



City Council Meeting Minutes

Tuesday, January 28, 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

The Council of the City of San José convened in Regular Session on Tuesday, January 28, 2020, at 1:34 p.m. in the Council Chambers at City Hall.

20-011 - Closed Session Cancelled.

The City Council convened into Regular Session at 1:34 p.m. in the Council Chambers.

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

Absent: Councilmembers - Arenas, Carrasco.

• Invocation (District 1)

Nirvair Singh, a volunteer with the Sikh Coalition, provided the Invocation.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Orders of the Day

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

(9-0-2. Absent: Arenas, Carrasco.)

1. CEREMONIAL ITEMS

1.1 Mayor Sam Liccardo and City Manager, David Sykes presented a commendation to Matthew Loesch for his exemplary dedication and contributions to the Federated City Employee's Retirement System for the City of San José. (City Manager)

1.2 Mayor Sam Liccardo and Councilmember Maya Esparza presented a Proclamation for Human Trafficking Awareness Month. (Carrasco)

1.3 Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a Proclamation recognizing January 28, 2020 as International Holocaust Remembrance Day. (Jimenez)

1.4 Mayor Sam Liccardo and Councilmember Dev Davis presented a Commendation for the Fein Osborne Family for bringing their community together to help those who struggle with homelessness and addiction. (Davis)

Heard in the Evening

2. CONSENT CALENDAR

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (9-0-2. Absent: Arenas, Carrasco.)

2.1 20-097 Approval of City Council Minutes.

- (a) City Council Study Session: Building a Shared Understanding of Equity Work Meeting Minutes of December 13, 2019.
- (b) Regular City Council Meeting Minutes of January 7, 2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Public Comments: Blair Beekman spoke on the need for equity, democracy, and sustainability with open and accountable technology practices. Paul Soto spoke to marginalized groups and the profound need for justice.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the City Council Meeting Minutes were approved. (9-0-2. Absent: Arenas, Carrasco.)

2.2 20-107 Final Adoption of Ordinances.

- (a) Ord No. 30357 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 15.7- Gross Acres Situated on the Southwest Corner of Prune Way and Maplewood Avenue (555 South Winchester Boulevard) from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District. [Passed for Publication on 1/14/20 - Item 10.3(b) (20-049)]

Action: **Ordinance Number 30357** was adopted. (9-0-2. Absent: Arenas, Carrasco.)

2.3 20-098 Approval of Council Committee Minutes.

- (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of December 11, 2019 (draft).
- (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 8, 2020.
- (c) Neighborhood Services and Education Committee Meeting Minutes of December 12, 2019 (draft).
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Council Committee Minutes were approved. (9-0-2. Absent: Arenas, Carrasco.)

2.4 20-122 Mayor and Council Excused Absence Requests.

- (a) Request for an excused absence for Councilmember Carrasco, from the City Council meeting on January 14, 2020, due to illness. (Carrasco)
 - (b) Request for an excused absence for Councilmember Esparza, from the City Council meeting on January 14, 2020, due to illness. (Esparza)
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Carrasco/Esparza)

Action: The requests for excused absences were accepted. (9-0-2. Absent: Arenas, Carrasco.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 20-084 Actions Related to the Cal OES Grant Acceptance.

- (a) Adopt a resolution authorizing the City Manager or designee to accept grant funds from the California Governor’s Office of Emergency Services (Cal OES) in the amount of \$500,000 to support the City’s Public Safety Power Shutoff resiliency and to negotiate and execute any documents necessary to accept these grant funds.

Action: **Resolution No. 79380** was adopted. (9-0-2. Absent: Arenas, Carrasco.)

- (b) Adopt the following 2019-2020 Funding Source Resolution and Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the estimate for Revenue from the State of California by \$500,000; and
 - (2) Establish the Public Safety Power Shutoff Resiliency appropriation to the City Manager’s Office in the amount of \$500,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

Action: **Resolution No. 79381** and **Ordinance No. 30358** were adopted. (9-0-2. Absent: Arenas, Carrasco.)

