



City Council Meeting Synopsis

Tuesday, January 14, 2020

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, JANUARY 14, 2020

The Council of the City of San José convened in Regular Session at 1: 31 p.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - Carrasco, Esparza.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no Update.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:37 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel — existing litigation: Initiation of litigation pursuant to Section 54956.9(d)(1) 1. Case Name: In re: Claim of Tapia. Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court; Case No.: ADJI 1385824, ADJI 0349317, ADJ7302310; Amount of Money or Other Relief Sought: Benefits. 2. Case Name: In re: Claim of Guzman; Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court; Case No.: ADJ10861555; Amount of Money or Other Relief Sought: Benefits. 3. Case Name: Estate of Nunez, et al. v. City of San Jose; Name(s) of Parties(s) Involved: City of San Jose, Michael Santos, and Anthony Vizzusi; Tony Nunez, individually and as a successor in-interest to Decedent Anthony Nunez and The Estate Of Anthony Nunez; Court- U.S. District Court, Northern District of California, San Jose Division; Case No.: 17-CV-03860-LHK; Amount of Money or Other Relief Sought: Damages according to proof. 4. Case Name: Rodriguez v. City, et al. Name(s) of Parties(s) Involved: Francisco Rodriguez; Paulo Paredes, San Jose Police Department, City of San Jose; Court: Superior Court of California, Unlimited jurisdiction; Case No.: 19-cv-343700; Amount of Money or Other Relief Sought: Damages according to proof. 5. Case Name: Higgin v. City, et al.; Name(s) of Parties(s) Involved: Shawn Higgin; City of San Jose; Carmax Auto Superstores West Coast Pacific Bell Telephone Co.; Colorado Structures, Kevin Troyan and DOES 1-100; Court- Superior Court of California, Unlimited jurisdiction; Case No.: 19-CV-351011; Amount of Money or Other Relief Sought: Damages according to proof. (B) confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of: Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA:

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

CLOSED SESSION (Cont'd.)

Memorandum of Agreement between City of San José and ABMEI (2) Organization or Name and Title of Unrepresented Employees: Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Organization or Name and Title of Unrepresented Employees: Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. Benefit & Compensation Summary. (4) Organization or Name and Title of Unrepresented Employees: City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Organization or Name and Title of Unrepresented Employees: International Association of Firefighters, Local 230 (IAFF); 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) Organization or Name and Title of Unrepresented Employees: International Brotherhood of Electrical Workers (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) Organization or Name and Title of Unrepresented Employees: Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between Confidential Employees' Organization, AFSCME Local 101 and City of San José. (8) Organization or Name and Title of Unrepresented Employees: International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages / Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3). (9) Organization or Name and Title of Unrepresented Employees: Peace Officer Park Ranger Association, (POPRA). Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Peace Officer Park Ranger Association. (10) Organization or Name and Title of Unrepresented Employees: San José and San José Polices' Association, (SJPOA); Nature of negotiations: wages/salaries, hours, working conditions, etc.; Name of Existing Memorandum of Agreement — City of San José and Contract or MOA: (11) Organization or Name and Title of Unrepresented Employees: 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 between City of San Jose and Association of Legal Professionals of San José.

By unanimous consent, Council recessed from the Closed Session at 10:30 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chambers.

Present: Councilmembers - Liccardo, Jones, Khamis, Foley, Jimenez, Peralez, Diep, (9:52 a.m.)

Absent: Councilmember[s] - Carrasco, Esparza, Arenas)

INVOCATION

Sulochina Lulla, member of the Hindu American Foundation, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 6.1 to be heard out of order, and Item 10.3 heard before 10.2.

(9-2. Absent: Carrasco, Esparza)

• Closed Session Report

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Pam Foley presented a Commendation to Chuck Davidson for his work building thousands of affordable homes for thousands of low income families in the City of San José.
- 1.2 Mayor Sam Liccardo presented a Commendation to Tim Ritchie for his years of service to the community of San Jose as President and CEO of The Tech.
- 1.3 Mayor Sam Liccardo and Councilmember Raul Peralez presented Commendation to Barby Ulmer for her exemplary service to the communities of San José.
- 1.4 Mayor Sam Liccardo presented a Commendation to John Cabeza for his exemplary leadership, collaboration, and innovation benefiting the people and companies of San Jose and Silicon Valley.
Heard in the evening

2. CONSENT CALENDAR

Upon motion by Councilmember Sergio Jimenez, seconded by Vice Mayor Chappie Jones, and carried unanimously, the Consent Calendar was approved, with Item 2.9 pulled, and the below listed actions taken as indicated.

