



City Council Meeting MINUTES

Tuesday, April 26, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/99346843938>

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

APRIL 26, 2022

* COVID-19 NOTICE *

Consistent with AB 361 and City of San José Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363, 80400 and 80445, Councilmembers may be teleconferencing from remote locations.

• Call to Order and Roll Call

9:30 a.m.- Closed Session

22-570 Closed Session: **See Page 20 for Closed Session Minutes.**

Closed Session. Absent: Esparza.

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

Absent: Councilmembers - Esparza.

6:00 p.m.- Evening Session

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

Absent: Councilmembers - Esparza.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Invocation (District 4)

Kateryna Pistunova shared her perspective on the tragic war in her homeland of Ukraine and spoke on ways we may all do our part to lessen the suffering in the name of justice.

• Orders of the Day

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

• Closed Session Report

City Attorney Nora Frimann indicated that authority had been given to file a writ in the Sixth District Court of Appeals challenging two California Public Utility Commission decisions. The City of San José will be filing jointly with at least one other community energy business.

1. CEREMONIAL ITEMS

- 1.1 Councilmember Magdalena Carrasco presented a proclamation declaring Children's Day celebrated on Saturday, April 30, 2022 to recognize children as an important part of society and the importance of loving, accepting and appreciating children. She and members of the Council provided a commendation to Blanca Carbajal of Rocketship Education who formed a youth dance group to advance cultural pride and help deter gang violence. (Carrasco)
- 1.2 Councilmember Sylvia Arenas presented a proclamation recognizing Sexual Assault Awareness Month and was joined by the Mayor and Councilmembers Foley, Davis and Carrasco, in bringing awareness to and advocating for survivors of domestic violence and sexual violence. She offered gratitude for those doing the difficult work of interacting with our survivors and spoke to disrupting the “school-to-prison pipeline”, and Deputy Chief Washburn offered additional comments. (Arenas)
- 1.3 Mayor Sam Liccardo presented a commendation to the Bay Area Furniture Bank, which has been providing dignity and stability in our community by redirecting donated furniture to families in need. He honored the service of its founder Ray Piontek, Executive Director; Brian Friss, Joe Noonan, and Tina Petrini. Ray Piontek offered more information about the furniture bank, extending an invitation for everyone to participate in this worthy cause.

Mayor Sam Liccardo provided an additional commendation to Joe Noonan, a well-established community activist, honoring him for his superpower for bringing people together and for being an amazing champion for San José.

2. CONSENT CALENDAR

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated, with Mayor Sam Liccardo and Councilmember Pam Foley indicating they will need to recuse themselves from Item 2.7 due to conflicts of interest. (10-0-1. Absent: Esparza.)

Public Comments: Blair Beekman, Brian Darby, Tessa Woodmansee and “Call-in User #1”, provided comments.

2.1 22-622 Approval of City Council Minutes.

(a) City Council Special Meeting - General Charter Review Commission Recommendations Minutes of April 11, 2022.
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. (10-0-1. Absent: Esparza.)

2.2 22-604

Final Adoption of Ordinances.

(a) **Ordinance No. 30752** - An Ordinance of the City of San José Rezoning 115 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, 87 Properties from the R-M Multiple Residence Zoning District to the Mun Mixed Use Neighborhood Zoning District, 41 Properties from the R-1-8 Single Family Residence Zoning District to the OS Open Space Zoning District, 23 Properties from the R-M Multiple Residence Zoning District to the OS Open Space Zoning District, Eight Properties from the R-2 Single Family Residence Zoning District to the UR Urban Residential Zoning District, Five Properties from the CO Commercial Office Zoning District to the OS Open Space Zoning District, Four Properties from the CP Commercial Pedestrian Zoning District to the OS Open Space Zoning District, Four Properties from the R-1-8 Single Family Residence Zoning District to The PQP Public/Quasi-Public Zoning District, Three Properties from the CO Commercial Office Zoning District to the R-1-8 Single Family Residence Zoning District, Two Properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single Family Residence Zoning District, One Property from the R-1-2 Single Family Zoning District to the Mun Mixed Use Neighborhood Zoning District, One Property from the R-2 Single Family Residence Zoning District to the OS Open Space Zoning District, One Property from the R-1-5 Single Family Residence Zoning District to the OS Open Space Zoning District, One Property from the R-1-2 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District, One Property from the A Agricultural Zoning District to the R-1-8 Single Family Residence Zoning District, and One Property from the CP Commercial Pedestrian Zoning District to the UR Urban Residential Zoning District, Located in Various Locations on those Certain Real Properties within the City of San José.

