orders of the Day, requiring a Determination by a Two-Thirds (2/3) Vote of the Members of the Council Present at the Meeting.

Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d); Council Agenda Items' Placement After Rules During Social Distancing Period Resolution No. 79485.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Magdalena Carrasco offered a presentation of a Proclamation declaring Filipino American History Month. (Carrasco)
- 1.2 Councilmember Maya Esparza offered a presentation of a Commendation to Steve O'Brien and Sage Hopkins for their actions supporting survivors of sexual abuse. (Esparza)
- 1.3 Mayor Sam Liccardo presented a Commendation to Vince Sunzeri for over a decade of service on the Police and Fire retirement board. (Mayor)

2. CONSENT CALENDAR

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

Public Comments: Blair Beekman provided comments.

2.1 21-2299 Approval of City Council Minutes.

(a) City Council Study Session - Parking and Transportation Demand Management Minutes of August 27, 2021.

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

Action: The City Council Minutes were approved. (11-0.)

2.2 Final Adoption of Ordinances.

None provided.

2.3 21-2300

Approval of Council Committee Minutes.

- (a) Regular Neighborhood Services and Education Committee Meeting Minutes of September 9, 2021.
- (b) Joint Special Meeting for Neighborhood Services and Education Committee and County of Santa Clara Minutes of September 9, 2021.
- (c) Regular Community and Economic Development Committee Meeting Minutes of September 27, 2021.
- (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 8, 2021.
- (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 15, 2021.
- (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 22, 2021.
- (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of September 29, 2021.

Action: The City 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 21-2208

Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through November 25, 2021 during the Governor's Proclaimed COVID State of Emergency.

Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.

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

Action: **Resolution No. 80266** extending AB 361 implementation to allow Teleconferenced Public Meetings to continue through November 25, 2021 was adopted. (11-0.)

2.8 21-2249 Amendment to Purchase Order with Pump Repair Service Company for Water Pump, Motor and Well Services and Related Products.

Adopt a resolution authorizing the City Manager to amend purchase order OP 60338 with Pump Repair Service Company (San Francisco, CA) for water pump, motor and well services and related products to increase compensation by \$285,000, for a revised maximum compensation not-to-exceed \$570,000 for the last option period ending on May 14, 2022.

CEQA: Categorically Exempt, File No. ER21-152, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80267** regarding amending a Purchase Order with Pump Repair Service Company was adopted. (11-0.)

2.9 21-2250 Actions Related to Open Purchase Order with Tucker Construction Company for Emergency Board-Up Services.

Adopt a resolution authorizing the City Manager to amend open purchase order OP 57204 with Tucker Construction Company (San José, CA) for emergency board-up services for privately-owned structures, to continue and extend the term of the purchase order and to increase compensation by \$330,000 for a revised maximum compensation not to exceed \$815,000 for the period November 1, 2021 through May 31, 2022.

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

Action: **Resolution No. 80268** regarding amending a Purchase Order with Tucker Construction Company was adopted. (11-0.)

2.10 21-2251 Actions Related to Purchase Order with Doc Bailey Construction Equipment, Inc for Aerial Truck Rental Services.

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Doc Bailey Construction Equipment, Inc. (San Lorenzo, CA) for AT37G aerial truck rental services for an initial twelve-month period, starting on or about October 26, 2021 and ending on or about October 25, 2022 for an amount not-to-exceed \$750,000; and

(b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about October 25, 2026, subject to the 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. (Finance)

Action: **Resolution No. 80269** related to a Purchase Order with Doc Bailey Construction Equipment, Inc. was adopted. (11-0.)

2.11 21-2252 Actions Related to Purchase Orders for Electrical Parts and Supplies.

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with Buckles-Smith Electric Company, Inc. (Santa Clara, CA) and Edges Electrical Group, LLC (San José, CA) for electrical parts and supplies for an initial twelve-month period starting on or about November 1, 2021 and ending on or about October 31, 2022 for a total cumulative compensation not-to-exceed amount of \$6,600,000; and

(b) Exercise up to four one-year options to extend the term of the purchase orders through on or about October 31, 2026, subject to the 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.
(Finance)

Action: **Resolution No. 80270** related to Purchase Orders with Buckles-Smith Electric Company, Inc. and Edges Electrical Group, LLC was adopted. (11-0.)

