



# **City Council Meeting SYNOPSIS**

**Tuesday, October 27, 2020  
1:30 PM**

**Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
JOHNNY KHAMIS, DISTRICT 10



## SYNOPSIS OF THE CITY COUNCIL

OCTOBER 27, 2020

*Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer’s March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.*

**The Council meeting was teleconferenced from remote locations.**

**20-1291            CLOSED SESSION:**  
Absent: Jimenez.

**The Council of the City of San José reconvened to Open Session at 1:30 p.m.**

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

Absent: Councilmembers   -   All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 9)**

Councilmember Pam Foley introduced unsung heroes “D9 Stars” from the District 9 community, those who make life a bit better by those whose lives they touch.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved. (11-0.)

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

None provided.

## **2. CONSENT CALENDAR**

The Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

Public Comment: (1) Blair Beekman spoke on reimagining the future of policing, being practical and creative and limiting the prison/militarization/industrial complex, addressed Measure T and better oversight. (2) Roland LeBrun spoke to Item 2.13, opining the MOU for the overpass should be reconsidered, to connect with the Blossom Hill train station sans a bike lane. (3) Tessa Woodmansee addressed Item 2.7, supporting employees working at home, and a sustainable infrastructure to deal with ecological collapse. (4) Speaker “5140” expressed criticism of the employee stipend proposed in Item 2.7. (5) Jeremy Taylor spoke to Items 2.7, 2.9 and 2.10 and referenced the redistricting item.

### **2.1 20-1314 Approval of City Council Minutes.**

- (a) City Council Regular Meeting Minutes of September 15, 2020.
  - (b) City Council Regular Meeting Minutes of September 29, 2020.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

### **2.2 Final Adoption of Ordinances.**

None provided.

### **2.3 20-1313 Approval of Council Committee Minutes.**

- (a) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of September 17, 2020.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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

### **2.4 Mayor and Council Excused Absence Requests.**

None provided.

### **2.5 City Council Travel Reports.**

None provided.

### **2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

**2.7 20-1270 Stipend for Employees Working from Home Due to COVID-19 Pandemic.**

Adopt a resolution to:

(a) Authorize the City Manager to negotiate with the following bargaining units and execute a Side Letter Agreement with those bargaining units that agree to the terms set forth in the staff memorandum to Council related to a \$200 stipend for eligible employees working from home due to the COVID-19 pandemic:

- (1) Association of Building, Mechanical, and Electrical Inspectors (ABMEI);
- (2) Association of Engineers and Architects (AEA);
- (3) Association of Legal Professionals (ALP);
- (4) Association of Maintenance Supervisor Personnel (AMSP);
- (5) City Association of Management Personnel (CAMP);
- (6) International Association of Firefighters, Local 230 (IAFF);
- (7) International Brotherhood of Electrical Workers (IBEW);
- (8) Municipal Employees' Federation (MEF);
- (9) International Union of Operating Engineers, Local #3 (OE#3);
- (10) San Jose Police Officers' Association (POA); and
- (11) International Union of Operating Engineers, Local #3 Peace Officers Park Rangers Association (POPRA).

(b) Approve a \$200 stipend for eligible executive management and professional employees in Unit 99 consistent with the terms of the Side Letter Agreement with the City's bargaining units.

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

*Note: Item 2.7 was bifurcated, with #9 voted on separately due to Councilmember Sylvia Arenas disclosing a conflict of interest regarding OE#3.*

Action: **Resolution No. 79756** regarding Stipend for Employees Working from Home Due to COVID-19 Pandemic, excluding *International Union of Operating Engineers, Local #3 (OE#3)*, was adopted. (11-0.)

Action: Stipend for Employees Working from Home Due to COVID-19 Pandemic for International Union of Operating Engineers, Local #3 (OE#3) was approved. (10-0-0-1. Abstain: Arenas.)

**2.8 20-1271 Approval of the Terms of the Settlement Agreements Concerning Attorney Fees with the International Association of Firefighters, Local 230, International Federation of Professional and Technical Engineers, Local 21, and Operating Engineers, Local 3.**

Approve a settlement in the amount of \$110,000 to the International Association of Firefighters, Local 230 (IAFF), International Federation of Professional and Technical Engineers, Local 21 (IFPTE), and Operating Engineers, Local 3 (OE#3) for attorney's fees related to the Alternative Pension Reform Framework Agreement and authorize the City Attorney to execute the Settlement Agreements.