[Passed for Publication on 4/12/2022 - Item 10.1(a) (22-487)]

(b) **Ordinance No. 30755** - An Ordinance of the City of San José authorizing the use of alternative project delivery methods and to establish certain requirements for procurements and contracts related to the proposed Airport Connector Project.

[Passed for Publication on 4/19/2022 - Item 2.12 (22-514)]

Action: (a) Ordinance No. 30752, and (b) Ordinance No 30755 were adopted.
(10-0-1. Absent: Esparza.)

2.3 22-580

Approval of Council Committee Minutes.

- (a) Regular Community and Economic Development Committee Meeting Minutes of February 28, 2022.
 - (b) Regular Community and Economic Development Committee Meeting Minutes of March 28, 2022.
 - (c) Regular Smart Cities and Service Improvements Committee Meeting Minutes of March 3, 2022.
 - (d) Regular Smart Cities and Service Improvements Committee Meeting Minutes of April 7, 2022.
 - (e) Regular Transportation and Environment Committee Meeting Minutes of March 7, 2022.
 - (f) Regular Transportation and Environment Committee Meeting Minutes of April 4, 2022.
 - (g) Regular Neighborhood Services and Education Committee Meeting Minutes of March 10, 2022.
 - (h) Regular Neighborhood Services and Education Committee Meeting Minutes of April 14, 2022.
 - (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 16, 2022.
 - (j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 23, 2022.
 - (k) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 30, 2022.
 - (l) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 6, 2022.
- 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. (10-0-1. Absent: Esparza.)

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 22-552

Actions Related to the Agreement with Hewlett Packard Incorporated for Ground Lease Termination.

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Third Amendment to the Ground Lease of Parcel W-9 Agreement with Hewlett Packard Incorporated (HPI) to terminate the agreement early, effective upon execution by the City with a payment to HPI of \$1,500,000.

(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Renewal and Replacement Fund:

(1) Increase the Transfers and Reimbursements by \$1,500,000; and

(2) Establish the Hewlett Packard Incorporated Lease Buyout appropriation to the Airport Department in the amount of \$1,500,000.

(c) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Airport Revenue Fund:

(1) Increase the Transfer to the Airport Surplus Revenue Fund by \$1,500,000; and

(2) Decrease the Airline Agreement Reserve by \$1,500,000.

(d) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Surplus Revenue Fund:

(1) Increase the Transfers and Reimbursements by \$1,500,000; and

(2) Increase the Transfer to the Airport Renewal and Replacement Fund by \$1,500,000.

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

Action: (a) **Resolution No. 80474** regarding actions related to the execution of a Third Amendment to the Ground Lease; (b) Appropriation **Ordinance No. 30759** and Funding Sources **Resolution No 80475**; (c) Appropriation **Ordinance No. 30760**, and (d) Appropriation **Ordinance No. 30761** and Funding Sources **Resolution No 80476** were adopted. (8-0-1-2. Absent: Esparza. Recused: Foley, Liccardo.)

2.8 22-553

2020-2021 Annual Development In-Lieu Fee Report.

Adopt a resolution:

(a) Accepting the Fiscal Year 2020-2021 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and

(b) Making certain findings as required by Government Code Section 66001(d)(1).

