



City Council Meeting

Draft Minutes/Synopsis

Tuesday, February 11, 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 MEETING

SAN JOSÉ, CALIFORNIA

TUESDAY, FEBRUARY 11, 2020

The Council of the City of San José convened in Closed Session at 9:35 AM in the Council Chambers at City Hall. (See Page ?? for Closed Session Minutes)

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

Absent: Councilmembers - Diep, Esparza, Arenas.

By unanimous consent, Council recessed from the Closed Session at 11:46 AM and reconvened to Regular Session at 1:32 PM in the Council Chambers.

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

Absent: Councilmembers - Arenas.

INVOCATION

Gabriela Sepulveda singer/songwriter, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chappie Jones, to move approval, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were approved with no changes. (9-2. Absent: Carrasco, Arenas)

• CLOSED SESSION REPORT

No report.

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.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo presented a Proclamation celebrating February 14, 2020 as League of Women Voters' Day to recognize the 100th Anniversary of the League of Women Voters.
- 1.2 Mayor Sam Liccardo and Councilmember Dev Davis presented a Proclamation for American Heart Month.
- 1.3 Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a Proclamation to recognize Teen Dating Violence Awareness Month
- 1.4 Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a commendation to the 2019 STEM Winners from the Santa Clara County 2019 Synopsys Championship.
Heard in the evening.
- 1.5 Mayor Sam Liccardo and Councilmember Pam Foley presented a commendation to Carlo Pedron for over 20 years of dedication and distinguished service to the Adopt a Highway program.
Heard in the evening.
- 1.6 Mayor Sam Liccardo presented the Silicon Valley Leadership Group Turkey Trot award to the City Council by Carl Guardino.
Heard in the evening.

2. CONSENT CALENDAR

Public Comments: Offering comments on the Consent Calendar were Blair Beekman and Paul Soto.

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved, with item 2.7 pulled, and the below listed actions taken as indicated.

(10-1. Absent: Carrasco)

2.1 Approval of City Council Minutes.

None presented.

2.2 20-146 Final Adoption of Ordinances.

Recommendation: a. ORD. No. 30359 An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 21.23 Gross Acres, Situated on the Southeast Corner of South 10th Street and East Alma Avenue (1500 South 10th Street) (APN: 477-38-003) from the R2 Residential Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 1/28/20 - Item 10.3(b) (20-095)]

Action: Ordinance No. 30359 was adopted.

2.3 Approval of Council Committee Minutes.

None presented.

2.4 20-151 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Carrasco, from the City Council meeting on January 28, 2020, due to illness.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 2/5/20 - Item A.1.a]

Action: Mayor and Council Excused Absence Requests was approved.

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 20-130 Actions Related to the Purchase Order for Shelf-Ready English Language DVDs and CDs for the Library Department.**

Recommendation: Adopt a resolution authorizing the City Manager to:

(a) Execute Purchase Orders with Baker & Taylor, LLC (Charlotte, NC), Midwest Tape, LLC (Holland, OH), and Ingram Library Services LLC (LaVergne, TN) for Shelf-Ready English Language DVDs and CDs for the Library Department for an initial twelve-month period starting on or about February 12, 2020 and ending on or about February 11, 2021 for a total cumulative compensation not-to-exceed amount of \$660,000; and

(b) Exercise up to four additional one-year options to extend the term of the purchase orders with the last option year ending on or about February 11, 2025, subject to the annual appropriation of funds.

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

Action: Resolution No. 79397 was adopted.

2.8 20-140 Summary Vacation of a 10-Foot Public Utilities Easement Located at 1363 Spencer Avenue.

Recommendation: Adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 10-foot Public Utilities Easement at 1363 Spencer Avenue;

(b) Summarily vacating the Public Utilities Easement, which is excess; and

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

CEQA: Categorically Exempt, File No. ER19-080, CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. Council District 6.
(Public Works)

Action: Resolution No. 79398 was adopted.

2.9 20-131 Recertification of the Sewer System Management Plan.**Recommendation:**

Approve the recertification of the Sewer System Management Plan provided to the State Water Resources Control Board.

