



City Council Meeting Synopsis

Tuesday, November 19, 2019

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



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA**TUESDAY, NOVEMBER 19, 2019**

The Council of the City of San José convened in Regular Session at 1: 35 p.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - Davis.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no Update.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:45 a.m. to a Closed Session in Room W133; (A) to discuss public employment/public employee evaluation pursuant to government code section 54957; re: Independent Police Auditor, Name: Shivaun Nurre; (B) confer with Legal Counsel - existing litigation pursuant to Government Code Section 54956.9(d)(1): 1. Case Name: In re: Claim of Palmer Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court; Case No. ADJ11253761; Amount of Money or Other Relief Sought: Benefits. 2. Case Name: In re: Claim of Pettit; Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court; Case No.: ADJ10526509; C confer with Legal Counsel- anticipated litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code; (D) confer with legal counsel - anticipated litigation: Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(3) of the Government Code: Number of matter(s) to be discussed: 1, Facts: FSLA Issue; (E) to confer with Real Property designated representatives pursuant to government code section 54956.8; Property Address, Parcel Number, or Other Unique Reference of Property:: 180 Park Ave (Parkside Hall development site); Negotiating Parties: Nanci Klein for the City of San José and Tim and Gary Dillabough for Museum Place Owner, LLC; Tim Ritchie for the Tech Interactive. Under Negotiation: The direction will concern price and terms of payment. Likely Range of Value Negotiated price based on appraisal and comparable of Property: property values. (F) confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1). Association of Building, Mechanical and Electrical Inspectors (ABMEI). Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement - City of San Jose and Association of Building, Mechanical and Electrical Inspectors (ABMEI). (2). 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 Jose and Association of Engineers & Architects (AEA).

Access the video, the agenda, and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

(3) City of San Jose - Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: City of San Jose - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary. (4) 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 Jose and City Association of Management Personnel Agreement. (5) International Association of Firefighters, Local 230 (IAFF0); 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 Association of Firefighters, (IAFF), Local 230. (6) International Brotherhood of Electrical Workers, Local 332 (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Local 332 (IBEW). (7) 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. (8) 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). (9) San José Police Officers' Association (SJPOA). Nature of Negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association. (10. Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement -- City of San Jose and ALP.

By unanimous consent, Council recessed from the Closed Session at 11:44 a.m. and reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

Present: Councilmembers - Liccardo, Jones, Khamis, Foley, Peralez, Carrasco, Jimenez, (9:50 a.m.); Arenas, (10:01 a.m.); Esparza, (10:30 a.m.); Diep, (10:28 a.m.)

Absent: Councilmember[s] - Davis,)

INVOCATION

Pastor Mario Canas, Victory Outreach San José, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Agenda Item 3.4 moved to evening, and 4.3), deferred.

(9-2. Absent: Carrasco, Davis)

• Closed Session Report

No report.

1. CEREMONIAL ITEMS

- 1.1** Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a Proclamation to recognize National Prematurity Awareness Month.
- 1.2** Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a Proclamation for National Alzheimer's Awareness Month.
- 1.3** Mayor Sam Liccardo and Councilmember Raul Perez presented a Commendation to SJSU African American Studies Department for its 50th year anniversary.
- 1.4** Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a Commendation to Mary and Robert Miller for their continued dedication and commitment to District 2.
Heard in the Evening.
- 1.5** Mayor Sam Liccardo and Councilmember Pam Foley presented a Commendation for the Campbell Union High School District for their resolution to educate students on vaping.
Heard in the Evening.
- 1.6** Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a Commendation to Latinx Golf for introducing low income students the world of golf
Heard in the Evening.

CONSENT CALENDAR

Upon motion by Councilmember Raul Perez, seconded by Councilmember Maya Esparza and carried unanimously, the Consent Calendar was approved, with Item 2.13 pulled and the below listed actions taken as indicated.

(9-2. Absent: Carrasco, Davis)

2.1 Approval of City Council Minutes.

None provided.

2.2 19-1029 Final Adoption of Ordinances.

Recommendation: Ord. No. 30330 An Ordinance of the City of San José Adding a New Chapter 17.845 to Title 17 of the San José Municipal Code to Prohibit Natural Gas Infrastructure in New Single-Family, Low-Rise Residential Buildings, and Detached Accessory Dwelling Units. [Passed for Publication on 10/29/19 - Item 2.10(a) (19-977)]

Action: Ordinance No. 30330 was adopted.
(9-2. Absent: Carrasco, Davis)

(b) Ord. No. 30334 - An Ordinance of the City of San José Amending Section 4.46.036 of Chapter 4.46 and Section 4.47.089 of Chapter 4.47 of Title 4 of The San José Municipal Code to Expand the Suspension Program for the Collection of a Portion of Construction Taxes on Downtown High Rise Developments. [Passed for Publication on 11/5/19 - Item 2.10(b) (19-988)]

Action: Revised Ordinance No. 30334 was adopted.
(9-2. Absent: Carrasco, Davis)

(c) Ord No. 30335 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.37- Gross Acre Situated on the Northeast Corner of East San Antonio and South 11th Streets (184 South 11th Street) (APN:467-26-095) From The A(PD) Planned Development Zoning District to the R-M Multiple Residence Zoning District. [Passed for Publication on 11/5/19 - Item 10.1(c) (19-998)]