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)

Action: **Resolution No. 80477** regarding the 2020-2021 Annual Development In-Lieu Fee Report was adopted. (10-0-1. Absent: Esparza.)

2.9 22-554 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: Pavement Maintenance Projects for 2022-2023 Road Maintenance and Rehabilitation Account Funding from Senate Bill 1 - Road Repair and Accountability Act of 2017.

Adopt a resolution approving a list of pavement maintenance projects eligible for San José's 2022-2023 allocation of the Road Maintenance and Rehabilitation Account funding, which was made available by the approval of Senate Bill No. 1, otherwise known as the Road Repair and Accountability Act of 2017.

CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: **Resolution No. 80478** regarding the Pavement Maintenance Projects for 2022-2023 was adopted. (10-0-1. Absent: Esparza.)

2.10 22-555 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Major Streets Concrete & ADA Ramps Major Project #1 and 2022 Major Streets Remove and Replace Asphalt Concrete Pavement Project.

(a) Approve award of a construction contract for the 2022 Major Streets Concrete & ADA Ramps Major Project #1, to the low bidder, Wattis Construction Company, Inc., in the amount of \$1,675,733 and approve an approximate 10% contingency in the amount of \$167,600.

(b) Approve award of a construction contract for the 2022 Major Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$748,035 and approve an approximate 10% contingency in the amount of \$74,800.

CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The award of a construction contract with related contingencies was approved. (10-0-1. Absent: Esparza.)

2.11 22-556 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Remove & Replace Project.

(a) Approve award of a construction contract for the 2022 Local Streets Remove & Replace Project, to the lowest bidder, O'Grady Paving Inc., in the amount of \$2,918,400.

(b) Approve an approximate 10% contingency in the amount of \$291,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The award of a construction contract with related contingencies was approved. (10-0-1. Absent: Esparza.)

2.12 22-557 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Concrete #1 Project.

(a) Approve award of a construction contract for the 2022 Local Streets Concrete #1 Project, to the lowest bidder, Spenco Construction, Inc., in the amount of \$1,687,130.

(b) Approve an approximate 10% contingency in the amount of \$168,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The award of a construction contract with related contingencies was approved. (10-0-1. Absent: Esparza.)

2.13 22-558 City Roadmap - Pavement, Fire, EOC, Transit Capital Improvements: 2022 Local Streets Concrete #2 Project.

(a) Approve award of a construction contract for the 2022 Local Streets Concrete #2 Project, to the lowest bidder, Spenco Construction, Inc., in the amount of \$1,624,060.

(b) Approve an approximate 10% contingency in the amount of \$162,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Action: The award of a construction contract with related contingencies was approved. (10-0-1. Absent: Esparza.)

2.14 22-628 Approval of City Hall Free Use for the Safer Streets Town Hall Event 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 April 20, 2022:

(a) Adopt a resolution authorizing “Free Use” for events and activities held at City Hall on Saturday, May 7, 2022 for the Safer Streets Town Hall hosted by the Council District 3 Office;

(b) Approve the Safer Streets Town Hall scheduled on May 7, 2022 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. (Peralez)

[Rules Committee referral 4/20/2022 - Item B.4]

Action: **Resolution No. 80479** regarding City Hall Free Use for the Safer Streets Town Hall Event was adopted. (10-0-1. Absent: Esparza.)

2.15 22-631 Retroactive Approval of National Donate Life Month Tower and Rotunda Lighting on April 19 - 25, 2022 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 April 20, 2022:

(a) Retroactively approve April as National Donate Life Month to be recognized as a City Council sponsored Special Event and approve the expenditure of funds; and

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

[Rules Committee referral 4/20/2022 - Item B.6]

Action: The City Sponsored Special Event was retroactively approved. (10-0-1. Absent: Esparza.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 22-561 Environmental Review for New Development Audit.