(9-2. Absent: Carrasco, Esparza)

2.1 20-060 Approval of City Council Minutes.

Recommendation:

- (a) City Council Meeting Minutes of December 3, 2019.
 (b) City Council Meeting Minutes of December 17, 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.

Action: The City Council Meeting Minutes of December 3, 2019, and the City Council Meeting Minutes of December 17, 2019, were approved.

(9-2. Absent: Carrasco, Esparza)

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

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 20-001 Boards and Commissions Appointments.**Recommendation:**

Approve the following Boards and Commissions appointments:

a. Appoint Daniel Zazueta to a term ending December 31, 2023.

CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Deferred from 12/17/19 - Item 2.12 (e) (19-1141)]

Action: The appointment of Daniel Zazueta to a term ending December 31, 2023 was approved.

(9-2. Absent: Carrasco, Esparza)

2.8 20-033 City Manager's Travel to Austin, Texas.**Recommendation:**

Authorize travel for City Manager David Sykes to Austin, Texas on January 23 - 25, 2020 to participate in the Large Cities Executive Forum. Source of Fund: Non-Personal Appropriation.

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

Action: Authorized travel for City Manager David Sykes to Austin, Texas on January 23 - 25, 2020 to participate in the Large Cities Executive Forum was approved.

(9-2. Absent: Carrasco, Esparza)

2.9 20-034

Cooperative Agreement with the Santa Clara Valley Transportation Authority and Right-of-Way Certification with Caltrans for the US 101/Blossom Hill Road Interchange Improvement Project.

Recommendation:

(a) Approve a cooperative agreement, at no cost, between the City of San José and the Santa Clara Valley Transportation Authority for the construction of the US 101 / Blossom Hill Road Interchange Improvement Project for a term beginning at the date of full execution to December 31, 2024.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute right-of-way certification associated with the implementation of the US 101/Blossom Hill Road Interchange Improvement Project. CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. (Transportation)

Public Comments: Roland Lebrun offered comments on the Cooperative Agreement with the Santa Clara Valley Transportation Authority and Right of Way Certification with Caltrans for the US 101/Blossom Hill Road Interchange Improvement Project.

Transportation Department Director, John Ristow responded to questions.

Action: A cooperative agreement at no cost between the City of San José and the Santa Clara Valley Transportation Authority, was approved, and Resolution No. 79366 was adopted.

(9-2. Absent: Carrasco, Esparza)

2.10 20-009

City Council Committee and Board and Commission Appointments.

Recommendation:

(a) Apprise the Council of the Mayor's appointments for each of the standing committees, as described in Exhibit "A" of the Memorandum to Council.

(b) Appoint councilmembers to each of the committees and assignments, as described in Exhibit "B" of the Memorandum to Council.

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

Action: The Council was apprised of the Mayor's appointments for each of the standing committees, as described in Exhibit "A", and the appointment of Councilmembers to each of the committees and assignments, as described in Exhibit "B" was approved.

(9-2. Absent: Carrasco, Esparza)

2.11 20-067

Retroactive Approval of Gingerbread House Decorating Special Event Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on January 8, 2020:

(a) Retroactively Approve the Gingerbread House Decorating Special Event scheduled on December 17, 2019 as a City Council sponsored Special Event, approve the expenditure of funds and approve the purchase of gift cards, and other items as raffle prizes.

(Item Continued on the Next Page)

2.11 20-067 Retroactive Approval of Gingerbread House Decorating Special Event... (Cont'd)

(b) 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. (Khamis)

[Rules Committee referral 1/8/2020 - G.1(a)]

Action: The Gingerbread House Decorating Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved.

(9-2. Absent: Carrasco, Esparza)

2.12 20-074 Approval of Del Roble Beautification Day Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on January 8, 2020:

(a) Approve the Del Roble Beautification Day, scheduled January 25, 2020, as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approval 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. (Khamis)[Rules Committee referral

1/8/2020 - Item G.1(b)]

Action: The Del Roble Beautification Day Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved.