2.8 20-085 Freeway Maintenance Agreement with Caltrans for the Coyote Creek Trail (Mabury Road - Empire Street).

Adopt a resolution authorizing the City Manager or designee to:
(a) Negotiate and execute a Freeway Maintenance Agreement with Caltrans to operate and maintain the planned Coyote Creek Trail beneath Highway 101 between Mabury Road and Empire Street; and
(b) Amend the agreement to modify the parties' maintenance responsibilities.

CEQA: Coyote Creek Trail Master Plan Mitigated Negative Declaration, File No. PP09-218. Council Districts 3 and 4. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 79382** was adopted. (9-0-2. Absent: Arenas, Carrasco.)

2.9 20-086 Nomination of Portion of Greater Gardner Strong Neighborhoods Initiative Area as North Willow Glen Conservation Area.

Adopt a resolution nominating a portion of the Greater Gardner Strong Neighborhoods Initiative Area for designation as the North Willow Glen Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area, including necessary outreach to community members and property owners.

CEQA: Categorically Exempt, File No. CA19-001 and ER20-003, CEQA Guidelines Section 15308 Actions by Regulatory Agencies for Protection of the Environment. Council District 6. (Planning, Building and Code Enforcement)

Public Comments: Paul Soto spoke on coming to terms with the injustice that this neighborhood is experiencing.

Councilmember Dev Davis recused herself since she lives in the area under consideration.

Councilmember Maya Esparza pulled this item to pose questions to staff. Rosalynn Hughey, Director, Planning, Building and Code Enforcement responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79383** was adopted (8-0-2-1. Absent: Arenas, Carrasco. Abstain: Davis.)

2.10 20-083 Retroactive Request for Travel and Excused Absence for Mayor Liccardo.

Retroactively authorize travel for Mayor Liccardo to Washington, D.C. from January 21-24, 2020, to attend United States Conference of Mayors Winter Meeting, and excuse from the Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on January 22, 2020. Source of Funds: Mayor/Council Travel Budget. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Action: The retroactive travel authorization was approved. (9-0-2. Absent: Arenas, Carrasco.)

2.11 20-105 Retroactive Approval of the Checkers Dumpster Day Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

(a) Retroactively approve the Checkers Dumpster Day scheduled on November 9, 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. (Carrasco)

Action: The City Council sponsored special event was retroactively approved. (9-0-2. Absent: Arenas, Carrasco.)

2.12 20-123 Retroactive Approval of the Team 222 Creek Cleanup Hosted by South Bay Clean Creeks Coalition as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 22, 2020:

(a) Retroactively approve the Team 222 Cleanup scheduled on January 11, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 1/22/20 - Item G.1.a]

Action: The City Council sponsored special event was retroactively approved. (9-0-2. Absent: Arenas, Carrasco.)

2.13 20-124 Retroactive Approval of the District 4 Youth Advisory Council Litter Pickup Co-Sponsored by the Mayor’s Office and the Parks, Recreation, and Neighborhood Service’s Anti-Litter Program as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on January 22, 2020:

- (a) Retroactively approve the District 4 Youth Advisory Council Litter Pickup scheduled on Saturday, January 25, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 1/22/20 - Item G.1.b]

Action: The City Council Sponsored Special Event was retroactively approved. (9-0-2. Absent: Arenas, Carrasco.)

2.14 20-125 Request for Travel for Councilmember Peralez.

Authorize Councilmember Peralez to attend the Mexico-US Sister Cities Mayors’ Summit from February 26-28, 2020 in El Paso, Texas. Source of Funds: Council District 3 Office budget and personal funds.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Peralez)

Action: The travel authorization for Councilmember Raul Peralez was approved. (9-0-2. Absent: Arenas, Carrasco.)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 20-087 Annual Report on City Services 2018-2019.

Accept the Annual Report on City Services for 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. (City Auditor)

City Auditor Joe Rois offered a presentation and responded to questions.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, the Annual Report on City Services was accepted. (9-0-2. Absent: Arenas, Carrasco.)