2.12 21-2253 Amendment to the Agreement with SkiData, Inc. for the Purchase, Implementation and Maintenance of a Parking Access and Revenue Control System for the Department of Transportation.

Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement with SkiData, Inc. (formerly Sentry Control Systems, LLC) (Van Nuys, CA) for the Department of Transportation to extend the initial term of the Agreement for the Purchase, Implementation, and Maintenance of a Parking Access and Revenue Control System from October 31, 2021 to June 30, 2022, under the same terms and conditions, for a maximum compensation not to exceed \$6,326,346 during the initial term and execute up to 10 one-year options to extend the term of the Agreement for ongoing support, maintenance, and related professional services through June 30, 2032, 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/Transportation)

Action: **Resolution No. 80271** related to an Amendment to an Agreement with SkiData, Inc. was adopted. (11-0.)

2.13 21-2254 Amendment to the Agreement with Cal Engineering & Geology, Inc. for Engineering Services for the FEMA Kelley Park Storm Outfall and FEMA Alum Rock Park Mineral Spring Bridge Embankment Projects.

Approve the First Amendment to the Standard Agreement with Cal Engineering and Geology, Inc. to extend the term from October 31, 2021 to October 31, 2022 for the sole purpose of allowing the consultant to provide professional engineering services and construction support for the FEMA Kelley Park Outfall (SCSJC88/PW1137) and FEMA Alum Rock Park Mineral Spring Embankment (SCSJG01/PW745) Projects.

CEQA: Not a Project, File No. PP18-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Action: An Amendment related to an Agreement with Cal Engineering & Geology, Inc. was approved. (11-0.)

2.14 21-2255 Amendment to the Agreement with Nelson/Nygaard Consulting Associates, Inc. for the San José Emerging Mobility Action Plan.

Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the City's Agreement with Nelson/Nygaard Consulting Associates, Inc. for the San José Emerging Mobility Action Plan to an amount not to exceed \$663,040.10.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

Action: **Resolution No. 80272** related to an Amendment to an Agreement with Nelson/Nygaard Consulting Associates, Inc., was adopted. (11-0.)

2.15 21-2256 Warm Springs Quiet Zone.

Adopt a resolution authorizing the City Manager to establish a quiet zone within the City of San José portion of the Warm Springs Subdivision railroad corridor, from N. Montgomery St. to Horning St.

CEQA: Categorically Exempt, File No. ER20-170, CEQA Guideline Section 15301(c) Existing Facilities. Council District 3. (Transportation)

Councilmember Raul Peralez pulled Item 2.15 to provide background on the issue.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 80273** establishing a quiet zone within the City of San José portion of the Warm Springs Subdivision railroad corridor, was adopted. (11-0.)

- 2.16 21-2301 Amendment to the Master Agreement with Smartwave Technologies and Infinity Communications & Consulting, Inc. for ESUHSD Community WIFI.**
Approve the First Amendment to the Master Consultant Agreement with:
(a) Smartwave Technologies, LLC, to increase the amount of compensation by \$400,000 for a total amount not to exceed \$1,400,000, for projects funded by Community Development Block Grant Fund; and
(b) Infinity Communications & Consulting, Inc. to decrease the amount of compensation by \$400,000 for a total amount not to exceed \$200,000 for projects funded by Community Development Block Grant Fund.
CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Public Works)
[Deferred from 10/19/2021 - Item 2.11 (21-2216)]

Action: An Amendment related to a Master Agreement with Smartwave Technologies and Infinity Communications & Consulting, Inc. was approved. (11-0.)

- 2.17 21-2312 Approval of Filipino American History Month Flag Raising Ceremony, Tower, and Rotunda Lighting Sponsored by Council District 5 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 October 20, 2021:
(a) Approve the Filipino American History Month Flag Raising Ceremony as a City Council sponsored Special Event and approve the expenditure of funds;
(b) Approve the Filipino American History Month Tower and Rotunda Lighting scheduled from October 28, 2021 through November 4, 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.