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

*Note: Item 2.8 was bifurcated, with Operating Engineers, Local 3 (OE#3) voted on separately due to Councilmember Sylvia Arenas disclosing a conflict of interest regarding OE#3.*

Action: Terms of the Settlement Agreements with IAFF and IFPTE were approved. (11-0.)

Action: Terms of the Settlement Agreements with OE#3 was approved. (10-0-0-1. Abstain: Arenas.)

**2.9 20-1272 Amendment to Declaration of Champions Way Parcel as Surplus Property.**

Adopt a resolution declaring a portion of the City-owned Champions Way property (APN 230-59-002) as surplus to the needs of the City pursuant to Cal. Gov. Code §54221(b)(1).

CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto. Council District 3. (Economic Development)

Action: **Resolution No. 79757** approving an Amendment to Declaration of Champions Way Parcel as Surplus Property was adopted. (11-0.)

**2.10 20-1273 Actions Related to Purchase Orders with the American Association of Airport Executives for a Computer-Based Training System at the San José International Airport.**

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase order(s) with the American Association of Airport Executives (Alexandria, VA) for a Computer-Based Training System at the Airport, including related professional services, software subscription, support, and maintenance, for an initial two-year term beginning November 1, 2020 and up to five one-year options to extend the term through October 31, 2027 for a maximum compensation not to exceed \$224,800 during the first year of the initial two-year term, subject to the appropriation of funds; and

*(Item Continued on the Next Page)*

**2.10 (Cont'd.)**

(b) Amend purchase order(s) as required to adjust for increases in badged personnel and unanticipated expenses to ensure regulatory compliance and to optimize system performance and operation, 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)

Action: **Resolution No. 79758** approving actions Related to Purchase Orders with the American Association of Airport Executives was adopted. (11-0.)

**2.11 20-1274 Amendment to Master Agreement with Cooperative Personnel Services for Recruitment Projects.**

Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement with CPS HR Consulting, for recruitment projects, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$540,000, with each service order subject to 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. 79759** approving an Amendment to a Master Agreement with Cooperative Personnel Services was adopted. (11-0.)

**2.12 20-1275 Award of Construction Contract for Aborn Roadway Improvement Project.**

(a) Approve award of a construction contract for the Aborn Roadway Improvement Project, to the low bidder, Redgwick Construction, Co. in the amount of \$644,998.

(b) Approve an approximate 15% contingency in the amount of \$96,750.

CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 8. (Transportation)

Action: An Award of a Construction Contract for Aborn Roadway Improvement Project was approved. (11-0.)

**2.13 20-1276 Second Amendment to Consultant Agreement with HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Second Amendment to the consultant agreement between the City and HMM Engineers for the US 101/Blossom Hill Road Interchange Improvement Project to expand the scope of services related to Design Services During Construction, increase the maximum total amount of compensation by \$428,800 from \$5,363,700 to \$5,792,500, and extend the term of the agreement from December 31, 2021 to July 31, 2023.

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**2.13 (Cont'd.)**

CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (Transportation)

Action: **Resolution No. 79760** approving a Second Amendment to Consultant Agreement with HMM Engineers was adopted. (11-0.)

**2.14 20-1333**

**Approval of October as the 75th Anniversary of National Disability Employment Awareness Month and 2020 as the 30th Anniversary of the Americans with Disabilities Act Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government on October 21, 2020:

(a) Approve October as the 75th Anniversary of National Disability Employment Awareness Month and 2020 as the 30th Anniversary of the Americans with Disabilities Act 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. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Foley and Jones)

[Rules Committee referral 10/21/2020- Item G.1.a]

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

**2.15 20-1340**

**Approval of Drive and Treat Resource Fair Sponsored by Council District 8 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 on October 21, 2020:

(a) Approve the Drive and Treat Resource Fair at Meyer Elementary School scheduled on October 30, 2020 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. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Arenas)

[Rules Committee referral 10/21/2020- Item G.1.b]