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

(Transportation/Public Works/Environmental Services)

Action: Recertification of the Sewer System Management Plan, was approved.

2.10 20-148 Retroactive Approval of Small Business Advisory Task Force (SBATF) Membership Recognition Event Sponsored by Council District 1 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 29, 2020:
(a) Retroactively approve the SBATF Membership Recognition scheduled on December 12, 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. (Jones)

[Rules Committee referral 1/29/20 - Item G.1.a]

Action: The SBATF Membership Recognition Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or Community groups to support the event was approved.

2.11 20-152 Approval of the San José Earthquakes Flag Raising sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

(a) Approve the San José Earthquakes Flag Raising scheduled on Monday, February 24, 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. (Peralez)

[Rules Committee referral 2/5/20 - Item A.1.a]

Action: The San José Earthquakes Flag Raising Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even was approved.

2.12 20-153

Approval of Cesar E. Chavez Day Flag Raising Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

(a) Approve the Cesar E. Chavez Day Flag Raising scheduled on Thursday, March 26, 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. (Perez)

[Rules Committee referral 2/5/20 - Item A.1.a]

Action: The Cesar E. Chavez Day Flag Raising Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event was approved.

2.13 20-154

Retroactive Approval of Coffee Hour Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

(a) Retroactively approve the Coffee Hour at Village Square Library scheduled on Thursday, January 9, 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. (Arenas)

[Rules Committee referral 2/5/20 - Item A.1.a]

Action: The Coffee Hour Community Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event was approved.

2.14 20-155

Retroactive Approval of Volunteer Appreciation Luncheon Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

(a) Retroactively approve the Volunteer Appreciation Luncheon scheduled on Saturday, February 8, 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. (Arenas)

[Rules Committee referral 2/5/20 - Item A.1.a]

Action: Volunteer Appreciation Luncheon Community Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event was approved.

2.15 20-156 Approval of Coffee Hour Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

(a) Approve the Coffee Hour at Le Boulanger scheduled on Thursday, February 13, 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. (Arenas)

[Rules Committee referral 2/5/20 - Item A.1.a]

Action: Council District 8 Coffee Hour Community Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even was approved.

2.16 20-157 Approval of Faith Leaders Luncheon 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) Approve the Faith Leaders Luncheon scheduled on Friday, March 20, 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. (Arenas)

[Rules Committee referral 2/5/20 - Item A.1.a]

Action: The Faith Leaders Luncheon Special Events was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even was approved.

3. STRATEGIC SUPPORT

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

City Manager, David Sykes provided an update on coronavirus. There are two confirmed cases in Santa Clara County.

3.2 Labor Negotiations Update.

3.3 20-132 Approval of the 2019-2020 Mid-Year Budget Review Report.**Recommendation:**

- (a) Approve the 2019-2020 Mid-Year Budget Review Report.
(b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2019-2020 Mid-Year Budget Review Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Budget Director Jim Shannon, Financial Status Coordinator Selena Ubando, Deputy Budget Director Bonny Duong, Operating Budget Coordinator Bryce Ball, and Deputy Budget Director Claudia Chang gave a presentation and responded to questions.

Public Comments: Blair Beekman offered comments on the Approval of the 2019 2020 Mid-Year Budget Review Report

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Dev Davis, and carried unanimously, Ordinance No. 30361 was adopted, and Resolution No. 79399 was adopted.
(11-0.)

3.4 20-133 Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax.**Recommendation:**

- (a) Consideration and discussion of the draft framework related to certain transfers of real property to nonprofits and the proposed real property transfer tax on the March 3, 2020 ballot; and
(b) Should the voters of San José approve Measure E on the March 3, 2020 ballot, direct the Administration to return to Council with a report on how it would implement the framework approved by the Council.

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

Action: Deferred to 3/17/20 per Administration.

3.5 20-149 Council Policy Priority #16: Wage Theft Prevention Policy.**Recommendation:**

- (a) Accept status update and workplan for completion of Council Priority #16 - Update to Wage Theft Prevention Policy.
(b) Accept the Good Jobs First Report analysis.
(c) Direct staff to continue development of Council Priority #16 - Update to Wage Theft Prevention Policy and return to the Council in spring 2020 with recommendations, policy options, and resource requirements.