Action: City Sponsored Special Events were approved. (11-0.)

- 2.18 21-2313 Approval of Berryessa Pumpkin Giveaway and Trash Punx Coyote Creek Cleanup as District 4 City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**
(a) Approve the Berryessa Pumpkin Giveaway to be held on October 28, 2021 as a City Council Sponsored Special Event and approve the expenditure of funds;
(b) Approve the Trash Punx Coyote Creek Cleanup to be held on October 30, 2021 as a City Council Sponsored Special Event and approve and approve the expenditure of funds; and

(Item Continued on the Next Page)

2.18 (Cont'd.)

(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 10/20/2021 - Item A.1.a]

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

2.19 21-2318 Retroactive Purchase of Raffle Prizes.

As recommended by the Rules and Open Government Committee on October 20, 2021, retroactively approve the purchase of two iPads and a laptop for the National Night Out's raffle giveaway.

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

[Rules Committee referral 10/20/2021 - Item G.2]

Action: The purchase of raffle prizes for National Night Out were retroactively approved. (11-0.)

2.20 21-2336 Redistricting Commission Appointment.

Appoint the following Commissioner to the Redistricting Commission:

(a) Citywide (Chair) Seat: TBD

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

Action: The Redistricting Commission Appointment was approved. (11-0.)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

Assistant City Manager, Lee Wilcox; Interim Deputy City Manager, Dolan Beckel; Director of Communications, Carolina Camarena; and Alvin Galang, Vaccination Task Force Lead presented the COVID-19 update, including data trends, kids' vaccinations, boosters, mask mandates and communications/outreach.

Public Comments: Blair Beekman provided comments.

3.2 Labor Negotiations Update.

None provided.

- 3.3 21-2257 Citywide Capital Improvement Program Annual Report.**
Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2020-2021.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Director of Public Works, Matt Cano and Division Manager, Public Works, David French offered a presentation. Matt Cano indicated support to Vice Mayor Chappie Jones' recommendations and indicated that staff will report back on it.

Public Comments: Blair Beekman provided comments.

Motion: Vice Mayor Chappie Jones moved approval of the report, including his memorandum dated October 26, 2021. Councilmember Dev Davis seconded the motion.

Katherine Brown, Public Works Deputy Director responded to questions.

Action: On a call for the question, the motion carried unanimously, and the Citywide Capital Improvement Program Annual Report was approved, with the inclusion of Vice Mayor Chappie Jones memorandum, dated October 26, 2021, to:

Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2020-2021 and approve the following recommendations:

1) City Manager and City Attorney to evaluate Title 27 Procurement of Public Works Chapter 27.06.050 Request for Quotes to increase the credit or "discount" provided if the Contractor is a Local Business Enterprise from 2.5% to 5% and if the Contractor is a Small Business Enterprise from 2.5% to 5%, potentially for a total of 10% if the contractor is both a local and small business.

2) Public Works Director to evaluate additional strategies that would increase the participation of small and local businesses in the City's Capital Improvement Program.

3) Department of Public Works to present findings of evaluation at upcoming report to the Community and Economic Development Committee in 2022.

(10-0-1. Absent: Cohen.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-2258 Report on Bids and Award of Construction Contract for 7745 - Outfall Channel and Instrumentation Improvements Project at the San José-Santa Clara Regional Wastewater Facility.

(a) Adopt a resolution adopting the San José-Santa Clara Regional Wastewater Facility Outfall Bridge and Instrumentation Improvements Project Mitigated Negative Declaration for which an Initial Study was prepared, and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.

(b) Report on the bids and award a construction contract for the 7745 - Outfall Channel and Instrumentation Improvements Project to the low bidder, Anvil Builders Inc., for base bid and Add Alternate No. 1, in the amount of \$4,297,570 and approve a 15 percent construction contingency in the amount of \$644,636.

CEQA: Mitigated Negative Declaration for the 7745 - Outfall Channel and Instrumentation Improvements Project. File No. PP19-073.
(Environmental Services)

Public Comments: Eileen McGlaughlin and Julianna Pendleton (Audubon Society) addressed light pollution in sensitive habitats. Caller “5140” provided comments.