3.4 20-088 Technology Deployment Audit Report.

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]

[Deferred from 1/14/20 - Item 3.3 (20-037)]

City Auditor Joe Rois presented findings of the Audit Report, and Deputy City Manager, Civic Innovation & Digital Strategy, Kip Harkness and Chief Information Officer Rob Lloyd offered a response to the report and discussed lessons learned. Director of Civic Innovation, Dolan Beckel, responded to questions.

Public Comment: Blair Beekman offered comments on technology and transparency.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis and carried unanimously, the Technology Deployment Audit Report was accepted. (9-0-2. Absent: Arenas, Carrasco.)

3.5 20-089 Community Wi-Fi Strategy Update. - DEFERRED

As recommended by the Smart Cities and Service Improvements Committee on November 7, 2019, accept the report on the Citywide approach for the implementation of wi-fi that will help support economic development, City infrastructure, and minimize the digital divide.

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 Manager)

DEFERRED TO 4/21/20 PER ADMINISTRATION

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-106 Submit Letter to VTA In Affirmation and Preservation of Funding for Planned Highway and Streets Projects with Committed VTA Measure B Tax Dollars.

Adopt a position of support for the preservation of existing VTA Measure B highway and streets funding commitments against efforts to divert & redirect the voter-approved funding to nonhighway/streets purposes, and submit a letter to the VTA Board of Directors calling for implementation of Measure B's funding program as passed by voters in 2016, in advance of their January 9, 2020 Board meeting.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones, Foley, Davis, Khamis)
[Deferred from 1/7/20 - Item 6.1 (20-003)]

Public Comments: Twenty-one members of the public offered comments, opinions and recommendations, including using Measure B funds for mass transit, a commitment to climate change and the need to make public transit more convenient.

Director of Department of Transportation, John Ristow responded to questions.

Councilmember Raul Peralez and Councilmember Sergio Jimenez expressed their concerns and noted that they will not be supporting the submittal of this letter to VTA.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, a position of support was accepted.
(7-2-2. Noes: Jimenez, Peralez. Absent: Arenas, Carrasco.)

5.2 20-090 Vision Zero Action Plan. - DEFERRED

As recommended by the Transportation and Environment Committee on November 4, 2019, accept an update on the Vision Zero transportation safety initiative and the Action Plan.

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

[Transportation and Environment Committee referral 11/4/19 - Item (d)2]

DEFERRED TO 2/11/20 PER ADMINISTRATION

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 20-091 Actions Related to the Commercial Solid Waste Agreements. - DEFERRED

(a) Approve the amended and restated agreement with Allied Waste Services of North America, LLC, dba Allied Waste Services of Santa Clara County (Allied) to modify the terms for collecting and processing commercial solid waste, recyclables and organic materials and to extend services through June 30, 2032.

(b) Approve the amended and restated agreement with Zero Waste Energy Development Company (ZWED) to modify the terms for processing commercial solid waste, recyclables and organic materials and to extend organic processing services through June 30, 2032.

(c) Approve a settlement to resolve a potential legal dispute between the City, Allied, and ZWED, and authorize the City Attorney to execute a Settlement Agreement to resolve the dispute.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report and Supplemental Program Environmental Impact Report, File No. ER19-084.

(Environmental Services)

DEFERRED TO 2/25/20 PER ADMINISTRATION

7. NEIGHBORHOOD SERVICES

7.1 20-104 Private Property Graffiti Abatement Ordinance (Update on Council Policy Priority #25). - DEFERRED

Accept the report on the Update on Council Policy Priority #25 (Private Property Graffiti Abatement Ordinance).

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

DEFERRED TO 2/4/20 PER ADMINISTRATION

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-092 Request for Proposal for Historic Resources Services and City Projects.

(a) Accept the report on the Request for Proposal for consultants to assist with historic resources services and other City projects.