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3.5 20-149

Council Policy Priority #16: Wage Theft Prevention Policy. (Cont'd)

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 Works/Finance/City Manager)
[Deferred from 2/4/20 - Item 3.4 (20-114)]

CMO Chief of Staff Lee Wilcox, Public Works Director Matt Cano, Finance Director Julia H. Cooper, Deputy Finance Director Jennifer Cheng, Assistant to the City Manager Sarah Zárate, and Public Works Division Manager Christopher Hickey gave a presentation and responded to questions.

Public Comments: Offering comments on the Council Policy Priority #16: Wage Theft Prevention Policy, were: Felicia Gershberg, (representing Santa Clara County Wage Theft Coalition); Corey Quevedo, (representing UA Local 393); Ryan Jones, Josue Garcia, (representing Silicon Valley MEPS); Forest, (representing Center For Integrated Facility Engineers); Louise Auerhahn, (representing Working Partnerships USA); Brenda Rodriguez, (representing South Bay Labor Council); Wayd LaPearle, (representing Santa Clara Valley Contractors); Alex Carballo, (representing IBEW 332); Mauricio Velarde, (representing South Bay Piping Industry); and Blair Beekman.

Action: Upon motion by Councilmember Sergio Jimenez to move approval, seconded by Councilmember Magdalena Carrasco, and carried unanimously, Council Policy Priority #16: Wage Theft Prevention Policy was approved, including approval of the Memorandum from Councilmembers Jimenez, Peralez and Carrasco to

1. Accept status update and workplan for completion of Council Priority #16- Update to Wage Theft Prevention Policy and direct staff to include the following items in the development of the policy to be presented to City Council in Spring 2020:

a. A recommended Wage Theft Policy update that:

1. Removes the exclusion of public works contracts from the Policy and clarifies that the proposed definition of "Final Judgments, Decisions, and Orders". Also includes judgments or final administrative decisions resulting from:

1. A California Division of Labor Standard Enforcement Civil Wage and Penalty Assessment (CWP A);

2. A California Division of Labor Standard Enforcement Bureau of Field Enforcement (BOFE) citation; or

3. A U.S Department of Labor Final Administrative Decision; and 11. Is based on self-disclosure. The City shall work towards the goal of being able to verify disclosures and shall investigate complaints and irregularities, where possible, to ensure compliance.

b. A draft Wage Theft Prevention Ordinance as directed in the Jan. 30, 2019 Rules and Open Government memo authored by Vice Mayor Jones and Councilmembers Peralez, Carrasco, and Jimenez.

2. As part of the recommended Wage Theft Prevention Policy update to be brought back to Council, direct staff to define chronic bad actors that shall be disqualified as potential contractors. This stipulation should be data-driven, and defined in consultation with our local stakeholders, academic partners, DLSE, and the County's OLSE.:
(10-1. No: Khamis)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****5.1 20-134 Transportation Safety Vision Zero Action Plan.**

Recommendation: As recommended by the Transportation and Environment Committee on November 4, 2019 and on February 3, 2020:

(a) Approve the Vision Zero Action Plan.

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

(1) Establish the Vision Zero: Safety Initiatives appropriation to the Transportation Department in the amount of \$300,000;

(2) Establish the Vision Zero: Safety Initiatives Reserve in the amount of \$4,700,000; and

(3) Decrease the Ending Fund Balance by \$5,000,000.

Transportation Director John Ristow, Police Chief Edgardo Garcia, and Vision Zero Program Manager Jesse Mintz-Roth gave a presentation and responded to questions.