Motion: Councilmember Sergio Jimenez moved approval of the report and resolution, and Councilmember Pam Foley seconded the motion.

Councilmember David Cohen offered a friendly amendment that that modifications be provided that will ensure protection of the ecosystem from light exposure. The amendment was accepted.

Action: On a call for the question, the motion carried unanimously, and (a) **Resolution No. 80274** regarding the San José-Santa Clara Regional Wastewater Facility Outfall Bridge and Instrumentation Improvements Project Mitigated Negative Declaration was adopted, and (b) the report on the bids and award of a construction contract for the 7745 - Outfall Channel and Instrumentation Improvements Project to Anvil Builders Inc. were accepted, with Council’s direction that modifications be provided that will ensure protection of the ecosystem from light exposure.

(11-0.)

7. NEIGHBORHOOD SERVICES

7.1 21-2259 Status Report on Encampment Management Strategy and Safe Relocation Policy.

Accept the staff report on the status of the development of the City Roadmap priority - Encampment Management and Safe Relocation Policy, including priority objectives, encampment trash service performance, and the 3S (Setbacks, Services, & Sites) work plan timeline for implementation.

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)

Director of Parks, Recreation and Neighborhood Services, Jon Cicirelli; Deputy Director Parks, Recreation and Neighborhood Services, Andrea Flores Shelton; and BeautifySJ Program Manager Olympia Williams provided the presentation.

Public Comments: Gary Cunningham, Brian Darby, Blair Beekman, Caller “6910”, Roland LeBrun, Caller “5140”, and Gail Osmer provided comments.

Motion: Councilmember Matt Mahan moved approval of staffs’ recommendations, including the joint memorandum he coauthored with Vice Mayor Chappie Jones and Mayor Sam Liccardo and the memorandum from Councilmember David Cohen dated October 26, 2021. Vice Mayor Chappie Jones seconded the motion.

Councilmember Raul Peralez requested a friendly amendment, requesting Item #2 of Councilmember David Cohen’s memorandum be changed, prefacing it with the word ‘consider’. The friendly amendment was agreed upon.

Representatives from the San José Police Department responded to questions regarding reaching out to the County for particular areas of concern.

Action: On a call for the question, the staff report on the status of the development of the City Roadmap priority - Encampment Management and Safe Relocation Policy was approved, including:

The joint memorandum from Councilmember Mahan, Vice Mayor Chappie Jones and Mayor Sam Liccardo, dated October 22, 2021, directing the City Manager to:

1. Monitor hiring progress for outstanding BeautifySJ vacancies and, if currently open roles have not been filled by the end of 2021, bring a progress report to Council or the most appropriate subcommittee in January 2022 with an assessment of barriers and potential solutions, including contracting temporary service agencies, increased investment in proactive sourcing, or other rapid hiring methods.
2. Consider establishing a new trainee or probationary position within BeautifySJ for graduates of the Resilience Corps and San José Bridge programs in order to accelerate staffing and to ensure equitable access to employment opportunities for all San José residents.

(Item Continued on the Next Page)

7.1 (Cont'd.)

3. Consider including vehicles in the City's encampment setback protocols, and come back to the City Council in April 2022 with an analysis of enforcement feasibility and potential legal ramifications.

a. Study potential exemptions to these encampment setback protocols for vehicles, such as allowing families to park near the school their children attend.

4. Inquire as to whether other public agencies that control land within San Jose will be willing to engage in memoranda of understanding (MOUs) allowing City staff to proactively conduct abatement and clean-up services on their lands and bill them for our costs. If any agencies are willing, move forward with draft MOUs in consultation with the City Attorney.

Also including Councilmember David Cohen's memorandum dated October 26, 2021 with the noted change to Item #2:

1. Direct staff to coordinate with each council office to identify encampments for increased trash services, including but not limited to dumpsters with regular garbage disposal.

2. **Consider** including local shelter, interim housing, and safe parking capacity as a criterion in the Encampment Management and Safe Relocation protocols when considering abatement.