Action: Ordinance No. 30335 was adopted.
(9-2. Absent: Carrasco, Davis)

(d) Ord No. 30336 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Section 20.30.150 to Modify and add Clarifying Language for Current Secondary Unit (ADU) Provisions, to Omit the Minimum Unit Size Limitation for Two Bedrooms on any Lot Greater Than 9,000 Square Feet, Allow a New Detached Secondary Unit at a Minimum Distance of 45 Feet from the Front Property Line, to Allow Connecting Opening Between a Secondary Dwelling Unit and Attached Garage, and to Include Requirements for Unenclosed Overhanging Balconies, Stair Landings and Porches; Amend Section 20.30.280 to add Clarifying Language to Allow Rear Setback Exception for New Construction; Amend Section 20.40.230 to Include Maximum Height Exception Limitations; Amend Section 20.90.410 to add Clarifying Language to Offstreet Loading Provisions; Amend Section 20.100.910 to Modify Requirements for Lot Sizes for Exemption from a Planned Development Permit Amendment for Single-Family Residences; Amend Section 20.100.1300 to Delete Maximum Height Exception Limitations; Amend Section 20.200.1310 to add Clarifying Language to Utility Facility Definition; and to Make Other Technical, Non-Substantive, or Formatting Changes Within Those Sections of Title 20 of the San José Municipal Code.
[Passed for Publication on 11/5/19 –
Item 10.1(d) (19-999)]

Action: Ordinance No. 30336 was adopted.
(9-2. Absent: Carrasco, Davis)

e) Ord No. 30338 - An Ordinance of the City of San José Dissolving Community District No. 9 (Bailey/Highway 101) and Authorizing Other Actions Related to its Dissolution. [Passed for Publication on 11/6/19 –
Item 4.1(g) (19-1026)]

Action: Ordinance No. 30338 was adopted.
(9-2. Absent: Carrasco, Davis)

(f) Ord. No 30340 - An Ordinance of the City of San José Community District No. 5A (North Coyote Valley Facilities) and Authorizing Other Actions Related to its Dissolution. [Passed for Publication on 11/6/19 -
Item 4.1(i) (19-1026)]

Action: Ordinance No. 30340 was adopted.
(9-2. Absent: Carrasco, Davis)

(g) Ord. No 30337 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 4.69 Gross Acres Situated on the West Side of Union Avenue, Approximately 260 Feet Northerly of Los Gatos Almaden Road (5175 Union Avenue) from the R-1-8 Single-Family Residence Zoning District to the CN Commercial Neighborhood Zoning District. [Passed for Publication on 11/5/19 - Item 10.2(b) (19-1000)]

Action: Ordinance No. **30337** was adopted.
(9-2. Absent: Carrasco, Davis)

2.3 Approval of Council Committee Minutes.

2.4 19 1073 Mayor and Council Excused Absence Requests.

Recommendation: (a) Request for an excused absence for Councilmember Peralez, from the Special City Council Meeting of San José Police Department's Sexual Assault Response and Strategy report on November 12, 2019, due to authorized City business at the Association for Commuter Transit (ACT), in Seattle, WA.

Action: Excused absence for Councilmember Peralez, from the Special City Council Meeting of San José Police Department's Sexual Assault Response and Strategy report on November 12, 2019, was approved as recommended.
(9-2. Absent: Carrasco, Davis)

(b) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of Rules and Open Government Committee on November 13, 2019, due to authorized City business at the Annual California Transit Association Meeting, in Monterey, CA.

Action: Excused absence for Vice Mayor Jones, from the Regular Meeting of Rules and Open Government Committee on November 13, 2019 was approved as recommended.
(9-2. Absent: Carrasco, Davis)

(c) Retroactive request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Community and Economic Development Committee on October 28, 2019, due to illness.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Peralez/Jones/Esparza)

Action: Excused absence for Councilmember Esparza, from the Regular Meeting of the Community and Economic Development Committee on October 28, 2019 was approved as recommended.
(9-2. Absent: Carrasco, Davis)

2.5 City Council Travel Reports.

None presented.

2.6 Report from the Council Liaison to the Retirement Boards.

None presented.

2.7 19-1076 Boards and Commissions Appointments.**Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Downtown Parking Board: Appoint Henry Cord to a term ending June 30, 2023.
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Action: Appointment of Henry Cord to a term ending June 30, 2023 was approved as recommended.

(9-2. Absent: Carrasco, Davis)

2.8 19-1054 Amendments to the Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc. for Construction Management and Inspection Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.**Recommendation:**

Approve the Second Amendments to the Master Consultant Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, to clarify authorized travel expenses and provisions governing onsite and offsite employees, and align the consulting contracts with the Capital Improvement Program standards, with no extension to the term or increase to the maximum total compensation.

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

(Environmental Services/Public Works)

Action: The Second Amendments to the Master Consultant Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc., was approved as recommended.

(9-2. Absent: Carrasco, Davis)

2.9 19-1055 Actions Related to 9192-Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for various City Facility Projects.**Recommendation:**

Approve Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for landscape architectural services for various City projects from the date of execution through December 31, 2022, in an amount not to exceed \$750,000 for each Master Agreement.