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

**2.16 20-1347 Approval of November 2020 as Sikh American Awareness & Appreciation Month Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. - DEFERRED**

As recommended by the Rules and Open Government on October 21, 2020:

- (a) Approve the November 2020 as Sikh American Awareness & Appreciation Month to be recognized on November 3, 2020 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

(Arenas)

[Rules Committee referral 10/21/2020- Item G.1.c]

***DEFERRED TO 11/3/2020 PER CITY CLERK***

**2.17 20-1354 Approval of the Faith Leaders Appreciation Month Event Sponsored by Council District 8 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 on October 21, 2020:

- (a) Approve October 2020 Faith Leaders Appreciation Month 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. (Arenas)

[Rules Committee referral 10/21/2020- Item G.1.d]

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

**2.18 20-1361 Approval of City Hall Free Use on November 17, 2020 to November 21, 2020, by the Mayor's Office for the Projecting Hope Event 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 on October 21, 2020:

- (a) Adopt a resolution authorizing "Free Use" for projecting images on the exterior City Hall North Tower Wall located on the East Plaza from November 17-21, 2020 to bring awareness to homelessness and build community support for compassionate solutions to our City's homeless crisis, hosted by the Mayor's Office and WeHOPE;
- (b) Approve the Mayor's WeHOPE Projecting Hope Event from November 17, 2020 to November 21, 2020 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. (Mayor)

[Rules Committee referral 10/21/2020- Item G.4]

Action: **Resolution No. 79761** was adopted. (11-0.)

**2.19 20-1362 Boards and Commissions Appointments.**

Approve the following Board and Commission appointment:

(a) Measure T Community Oversight Committee:

(1) District 9 Seat: Appoint Shruti Chandrasekhar.

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

Action: The appointment of Shruti Chandrasekhar to the Measure T Community Oversight Committee was approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

None provided.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3 20-1278 Summary Vacation of a Street Easement Located at 1605 Industrial Avenue with Reservation of a Public Storm Drain Easement and a Public Sanitary Sewer Easement within the Area Being Vacated.**

Adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the street easement (“Subject Portion”) at 1605 Industrial Avenue with the reservation of a public storm drain easement and a public sanitary sewer easement within the area being vacated;

(b) Summarily vacating the Subject Portion, which has been determined to be excess, and reserving a public storm drain easement and public sanitary sewer easement within the area being vacated; and

(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Mitigated Negative Declaration for the 1605 Industrial Avenue Project. File No. PD18-044. Council District 3. (Public Works)

Action: **Resolution No. 79762** Summarily Vacating a Street Easement Located at 1605 Industrial Avenue was adopted. (10-0-1. Absent: Carrasco.)

**3.4 20-1300 Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2019.**

Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2019.

(b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 2019.

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

[Deferred from 10/20/2020 - Item 3.6 (20-1238)]

Action: The Retirement Plans' Comprehensive Annual Investment Fee Reports for Calendar Year 2019 were approved. (11-0.)

**3.5 20-1305 Redistricting Commission. - Not to be Heard Before 6:00 P.M.**

As recommended by the Rules and Open Government Committee on October 14, 2020:

(a) Open application period for the Redistricting Commission pursuant to Article IV, Section 403 of the City Charter from approval date to December 13, 2020;

(b) Agendize appointment of the Redistricting commission for January 12, 2021; and

(c) Set the date for Councilmembers to nominate Commissioners no later than January 7, 2021.

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

(City Clerk) [Deferred from 10/7/2020 - Item G.3 (ROGC 20-249)]

[Rules Committee referral 10/14/2020 - Item G.2]

***Not heard before 6:00 p.m.***

Action: Upon motion by Councilmember Johnny Khamis, seconded by Mayor Sam Liccardo and carried unanimously, the joint memorandum from Councilmembers Jimenez, Peralez, Carrasco, Esparza, and Arenas, dated October 21, 2020 was accepted as revised, to (1) Accept the City Clerk's recommendations;

~~(2) Refer Redistricting Commission changes to the San José Board of Fair Campaign and Political Practices to evaluate and bring back to Council for consideration before final appointment of commissioners. The Commission should consider holding a special meeting in November to evaluate reforms. Reforms should include prohibiting communication between Commissioners and the Mayor/Councilmembers, as well as candidates for those offices, campaign staff, and their spouses, as well as providing for strict disclosure requirements of all communications between Commissioners and outside parties to ensure transparency. Reforms should ensure:~~ (2)(a.) Increase community participation and communication with historically underserved and underrepresented communities through extensive and effective community engagement, based on best practices: (i.) Meetings in each Council District -- per Brennan Center for Justice and consistent with the 2010 San José Redistricting process.