(b) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute Master Agreements for consultants to provide historic resources services for an initial five-year term ending January 2025, with the following consultants for a maximum aggregate compensation not to exceed \$1,400,000 for all Agreements, subject to the appropriation of funds:

(a) AECOM Technical Services, Inc. (San José); Maximum Compensation: \$100,000

(b) Architectural Resources Group, Inc.; Maximum Compensation: \$100,000

(c) Archives & Architecture, LLC; Maximum Compensation: \$100,000

(d) Dudek; Maximum Compensation: \$100,000

(e) Environmental Science Associates; Maximum Compensation: \$100,000

(f) Garavaglia Architecture, Inc.; Maximum Compensation: \$100,000

(g) Galvin Preservation Associates, Inc., dba GPA Consulting; Maximum Compensation: \$100,000

(h) Interactive Resources, Inc.; Maximum Compensation: \$100,000

(i) MacRostie Historic Advisors, LLC; Maximum Compensation: \$100,000

(j) Michael Baker International, Inc.; Maximum Compensation: \$100,000

(k) Page & Turnbull, Inc.; Maximum Compensation: \$100,000

(l) Stantec Consulting Services, Inc.; Maximum Compensation: \$100,000

(m) SWCA, Inc., dba SWCA Environmental Consultants; Maximum Compensation: \$100,000

(n) TreanorHL, Inc.; Maximum Compensation: \$100,000

(2) Execute amendments to the Master Agreements to increase or decrease the maximum compensation of each agreement, not to exceed the aggregate compensation amount for all of the agreements.

(3) Exercise up to three one-year options to extend the term of the Agreements through January 2028, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Planning, Building and Code Enforcement)

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8.1 (Cont'd.)

Rosalynn Hughey, Director, Planning, Building and Code Enforcement provided a presentation.

Historic Preservation Officer Juliet Arroyo and Rosalynn Hughey, Director, Planning, Building and Code Enforcement responded to questions.

Motion: Councilmember Maya Esparza moved acceptance of the staff's recommendations, including the memorandum she coauthored with Councilmember Magdalena Carrasco, dated January 24, 2020. Councilmember Sergio Jimenez seconded the motion.

Action: On a call for the question, the motion carried unanimously, **Resolution No. 79384** was adopted, and the Request for Proposal for Historic Resources Services and City Projects was accepted, including the joint memorandum from Councilmember Maya Esparza and Councilmember Magdalena Carrasco, dated January 24, 2020, to:

(1) Accept staff update and recommendations. (2) Ask staff to bring back the inventory of historic murals to City Council. (3) Identify any carryover funds to provide proactive historical research on assets in underserved low-income communities to preserve the untold stories in San Jose. (9-0-2. Absent: Arenas, Carrasco.)

8.2 20-093 **Actions Related to the 2020-2021 Hazardous Vegetation Commencement Report.**

Conduct a Public Hearing and adopt a resolution:

(a) Overruling any and all objections to the 2020-2021 Hazardous Vegetation Commencement Report; and

(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Categorically Exempt, File No. PP18-094, CEQA Guidelines Section 15301(h) Existing Facilities. (Planning, Building and Code Enforcement)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Greg Soos presented a dispute regarding his mother's property being put into this abatement program with accompanying costs. A representative from the County of Santa Clara came forward and agreed to discuss this further with Mr. Soos.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79385** was adopted. (9-0-2. Absent: Arenas, Carrasco.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 20-094 H16-042 - Public Hearing on the Appeals of the Environmental Determination for a Historic Preservation Permit and Site Development Permit for Real Property Located at 211 South First Street.