Public Comments: Offering comments on the Transportation Safety Vision Zero Action Plan were: Nikita Sinha, (representing California Walks); Marcia Cohen Zakai, Blair Beekman, John Cordes, (Silicon Valley Bicycle Coalition); Teresa Do, Perry Misri, Brandon Alvarado, Diane Solomon, Nani Lavin, Gina LeBlanc, Bill Kirkpatrick, Fred Buzzo, and Joe Glynn.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff report was approved, and Ordinance No. 30362 was adopted, including approval of the Memorandum from Mayor Liccardo, and Councilmembers Peralez, Carrasco, Davis, and Esparza to:

Accept the Vision Zero Action Plan and related budget actions, with the following additional direction:

1. Develop a geospatial data tool for Vision Zero analytics, insights, and predictive modeling to inform Vision Zero policies, programs and projects as recommended in the action plan. In addition, future work on data analytic tools should include:

a. Integration with My San Jose App

1. Work with the City Manager's Office of

Civic Innovation to identify a potential feature in the upcoming update to My San Jose for residents to report unsafe streets.

b. Nudging tools

1. Identify potential nudging tools in partnership with private sector partners, like Waze, that could be used to make drivers more aware near Vision Zero corridors, and emerging priority geographies.

c. Expanding Data Capture and Analysis

i. Include data on future growth trends within Vision Zero corridors to assess potential impacts.

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5.1 20-134

Transportation Safety Vision Zero Action Plan. (Cont'd)

ii. Identify potential private sector partners that may have data that could be used to develop a more holistic understanding of crashes in Vision Zero corridors.

iii. In addition to all relevant traffic collision data and emergency response, the data tool should incorporate equity indicators, including homelessness, overcrowded neighborhoods, income, and other socio-economic factors that provide a clearer picture of which communities are being most impacted by collisions.

iv. Return to Council with an evaluation of whether we might reconsider geographic targeting of traffic safety resources if we evaluated collision risk per traffic volume, rather than merely identifying those corridors with the highest number of KSI collisions, as more fully described below.

2. Form the Vision Zero Taskforce, and appoint Councilmember Peralez as the Chair. The Taskforce will meet quarterly, be composed of partner agencies and community based organizations, and report to the Transportation and Environment (T &E) and Public Safety, Finance and Strategic Support (PSFSS) Committees on Taskforce activities, trend analysis, and initiatives.

3. Return with an MBA in the budget process to evaluate Traffic Enforcement Unit staffing options including redeployment or potential ways to increase staffing – specifically for evenings and weekends where we don't have traffic enforcement but have the highest incidence of traffic collisions resulting in fatalities or severe injuries. Report updated staffing plan to the PSFSS and T &E committee.

4. Retain a consultant to design a community engagement strategy and messaging campaign. Staff should leverage outside partners, messaging platforms, and strategies in this effort, as well as engage Council Offices and Commissions as channels to raise awareness in the community. The campaigns should be culturally inclusive and offered in multiple languages, with careful consideration given to the elderly population, the largest segment of pedestrian fatalities statistically, and our homeless neighbors.

5. Accelerate "quick-build" project implementation, and grow the Vision Zero Safety Initiatives funding in the Traffic Capital Fund to implement traffic safety improvement projects along priority safety corridors (PSCs) by:

a. Pursuing funding from Measure B, One Bay Area Grant, State Active Transportation Program, and other sources; and

b. Exploring flexibility in allocating regional and state pavement maintenance funding for Vision Zero safety improvements in years 2021/22 and beyond; and

c. Joining other cities in advocacy for a loosening of federal rules to enable use of Airport-generated TNC revenue to fund traffic safety improvements elsewhere.

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5.1 20-134

Transportation Safety Vision Zero Action Plan. (Cont'd)

6. Direct staff to continue engaging in legislative advocacy efforts to advance Automated Speed Enforcement (ASE) authority in California - as currently exists in other states. This should also include advocating for increased flexibility and local authority to reduce speed limits, particularly on our PS Cs, and areas near vulnerable communities, as recommended in the 2020 CalSTA Report of Findings pursuant to AB 2363, Zero Traffic Fatalities Task Force.

Also approved was the memorandum from Councilmember Foley to:

Accept the Vision Zero Action Plan along with related budget actions as well as the Memorandum released by Mayor Liccardo and Councilmembers Peralez, Carrasco, Davis, and Esparza, and direct staff to:

1. Investigate the possibility of procuring and deploying cloud-based Internet of Things (IoT) technology to collect traffic data and instantly send the traffic data to a central database.