As recommended by the Community and Economic Development Committee on March 28, 2022, accept the report on the Environmental Review for New Development Audit.

CEQA: Not a Project, File No. PP17-009, Staff Report, Assessments, annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Community and Economic Development Committee referral 3/28/2022 - Item D.1]

Joe Rois, City Auditor; Deputy Director, Office of Economic Development, Chris Burton; and Deputy Director of Planning, Robert Manford presented a report.

Public Comments: Providing comments were: Tessa Woodmansee, Blair Beekman, Brian Darby, and Alex Shoor (Catalyze SV).

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember David Cohen and carried unanimously, the report on the Environmental Review for New Development Audit was approved. (10-0-1. Absent: Esparza.)

3.4 22-562 Review of the Retirement Plans' Pension and Post-Employment Healthcare Plan Actuarial Valuations as of June 30, 2021, Including the Audit of the Actuarial Valuations.

Review the following actuarial valuation reports:

- (a) Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2021;
 - (b) Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2021;
 - (c) Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2021;
 - (d) Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2021;
 - (e) Audit of the Federated City Employees' Retirement System Actuarial Valuation (Pension) as of June 30, 2021;
 - (f) Audit of the Federated City Employees' Retirement System Postemployment Healthcare Plan Actuarial Valuation as of June 30, 2021;
 - (g) Audit of the Police and Fire Department Retirement Plan Actuarial Valuation (Pension) as of June 30, 2021; and
 - (h) Audit of the Police and Fire Department Postemployment Healthcare Plan Actuarial Valuation (Pension) as of June 30, 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. (Retirement Services)

Director of Retirement Services Roberto Peña presented the report.

Public Comments: Tessa Woodmansee, Sandra, and "Call-in User #2" expressed comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis and carried unanimously, the Actuarial Valuations Reports, Including the Audit of the Actuarial Valuations were approved. (10-0-1. Absent: Esparza.)

3.5 22-565 Local/Small Business Preferences.

As recommended by the Rules and Open Government Committee on April 6, 2022:

- (a) Approve an ordinance amending Section 27.06.050(g) of Chapter 27.06 of Title 27 of the San José Municipal Code, "Procuring Minor Public Works Projects", to increase the preference provided if the Contractor is:
 - (1) A Local Business Enterprise from 2.5% to 5%; and
 - (2) A Local and a Small Business Enterprise from 2.5% to 5%.
- (b) Direct the City Manager or City Manager designee to update procurement preferences for Minor Public Works Contracts accordingly per the approved amendment.

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3.5 (Cont'd.)

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Jones)
[Rules Committee referral 4/6/2022 - Item C.1]

Public Comments: “Call-in User #2”, provided comments.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Matt Mahan and carried unanimously, **Ordinance No. 30762** amending Title 27 of the San José Municipal Code was passed for publication, with direction to the City Manager as noted. (10-0-1. Absent: Esparza.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 22-579 **City Roadmap: Climate Smart American Cities Climate Challenge - Climate Smart San José Plan Semi-Annual Update.**

As recommended by the Transportation and Environment Committee on April 4, 2022, accept an update on Climate Smart San José activities.

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

[Transportation and Environment Committee referral 4/4/2022 - Item (d)5]

Director, Environmental Services, Kerrie Romanow; Julie Benabente, Deputy Director – ESD; Jessica Zenk, Deputy Director – Department of Transportation (DOT) provided a presentation.

Public Comments: Tessa Woodmansee, Sandra, Tobin Gilman, Martha O’Connell, Blair Beekman, Issa, Susan Butler-Graham (Mothers Out Front, Silicon Valley), Sangeeta, Barbara Weiss, Spamidi, Juan Estrada (Green Foothills), Dashiell Leeds (Sierra Club), Ruth A. Callahan, “Call-in User #2”, AR Bancroft (350 Silicon Valley) and Mark provided comments.