(9-2. Absent: Carrasco, Esparza)

2.13 20-081 Council Agenda Order Change and Administrative Clean-up Amendment to Rules of Conduct Resolution.**Recommendation:**

As recommended by the Rules and Open Government Committee on January 8, 2020:

Adopt a resolution amending the Council's Rules for the Conduct of its Meetings, Superseding Resolution No. 78145, to change the Council agenda order, include the Smart Cities and Service Improvements Committee as a Council Standing Committee, and delete board and commission appointments from the Rules and Open Government Committee policy areas.

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

(City Attorney and City Manager)

[Rules Committee referral 1/8/2020 - Item G.2]

Action: Resolution No. 79367 was adopted, and staff recommendation was approved (9-2. Absent: Carrasco, Esparza)

2.14 20-063 Appointment to the Board of Administration for the Federated Retirement Plan.

Recommendation: Appoint one (1) employee representative to the Board of Administration for the Federated Department Retirement Plan to a term ending November 30, 2023.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: The appointment of one (1) employee representative to the Board of Administration for the Federated Department Retirement Plan to a term ending November 30, 2023 was approved.
(9-2. Absent: Carrasco, Esparza)

2.15 20-064 Accessory Dwelling Unit Amnesty Program

Recommendation: (a) Adopt a resolution amending the 2019-2020 Schedule of Fees and Charges (Resolution No. 72737, as amended) to reduce plan review, building permit, and impact fees to \$0 for property owners who participate in the ADU Amnesty Program and who qualify for a Financial Hardship Exemption under the criteria set forth in San José Municipal Code Sections 4.76.400 through 4.76.470.
(b) Adopt a resolution amending the Schedule of Parkland Fees (Resolution No. 73587, as amended) to reduce fees to \$0 for property owners who participate in the ADU Amnesty Program and who qualify for a Financial Hardship Exemption under the criteria set forth in San José Municipal Code Sections 4.76.400 through 4.76.470.
CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Planning, Building and Code Enforcement/Parks, Recreation, and Neighborhood Services)

Action: Resolution No. 79368 was adopted, and Resolution No. 79369 was adopted.
(9-2. Absent: Carrasco, Esparza)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report).**

No Report.

3.2 Labor Negotiations Update.

Heard at 9:30 a.m.

3.3 20-037 Technology Deployment Audit Report.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on December 5, 2019, accept the report on the Technology Deployment Audit.
CEQA: Not A Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Smart Cities and Service Improvements Committee referral 12/5/19 - Item (d)3]
Recommend deferral to 1/28/20 Per Administration

Action: **Deferred to 1/28/20 Per Administration**

3.4 20-010 Appeals Hearing Board Interviews.

Recommendation:

- (a) Interview applicant(s) for appointment to the Appeals Hearing Board;
- (b) Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- (c) Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2023;
- (d) Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2023; and
- (e) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

Heard last in the afternoon

Three applicant(s), (David Hook, Timothy Kenny, and Jorge Antoni Garcia), were interviewed for appointment to the Appeals Hearing Board.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, one (1) applicant, (Timothy Kenny), was appointed to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2023.

Action: Upon motion by Councilmember Lan Diep to move approval, seconded by Councilmember Sergio Jimenez, and carried unanimously, one (1) applicant, (David Hook), was appointed to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2023; and one (1) applicant, (Jorge Antoni Garcia), was appointed to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2022, with additional clarification that this applicant may apply for re-appointment at the end of his tenure.

(9-2. Absent: Carrasco, Esparza)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 20-038 Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing.

Recommendation:

- (a) Accept the staff report on the California Community Housing Agency, a California joint powers authority that issues public purpose bonds to support the creation and acquisition of housing for moderate-income households, and the potential for utilizing a financial product involving restricted moderate-income housing and direct staff to develop recommended product parameters and return to the City Council to obtain authorization to join the California Community Housing Agency and to take related actions.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

(Housing)

[Deferred from 12/17/19 - Item 4.3 (19-1206)]

Action: Dropped.

4.2 20-039

Actions Related to the Loan Commitment to Affirmed Housing Group Inc., for the Development of the Alum Rock Family Housing Development Project located at 2350 Alum Rock Avenue.