2. Ensure multiple City departments, including the Police Department and Department of Transportation, have access to the centralized database to be used for analysis purposes when determining how best to deploy limited resources
(10-1. Absent: Khamis)

(c) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Construction Excise Tax Fund:

(1) Establish the Vision Zero: Safety Initiatives appropriation to the Transportation Department in the amount of \$1,000,000;

(2) Establish the Vision Zero: Safety Initiatives Reserve in the amount of \$780,000; and

(3) Decrease the Street Safety and Roadway Maintenance Reserve by \$1,780,000.

CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Transportation/Police)

[Transportation and Environment Committee referral 11/4/19 - Item

(d)2 and 2/3/20 - Item (d)3]

[Deferred from 1/28/20 - Item 5.2 (20-090)]

Action: Ordinance 30363 was adopted.

- Council recessed at 6:21PM
- Council reconvened at 6:29PM

6. ENVIRONMENTAL & UTILITY SERVICES**6.1 20-135 Amendment to the Professional Services Agreement with Calpine Energy Solutions, LLC for Data Management and Customer Call Center Services.**

Recommendation: Approve the First Amendment to the Professional Services Agreement for Data Management and Customer Call Center Services with Calpine Energy Solutions, LLC, reducing rates and modifying service terms and increasing the maximum compensation from \$15,683,800 to \$22,000,000 through February 27, 2025, subject to the appropriation of funds.

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

(Community Energy)

Community Energy Director Lori Mitchell, and Account Management and Marketing Deputy Director Zach Struyk, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Maya Esparza, and carried unanimously, Amendment to the Professional Services Agreement with Calpine Energy Solutions, LLC for Data Management and Customer Call Center Services was approved.

(9-2. Absent: Liccardo, Jimenez)

Action: Approved as Recommended.

6.2 20-136 Application for Electric Transmission Service Interconnection.

Recommendation: Direct City Manager to prepare and submit, in coordination with the City Attorney's Office, a Wholesale Transmission Service Interconnection Application to Pacific Gas and Electric, and if appropriate, to proceed with any required Pacific Gas and Electric System Impact and Facilities Studies, for the City of San José to provide electric distribution service to the Downtown West Mixed-Use Plan area and potentially the broader Diridon Station Area.

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

(Community Energy)

Action: Deferred to 2/25/2020 Per Administration

7. NEIGHBORHOOD SERVICES**7.1 20-137 San José Education Policy.**

Recommendation: (a) Adopt a resolution establishing the San José Education Initiative as Council Policy 0-30.

(b) Direct staff to return to Council with the following changes to San José Municipal Code Chapter 2.08 and Council Policy 0-4:

(1) Change the name of the Library and Early Education Commission to the Library and Education Commission; and

(2) Change the subject matter expertise of the Early Education-specific seats to Education subject matter expertise.

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

(Library)

City Librarian Jill Bourne, Library Chief of Staff and Data Policy Manager Anne Grabowski, Parks, Recreation, and Neighborhood Services Department Manager Neil Rufino, and Deputy City Manager Angel Rios gave a presentation and responded to questions.

Public Comments: Offering comments on San José Education Policy were: Matthew Tinsley, Wendy Gurahoo, and Paul Soto.

Action: Upon motion by Vice Mayor Chappie Jones to move approval, seconded by Councilmember Raul Peralez, and carried unanimously, Resolution No. 79400 was adopted and staff recommendation was approved.

(10-1. Absent: Diep)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-139 Proposed Expenditure Plan for the Homeless Housing, Assistance, and Prevention Program.

Recommendation: Adopt a resolution accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention Program that will allow the Director of Housing to apply to the State of California's Homeless Housing, Assistance, and Prevention Program for a one-time award of approximately \$23.8 million.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

Housing Deputy Director Ragan Henninger, and Homelessness Response Manager Kelly Hemphill gave a presentation and responded to questions.