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

(Public Works) Deferred from 10/22/19 - Item 2.12 (19-935)

Action: Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group were approved as recommended.

(9-2. Absent: Carrasco, Davis)

2.1019-1056 Amendment to the Master Agreement with Placeworks for Landscape Architectural Design Services for Various City Facility Projects.**Recommendation:**

Approve the Second Amendment to the Master Agreement with Placeworks (CPMS Contract No. 8069) extending the term from December 31, 2019 to December 31, 2020 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of Watson Park Renovation and Kelley Park Master Plan Update Projects.

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

Action: The Second Amendment to the Master Agreement with Placeworks (CPMS Contract No. 8069) extending the term from December 31, 2019 to December 31, 2020, was approved as recommended.
(9-2. Absent: Carrasco, Davis)

2.11 19-1057**Agreement with Caltrans for the US 101/Blossom Hill Road Interchange Project.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute the Maintenance Agreement between the State of California, Department of Transportation (Caltrans) and the City of San José for the US 101/Blossom Hill Road Interchange.
CEQA: Categorically Exempt, File No. PP18-053, CEQA Guidelines Section, 15301 Existing Facilities. Council District 2. (Transportation)

Action: Resolution No. 79309 was adopted.
(9-2. Absent: Carrasco, Davis)

2.12 19-1058**Downtown San José Property-Based Improvement District Annual Financial Report.****Recommendation:**

Approve the Downtown San José Property-Based Improvement District Annual Financial Report for Fiscal Year 2018-2019.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports and Informational Memos that involve no approvals of any City action.
Council District 3. (Transportation)

Action: The Downtown San José Property-Based Improvement District Annual Financial Report for Fiscal Year 2018-2019, was approved as recommended.
(9-2. Absent: Carrasco, Davis)

2.13 19-1059**Transportation Fund for Clean Air 2019-2020 Grant Funding Agreement for Downtown Signal Retiming.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority in an amount not to exceed \$679,800 for reimbursement of work that occurs on or after July 1, 2019.

Action: Resolution No. 79310 was adopted.
(9-2. Absent: Carrasco, Davis)

(b) Adopt the following 2019-2020 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

- (1) Decrease Ending Fund Balance by \$500,000;
- (2) Decrease Transportation Grant Reserve by \$320,200;
- (3) Increase the estimate for Revenue from Local Agencies by \$679,800; and
- (4) Establish the TFCA 2019-2020 Downtown Signal Retiming appropriation to the Department of Transportation in the amount of \$1,500,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council District 3.
(Transportation/City Manager)

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, Resolution No. 79311 was adopted. Ordinance No. 30341 was passed for publication.
(8-3. Absent: Carrasco, Davis, Esparza)

2.14 19-1074 Retroactive Approval of D6 Faith Leaders Breakfast and Luncheon 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 Event.

Recommendation: (a) Retroactively approve the D6 Faith Leaders Breakfast and Luncheon held on September 6, 2018 and the D6 Faith Leaders Breakfast held on October 31, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)

Action: The D6 Faith Leaders Breakfast and Luncheon and the D6 Faith Leaders Breakfast Special Event was approved; expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved as recommended.
(9-2. Absent: Carrasco, Davis)

2.15 19-1075 Retroactive Approval of Trash Talks 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 Event.

Recommendation: (a) Retroactively approve the Trash Talks held on August 23, 2019, September 27, 2019 and October 11, 2019, and approve the Trash Talk scheduled on November 8, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)

Action: The Trash Talks Special Event was approved; expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved as recommended.
(9-2. Absent: Carrasco, Davis)

2.16 19-1088 Retroactive Approval of the Evergreen Community Center Neighborhood Nights 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.

Recommendation: (a) Retroactively approve the Evergreen Community Center Neighborhood Nights scheduled on Friday, November 8, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

Action: The Evergreen Community Center Neighborhood Nights Special Event was approved; expenditure of funds; acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.
(9-2. Absent: Carrasco, Davis)

2.17 19-1090 Approval of a District 6 Grant to Willow Glen Middle and High School Foundation.

Recommendation: As recommended by the Rules and Open Government Committee on November 13, 2019, approve a request to approve a \$3,000 grant to the Willow Glen Middle and High School Foundation for their annual fundraising event, Tasting and Auction 2019, to support student academic achievement and cultural enrichment.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 11/13/19 - Item G.2]

Action: A request to approve a \$3,000 grant to the Willow Glen Middle and High School Foundation for their annual fundraising event, Tasting and Auction 2019, was approved as recommended.
(9-2. Absent: Carrasco, Davis)

3. STRATEGIC SUPPORT

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

City Manager, Dave Sykes addressed his invitation to employees to submit ideas that improves process and reduces waste.

3.2 Labor Negotiations Update.

Heard at 9:30 a.m.