Recommendation:

(a) Adopt a resolution:

(1) Approving a total commitment of up to \$9,350,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to Affirmed Housing Group, Inc., or an affiliated development entity, and capitalization of up to \$100,000 in construction period interest for the Alum Rock Family Housing Apartments project, located at 2350 Alum Rock Avenue, which is being developed to offer 85 affordable, rent restricted apartments, and two unrestricted manager's units;

(2) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents related to City financing for the Development;

(3) Approving a loan-to-value ratio of greater than 100% for this loan; and

(4) Authorizing a change in City Loan terms to allow an increase in the Development's rents and income up to 60% of the Area Median Income (or low-income) for new tenants in the event of the expiration or termination of 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.

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation in the amount of \$9,350,000; and

(2) Increase the Committed Project Reserve appropriation in the amount of \$9,350,000.

CEQA: Statutorily Exempt under Senate Bill 35, this project qualifies for the streamlined approval process under Senate Bill No. 35 (Wiener, Planning, and zoning: affordable housing: streamlining approval process), which exempts this project from CEQA review. (Housing/City Manager)

Housing Director Jackie Morales-Ferrand, and Deputy Director Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on Actions Related to the Loan Commitment to Affirmed Housing Group Inc., for the Development of the Alum Rock Family Housing Development Project located at 2350 Alum Rock Avenue, were: Robert Stromberg, (Destination Home); Ray Bramston, (Destination Home); and Chris Dart, (Danco Communities).

(Heard jointly with Items 4.3 and 4.4)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez, and carried unanimously, Resolution No. 79370 was adopted, Ordinance No. 30355 was adopted, and staff report was accepted.

(9-2. Absent: Carrasco, Esparza)

4.3 20-040

Actions Related to the Loan Commitment to Danco Communities or its Affiliate for the Development of West San Carlos Permanent Supportive Housing located at 750 West San Carlos Street.**Recommendation:**

(a) Adopt a resolution:

(1) Approving a total commitment of up to \$9,875,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to Danco Communities, or an affiliated entity, for the West San Carlos Permanent Supportive Housing, a new affordable development to be located at 750 West San Carlos Street, in order to offer rent- and income-restricted apartments for 80 extremely low-income, very low-income, and low-income households, and one unrestricted manager's unit;

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to City financing for the Development;

(3) Approving a loan-to-value ratio of greater than 100% for this loan; and

(4) Authorizing the City Loan terms to allow an increase in the Development's rents and income up to 60% of the area median income (or low-income threshold) for new tenants in the event of the expiration or termination of 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.

(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation in the amount of \$9,875,000; and

(2) Increase the appropriation to the Housing Department for Housing Loans and Grants in the amount of \$9,875,000.

CEQA: Statutorily Exempt, Public Resources Code Section 21080(b) (1), Ministerial projects proposed to be carried out or approved by public agencies.

(Housing/City Manager)

(Heard jointly with Items 4.2 and 4.4)

Housing Director Jackie Morales-Ferrand, and Deputy Director Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on Actions Related to the Loan Commitment to Danco Communities or its Affiliate for the Development of West San Carlos Permanent Supportive Housing Located at 750 West San Carlos Street, were: Robert Stromberg, (Destination Home); Ray Bramston, (Destination Home); and Chris Dart, (Danco Communities).

(Heard jointly with Items 4.3 and 4.4)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez, and carried unanimously, Resolution No. 79371 was adopted, Ordinance No. 30356 was adopted, and staff report was accepted.

(9-2. Absent: Carrasco, Esparza)

4.4 20-041

Public Hearing on the Ground Leasing of City Owned Property for the Arya Affordable Housing Development Located at 500 Almaden Boulevard.**Recommendation:**

Hold a Public Hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings in the Summary Report and making the findings pursuant to Section 33433 of the California Health and Safety Code for the disposition of City property located at 500 Almaden Boulevard (formerly 226 Balbach Ave) authorizing an option to ground lease for 65-years to Satellite Affordable Housing Associates or affiliate for the Arya affordable housing project under the terms and conditions of the proposed leasehold restrictions, option and ground lease;
- (b) Authorizing the Director of Housing to negotiate and execute the option, the 65-year ground lease and extension option and related documents in connection with the development and financing of the Arya project, including lease amendments and lease riders which may be required by the California Tax Credit Allocation Committee; and
- (c) Authorizing the City Manager or his designee to submit a joint application for the Arya project under the Infill Infrastructure Grant Program for new construction capital improvement projects in support of Qualifying Infill Projects or Qualifying Infill Areas. CEQA: Addendum to the Downtown Strategy 2040 Environmental Impact Report (EIR) (Resolution No. 78942), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto for the 226 Balbach Street project (File No. SP18-024). (Housing)

(Heard jointly with Items 4.2 and 4.3)

Housing Director Jackie Morales-Ferrand, and Deputy Director Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on Public Hearing on the Ground Leasing of City Owned Property for the Arya Affordable Housing Development Located at 500 Almaden Boulevard, were: Robert Stromberg, (Destination Home); Ray Bramston, (Destination Home); and Chris Dart, (Danco Communities).