Public Comments: Offering comments on the Proposed Expenditure Plan for the Homeless Housing, Assistance, and Prevention Program were: Ray Bramson, (representing Destination Home); Donna Wallach, Sparky Harlan. Kathryn Hedges (PACT), and Paul Soto

Action: Upon motion by Councilmember Maya Esparza to move approval, seconded by Councilmember Lan Diep, and carried unanimously, Resolution No. 79401 was adopted, and the Proposed Expenditure Plan for the Homeless Housing, Assistance, and Prevention Program, was approved including approval of Memorandum from Mayor Liccardo and Councilmembers Peralez, Diep, Davis, Esparza to:

(Item Continued on the Next Page)

8.1 20-139**Proposed Expenditure Plan for the Homeless Housing, Assistance, and (Cont'd)**

1. Accept staffs recommendation to adopt a resolution accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention Program (HHAP) that will allow the Director of Housing to apply to the State of California's (State) HHAP for a one-time award of approximately \$23.8 million.
2. Direct the City Manager and City staff to:
 - a. Explore including "safe storage" solutions for items that unsheltered residents keep with them on the streets as part of the future navigation center and/or onsite at a bridge housing community insofar as it complies with existing agreements with Caltrans or VTA.
 - b. Report back monthly on capacity and utilization rates of shelters within Santa Clara County and the future navigation center.
 - c. Come back to Council for input on a proposed framework creating "enhanced service areas" and "invitation zones" before implementing.
 - d. Explore Recreational Vehicle (RV) parking and housing solutions under Innovation Solutions.
 - e. For when allocations based on the expenditure plan come back for Council consideration, allocate the youth set-aside (\$2 million) to the Bill Wilson Center, our region's longtime nonprofit organization dedicated to supporting youth and their families through housing, education, and counseling services.

Also approved was the memorandum from Councilmember Arenas to:

1. Accept staff recommendations and recommendations from Mayor Liccardo, and Councilmembers Peralez, Diep, Davis, and Esparza
2. Direct the City Manager and Staff to:
 - a. Release funds allocated to homelessness prevention to Destination Home for Fiscal Year 2020-2021.
 - b. Include detailed data on how HEAP and HHAP funded programs serve families and children in an updated staff report for the upcoming council item: "Homelessness and Housing Insecurity Among Families with Children", cross-listed to Council at the September 12, 2019 meeting of the Neighborhood Services and Education Committee meeting.
 - c. Explore leveraging city services that increase housing stability such as recreation classes, SJ Learns programs, or workforce development through strategic interdepartmental coordination, to support the programs being funded by HHAP. (11-0)

9. REDEVELOPMENT – SUCCESSOR AGENCY**• Open Forum**

No cards.

10. LAND USE**10.1 Land Use on Consent Calendar**

- (a) **20-141 CP19-028 - Conditional Use Permit for Real Property Located at 788 North King Road (Mabury Market).**

Recommendation:

Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site.

CEQA: Categorical Exempt, CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (7-0-0).

Council District 3. (Planning, Building and Code Enforcement)

There was no presentation for this item.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, Resolution No. 79402 was adopted.

(11-0)

Mayor Liccardo sought to reconsider his vote after the fact of initial motion and vote.

Action: Upon motion by Mayor Liccardo to move reconsideration of a re-vote, seconded by Councilmember Johnny Khamis, and carried unanimously, the motion to re-vote was approved.

(10-1. Absent: Jimenez).

Action: Upon motion by Councilmember Raul Peralez to revote, seconded by Councilmember Johnny Khamis, and carried unanimously, the revote was approved, and the adoption of Resolution No. 79402 was upheld.

(9-1-1. Noes: Liccardo. Absent: Jimenez).

- (b) **20-144 PP19-047 - Amendment to Title 23 of the San José Municipal Code (Sign Code).**

Recommendation:

Approve an ordinance amending Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 of the San José Municipal Code to modify permit provisions for Supergraphic Signs; amending Section 23.04.156 of Part 2.5 (Urban Mixed-Use Sign Development Zone) of Chapter 23.04 of Title 23 to allow skyline signs; and to make other non-substantive, ministerial, technical, or typographical changes to Chapter 23.04 of Title 23 of the San José Municipal Code.