3.3 19 1060 Update on the Polling Results on the Potential March 2020 Ballot Measures.**Recommendation:**

- (a) Accept the staff report regarding the outcome of recent public opinion polling around potential 2020 ballot measures; and
 - (b) Direct the City Manager and City Attorney to return with a potential real property transfer tax measure on December 3, 2019 with a proposed ballot question, ordinance, resolution, and other required items for the City Council to call an election to place the tax measure on the March 3, 2020 ballot.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

City Manager's Chief of Staff, Lee Wilcox, Budget Director Jim Shannon, and Assistant to the City Manager, Michelle McGurk gave a presentation and responded to questions.

Public Comments: Offering comments on the Update on the Polling Results on the Potential March 2020 Ballot Measures were: Mario Lopez, (SV@Home Action Fund); Tobin Gilmer, Cindy Bautista, (Sacred Heart Community Service); Jeff Buchanan, (WPUSA); David Lon, (Destination Home); Joey, (Second Street Voices); Mike Eckhart, (Second Street Voices); Christina Garavaglia, (SCCAOR); Lily Liang, Gabrielle Antolovich, (Billy De Frank Center); Lilian Koenig, Kenneth Tejada, (Asian Law Alliance); Susan Price, (PACT); Brenda Rodrigues, (South Bay AFL-CIO); Sophia Silva, Mary Helen Doherty, (PACT); Thomas Scott, Josue Garcia, (Silicon Valley MEPS); Salvador Bustamante, (LUNA); Delma Hernandez, (LUNA); Robert Aguirre, Tina Xiao, Dan Pan, Cindy Wu, and Adrienne Keel.

Council had a productive and extensive debate.

Action: The substitute-motion by Councilmember Johnny Khamis to move approval of his memo, dated November 15, 2019, seconded by Councilmember Sergio Jimenez, failed. (1-9-0. Noes: Liccardo, Jones, Jimenez, Peralez, Diep, Carrasco, Esparza, Arenas, Foley. Absent: Davis)

The underlying motion by Councilmember Lan Diep to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, was accepted, including approval of items number 1 and 2 from Mayor Liccardo and Councilmembers Peralez and Diep's Memorandum to:

1. Accept staff's recommendation to:
 - a. Accept the staff report regarding the outcome of recent public opinion polling around a potential March 3, 2020 real property transfer tax measure, and
 - b. Direct the City Manager and City Attorney to return with a draft real property transfer tax measure on December 3, 2019, including proposed ballot question, ordinance, resolution, and any other items required for the City Council to call an election to place the tax measure on the March 3, 2020 ballot.

(Item Continued on the Next Page)

3.3 19 1060 Update on the Polling Results on the Potential March 2020 Ballot... (Cont'd)

2. Accept City staff's proposed tax structure of:

- a. A floor of \$2 million of assessed value, exempting any property transfer of \$2 million or less, which would exempt 95% of home sales in San Jose according to 2017-2018a, and
- b. Three tiers at the following rates:
 - i. 0.75% for transfers valued from \$2,000,001 to \$5,000,000,
 - ii. 1.0% for transfers valued from \$5,000,001 to \$10,000,000, and
 - iii. 1.5% for transfers valued more than \$10,000,000.

Also approved was Item number 2 from Councilmembers Esparza, Carrasco, and Arenas' Memorandum to:

2. Direct staff to reach out to labor representatives and non-profit affordable housing developers as part of a stakeholder outreach effort on appropriate labor standards policy related to the expenditure prioritization plan to ensure quality jobs are developed from the use of these public funds;

Per affordable housing and homelessness discussion, additional clarification was approved to table the funding priorities and return to Council in the context of the Budget Process regarding revenues collected through a general tax.

This was modified with two friendly amendments by Councilmember Esparza to:

Add Oversight Committee to the Ordinance (not to the 75 words), by integrating Item (4)(d) from the Memorandum by Mayor Liccardo and Councilmembers Peralez and Diep:

(4)(d). Establishing an Oversight Committee consisting of unelected members of the public with scheduled, properly noticed meetings to enable wider public participation

Add 2/3 Council vote to change annual spending priorities (by integrating Item (4)(b) from the Memorandum by Mayor Liccardo and Councilmembers Peralez and Diep:

(4)(b). Mandating a supermajority, two-thirds Council vote to change annual spending plan that could shift any funding.

This was added with further direction to explore alternatives related to the \$2M threshold as follows:

Index to inflation/CPI (Esparza)

Right-size every few years (Peralez)

When median home price hits \$2M for the City, move the tax threshold up (Foley)

(Item Continued on the Next Page)

3.3 19 1060 Update on the Polling Results on the Potential March 2020 Ballot Measures.

Additional staff obligation upon return to Council:

Include the same exemptions as in the Conveyance Tax Ordinance (inheritance, divorce, moving into a trust, etc. (In other words, ensure all the current exemptions continue to apply, for example, estate inheritance exemption between spouse, parents, and children.)

(8-2-1. Noes: Jimenez, Khamis. Absent: Davis)

3.4 19-1061 Public Hearing on Community Facilities District No. 8 (Communications Hill).**Recommendation:**

(a) Conduct a Public Hearing regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill).

(b) Adopt a resolution calling a special election regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill).

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council District 7. (Public Works)

Heard in the Evening.

Mayor Liccardo declared the Public Hearing open, acknowledged the recusal of Councilmember Johnny Khamis from the hearings per his ownership of rental property in the District, and called for public comments.

