



# **City Council Meeting SYNOPSIS**

**Tuesday, November 8, 2022**

**1:30 PM**

**Hybrid Meeting – Council Chambers and Virtually –  
<https://sanjoseca.zoom.us/j/88957084529>**

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



**\* COVID-19 NOTICE \***

*Consistent with AB 361 and City of San Jose Resolution Nos. 80628 ,80659, 80685, and 80724 Councilmembers may be teleconferencing from remote locations.*

**• Call to Order and Roll Call**

9:30 a.m. - Closed Session

**22-1616**

Closed Session – Absent: Carrasco, Peralez, Liccardo.

Present: Councilmembers - Arenas (via Zoom), Carrasco, Cohen, Esparza (via Zoom), Davis, Foley, Jimenez, Jones, Mahan.  
Absent: Councilmembers - Peralez, Liccardo.

**• Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

**• Invocation (District 10)**

San Jose Guitar School of Music, Director and Owner Chris Shahin provided the invocation through a guitar performance of his song “New Song for San José,” with Jason Lewis playing the drums and Ken Okada playing bass.

**• Orders of the Day**

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

**• Closed Session Report**

None provided.

# **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Matt Mahan presented a commendation to this year's US Youth Men's Beach Handball National Team, the first US team ever to participate in the Youth World Championships. Coach Martin Bilello was invited to speak on behalf of the team and this year's championships held in Greece. (Mahan)
- 1.2 Councilmember Matt Mahan presented a commendation to Rich Saito for his dedication and service to the City of San José. (Mahan)
- 1.3 Councilmember Magdalena Carrasco presented a commendation to Jesus Flores, recognizing him for his dedication and services to small businesses in San José. (Carrasco)
- 1.4 Vice Mayor Chappie Jones proclaimed November 2022, as National Runaway and Homeless Awareness Month to raise awareness of the issues faced by runaway and homeless youth and to highlight the resources available to them. CEO of the Bill Wilson Center, Sparky Harlan was invited to speak on this proclamation. (Liccardo and Jones)

# **2. CONSENT CALENDAR**

The Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Peralez, Liccardo.)

Public Comments: Blair Beekman, Paul Soto, Caller with number ending in #6910, Gail Anne Osmer, and Mollie McLeod offered public comments.

## **2.1 Approval of City Council Minutes.**

None provided.

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

### **2.3 22-1671 Approval of Council Committee Minutes.**

(a) Joint Meeting of Public Safety, Finance and Strategic Support Committee and the County of Santa Clara Public Safety and Justice Committee Minutes of September 8, 2022. (b) Regular Neighborhood Services and Education Committee Minutes of September 8, 2022. (c) Regular Neighborhood Services and Education Committee Minutes of October 13, 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. (9-0-2. Absent: Peralez, Liccardo.)

- 2.4 22-1648 Mayor and Council Excused Absence Requests. - DROPPED**  
Request for excused absence for Councilmember Jimenez from the Regular Meeting of San José City Council on October 25, 2022 due to personal travel. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 11/2/2022 - Item A.1.a]

**ITEM DROPPED PER ADMINISTRATION.**

**2.5 City Council Travel Reports.**

None provided.

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

None provided.

**2.7 22-1617 Amendment to the Airline-Airport Lease and Operating Agreement with Airlines Operating at the Airport.**

Adopt a resolution authorizing the Director of Aviation to negotiate and execute an amendment for the Airline-Airport Lease and Operating Agreement with any current or new passenger or cargo airlines at the Norman Y. Mineta San José International Airport. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Action: **Resolution No. 80748** was adopted. (9-0-2. Absent: Peralez, Liccardo.)