CEQA: Determination of Consistency to the Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

(Planning, Building and Code Enforcement)

Action: Deferred to 2/25/20 Per Administration

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda**CONTINUE GENERAL PLAN HEARING (2019 SECOND CYCLE) FROM 1/14/19****10.2 20-142 GP18-013, C18-039, and SP18-060 - General Plan Amendment, Conforming Rezoning, and Special Use Permit for Real Property Located at 615 and 623 Stockton Avenue.****Recommendation:**

- (a) Adopt a resolution adopting the 615 Stockton Avenue Hotel Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended (CEQA).
- (b) Adopt a resolution approving an amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Neighborhood Community Commercial on a 0.20-gross acre site at 623 Stockton Avenue.
- (c) Approve an ordinance rezoning certain real property of the approximately 0.59-gross acre site generally located at the northwest corner of Stockton Avenue and Schiele Avenue (615 and 623 Stockton Avenue) from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District.
- (d) Adopt a resolution approving, subject to conditions, a Special Use Permit to demolish an approximately 4,400-square foot commercial building, re-locate and re-purpose the existing historic 1,292-square foot structure, and construct a 120-room, five-story hotel including outdoor uses (outdoor guest area including a roof deck) within 150 feet of residential uses on an approximately 0.59-gross acre site.
- CEQA: Mitigated Negative Declaration for 615 Stockton Avenue Hotel Project Mitigated Negative Declaration. Planning Commission recommends approval (4-3-0, Allen, Ballard, and Caballero opposing). Council District 6. (Planning, Building and Code Enforcement)

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

The Applicant, Cory Creath, addressed and thanked City Council for its support.

Public Comments: Offering comments on the GP18-013, C18-039, and SP18-060 - General Plan Amendment, Conforming Rezoning, and Special Use Permit for Real Property Located at 615 and 623 Stockton Avenue were: Linda Tugade, Joanne Buckley, Edward Saum, Kay Gutknecht, Meredith Muller, Matt Paolercio, Rob Katcher, Dan Mountsier, Nick Nowell, Susan Watanabe, Carol Muller, Alvie Middlebrook, Dale Maur, Kevin O'Grady, Allegra Watson, Linda Bookman, Road Morris, Michael Riepe, Carol Strahan, John Wolfram, Sue Tobin, Lori Katcher, Donna Wallach, Steve Crawley, Sofia Woodmansee, Marshall Woodmansee. Nanci Iris, Sylvie Carroll, Demitrico, Tessa Woodmansee, Paul Soto, Mike Sodergren, Kathryn Hedges, and Rob Hibner.

Action: Upon motion by Councilmember Dev Davis to deny approval, seconded by Vice Mayor Chappie Jones, and carried unanimously, staff recommendation was denied, including approval of the Memorandum from Councilmember Davis to deny approval of GP18-013, C18-039, and SP18-060 for Real Property located at 615 and 623 Stockton Avenue.

(11-0)

10.3 20 143

GP17-015, C18-034, SP18-059 and T19-017 - General Plan Amendment, Conforming Rezoning, Special Use Permit, and Tentative Map for Real Property Located at 699 West San Carlos Street.**Recommendation:**

(a) Adopt a resolution adopting the Addendum to the Diridon Station Area Plan Programmatic Environmental Impact Report and associated Mitigation Monitoring and Reporting Program for the McEvoy Affordable Housing Project, in accordance with CEQA.

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

The Applicant, Jeff Morgan addressed, and thanked City Council for its support.

Public Comments: Offering comments on the GP17 015, C18 034, SP18 059 and T19 017 General Plan Amendment, Conforming Rezoning, Special Use Permit, and Tentative Map for Real Property Located at 699 West San Carlos Street were: Carl Guardino, (representing Silicon Valley Leadership Group); Jonathan Martinez, (representing Georgetown Homeowners Association); Alex Shoor, (Catalyze SV); Kathryn Hedges, (PACT); and Dan Mercier.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Councilmember Magdalena Carrasco, and carried unanimously. Resolution No. 79406 was adopted, and staff recommendation was approved.

(11-0)

(b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram designation (APN's 261-38-001, 261-38-004, 261-38-005, 261-38-030, 261-38-047, 261-38-048, and 261-38-049) from Mixed Use Commercial to Transit Residential on an approximately 1.22-gross acre site.

Action: Resolution No. 79407 was adopted.