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### 3.5 (Cont'd.)

(ii.) Multiple meetings in all 3 common languages: Spanish, Vietnamese, English. (iii.) Extensive and effective noticing for the public -- including ensuring that notices are placed in newspapers of record -- per Brennan Center for Justice (iv.) Include Vietnamese, Spanish, and English papers for language specific meetings. (v.) Hold an additional public hearing on the subject of redistricting principles proposed in today's action. (vi.) Provide free childcare options for those who need it to participate in public hearings -- when possible under public health guidelines. (vii.) Allow sufficient time after public hearings to incorporate feedback. (b.) Serve the City Charter's stated goal under Article 403 that "The membership of the Commission shall be representative of the ethnic make-up of the City at large, to the extent practicable" and ensure sufficient resources to meet Council direction and best practices: (i.) Direct the City Clerk to produce a budget and plan to address these community needs -- including staffing and consulting needs. (ii.) Direct the City Manager's Office to bring forward sufficient funding in the Mid-Year budget, for Council approval.

3. Provide an open and accessible website with key information available to the public -- including: listing commissioners, data used, and access to data. Hearing notices, recordings, transcripts, and lives stream links.

4. Reaffirm and clarify equity principles in Redistricting Commission criteria list: (a.) ~~Direct the City Attorney to submit an amicus brief in ongoing litigation to prevent the Trump Administration from excluding undocumented community members from census data that will form the basis of redistricting data.~~ (b.) Direct the Redistricting Commission to: (i.) Create Districts that provide racial minorities with an equal opportunity to participate in the political process, and that do not dilute or diminish their ability to elect candidates of choice whether alone or in coalitions with others -- per Brennan Center for Justice. (ii.) Educate Commission members on the importance of avoiding proposed maps that would result in "stacking", "cracking", or "packing" communities of color and thereby reducing their voice in municipal governance

### AND

Approve the memorandum from Mayor Liccardo, dated October 9, 2020 to (1) Accept the City Clerk's recommendations; and (2) Adopt the reforms recommended by California Common Cause to maximize the diversity, openness and effectiveness of San José's Redistricting Commission process as detailed below. 1. Hold an open application process: Let all San José residents apply to serve on the commission. Construct an open and public process that makes applicants' applications -- their resumes and answers to short essay questions -- known to the public. Create a website where members of the public can submit public comment on applications. Require councilmembers to appoint someone from the pool of people who apply from their district. • CA Common Cause can provide useful examples of applications from other city and county redistricting commissions and consult on designing the application process. 2. Eliminate conflicts of interest: Prohibit the appointment of an elected official's family members, employees, current or past campaign staffers, or current or past campaign consultants; current and past candidates and officeholders; registered city lobbyists; and major campaign donors (e.g. \$500+). • CA Common Cause can provide disqualifying conflict of interest criteria from other redistricting commissions. Disqualifying conflict of interest criteria of this kind are used by the state commission and commissions in many cities and counties, including Menlo Park, Oakland, Los Angeles County, and San Diego County. 3. Ensure diversity on the commission: Require elected officials to make their appointments "provisional" and public for a two-week period, so the City Clerk or City Attorney can provide an evaluation of whether the proposed appointees as a whole would compose a commission that