Public Comments: Offering comments on the Public Hearing on Community Facilities District No. 8 (Communications Hill), were: James Schwab, Manuel Martinez, Scott Guthridge, Nick Patel, and Jerry Strangis.

City Clerk, Toni Taber, and Public Works Director, Matt Cano responded to questions.

Mayor Liccardo declared the Public Hearing closed.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Magdalena Carrasco, and carried unanimously, Council resolved to continue the conversation until December 3, 2019.

(8-2-1. Absent; Diep, Davis. Recused: Khamis)

4. COMMUNITY & ECONOMIC DEVELOPMENT**4.1 19-1078 Disposition and Development Agreement with Museum Place Owner, LLC and Amended and Restated Tech Interactive Lease Agreement. -****Recommendation:**

(a) Adopt a resolution adopting the Addendum to the Museum Place Mixed-Use Project Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(Item Continued on the Next Page)

4.1 19 1078 Disposition and Development Agreement with Museum Place Owner, LLC Cont'd

(b) Adopt a resolution:

(1) Approving the Amended and Restated Disposition and Development Agreement (“DDA”) with Museum Place Owner LLC for the construction of a mixed-use project consisting of office space, retail space, expansion space for the Tech Museum, and a garage (“Project”);

(2) Authorizing the City Manager to (i) negotiate and execute all ancillary documents referenced in the DDA for the Project, and (ii) accept for transfer and transfer property required for the Project to Museum Place Owner LLC; and

(3) Approving the Amended and Restated Lease Agreement with the Tech Museum of Innovation related to the construction and operation of expansion space for the Tech Museum.

CEQA: Museum Place II Mixed-Use Project Addendum (File No. SP17-031-07).
Council District 3. (Economic Development)

Deferred to 12/3/19 per Administration.

4.2 19-1080 Conditional Summary Vacation and Sale of Portion of Park Avenue along the 200 Park Avenue Frontage.**Recommendation:**

(a) Conduct a Public Hearing and adopt a resolution:

(1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of a portion of Park Avenue along the 200 Park Avenue frontage (Subject Portion);

(2) Conditionally vacating the Subject Portion, which after the satisfaction of the condition, will be superseded by relocation;

(3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and

(4) Declaring the Subject Portion consisting of approximately 13,204 square feet of conditionally vacated portion of Park Avenue between Almaden Avenue and Almaden Boulevard surplus to the needs of the City.

There was no presentation for this item.

Economic Development Deputy Director, Nanci Klein, responded to questions.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79312 was adopted, and staff recommendation was accepted.

(10-1. Absent: Davis)

(b) Approve a Purchase and Sale Agreement with SJ Park Almaden LLC, a Delaware limited liability company for the sale of approximately 13,204 square feet of conditionally vacated City-owned property on a portion of Park Avenue, along the 200 Park Avenue frontage, in the amount of \$4,750,000.

Action: A Purchase and Sale Agreement with SJ Park Almaden LLC was approved.
(10-1. Absent: Davis)

(Item Continued on the Next Page)

4.2 19-1080 Conditional Summary Vacation and Sale of Portion of Park Avenue... (Cont'd).

(c) Adopt a resolution authorizing the City Manager or his designee to execute the quitclaim deed and all other documents necessary to complete the transaction.
CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) for 200 Park Avenue, File No. H18-045. Council District 3. (Economic Development)

Action: Resolution No. 79313 was adopted.
(10-1. Absent: Davis)

4.3 19-1062 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of Proceeds Thereof for the Financing of Quetzal Gardens Apartments.**Recommendation:**

(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 (Quetzal Gardens Apartments), Series 2019E” (the 2019 Note) in a principal amount not to exceed \$32,207,500;

(2) Approving the loan of 2019 Note proceeds to Quetzal Gardens, L.P., a California limited partnership created by Resources for Community Development., a California nonprofit public benefit corporation, to finance the construction of a 71-unit multifamily development known as Quetzal Gardens Apartments located at 1695 Alum Rock Avenue, in San José (the Development);

(3) Approving in substantially final form the Funding Loan Agreement, the Construction and Permanent Loan Agreement (Multifamily Housing Back to Back Loan Program), and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the 2019 Note Documents); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, and Debt Administrator, or their designees, to execute and deliver the 2019 Note Documents together with any documents ancillary to the 2019 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 the event of foreclosure or expiration of subsidy contracts 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 this action.