3. Ensure the Encampment Management and Safe Relocation protocols delineate processes for:

a. Determining whether unhoused residents at an encampment designated for abatement are receiving services from the county, including but not limited to behavioral health, substance abuse, veterans' services, and social services

b. Notifying the county when residents receiving services are abated to minimize disruption of service delivery

c. Connecting unhoused residents with county services if needed

(10-0-1. Absent: Arenas.)

7.2 21-2260 **Amendment to Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code in Alignment with City Council Policy Priority #18: Smoke-Free Housing. - DROP**

Approve an ordinance amending Chapter 9.44, Regulation of Smoking, of Title 9, Health and Safety, of the San José Municipal Code to prohibit smoking inside multifamily housing units, reduce the exposure to secondhand smoke in alignment with and completion of City Council Policy Priority #18: Smoke Free Housing.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Information Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)

[Deferred from 9/28/2021 - Item 7.2 (21-2111)]

DROPPED

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **21-2261 HL21-002 & MA21-002 - Application for City Landmark Designation and Historical Property (Mills Act) Contract for Property Located at 1169 Magnolia Avenue (Neifing House)**

(1) Adopt a resolution to designate 1169 Magnolia Avenue (Neifing House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature; and
(2) Adopt a resolution to approve the Historical Property (Mills Act) Contract between the City of San José and property owners Arthur Kao and Rachel Sussman for the property located at 1169 Magnolia Avenue. CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation. Council District 6. Historic Landmarks Commission recommends approval (4-0-1, Royer absent). (Planning, Building, and Code Enforcement)

Heard immediately after Consent

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, (a) **Resolution No. 80275** designating 1169 Magnolia Avenue (Neifing House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature; and (b) **Resolution No. 80276** approving the Historical Property (Mills Act) Contract between the City of San José and property owners were adopted. (11-0.)

- (b) **21-2262 PP21-011 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code. - DEFERRED**

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;
(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.

(Item Continued on the Next Page)

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

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 TO 11/30/2021 PER ADMINISTRATION

10 Land Use - Regular Agenda

10.2 21-2263 C19-031 & SP20-016 - Conforming Rezoning and Special Use Permit for Property Located at 1212 South Winchester Boulevard. - DEFERRED

(a) Adopt a resolution adopting the 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).

(b) Approve an ordinance rezoning certain real property located on the east side of South Winchester Boulevard approximately 270 feet south of Fireside Drive from the R-1-8 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on an approximately 0.69-gross acre site.

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance-size) and to allow the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49% parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site.

CEQA: Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project. Council District 1.
(Planning, Building, and Code Enforcement)

DEFERRED TO 11/16/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

OPEN FORUM

- Blair Beekman spoke to subsidy monies that could help with housing programs and need for earthquake planning.
- “AGOLDCHA” spoke on residents near 71 Vista Montana not getting acknowledgement for their neighborhood and the lack of security for a dangerous site.
- 5140 spoke to uneven treatment between the average citizens and the homeless.
- Caller “6910” spoke to needs of the unhoused.

ADJOURNMENT

The Council of the City of San José adjourned at 6:36 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/10-26-2021 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

OCTOBER 26, 2021

The Council of the City of San José convened into Closed Session at 9:30 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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: Santa Clara Unified School District v. City of San Jose, et al.,
Name(s) of Parties(s) Santa Clara Unified School District, City of San and Does 1-100, inclusive
Court: Superior Court of California, County of Santa Clara
Case No: 20CV374923
Amount of Money or Other Relief Sought: Petition for Writ of Mandate for Refund and Declaratory Relief
2. Case Name: Blevins, Lisa v. City of San José
Name(s) of Parties(s) LISA BLEVINS, CITY OF SAN JOSÉ
Involved:
Court: Superior Court of California, County of Santa Clara
Case No.: 1-14-CV270060

Amount of Damages according to proof
Money or Other
Relief Sought:

By unanimous consent, Council recessed from the Closed Session at 10:05 a.m. to reconvene in Regular Open Session at 1:30 p.m. in the Council Chambers.