*(Item Continued on the Next Page)*

### 3.5 (Cont'd.)

is in fact racially/ethnically representative of the City. Require that the final appointments be made together at a noticed council meeting so that councilmembers can deliberate and make adjustments as needed to ensure diversity. 4. Enable public input on commissioner selections before they are final: Permit the public to comment on the proposed commissioners during this provisional period. 5. Ban closed-door, backroom communications: Increase independence and public trust by prohibiting commissioners from having ex parte communications on redistricting. Such bans have been adopted by the state commission and by several large cities in California, such as Long Beach and Sacramento. Adopt the provisions for California's Citizens Redistricting Commission in state code section 8253.a3, which states: "Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, staff, legal counsel and consultants retained by the commission." Require all communication with commissioners concerning redistricting from elected officials to be made orally during public comment at a commission meeting or in written comment submitted to the commission and published online. 6. Prevent interference with the commission's work: Permit removal of a commissioner by the appointing elected official for good cause only (e.g. health problems or moving out of San Jose) and with confirmation via a majority vote of the redistricting commission. 7. ~~Direct city staff to return with options for placing a charter amendment on the 2022 ballot to create an independent redistricting commission, which would adopt council district boundaries in all future redistricting cycles. Staff should work with California Common Cause to identify best practices recommendations and model charter language from other California cities.~~  
(11-0.)

### 3.6 20-1375 **Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Page Street Studios Development. - RENUMBERED FROM ITEM 8.1**

(a) Adopt a resolution:

(1) Authorizing the issuance of tax-exempt multifamily housing revenue note designated as "City of San José California Multifamily Housing Revenue Note (Page Street Studios), Series 2020B 1 and Series 2020B 2 in an aggregate principal amount not to exceed \$29,500,000 (together, the "Series 2020B Note");

(2) Approving a loan of Series 2020B Note proceeds to Page Street, L.P., a California limited partnership sponsored by Charities Housing Development Corporation a California nonprofit corporation, to finance the acquisition, construction and development of the 82 apartment multifamily rental housing development known as the Page Street Studios located at 329-353 Page Street in San José (the "Development");

(3) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, and Regulatory Agreement and Declaration of Restrictive Covenants (the "Series 2020B Note Documents"); and

*(Item Continued on the Next Page)*

**3.6 (Cont'd.)**

(a)(4) Authorizing and directing the City Manager, Director of Housing, the Director of Finance, Assistant Director of Finance, the Deputy Director of Debt and Treasury Management and Debt Administrator or their designees, to execute and deliver the Series 2020B Note Documents and related or ancillary to the Series 2020B Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development's rents and income to increase to up to 60% of Area Median Income (low income) for new tenants in the event of the expiration or termination of Section 8 subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds; and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to the above change to the City Loan terms.

CEQA: Mitigated Negative Declaration, Page Street Housing Project, File Nos. SP17-037 and AT18-012, dated 10/19/18. Council District 6. (Housing/Finance)

[Deferred from 9/29/2020 - Item 3.5 (20-1128)]

***Renumbered from Item 8.1 (20-1285)***

Action: (a) **Resolution No. 79763**, regarding Issuance of a Tax-Exempt Multifamily Housing Revenue Note and (b) **Resolution No. 79764**, regarding Loan of the Proceeds Thereof for the Financing of Page Street Studios Development, were adopted. (11-0.)

**3.7 20-1376 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Alum Rock Family Housing. - RENUMBERED FROM ITEM 8.2**

(a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as "City of San José, California Multifamily Housing Revenue Note (Alum Rock Family Housing), Series 2020A" (the "2020 Note") in a principal amount not to exceed \$36,855,974;

(2) Approving the loan of 2020 Note proceeds to Alum Rock Family Housing, L.P., a California limited partnership created by Affirmed Housing Group, a California for profit corporation, to finance the construction and development of an 87 apartment multifamily development known as Alum Rock Family Housing located at 2380 Alum Rock Avenue, in San José (the "Development");

(3) Approving in substantially final form the Funding Loan Agreement, the Borrower Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the "2020 Note Documents");

*(Item Continued on the Next Page)*

### 3.7 (Cont'd.)

(a)(4) Authorizing a reduction in the City's issuance and annual monitoring fees in the approximate amount of \$600,000 during the term of the 2020 Note notwithstanding the City's Policy for Issuance of Multifamily Housing Revenue Bonds, as provided below; and

(5) Authorizing and directing the City Manager, Director of Housing, Director of Finance, or their designees, to execute and deliver the 2020 Note Documents together with any documents ancillary to the 2020 Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development's rents and income up to 60% AMI (low income) for new tenants in subsidized apartments in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds; and

(2) Authorizing the Director of Housing, or Designee, to negotiate and execute loan documents, amendments, and all other documents related to this action.