Motion: Councilmember Raul Peralez moved the joint memorandum he coauthored with Mayor Sam Liccardo and Councilmember Sergio Jimenez. Councilmember Sergio Jimenez seconded the motion.

Extensive conversation ensued. Councilmember Dev Davis proposed a friendly amendment, asking that the phrase “at this time” be removed from the recommendations. The amendment was respectfully denied.

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6.1 (Cont'd.)

Action: On a call for the question, the motion carried, with the update accepted, and with the inclusion of the joint memorandum from Mayor Sam Liccardo's and Councilmembers Jimenez and Peralez, dated April 22, 2022, to:

Accept the Climate Smart San José update with the additional direction to Staff:

1. Return to Council with a financial feasibility analysis of deploying pilot public fast-charging hubs for electric vehicles (EVs) in FY22-23 located at City-owned parking lots, wherein SJCE will control variable retail pricing to encourage mid-day charging. Siting decisions for any project(s) must include community engagement and consultation.

2. As a follow-up to the RFI for climate partnerships that will be issued in Q2, direct staff to return to Council no later than September with recommendations for Climate Smart partnerships focused on building electrification and workforce development opportunities that will accelerate building electrification retrofits. Efforts should focus on appliances, technologies, and platforms that accelerate electrification in low-income residential to reduce utility costs and gas-related hazards to low-income residents.

3. 2022 Reach Code Update

a. Electric Vehicles: New state mandates for the phase-out of gas-powered vehicles by 2035, reconsider our approach to building for an EV-filled future. Return before the end of this calendar year, after extensive engagement with multi-family housing builders, SV@Home, and the affordable housing community, with an estimate of the marginal per-unit cost of expanding EV Ready parking requirements in new construction to include 5% EVSE (with an actual charger) and 95% EV Ready (with electric infrastructure short of charger) charging for every new MFH unit with parking.

b. Appliance Replacement: In an effort to accelerate decarbonization of our existing buildings, conduct research and stakeholder engagement, including with mobile home parks, on the prospect of including a "Replace-on-Burnout Ordinance" in the current reach code update, with the accompanying provision of rebates and other incentives to support supplanting gas with electric appliances. Return in the fall with findings.

4. Coordinate with Mayor and Council Offices to promote available low-income programs, rebates, and incentives to residents and businesses to accelerate communitywide climate action and equity goals – with a priority given to:

a. filling the remaining 200 available slots for the SJCE Solar Access program, and

b. the CPUC-funded energy efficiency programs.

The City Manager's Office is directed to return with an MBA in the budget process to advance the above recommendations

(9-1-1. Noes: Davis. Absent: Esparza.)

7. NEIGHBORHOOD SERVICES

7.1 22-566 City Roadmap - Child Care: Spending Plan for American Rescue Plan Funding for Children and Youth Focused Programs and Services.

Approve the spending plan for \$10.5 million of American Rescue Plan one-time funding to support children and youth focused programs and services beginning in summer 2022 as part of the approved City Roadmap for Fiscal Year 2021-2022.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Information Memorandums that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Library)

Deputy City Manager, Angel Rios, Jr.; Laura Buzo, Assistant to the City Manager; Maria DeLeon, Deputy Director, PRNS; Library Director Jill Bourne; Michelle Ornat, Deputy Director San José Public Library; Director of Parks, Recreation and Neighborhood Services, Jon Cicirelli offered a presentation.

Public Comments: The following speakers provided comments: Kathleen King (Healthier Kids Foundation), Blair Beekman, Tessa Woodmansee, Wendi Mahaney-Gurahoo, John Hogan, Jill Borders, Misrayn Mendoza, Rose, Brenda Arenas, “Call-in User #1”, and Brian Darby.