CEQA: Categorically Exempt, CEQA Guideline Section 15332, In-fill Development Projects, File No. CP17-009. Council District 5. (Finance/Housing)

Deferred to 12/3/19 per Administration

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES**

6.1 19-1063 Agreement with ARUP for the Access & Mobility Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with ARUP for planning and design consulting services to develop the Access & Mobility Plan in an amount not to exceed \$1,364,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.
(Transportation)
Deferred to 12/17/19 per Administration

7. ENVIRONMENTAL & UTILITY SERVICES**7.1 19-1079 Actions Related to the Energy Resilience Resource Plan.**

Recommendation: (a) Accept a status report on the workload assessment, workplan development, and resources required to implement City Council direction related to the principles to guide advocacy on restructuring California's electric power system and ensuring San José Clean Energy's operational and financial stability, the Study Session on energy resiliency, and the Rules and Open Government Committee direction related to Making San José Grid-Resilient.
(b) Approve the following additions to the City of San José Community Energy Department staffing in 2019-2020:
(1) Public Information Manager (1.0 FTE)
(2) Senior Power Resources Specialist (Regulatory and Legislative Policy) (1.0 FTE)
(3) Power Resources Specialist I/II (Regulatory and Legislative Policy) (1.0 FTE)
(4) Deputy City Attorney III (1.0 FTE)
(c) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance amendments in the Clean Energy Fund:
(1) Increase the Personal Services appropriation to the Community Energy Department in the amount of \$335,000;
(2) Increase the Personal Services appropriation to the City Attorney's Office in the amount of \$126,000;
(3) Increase Non-personal Services appropriation to the Community Energy Department in the amount of \$200,000 and
(4) Decrease the Unrestricted Ending Fund Balance in the amount of \$661,000.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
(Community Energy/City Manager)

Community Energy Director, Lori Mitchell gave a presentation and responded to questions.

Public Comments: Blair Beekman commented on the broad work of community energy, ideas of human right and civil protection.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley, and carried unanimously, staff report was accepted as recommended, and Ordinance No. 30342 was adopted.
(10-1. Absent: Davis)

7.2 19-1064 Climate Smart San José.**Recommendation:**

As recommended by the Transportation and Environment Committee on October 7, 2019, accept the status report on the implementation of the Climate Smart San José Plan, including a response to City Council direction on various Climate Smart activities outlined in the approved May 17, 2019 memorandum from the Mayor and four Councilmembers.

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 10/7/19 - Item (d)3]

Environment Services Director, Kerrie Romanow, and Environment Services Deputy Director Ken Davies, gave a presentation and responded to questions.

Public Comments: Offering comments on Climate Smart San José were: Mike and Blair Beekman.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Maya Esparza, and carried unanimously, staff recommendation was accepted. (8-3. Absent: Davis, Carrasco, Khamis)

7.3 19-1065 Master Service Agreements with Environmental Science Associates and Ascent Environmental, Inc. for Environmental Consulting Services for Various City Projects.**Recommendation:**

Approve Master Agreements with the following firms for environmental review and permitting services for the San José-Santa Clara Regional Wastewater Facility and Integrated Waste Management projects and programs:

(a) Environmental Science Associates from the date of execution through June 30, 2024 in an amount not to exceed \$1,000,000

(b) Ascent Environmental, Inc. from the date of execution through June 30, 2024 in an amount not to exceed \$500,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) Resulting in No Physical Changes to the Environment. (Environmental Services)

There was no presentation for this item.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Master Service Agreements with Environmental Science Associates and Ascent Environmental, Inc., were approved. (9-2. Absent: Davis, Esparza)

7.4 19-1066 Contract Work Authorization Change Order with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program.

Recommendation:

(a) Adopt a resolution authorizing the City Manager to execute the Contract Work Authorization Change Order with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program extending the term through July 25, 2020 and increasing funding in the amount of \$196,000, from \$436,064 to \$632,064.

There was no presentation for this item.

Action: Upon motion by Councilmember Raul Peralez, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79314 was adopted.
(9-2. Absent: Davis, Esparza)

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the City-Wide appropriation to the Environmental Services Department for Silicon Valley Energy Watch 2019 in the amount of \$196,000, from \$218,032 to \$414,032; and

(2) Increase the Estimate for Other Revenue by \$196,000.

(c) Extend the term limit date for 2.0 Environmental Service Specialist positions assigned to the Environmental Services Department from January 25, 2020 through June 30, 2020.

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

Action: Ordinance No. 30343 was adopted, and Resolution No. 79315 was adopted.
(9-2. Absent: Davis, Esparza)

7.5 19-1067 Report on Bids and Award of Construction Contract for 9002 - 96-Inch and 87-Inch Settled Sewage Pipe Rehabilitation Project at the San José - Santa Clara Regional Wastewater Facility.

Recommendation:

Report on bids and award of construction contract to the low bidder, Michels Corporation DBA Michels Pipeline Construction, in the amount of \$4,796,571, for the 9002 - 96-inch and 87-inch Settled Sewage Pipe Rehabilitation Project and approve a fifteen percent construction contingency in the amount of \$719,486.

CEQA: Statutorily Exempt, File No. ER19-027, CEQA Guidelines Section 15269(b), Emergency Projects. (Environmental Services/Public Works)

There was no presentation for this item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff recommendation was accepted, and report on bids and award of construction contract to the low bidder, Michels Corporation DBA Michels Pipeline Construction, was approved.
(9-2. Absent: Davis, Esparza)

7.6 19-1068 Report on Bids and Award of Contract for the 8746 - Miscellaneous Sanitary Sewer Repairs Fiscal Year 2017-2018 (Package I).

Recommendation: Report on bids and award of contract for the 8746- Miscellaneous Sanitary Sewer Repairs Fiscal Year 2017-2018 (Package I) to the low bidder, Casey Construction, Inc., for the base bid and Add Alternate No. 1, in the amount of \$1,997,797, and approve a contingency in the amount of \$199,779.
CEQA: Categorically Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities, and 15302, Replacement or Reconstruction. Council District 1. (Public Works)

There was no presentation for this item.