CEQA: Statutorily Exempt, ER20-109, Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, File No. ER20-109. Council District 5. (Housing/Finance)

[Deferred from 9/29/2020 - Item 3.6 (20-1129)]

***Renumbered from Item 8.2 (20-1286)***

Action: (a) **Resolution No. 79765**, regarding Issuance of a Tax-Exempt Multifamily Housing Revenue Note and loan of proceeds, and (b) **Resolution No. 79766**, regarding change in City Loan terms, were adopted. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

### **4.1 20-1280 Fireworks Ordinance Workplan Status Update.**

Accept the status report on the implementation of the Fireworks Ordinance Workplan Post-Fourth of July 2020.

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

[Rules Committee referral 08/19/2020 - Item G.2; 09/09/2020 - Item G.3]

[Deferred from 9/15/2020 - Item 4.1 (20-1042)]

Action: The Fireworks Ordinance Workplan Status Update was accepted, including the joint memorandum from Councilmember Sergio Jimenez, Vice Mayor Chappie Jones and Councilmember Dev Davis, dated October 23, 2020, to:

*(Item Continued on the Next Page)*

#### **4.1 (Cont'd.)**

Accept the Fireworks Ordinance Workplan Post- Fourth of July 2020 status report and include the following recommendations in Next Steps Staff will focus on and return to Council with findings:

1. Direct the City Manager in collaboration with the San Jose Police Department to evaluate the use of drones and other similar technology available to SJPD as an enforcement tool during peak firework seasons and return to Council with findings and recommendations.
2. In addition to performing a comparative analysis of illegal fines across the Bay Area, staff should prioritize coming back to Council with increased fine amounts that will more effectively deter illegal fireworks before the 2021 New Year's celebrations.
3. While staff engages regional partners to leverage illegal fireworks mitigation resources and programs staff should also:
  - a. Work with the Office of Administration, Policy, and Intergovernmental Relations to collaborate with county, state and federal partners on legislation that bans the use of fireworks statewide and increases the prosecution of violators.
  - b. Engage with neighboring cities such as Morgan Hill and Gilroy to encourage the banning of fireworks Countywide, and prevent fireworks sold or used in these cities from entering San Jose.
  - c. Search for potential state and federal funding sources that will enable the City to further invest in enforcement mechanisms and programs to deter the use of fireworks.
4. Direct the City Manager to evaluate potential funding for the reinstatement of the Fireworks Hotspot Police Enforcement pilot for Fourth of July 2021.
5. Evaluate current educational campaigns for cultural competency to guarantee that educational efforts are targeted and appropriate for various cultures and ethnic groups.

Including the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated October 23, 2020, to accept the Fireworks Ordinance Workplan Status report, and

1. Place the social host ordinance item on the next Council Priority Setting session, to direct the City Attorney to draft an amendment to the SJ municipal code.
2. Direct the City Manager to improve the reporting tool, specifically:
  - a. to make it more readily accessible for mobile users,
  - b. to redesign the tool to ensure that users are more aware of the necessity of providing comprehensive information about any incident for the issuance of an enforceable citation;
  - c. to evaluate the suitability and feasibility for integration to the San Jose 311App; and
  - d. to return to City Council before the end of the calendar year with a list of recommended “next applications” to include in the next San Jose 311 App upgrade, with an expansive list of alternatives based on Council and ongoing public feedback, and a clear description of any additional resources required to upgrade the app
3. Reinstate the Fireworks Ordinance Workplan in the Public Safety, Finance, and Strategic Support committee workplan for FY 20-21 and cross-reference the report to full Council by May 2021.

Also including direction to reevaluate the protocol for issuance of citations.

**(11-0.)**

**4.2 20-1292 Actions Related to the Approval of the Proposed 2020-2022 Spending Plan for the Supplemental Law Enforcement Services Grant and the Revised 2019-2021 Spending Plan for the Supplemental Law Enforcement Services Fund Grant.**

(a) Approve the proposed 2020-2022 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,593,797 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum to Council and in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2019-2021 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$2,477,518.