Motion: Councilmember Sylvia Arenas moved approval, including her memorandum dated April 26, 2022 (with changes as noted) and Mayor Sam Liccardo’s memorandum dated April 25, 2022. Councilmember Matt Mahan seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the Spending Plan for American Rescue Plan Funding was approved, including the following:

Mayor Sam Liccardo’s memorandum dated 4/25/22, to:

1. Reinforce the targeting of the \$400,000 currently proposed for 4.25 FTE positions in PRNS (“Childcare Program Staffing,” p. 4) for traditionally City-managed after-school, summer camps, and youth/ teen programming, to separate any pure “childcare” funding to ensure that such childcare spending is:
 - a. aligned with the Child and Youth Master Plan and City strategies to support the expansion and enhancement of citywide childcare programs, and
 - b. supporting the transition of childcare services at city facilities to explore fully licensed, high-quality contractors, with subsidies for low-income families
2. Direct the City Manager to identify another \$400,000 through the budget process from the remaining \$1.1 million reserve to focus on child care gaps in the coming year, by:
 - a. Consulting with stakeholders, including SCCOE, First 5, and members of the Child Well-Being Working Group to identify the gaps and needs in the systemwide provision of child care services, with a particular focus on:
 - i. Subsidies for those low-income families who narrowly exceed the income ceilings in the state subsidies provided through SCCOE, and
 - ii. capital needs for childcare facilities expansion or development that will meet "license-ready" childcare standards, and

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7.1 (Cont'd.)

- 2.(a)iii. training and certification of child care providers.
- b. Ensure that dollars can be deployed flexibly and nimbly to accelerate the provision of child care amid this severe shortage of childcare services
3. Focus all funding for childcare facilities capital upgrades in those census tracts or neighborhoods that meet the state demographic and economic requirements to qualify for ongoing childcare subsidies provided through the Santa Clara County Office of Education, and to maximize service provision to struggling families.
4. Evaluate use of rental fees (paid for use of City-owned facilities by qualified childcare providers) to support ongoing childcare subsidies for low-income families.

Also including Councilmember Sylvia Arenas 4/26/22 memorandum with changes as indicated:

- 1) Accept the staff recommendations.
- 2) Direct the City Manager to ensure strategic alignment of all City childcare services with the principles of the Child and Youth Master Plan and the City Roadmap.
- 3) Accept the Mayor's memorandum recommendations with the following amendments:
 - a. Adopt Mayor's Recommendation 1, while directing the City Manager to maintain commitment of the full \$400,000 currently proposed for 4.25 FTE positions in PRNS, as a minimum, to sustain after-school, summer, and other core recreational programs and ensure that childcare funding is strategically aligned with the Child and Youth Master Plan, and
 - b. Accept Recommendation 2, with the edits below:
 - i. Recommendation 2.a.i: "Subsidies for those low-income families who narrowly exceed the income ceilings in the state subsidies provided through SCCOE [*Go Kids, Choices for Children, and/or any other direct subsidy provider within the Local Planning Council*]" and
 - ii. Recommendation 2.a.ii: "capital needs for childcare facilities expansion or development that will [*provide critical upgrades to meet the city's quality care standards, allow for program expansion, or help our facilities*] meet "license-ready" [*state*] childcare standards."
 - c. Refer all Council recommendations regarding unallocated funds through the Child Well-Being Working Group and the Child and Youth Master Plan, and return to the Neighborhood Services and Education Committee and Council on recommendations for allocation of these funds.
- 4) In consultation with key stakeholders including members of the Child Well-Being Working Group, direct the City Manager to prioritize funding from the remaining unallocated fund balance of the \$10.5 million American Rescue Plan Act funding to:
 - a. Address and implement recommendations of the Bill of Rights for Children and Youth Audit currently in progress to ensure the City is adhering to the updated needs and concerns around children and youth.
 - b. Explore hosting an intergenerational recreational quality standard working group that aligns with our Family Friendly City Initiative to bridge child, youth, and senior well-being services.
 - c. Invest in childcare services as an automated response for survivors of genderbased violence and/or their family through a Memorandum of Understanding