Vice Mayor Chappie Jones acknowledged facilitation by Casey Construction, Inc., of local and small business' participation in the project via sub-contracting opportunities through clean-up, traffic control, pavement improvements, pavement striping and markings, etc. The Vice mayor recognized and commended staff effort in this regard.

Environment Services Director, Kerrie Romanow, responded to the commendation.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff report was accepted and bids and award of contract for the 8746- Miscellaneous Sanitary Sewer Repairs Fiscal Year 2017-2018 (Package I) to the low bidder, Casey Construction, Inc., was approved.
(9-2. Absent: Davis, Esparza)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

• Open Forum

1. Rudg Ellis addressed Council that he was having racial issues with a neighborhood kid; he stated his January 2018 unsuccessful effort to get help from the SJPd and noted that he needed assistance.
2. Leon Dryden commented on his difficult experience with the interpretation of the Municipal Code.
3. Blair Beekman commented on high speed rail and transportation issue in The South Bay Area

- Council recessed at 5:43 p.m.
- Council resumed at 6:09 p.m.

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **19-1069 C19-015 - Conventional Rezoning of Certain Real Property Located at 19 South 21st Street.**

Recommendation: (1) Adopt a resolution adopting an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report) certified by the City Council on November 1, 2011 (Resolution No. 76041) and the Final Supplemental Environmental Impact Report, certified by the City Council on December 15, 2015 (Resolution No. 77617) and Addenda thereto, all in accordance with the California Environmental Quality Act (CEQA), as amended.

There was no presentation for this item.

Action: Upon motion by Vice Mayor Chappie Jones, to move approval, seconded by Councilmember Pam Foley, and carried unanimously, Resolution No. 79316 was adopted.

(9-2. Absent: Diep, Davis)

(2) Approve an ordinance rezoning an approximately 0.15-gross acre site located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street (19 South 21st Street) from the CG Commercial General Zoning District and R-M Multiple Residence Zoning District, to the R-M Multiple Residence Zoning District. CEQA: 21st Street Rezoning Project Addendum File No. C19-015. Council District 3. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

Action: Ordinance No. 30344 was passed for publication.

(9-2. Absent: Diep, Davis)

- (b) **19-1070 C19-034 - Conforming Rezoning of Certain Real Property Located at the Southeast Corner of Moorpark Avenue and Leigh Avenue.**

Recommendation: Approve an ordinance rezoning an approximately 1.10-gross acre site, located at the southeast corner of Moorpark Avenue and Leigh Avenue, from A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C19-034. Council District 6. (Planning, Building and Code Enforcement)

Action: Ordinance No. 30345 was passed for publication.

(9-2. Absent: Diep, Davis)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda**10.2 19-1071 C18-043/SP18-049 - Conforming Rezoning, Special Use Permit and Site Development Permit of Certain Real Property Located at 335 South Winchester Boulevard.****Recommendation:**

(a) Adopt a resolution adopting the 335 South Winchester Boulevard Office Mitigated Negative Declaration, for which an initial study was prepared, and adopting the associated Mitigation Monitoring and Reporting Plan, all in accordance with the CEQA, as amended.

Planning, Building and Code Enforcement Director, Rosalyn Hughey gave a presentation and responded to questions.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Pam Foley, and carried unanimously, Resolution No. 79317 was adopted.

(9-2. Absent: Diep, Davis)

(b) Approve an ordinance rezoning an approximately 0.71-gross acre site generally located on the west side of South Winchester Boulevard, approximately 200 feet southerly of Stevens Creek Boulevard, from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District.

Action: Ordinance No. 30346 was passed for publication.

(9-2. Absent: Diep, Davis)

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development to allow the demolition of an approximately 9,200-square foot restaurant, and the construction of a five-story, 93,736-square foot office building with an alternative parking design (parking stackers), and removal of eight ordinance-size trees and 20 non-ordinance size trees on an approximately 0.71-gross acre site.

CEQA: Mitigated Negative Declaration for the 335 South Winchester Boulevard Office Project File Nos. C18-043 and SP19-049. Council District 1.

(Planning, Building and Code Enforcement)

Action: Resolution No. 79318 was adopted.

(9-2. Absent: Diep, Davis)

10.3 19-1072**SP18-001 and T18-001 - Special Use Permit and Vesting Tentative Map for Certain Real Property Located at Southeast Corner of South 1st Street and East Reed Street.****Recommendation:**

(a) Adopt a resolution certifying the Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution 78942) and adopting the associated Mitigation Monitoring and Reporting Plan for the Garden Gate Tower Project, all in accordance with the CEQA, as amended.

Planning, Building and Code Enforcement Director, Rosalyn Hughey gave a presentation and responded to questions.