(Heard jointly with Items 4.3 and 4.4)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez, and carried unanimously, Resolution No. 79372 was adopted, and staff report was accepted.

(9-2. Absent: Carrasco, Esparza)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 20-043 Airport Master Plan Amendment and Capital Plan.

Recommendation: As recommended by Transportation and Environment Committee on December 2, 2019, accept the update on upcoming Master Plan Amendments and Capital Plan for the Norman Y. Mineta San José International Airport.

CEQA: Not A Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Airport)
[Transportation and Environment Committee referral 12/2/19 - Item (d)1]

Airport Director John Aiken, and Assistant Director Judy Ross gave a presentation and responded to questions.

Public Comments: Scott Mace commented on the Airport Master Plan Amendment and Capital Plan.

Action: Upon motion by Councilmember Johnny Khamis to move approval of Mayor Sam Liccardo's Memo, seconded by Councilmember Sergio Jimenez, and carried unanimously, staff report was accepted, including approval of the Memorandum from the Mayor:

To partially mitigate any greenhouse gas emissions resulting from greater air traffic with the expansion of SJC, return to Council with a proposal for fee reductions for airlines that utilize hybrid, electric, or low emission fuels for airplane and ground vehicles.
(9-2. Absent: Carrasco, Esparza)

6.2 20-048 Electric Mobility Strategy Update.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on December 5, 2019, accept the report on the City's proposed Electric Mobility Roadmap. CEQA: Not A Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)

[Smart Cities and Service Improvements Committee referral 12/5/19 - Item (d)2]

Transportation Department Director John Ristow, Deputy Director Jessica Ramses, and Emerging Mobility Program Lead Laura Stuchinsky gave a presentation and responded to questions.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, staff report was accepted, including approval of the memo from Mayor Sam Liccardo, Vice Mayor Chappie Jones, Councilmember Magdalena Carrasco, and Councilmember Dev Davis to:

(Item Continued on the Next Page)

6.2 20-048

Electric Mobility Strategy Update. (Cont'd)

Accept staff report with the following additional direction:

1. Return to the Transportation and Environment Committee by June 2020 with a:
 - a. Draft ordinance allowing for one-way carsharing that could provide flexibility for these vehicles to park in residential parking permit zones; and a
 - b. Fee structure for one-way carsharing vendors; and a
 - c. List of potential requirements new vendors who would like to serve communities in San Jose must comply with, including:
 - i. Establishing a low-income discount program that offers discounted memberships to individuals at or below 200% of the federal poverty level; and
 - ii. Including communities of concern in the home zone; and
 - iii. Providing outreach and marketing materials in Spanish and Vietnamese, and to tenants in multi-family housing.
2. Explore options for incentivizing electric vehicle (EV) carsharing programs by, among other things:
 - a. Reducing parking and permit fees; and
 - b. Ensuring access to EV charging; and
 - c. Identifying and pursuing grant opportunities.
3. Explore a pilot program with an EV infrastructure manufacturer, carsharing company, and an affordable housing developer to operate an EV carsharing program in a new affordable housing project.
4. Return by June 2020 with an updated Green Fleet policy that includes an “electrification first” requirement for the city’s non-emergency fleet that aligns with our Climate Smart goals.
5. Return to the Transportation and Environment Committee by June 2020 with recommendations for electrifying the city’s remaining non-electric fleet where technologically feasible.
 - a. The analysis should include:
 - i. A lifecycle cost analysis of replacing all non-electric vehicles with EVs within the next 5 years, and the charging infrastructure required to support it.
 - b. For vehicle types where there isn’t a commercially available battery electric option available, identify and pursue grant funding for pilot programs.
6. Explore an electric school bus demonstration project in partnership with Prospect Silicon Valley, San Jose Clean Energy, DOT, and a school district. The project will explore additional benefits for the school bus to provide backup power to critical facilities in the event of a Public Safety Power Shutoff.
7. Where relevant, ensure marketing strategy, community engagement, and education efforts on all recommendations under the Electric Mobility Roadmap are culturally competent, with a specific focus on environmental justice, including communities of color, monolingual communities, and low-income communities.
 - a. This work should leverage existing community engagement efforts underway as part of Climate Smart San Jose.
8. Explore the creation of a Financial Counseling Program, in partnership with a community-based organization and San Jose Clean Energy, that promotes the economic empowerment and feasibility of electric mobility for low-income communities.