**2.8 22-1618 Continuation of Drought Declaration.**

Adopt a resolution extending the drought emergency in Resolution No. 80303 through May 31, 2024, continuing the declaration of a water shortage of 15% citywide and limiting the use of potable water for landscape and turf irrigation to two scheduled days per week, except when watering by hand or by drip irrigation, or for maintenance of public parks, playing fields, day care centers, golf course greens, and school grounds, provided such irrigation is done in a water efficient manner, or for fire protection, soil erosion control, plants and trees grown for consumption, nursery or garden center plants for sale, and environmental mitigation projects. CEQA: Categorically Exempt, File No. ER21-266, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Action: **Resolution No. 80749** was adopted. (9-0-2. Absent: Peralez, Liccardo.)

**2.9            22-1619            Actions Related to Continued Shelter Crisis to Activate Two Overnight Warming Locations During the Cold Weather Season.**  
(a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 et seq., and designating the following two City-owned facilities to be occupied as Overnight Warming Locations by individuals experiencing homelessness during the cold weather season: (1) Roosevelt Community Center; 901 E Santa Clara Street, San José, CA 95116; and (2) West Valley Branch Library; 1243 San Tomas Aquino Road, San José, CA 95117. (b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an agreement with HomeFirst, retroactive to October 15, 2022, through June 30, 2023, in an amount not to exceed \$900,000 to implement the Overnight Warming Locations. CEQA: Categorically Exempt, File No. ER22-243, CEQA Guidelines Sections 15269, Emergency Projects, and Section 15301, Existing Facilities. Council Districts 1 and 3. (Housing/Library/Parks, Recreation and Neighborhood Services)

Action: (a) **Resolution No. 80750** and (b) **Resolution No. 80751** were adopted. (9-0-2. Absent: Peralez, Liccardo.)

**2.10            22-1677            Request for Travel Authorization for Councilmember Jimenez.**  
As recommended by the Rules and Open Government Committee on November 2, 2022, authorize travel for Councilmember Jimenez to Cape Town, South Africa from February 20, 2023 to February 24, 2023 to attend the Sister Cities International African Regional Summit (Source of Funds: District 2 Funds). CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 11/2/2022 - Item B.2]

Action: The travel authorization request for Councilmember Sergio Jimenez was approved. (9-0-2. Absent: Peralez, Liccardo.)

**2.11            22-1689            Request for Travel Authorization for Vice Mayor Jones.**  
As recommended by the Rules and Open Government Committee on November 2, 2022, authorize travel for Vice Mayor Jones to Kansas City, MO from November 17, 2022 to November 19, 2022 to attend the National League of Cities City Summit Conference (Source of Funds: Mayor/Council Travel Budget). CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones) [Rules Committee referral 11/2/2022 - Item B.5]

Action: The travel authorization request for Vice Mayor Chappie Jones was approved. (9-0-2. Absent: Peralez, Liccardo.)

- 2.12 22-1675 Retroactive Approval of Movie Night and Jazz Concert Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Events.**  
As recommended by the Rules and Open Government Committee on November 2, 2022: (a) Retroactively approve the Movie Nights and Jazz Concerts at Cahill Park, the Municipal Rose Garden, and Rosemary Gardens Park scheduled on July 23, 2022, August 6, 2022, August 13, 2022, August 27, 2022 and October 1, 2022, as City Council sponsored Special Events and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis) [Rules Committee referral 11/2/2022 - Item B.1]

Action: The City Council sponsored Special Events were retroactively approved. (9-0-2. Absent: Peralez, Liccardo.)

- 2.13 22-1684 Approval of River Oaks Neighborhood E-Waste Collection and Retroactive Approval of the Day on the Bay 2022 Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**  
As recommended by the Rules and Open Government Committee on November 2, 2022: (a) Approve the River Oaks Neighborhood e-Waste Collection scheduled on November 12, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve Day on the Bay 2022 scheduled on October 8, 2022 as a City Council sponsored Special Event; and (c) Approve and accept donations from various individuals, businesses, or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 11/2/2022 - Item B.4]

Action: The City Council sponsored Special Events were retroactively approved. (9-0-2. Absent: Peralez, Liccardo.)