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7.1 (Cont'd.)

and/or contract between the San José Police Department and a local drop-in childcare provider to issue vouchers as part of our survivor-centered practices and services during the intake and interview process.

d. Disrupt the gender-based violence pipeline for young girls and fast track genderspecific survivor-centered recreational and empowerment programming in partnership with key stakeholders (described in the background) to target young female sexual violence survivors between the ages of 7-17 years old and report back to the Neighborhood Services and Education Committee by Fall 2022. (10-0-1. Absent: Esparza.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 22-567 City Roadmap - Emergency Housing Construction + Operations: Proposed Expenditure Plan for the Homeless Housing Assistance and Prevention Program.

Adopt a resolution accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention program that will allow the Director of Housing to apply to the State of California's Homeless Housing, Assistance, and Prevention program for a one-time award in the amount of \$29,118,995.

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)

Homelessness Response Manager, Kelly Hemphill, provided a presentation.

Public Comments: Tessa Woodmansee, Chad Bojorquez (Destination: Home), Blair Beekman, "Call-in User #2", and Misrayn Mendoza provided comments.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember David Cohen and carried unanimously, **Resolution No. 80480** accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention program was adopted. (10-0-1. Absent: Esparza.)

8.2 22-568 Public Hearing on the Draft Fiscal Year 2022-23 Annual Action Plan.

(a) Conduct a public hearing on the draft Fiscal Year 2022-23 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development; and

(b) Provide Housing Department staff with input on the draft Fiscal Year 2022-23 Annual 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. (Housing)

Deputy Director of Housing, Ragan Henninger; Director of Housing Jacky Morales-Ferrand; and Division Manager, Housing, Kristen Clements gave a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Blair Beekman, Tessa Woodmansee, Jill Borders, and “Call-in User #2” expressed comments.

Mayor Sam Liccardo closed the public hearing.

Action: The Public Hearing on the Draft Fiscal Year 2022-23 Annual Action Plan was held, and upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, the report was accepted.

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

8.3 22-636 The Future of San Pedro Square and Post Street.

As recommended by the Rules and Open Government Committee on April 20, 2022:

(a) Direct City Staff to:

(1) Fully convert the existing Al Fresco closure of San Pedro Street between W. Santa Clara Street and St. John Street to a permanent closure including procuring permanent infrastructure to safely facilitate the closure.

(2) Commence by summer of this year a weekly closure of Post Street between S. First Street and Lightston Alley from Thursday evening to Sundays and procure all relevant permanent infrastructure to safely facilitate the closure.

(i) Return to City Council after one year of commencement of weekly closures to evaluate and consider expanding the closure.

(3) Include reasonable design guidelines to maintain consistent aesthetic and operations throughout each of the respective corridors.

(b) Direct the City Manager and City Attorney to extend the local emergency order affecting San José Al Fresco to March 31, 2023 to allow for adequate time for implementation of Recommendation #1.

(Item Continued on the Next Page)

8.3 (Cont'd.)

CEQA: Categorically Exempt, File No. ER22-099, CEQA Guidelines
Section 15301 Existing Facilities. (Peralez)
[Rules Committee referral 4/20/2022 - Item C.1]

Public Comments: Ted Buzo, Tom McHenry, Mike Messinger, Eric Nielsen, Nate LeBlanc, Alex Shoor (Catalyze SV), Ryan Globus, Nathan Svoboda, Blair Carson, Misrayn Mendoza, Florence Acuna, Tessa Woodmansee, “Call-in User #1”, and Blair Beekman offered comments.

Motion: Councilmember Raul Peralez moved his memorandum dated April 14, 2022, with his proposal to be the primary option evaluated and with staff to return to Council to present options. He also asked to include Mayor Sam Liccardo’s memorandum of April 26, 2022. Councilmember Dev Davis seconded the motion.