(9-2. Absent: Carrasco, Esparza)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

8.1 20-051 Report on Hate Crime Statistics in San José.

Recommendation: Accept the staff report on hate crime statistics in San José over the last five years and the San José Police Department's efforts to address hate crimes in San José.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)

Police Chief Eddie Garcia and Lt. Brian Shab gave a presentation and responded to questions.

Public Comments: Paul Soto, (representing Horseshoe), offered commented on the Report on Hate Crime Statistics in San José and stated that this report was required because Steven Romero was murdered.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Report on was accepted. (9-2. Absent: Carrasco, Esparza)

9. REDEVELOPMENT – SUCCESSOR AGENCY

• Open Forum

1. Winston Ashby, (representing PARI), commented on the Gilroy incident, and stated his visit to the Mayor's Gang Prevention Task Force meeting, as well as his organization's work with community stakeholders.

- **Council recessed at 5:13 p.m.**
- **Council resumed at 6:01 p.m.**

10. LAND USE

10.1 Land Use on Consent Calendar

None provided.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda**CONTINUE GENERAL PLAN HEARING (SECOND CYCLE) FROM 12/17/19****10.2 20-055 H18 038 Site Development Permit and Parking Agreement with Almaden Corner, LLC for the Market/San Pedro Square Garage.****Recommendation:**

(a) Adopt a resolution certifying the Almaden Corner Hotel Project Supplemental Environmental Impact Report, and adopting the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow construction of a 19-story hotel with 272 guest rooms, and approximately 1,200 square feet of ancillary commercial space, with an off-site parking arrangement on the subject site.

(c) Approve a Parking Agreement between the City of San José and Almaden Corner, LLC to allow the hotel to use up to forty-one (41) parking spaces in the Market/San Pedro Square Garage for ten years with up to two additional ten year options for a total of up to thirty years.

CEQA: Almaden Corner Hotel Project Supplemental Environmental Impact Report. Council District 3. (Planning, Building and Code Enforcement)
[Deferred from 12/17/19 - Item 10.2 (19-1217)]

Planning, Building, and Code Enforcement Director Rosalyn Hughey, Planning, Building and Code Enforcement Planner Patrick Kelly, and Public Work's Brian Doan gave a presentation and responded to questions.

Mark Tersini, Applicant, and KT Urban representative addressed the Council.

Public Comments: Offering comments on the H18 038 Site Development Permit and Parking Agreement with AlmadenCorner, LLC for the Market/San Pedro Square Garage, were: Walter Soellner, (representing P.A.C.); Ernest Madison, (representing Hotel De Anza); John Mitchell, (representing P.A.C. SJ); Jeanie Verdeckmoes, Bill Soudores, (representing Downtown Residents); Brian G, Barbara Goldstein, Andre Luthard, (representing P.A.C. SJ); Sylvia Carroll, Mark Lewis, (representing Axis Resident); Lisa Wossnack, (representing P.A.C. SJ); Andrew Cheng, (representing Axis Homeowners); Gail Frank, Ed Colligan, (representing Axis Resident); Sara McDermott, (representing Unite Here L19); Denise Olenak, Josue Garcia, Wayd La Pearle, (representing Santa Clara Alley Contractor's Association); Chris Giangreco, Grace Yang, and Mike Sodergren, (representing P.A.C. SJ)

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79373 was adopted, and Resolution No. 79374 was adopted. Staff report was accepted, including approval of the Memo from Mayor Liccardo, Vice Mayor Jones and Councilmembers Peralez, Jimenez, and Khamis to:

(Item Continued on the Next Page)

10.2 20-055**H18 038 Site Development Permit and Parking Agreement with ... (Cont'd)**