### **3. STRATEGIC SUPPORT**

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

City Manager Jennifer Maguire provided a verbal report on the recent visit by United Nations High Commissioner Filippo Grandi, who leads the international response to refugee crisis around the world and works to create inclusive and supportive environments for refugees. Due to this visit the City Manager's Office of Racial Equity could consider new and innovative ways to address needs of refugees in the City of San José.

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

None provided.

- 3.3**      **22-1620**      **Financial Need-Based Stipends for Boards and Commissions.**  
(a) Approve an ordinance amending Section 2.08.120.A of Title 2 of the San José Municipal Code to provide a monthly \$200 financial need-based stipend to each member of each City board or commission established under Chapter 2.08 of the San José Municipal Code or the City of San José Charter: (1) Who is not currently receiving a stipend; (2) Who is a member of a low-income household as defined by the U.S. Department of Housing and Urban Development as at or below 80 percent of the area median income pursuant to 24 CFR 92.2; (3) If they have attended a monthly board or commission meeting; and (4) Such members shall be eligible to be paid the stipend even if the monthly board or commission meeting is canceled.  
(b) Direct the City Clerk’s Office to establish the Financial Need-Based Stipend Application process. (c) Direct the City Manager’s Office to ensure stipend budgeting and administration are coordinated among City departments. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

Public Comments: Blair Beekman; Catalyze SV, Alex Shoor; and Mollie McLeod offered public comments.

Action: (a) **Ordinance No. 30844** was passed for publication. (9-0-2. Absent: Peralez, Liccardo.)

- 3.4**      **22-1621**      **Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority’s Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the 2350 S. Bascom Affordable Housing Development.**  
(a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$65,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance and refinance the acquisition, construction, improvement and equipping of the 123-unit affordable apartment complex to be located at 2350 S. Bascom Road in San José by San José Bascom Associates, L.P., a California limited partnership or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds. (b) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds, by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$65,000,000 to finance and refinance the acquisition, construction, improvement and equipping of 2350 S. Bascom, and to pay certain expenses incurred in connection with the issuance of the bonds. CEQA: Exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Development pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Finance/Housing)

Vice Mayor Chappie Jones opened the public hearing. There were no public comments. Vice Mayor Chappie Jones closed the public hearing.

Action: (b) **Resolution No. 80752** was adopted. (9-0-2. Absent: Peralez, Liccardo.)

- 3.5      22-1622      **Tax Equity and Fiscal Responsibility Act Hearing for California Municipal Finance Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Finance the View at Blossom Hill Affordable Housing Development.**
- (a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 public hearing for the issuance of not to exceed \$95,000,000 of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, to finance and refinance the acquisition, construction, improvement and equipping of the 271-unit multifamily rental housing project to be located at 1007 Blossom Hill Road in San José by View at Blossom Hill, LP, a California limited partnership or an affiliate; and to pay certain expenses incurred in connection with the issuance of the bonds. (b) Adopt a resolution approving the issuance of tax-exempt multifamily housing revenue bonds by the California Municipal Finance Authority, in an aggregate principal amount not to exceed \$95,000,000 to finance and refinance the acquisition, construction, improvement and equipping of the 271-unit multifamily rental housing project to be located at 1007 Blossom Hill Road in San José, and to pay certain expenses incurred in connection with the issuance of the bonds. CEQA: Categorically Exempt, File No. ER21-078, CEQA Guidelines Section 15332, Infill Development Projects. Council District 9. (Finance/Housing)

Vice Mayor Chappie Jones opened the public hearing. There were no public comments. Vice Mayor Chappie Jones closed the public hearing.

Action: (b) **Resolution No. 80753** was adopted. (9-0-2. Absent: Peralez, Liccardo.)