Economic Development Director, Nanci Klein; Downtown Manager, Blage Zelalich; and City Attorney, Nora Frimann responded to questions from Council.

Action: On a call for the question, the motion carried unanimously including memoranda as noted below, with Councilmember Peralez’ proposal to be the primary option evaluated, and with staff to return to Council to present options.

Councilmember Raul Peralez 4/14/22 Memorandum:

1. Direct City Staff to a. Fully convert the existing Al Fresco closure of San Pedro Street between W. Santa Clara Street and St. John Street to a permanent closure including procuring permanent infrastructure to safely facilitate the closure. b. Commence by summer of this year a weekly closure of Post Street between S. First Street and Lightston Alley from Thursday evening to Sundays and procure all relevant permanent infrastructure to safely facilitate the closure. i. Return to City Council after one year of commencement of weekly closures to evaluate and consider expanding the closure. c. Include reasonable design guidelines to maintain consistent aesthetic and operations throughout each of the respective corridors.
2. Direct the City Manager and City Attorney to extend the local emergency order affecting San José Al Fresco to March 31, 2023, to allow for adequate time for implementation of Recommendation #1.

Mayor Sam Liccardo’s memorandum dated 4/26/22, to:

1. Approve staff’s recommendation outlined in the City Manager’s Early Consideration Request form to return through the FY 22-23 MBA process for City Council consideration of the budget required to perform the additional analysis and community outreach, and to return to Council after the completion of that work. Councilmember Peralez’ proposal should be a primary option that is evaluated, along with a partial closure.
2. Direct the City Manager and City Attorney to extend the local emergency order affecting San José Al Fresco to June 30, 2023, to allow for adequate time for implementation of recommendation #1.

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-569 CP21-012 - Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol for Property Located at 450 North Capitol Avenue. RENOTICED

Approve a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at an existing 124,320-square foot retail store (Target) on an approximately 11.5-gross acre site located at 450 North Capitol Avenue.

CEQA: Exempt pursuant to Section 15301(a) for Existing Facilities. Council District 5. (Planning, Building and Code Enforcement)

RENOTICED TO 5/10/2022 PER ADMINISTRATION

OPEN FORUM

1. Caller User No. 1: Spoke to the freedom of speaking in Open Forum and his disdain for censorship, traffic officers and red-light cameras.
2. Brian Darby spoke to the good efforts of authorities and the community in finding a kidnapped baby.
3. Tessa Woodmansee addressed climate concerns, priority voting and the mayoral race.
4. Blair Beekman spoke to the power of labor unions, working towards a minimal presence in use of law enforcement surveillance and data collection, and hopes for peace in Ukraine.
5. Blair Carson urged positivity in community activism, ‘coming with a solution instead of a complaint’, and thanked Councilmember Raul Peralez for his service.

ADJOURNMENT

The Council of the City of San José adjourned at 8:40 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/04-26-2022 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

APRIL 26, 2022

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, Esparza, Mahan, Jimenez,
Jones, Cohen, Peralez, Foley.

Absent: Councilmembers - Liccardo.

Closed Session Item(s) discussed:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code:

Number of matter(s) to be discussed: 1

**B. CONFERENCE WITH REAL PROPERTY DESIGNATED REPRESENTATIVES
PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

- 1. Property Street Address, Parcel Number, or Other Unique Reference of Property: 525 W. Santa Clara Street, San Jose

Negotiating Parties: Nanci Klein for the City of San José.
Jonathan Boecher for the Sharks Sports and Entertainment

Under Negotiation: The direction will concern potential lease terms and extension.

Likely Range of Value of Property:

C.

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

2. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150

3. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
4. Organization or Name and Title of Unrepresented Employees: **Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.
- Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO
- How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
- Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA:

Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)

How to Obtain a copy of Existing Contract or MOA:

Web: <http://www.sanJoseca.gov/index.aspx?NID=508>

Telephone – Employee Relations: (408) 535-8150