(a) Conduct an Administrative Hearing to consider the Appeals of the Planning Director's (i) certification of a Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Final Environmental Impact Report (FEIR) for the San José Tribute Hotel project; and (ii) approval of Historic Preservation Permit No. HP17-003 and Site Development Permit No. H16-042 for the San José Tribute Hotel project, which involves the construction of a 24-story, 274-room hotel integrated with the Montgomery Hotel, a designated City landmark listed on the National Register of Historic Places, with off-site parking on an approximately 0.58 gross-acre site at 211 South First Street.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's certification of the SEIR, and finding that:

(1) The City Council has read and considered the SEIR for the San José Tribute Hotel Project and related administrative record in connection with Historic Preservation Permit No. HP17-003 and Site Development Permit No. H16-042; and

(2) The SEIR for the San José Tribute Hotel project was prepared and completed in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, together with State and local implementation guidelines; and

(3) Certification of the SEIR for the San José Tribute Hotel project reflects the independent judgment and analysis of the City of San José;

(4) Preparation of a new Environmental Impact Report or revised SEIR is not required because the SEIR thoroughly and adequately analyzed the historical issues and the environmental appeal does not raise any new significant impacts that have not already been analyzed in the SEIR in accordance with Public Resources Code (PRC) Section 21166, or CEQA Guidelines Section 15162.

(Item Continued on the Next Page)

10.2 (Cont'd.)

(c) Adopt a resolution denying the permit appeals and approving Historic Preservation Permit No. HP17-003 and the Site Development Permit No. H16-042 for the construction of a 24-story, 274-room hotel integrated with the Montgomery Hotel, a designated City landmark, with off-site parking on an approximately 0.58 gross-acre site, at 211 South First Street.

CEQA: SEIR to the Final Environmental Impact Report for the Downtown Strategy 2040 (Resolution No. 77096) for the San José Tribute Hotel Project, File Nos. H16-042 and HP17-003. Council District 3. (Planning, Building and Code Enforcement)

Rosalynn Hughey, Director, Planning, Building and Code Enforcement gave presentation on the project description and appeals.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Appellant, Andre Luthard, presenting the Preservation Action Council urged denial of this appeal. Erik Schoennauer, the Schoennauer Company, representing Khanna Enterprises, spoke to the merits of the San Jose Tribute Hotel project. Offering support to the project were members of the public Erik Arevalo, Sarah McDermott (Unite Here), John Frolli, Eddie Truong (SVO), Nate LeBlanc (San Jose Downtown Association) and Mike Sodergren (PAC SJ).

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79386** denying the environmental appeal and upholding the Planning Director's certification of the SEIR was adopted.

(9-0-2. Absent: Arenas, Carrasco.)

10.3 20-095 **C19-029 and CP19-024 - Conforming Rezoning and a Conditional Use Permit for the Property Located at 1500 South 10th Street.**

(a) Adopt a resolution adopting the Solar4Amercia Ice Facility Expansion Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program in accordance with CEQA.

(b) Approve an ordinance rezoning an approximately 21.23-gross acre site situated at the southeast corner of South 10th Street and East Alma Avenue (1500 South 10th Street) from the R-2 Residential Zoning District to the PQP Public/Quasi-Public Zoning District.

(c) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the demolition of the San José Municipal Firing Range, the removal of 33 ordinance-size trees and 65 non-ordinance-size trees and to allow the 204,193-square foot expansion of an existing ice rink facility with late night use and an off-site alternative parking arrangement on an approximately 21.23-gross acre site at 1500 South 10th Street.

(Item Continued on the Next Page)

10.3 (Cont'd.)

CEQA: Solar4America Ice Facility Expansion Project Mitigated Negative Declaration. Council District 7. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79388**, adopting the Solar4America Ice Facility Expansion Project Mitigated Negative Declaration, and **Resolution No. 79389**, approving a Conditional Use Permit, were approved; and **Ordinance No. 30359**, Rezoning certain real property of approximately 21.23 gross acres, situated on the Southeast Corner of South 10th Street and East Alma Avenue (APN:477-38-003) was passed for publication. (9-0-2. Absent: Arenas, Carrasco.)

• Open Forum

- (1) Blair Beekman addressed fossil fuel use and the need for good sustainability practices.
- (2) Ed Rast addressed a lack of representation by some council districts for the Neighborhood Leaders Group CEQA class.

• Adjournment

The City Council Meeting was recessed at 5:36 p.m. to be resumed at 6:00 p.m. for a Study Session on Diridon Station Concept Plan Decision #3.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/01-28-20 MIN