- 3.6      22-1623      **Actions Related to the 10201-SJC Airport Accessibility Upgrades Phase 3A Terminal Buildings Re-Bid Project.**
- (a) Adopt a resolution authorizing the Director of Public Works to: (1) Award and execute the 10201 SJC Airport Accessibility Upgrades Phase 3A - Terminal Buildings Re-Bid Project to the lowest responsive bidder in an amount not to exceed \$14,000,000; and (2) Approve a contingency in the amount of 15 percent of the contract amount. (b) Adopt the following 2022-2023 Appropriation Ordinance and Funding Sources Resolution Amendments in the Airport Capital Improvement Fund: (1) Increase the estimate for Revenue from Federal Government by \$10,000,000; and (2) Establish the Terminal Accessibility Upgrades appropriation to the Airport Department in the amount of \$10,000,000. CEQA: Determination of Consistency with the Final Environmental Impact Report for the Norman Y. Mineta San José International Airport; and (3) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the Contract. (Resolution No. 79497), File No. ER22-262. (Public Works/ Airport/ City Manager)

Action: (a) **Resolution No. 80754**, (b) Appropriation **Ordinance No. 30845** and Funding Sources **Resolution No. 80755** were adopted. (9-0-2. Absent: Peralez, Liccardo.)



**3.7 22-1624 Acceptance of Retirement Plans’ Comprehensive Annual Investment Fee Reports for Calendar Year 2021.**

Accept the following reports: (a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2021. (b) Federated City Employees’ Retirement System Comprehensive Annual Fee report for calendar year 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)

Public Comments: Paul Soto offered public comment.

Action: The Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2021 and Federated City Employees’ Retirement System Comprehensive Annual Fee report for calendar year 2021 were accepted. (9-0-2. Absent: Peralez, Liccardo.)

## **4. PUBLIC SAFETY SERVICES**

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

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

## **7. NEIGHBORHOOD SERVICES**

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

**8.1 22-1625 Approve the Santa Clara Valley Transportation Authority License Agreement for the Safe Parking Program.**

(a) Adopt a resolution adopting the addendum to the Incidental Safe Parking Use Municipal Code Amendments Negative Declaration, all in accordance with the California Environmental Quality Act, as amended. (b) Approve a License Agreement with the Santa Clara Valley Transportation Authority for recreational vehicles safe parking at the Santa Teresa Light Rail Station, north parking lot, for a four-year term. CEQA: Addendum to the Incidental Safe Parking Use Municipal Code Amendments Project Negative Declaration (Resolution No. 78990), File No. ER22-220. Council District 10. (Housing)

Public Comments: Blair Beekman, Paul Soto, Caller with number ending in -6910, Charles Howard, Jill Borders, Izzac Kayo; and Gail Anne Osmer provided public comment.

Action: (a) **Resolution No. 80756** was adopted, and the License Agreement was approved. (9-0-2. Absent: Peralez, Liccardo.)

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

### **10. LAND USE**

#### **• Open Forum**

1. Blair Beekman spoke on the election process and expressed frustration on the inability to provide public comments for closed session items or for the City Manager’s report.
2. Paul Soto spoke on the demolition of the previous San Jose City Hall building and spoke to the historical importance of the building for Civil Rights in San Jose.
3. Cindy Fulk expressed frustration on the drawn-out abatement processes within Richard Huerta Park, a park that was dedicated to a fallen San Jose Police Department police officer. Cindy expressed that delaying the process was disrespecting the police department and officer, as the location is an honorary park.
4. Caller with number ending in -6910 spoke on buffer zones and how they stigmatize unhoused persons. They questioned whether current city policy language should be changed and spoke to the danger of pushing unhoused persons further away from safe areas towards higher traffic areas.
5. Jill Borders thanked Councilmember Foley for the community events put on by the district, commenting that they are wholesome, inspiring and motivating. The caller said the events gave them hope and that the council district should be proud.

#### **• Adjournment**

The Council of the City of San José adjourned at 4:09 p.m.

This meeting was adjourned in the memory of Robert “Bob” Stewart who passed away on September 18, 2022. Bob was a longtime business owner in Berryessa and supported many community groups, including the Berryessa Business Association and the Berryessa Art and Wine Festival Committee