(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 \$1,646,728;

(2) Increase the appropriation to the Police Department for the SLES Grant 2019-2021 in the amount of \$896,728; and

(3) Establish the SLES Grant 2020-2022 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 Approval of the Proposed 2020-2022 Spending Plan and Appropriation were approved, and (c) Appropriation **Ordinance No. 30498** and Funding Sources **Resolution No. 79767** regarding the Supplemental Law Enforcement Services Fund were adopted. (11-0.)

**4.3 20-1363 Urgency and Regular Ordinance to Control Feral Pig Population.**

(a) Accept staff recommendation to not adopt an urgency ordinance and/or regular ordinance to amend Section 10.32.140 of Chapter 10.32 of Title 10 of the San José Municipal Code to allow the use of bow and arrow on wild pigs; or

(b) In the alternative, consider and adopt a temporary urgency ordinance, and consider and approve a regular ordinance, to amend Section 10.32.140 of Chapter 10.32 of Title 10 of the San José Municipal Code to exclude a person with a valid trapping license and authorized by the California Department of Fish and Wildlife pursuant to a wild pig depredation permit from the prohibition of the shooting of bows and crossbows in the City of San José if certain criteria are met.

CEQA: Use of the Final EIR for the Santa Clara Valley Habitat Conservation Plan, File No. PP13-103. (Public Works/Police)

[Rules Committee referral 9/30/2020 - Item G.2; 10/21/2020 - Item A.1.a; Deferred from 10/6/2020 - Item 4.1 (20-1218)]

### 4.3 (Cont'd.)

Action: Staff's recommendation to not adopt an urgency ordinance and/or regular ordinance to amend Section 10.32.140 of Chapter 10.32 of Title 10 of the San José Municipal Code to allow the use of bow and arrow on wild pigs was accepted, with additional direction for staff to reach out to the County to see if they can resume their depredation plan. (11-0.)

## **5. TRANSPORTATION & AVIATION SERVICES**

### 5.1 20-1281 **Public Hearing for Airline Support Program.**

(a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration, to Alaska Airlines and Volaris Airlines.

(b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in the table of the staff memorandum to Council.

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

Action: A public hearing was held for the Airline Support Program, and (b) **Resolution No. 79768**, to provide the City's Air Service Support Program to new air carrier service was adopted. (11-0.)

### 5.2 20-1277 **Consultant Agreement with HNTB Corporation for the US 101/Mabury-Berryessa-Oakland Corridor Improvements Project.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement between the City and HNTB Corporation for engineering consultant services for the US

101/Mabury-Berryessa-Oakland Corridor Improvements Project for a term from date of execution to December 31, 2025, with the City's option to extend for up to two one-year extensions, for an amount not to exceed \$7,500,000.

CEQA: Not a Project, File PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 3 and 4. (Transportation)

Action: **Resolution No. 79769** executing a Consultant Agreement with HNTB Corporation was adopted. (11-0.)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

### **7.1 20-1282 Approval of the Payne Avenue Master Plan Located at 3257 Payne Avenue. - *Not to be Heard Before 5:00 P.M.***

Approve the Master Plan for a 1.9-acre neighborhood park with phasing plan for a community center located at 3257 Payne Avenue.

CEQA: Categorically Exempt, File No. ER19-082, CEQA Guidelines Section 15332. In-Fill Development Projects. Council District 1. (Parks, Recreation and Neighborhood Services)

***Not heard before 5:00 P.M.***

Action: The Payne Avenue Master Plan Located at 3257 Payne Avenue was approved, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones and Councilmember Raul Peralez dated October 23, 2020, to:

1. Accept the recommendation to approve the Payne Ave Master Plan for a 1.9-acre neighborhood park with a two-step phasing plan at 3257 Payne Ave, including the approval of building a community center in Phase II of the Master Plan.
2. Direct PRNS staff to maintain the KaBOOM! playground for public use for as long as possible, until imminent removal during Phase I of the proposed Master Plan.  
(11-0.)

### **7.2 20-1283 Actions Related to the St. James Park Capital Vision and Performing Arts Pavilion Project.**

(a) Adopt a resolution certifying the St. James Park Capital Vision and Performing Arts Pavilion Project Environmental Impact Report (EIR) and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopt a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).