Approve staff recommendation with the following changes:

1. Direct the City Manager to modify the parking agreement from two 10-year options to one ten-year option, and,
2. To the extent necessary, require the developer to work in tandem with the City, Hotel De Anza, AXIS San Jose and 333 West Santa Clara Street to ensure their future hotel operations support and maintain safe and efficient multimodal circulation.
(9-2. Absent: Carrasco, Esparza)

10.3 20-049**GP18 014, GPT19 004, PDC18 037, PD19 019 & PT19 023 General Plan Amendment, General Plan Text Amendment, Planned Development Rezoning, Tentative Map, and Planned Development Permit.****Recommendation:**

(a) Adopt a resolution certifying the Winchester Ranch Residential Project Environmental Impact Report and make certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended.

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

Erik Schoennauer, representing the Applicant, addressed City Council.

Public Comments: Offering comments on the GP18 014, GPT19 004, PDC18 037, PD19 019 & PT19 023 General Plan Amendment, General Plan Text Amendment, Planned Development Rezoning, Tentative Map, and Planned Development Permit, were: Alex Shoor, (representing Catalyze SV); Kent Greatheme, Nadia Aziz, (LFSV); Paul Boehn, Brian Darby, Chris Giangreco, (WDNA), Ken Pyle, Kirk Vartan, Mike Sodergren, (P.A.C. SJ); Sandra Williams, David Johnsen, (President of Winchester Ranch HOA); and Carlin Black.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Dev Davis, and carried unanimously, Resolution No. 79375 was adopted, and staff recommendation was accepted.
(9-2. Absent: Carrasco, Esparza)

(b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use / Transportation Diagram land use designation from Residential Neighborhood to Urban Residential for 555 South Winchester Boulevard on an approximately 15.7-gross acre site.

Action: Resolution No. 79376 was adopted.
(9-2. Absent: Carrasco, Esparza)

(Item Continued on the Next Page)

10.3 20-049**GP18 014, GPT19 004, PDC18 037, PD19 019 & PT19 023 General ... (Cont'd)**

(c) Adopt a resolution amending the Santana Row/Valley Fair Urban Village Plan to remove references to Winchester Mobile Home Park, update the Building Height Diagram to increase the allowable height to 55 feet and 85 feet to accommodate the proposed project, update the transition areas to reflect step downs for adjacent residential properties, include public park land use figures, and include public paseo and circulation updates.

Action: Resolution No. 79377 was adopted.
(9-2. Absent: Carrasco, Esparza)

(d) Approve an ordinance rezoning an approximately 15.7-gross acre site generally bounded by Prune Way to the north; Highway 280 to the south; South Winchester to the east and single family homes along Papac Way to the west, from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District to allow up to 687 multi-family residential units.

Action: Ordinance No. 30357 was passed for publication.
(9-2. Absent: Carrasco, Esparza)

(e) Adopt a resolution approving, subject to conditions, the Vesting Tentative Map to subdivide 1 parcel to up to 64 parcels and allow up to 320 residential condominiums on an approximately 15.7-gross acre site.

Action: Resolution No. 79378 was adopted.
(9-2. Absent: Carrasco, Esparza)

(f) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the conversion of a mobilehome park to multi-family residential use, the demolition of 111 mobilehomes, recreation building (approximately 3,600 square feet), a pool (approximately 820 square feet), 36 sheds (ranging from 120 square feet to 400 square feet), the construction of an approximately 2-acre neighborhood park and 687 residential units (24 row home buildings, 6 flat buildings, and one apartment podium building) on an approximately 15.7-gross acre site.

CEQA: Winchester Ranch Residential Project Environmental Impact Report (File Nos. PDC18-037; GP18-014). Planning Commission recommends approval (6-0-1; Bonilla absent). Council District 1. (Planning, Building and Code Enforcement)

Action: Resolution No. 79379 was adopted.
(9-2. Absent: Carrasco, Esparza)

CONTINUE GENERAL PLAN HEARING (SECOND CYCLE) TO 2/11/20

• Open Forum

1. Chris Giangreco commented on the loss of “one of your finest staff”, Doug Moody. Hire him back if you get the chance to.
2. Mike Sodergren commented on the need to use treaty models for all developers.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 8:58 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

10/1-14-20 MIN

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