Public Comments: Offering comments were: Jeffrey Buchanan, (representing Working Partnerships USA); Andre Lutard, (PAC SJ); Walter Soellner, (Sun South Univ. Neighborhood); Lisa Wangsness, (San Jose Sign Project); Josue Garcia, (Silicon Valley MEPS); Tim, (IBEW); Corey Quevedo, (UA Local 393); Jeff Salvotti, Steve Flores, (UA Local 393); Alex Caraballo, (IBEW 332); Clarisse Shephard, (UNC/Sun Neighborhood); Will Smith, (IBEW 332); Jeff Dreyer, (Citizens for Responsible Development); Croydon Coates, (South University Neighborhood); Louise Auerhohn, (Working Partnerships USA); Mike Sodergren, (PAC SJ); Forest, (Stanford School of Engineering Grad), and Ruth Silver Taube.

Assistant City Attorney, Ed Moran clarified that per the Brown Act requirement, any item intended for Council discussion or action must be appropriately agendaized on Council Agenda. Thus, Council will not discuss items 1 and 3 in Councilmember Jimenez' memo.

If, however, item number 2 on the said memo addresses the current project, Council could tonight discuss it.

The applicant Mark Tersini provided an overview on the proposed development, clarified much of tonight's discussion, and responded to questions from the Council.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, Resolution No. 79319 was adopted. SP18 001 and T18 001 Special Use Permit and Vesting Tentative Map for Certain Real Property Located at Southeast Corner of South 1st Street and East Reed Street, was approved, including approval of the Memorandum from Councilmember Peralez to accept staff recommendation and direct the City Manager to:

Accept staff recommendation with the following modifications:

1. Allow demolition of the Pallesen Apartment Building after a 90 day period following the issuance of the planning permit. During that period, the applicant should in good faith make all attempts to relocate the historic building in collaboration with the historic preservation community, Office of Economic Development, Housing Department and Planning Department including the Historic Preservation Officer,
2. Request that the applicant donate the City Center Motel Sign to History San Jose for preservation and eventual public display, and,

(Item Continued on the Next Page)

10.3 19-1072 SP18-001 and T18-001 - Special Use Permit and Vesting Tentative Map (Cont'd)

3. Direct staff to evaluate the intersection of First and Reed streets following one year of issuance of the Certificate of Occupancy. If there are significant traffic impacts that were not identified with mitigation in the environmental analysis, report back to Council with recommendations

Staff was further directed to: examine the intersections of 1st and Reed and 2nd and Reed.

Also approved was the Memorandum from Councilmember Jimenez in its entirety, with recommendations to:

1. Direct staff to provide a progress report to the City Council on the status of the Wage Theft Prevention Policy and include the following: an update on what work has been done to date, an evaluation of the proposed policy language and a model Wage Theft Prevention ordinance developed by the Santa Clara County Wage Theft Coalition, a work-plan and timeline for bringing a recommended policy update and a draft Wage Theft Prevention ordinance to the City Council;

2. Direct the City Manager to include an attachment with approved planning permits, effective immediately, notifying developers that they may be required to follow a Wage Theft Prevention Ordinance pending completion of the consideration and approval of such an ordinance by Council. Staff should utilize the notification attachments presented at the August 2, 2019 Council Meeting (regarding potential Diridon area fees) and in Mayor Liccardo's September 23, 2019 memo on the Housing Crisis Action Plan (regarding a potential Commercial Linkage Fee) as model notification language;

3. Direct staff to return to Council with a progress report on items raised within the 2017 audit of the Office of Equality Assurance, including whether the current staffing within the Office allows for timely and adequate enforcement of our wage theft, minimum wage and prevailing wage policies, and an update on efforts to upgrade technology.

Staff was directed to return to Council at a date to be determined by Staff, but no later than January 2020.

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

(b) Adopt a resolution adopting the Vesting Tentative Map to merge two parcels into one parcel and to re-subdivide the parcel pursuant to either of the following options: Option 1: One parcel re-subdivided into no more than 295 condominium units including a maximum of 290 residential condominium units and a maximum of five commercial condominium units; OR Option 2: One parcel re-subdivided into no more than six condominium units including one residential condominium unit and a maximum of five commercial condominium units.

Action: Resolution No. 79320 was adopted.

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

(Item Continued on the Next Page)

10.3 19-1072 SP18-001 and T18-001 - Special Use Permit and Vesting Tentative Map (Cont'd)

(c) Adopt a resolution adopting a Special Use Permit, subject to conditions, to allow the demolition of existing on-site buildings, the removal one non-ordinance size tree, and the construction of a 27-story, high-rise tower on an approximately 0.4-gross acre site located at the southeast corner of South 1st Street and East Reed Street, comprised of the following options: Option 1: A mixed-use development of no more than 295 condominium units including a maximum of 290 residential condominium units and a maximum of five commercial condominium units; or Option 2: A co-living facility of no more than six condominium units including a residential condominium unit for a Co-Living Facility with a maximum of 793 Bedrooms and a maximum of five Commercial condominium units.

CEQA: Garden Gate Tower Supplemental Environmental Impact Report. File Nos. SP18-001 and T18-001. Council District 3. Planning Commission recommends approval (4-2-1, Allen and Griswold opposing; Ballard absent). (Planning, Building and Code Enforcement)

Action: Resolution No. 79321 was adopted.
(9-1-1. Noes: Esparza. Absent: Davis)

• Open Forum

No Cards.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 8:11 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

lo/11-19-19 MIN

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