(b) Approve the St. James Park Updated Capital Vision (Master Plan) to guide future rehabilitation of this downtown park.

CEQA: St. James Park Capital Vision and Performing Arts Pavilion Project Environmental Impact Report (EIR), File No. PP16-037.

Council District 3. Planning Commission recommends approval (7-0).  
(Parks, Recreation and Neighborhood Services)

Action: (a) **Resolution No. 79770** certifying the St. James Park Capital Vision and Performing Arts Pavilion Project EIR was adopted, and the St. James Park Updated Capital Vision (Master Plan) was approved. (11-0.)

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1 20-1285 **Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Page Street Studios Development. - RENUMBERED TO ITEM 3.6**
- 8.2 20-1286 **Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof for the Financing of Alum Rock Family Housing. - RENUMBERED TO ITEM 3.7**
- 8.3 20-1287 **Internal Transfer for Affordable Housing Sites.**

Adopt a resolution:

(a) Authorizing the Director of Housing to negotiate and execute any documents required under California Redevelopment Law for the transactions herein, and any amendments or modification thereto, including, but not limited to, the affordability restrictions; and  
(b) Authorizing the transfer of the following three City-owned real properties, totaling approximately 1.02 acres of land, to the Housing Department to be funded from the Low and Moderate Income Housing Asset Funds for the future construction of affordable housing in exchange for the appraised values of the properties consistent with the California Redevelopment Law:

(1) 3707 Williams Road (Assessor Parcel Number 299-32-074) from the Department of Parks, Recreation and Neighborhoods Service for the appraised amount of \$6,200,000;

(2) 1749 Mt. Pleasant Road (Assessor Parcel Number 647-24-042), from the Fire Department for the appraised amount of \$900,000;

(3) 430 Park Avenue (Assessor's Book 259, Page 46, unassigned parcel), from the Office of Economic Development for the appraised amount of \$555,000.

CEQA: Statutorily Exempt, File No. ER20-107, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1, 3, 5. (Economic Development/Fire/Housing/Parks, Recreation and Neighborhood Services)

Action: Deferred to November 3, 2020.

**8.4 20-1289 Update on the 6th Cycle Regional Housing Needs Allocation.**

Accept the staff report informing the Council of the Regional Housing Needs Allocation process.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)

Action: Deferred to November 10, 2020.

**8.5 20-1364 Ratify Agreement with County of Santa Clara to Provide Emergency Non-Congregate Shelter for COVID-19 Vulnerable Individuals in Motels.**

Adopt a resolution ratifying an agreement with County of Santa Clara in an amount not to exceed \$1,794,447, dated September 17, 2020, to provide emergency non-congregate shelter in motels for City of San José residents that are COVID-19 vulnerable from June 15, 2020 through October 15, 2020.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)  
[Rules Committee referral 10/21/2020 - Item A.1.a]

Action: Deferred to November 3, 2020.

**8.6 20-1365 Cost Sharing Agreement with County of Santa Clara for COVID-19 Isolation and Quarantine Support Program, Community Health and Business Engagement Teams, and Meal Delivery Service.**

Adopt a resolution authorizing the City Manager to negotiate and execute a Cost Sharing Agreement with the County of Santa Clara (County) for COVID-19 related activities through December 30, 2020:  
(a) Payment to the County in the amount of \$4,500,000 to support the COVID-19 Isolation and Quarantine Support Program to contain and mitigate community spread of COVID-19;  
(b) Payment to the County in the amount of \$500,000 to support and expand the Community Health and Business Engagement Teams; and,  
(c) Receipt of \$724,000 from the County to fund the City's meal delivery for non-San José residents that are COVID-19 vulnerable homeless persons staying in motels as part of the Isolation and Quarantine Support Program.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)  
[Rules Committee referral 10/21/2020 - Item A.1.a]

Action: Deferred to November 3, 2020.

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

None provided.

#### **• Open Forum**

1. Tessa Woodmansee offered recommendations regarding the General Plan.
2. Blair Beekman offered a consideration for San José's new police chief.
3. JT urged the importance of open dialog.

#### **• Adjournment**

The Council of the City of San José adjourned at 12:18 a.m.