(11-0)

(c) Approve an ordinance rezoning certain real property of approximately 1.13 gross acres at the northeast corner of McEvoy Street and West San Carlos Street at 699 West San Carlos Street (APN's 261-38-001, 261-38-004, 261-38-030, 261-38-047, 261-38-048, and 261-38-049) from the HI Heavy Industrial Zoning District to the R-M Multiple-Residence Zoning District.

Action: Ordinance No. 30365 was passed for publication.

(11-0)

(d) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to consolidate six parcels into one parcel with three condominium lots for a 365-unit multi-family residential apartment development on an approximately 1.13-gross acre site situated north of West San Carlos Street between McEvoy Street and Dupont Street (699 West San Carlos Street).

Action: Resolution No. 79408 was adopted.

(11-0)

(Item Continued on the Next Page)

10.3 20 143**GP17-015, C18-034, SP18-059 and T19-017 - General Plan Amendment, (Cont'd)**

(e) Adopt a resolution approving, subject to conditions, a Special Use Permit and State Density Bonus to allow the demolition of two industrial buildings, removal of three ordinance-sized trees and one non-ordinance sized tree, for construction of a 100% affordable housing project (excluding four market rate manager's units) with up to 365 multi-family residential apartment units with an alternative parking arrangement, back-up generator, and up to 12.5-foot tall retaining wall, and concessions and waivers under State Density Bonus law (Government Code Section 65915) to increase density, increase the building height; reduce the required setbacks along McEvoy Street, Dupont Street, the West San Carlos Street bridge, and reduce the amount of required motorcycle parking, all on an approximately 1.13-gross acre site.

Action: Resolution No. 79409 was adopted.
(11-0)

(f) Adopt a resolution approving a Density Bonus Regulatory Agreement pursuant to San José Municipal Code Chapter 20.190.100.
CEQA: McEvoy Affordable Housing Project Addendum to the Diridon Station Area Plan Programmatic Environmental Impact Report adopted by City Council Resolution No. 77096 on June 17, 2014. Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

Action: Resolution No. 79410 was adopted.
(11-0)

CLOSE GENERAL PLAN HEARING (2019 SECOND CYCLE)

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10496

Location: East side of South 22nd Street approximately 250 feet southerly of East Santa Clara Street

District: 3

Lots/Units: 1/6

Type: SFA

Developer: OLINDER-6 Developers

Tract: 10526

Location: West side of Water Street, approximately 130 feet southerly of Southside Drive

District: 7

Lots/Units: 6/5

Type: SFA

Developer: DCITDP.LLC

MINUTES OF SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133 to (A) confer with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 3; (B) confer with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government Code: Number of matter(s) to be discussed: 2. (C) confer with Legal Counsel anticipated Existing Litigation Pursuant to Government Code Section 54956.9(d)(1):1. Case Name: In re: Claim of Orozco. Names of Partie(s) involved: Court: Workers Compensation Appeals Court. Case No.: ADJ10339542. Amount of Money or Other Relief Sought: Benefits. 2. Case Name: In re: Claim of Wilkins; Name(s) of Parties(s) Involved: Court: Workers Compensation Appeals Court. Case No.: ADJ 11734604, ADJ9902986, ADJ9878341, ADJ8007826, ADJ7159652, ADJ6690737. Amount of Money or Other Relief Sought: Benefits; (3) Case Name: County Sanitation District 2-3, et a. v. City, et al. Name(s) of Parties(s) Involved: County Sanitation District 2-3; West Valley Sanitation District; Burbank Sanitary District; Cupertino Sanitary District; City of Milpitas, City of San Jose, City of Santa Clara; and Does 1-50, inclusive. Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction. Court; Case No.: 18-CV-325480. Amount of Money or Other Relief Sought: Damages according to proof. 4. Case Name: City v. Monsanto Company, et al. Name(s) of Parties(s) Involved: City of San José; Monsanto Company; Solutia Inc.; Pharmacia Corporation; and Does 1 through 100, Court: U.S. District Court, Northern District of California – San José Division. Case No.: 15-CV-03178-EJD Amount of Money or Other Relief Sought: Damages according to proof. 5. Case Name: Sutter's Place, Inc. dba Bay 101 v. City. Name(s) of Parties(s) Involved: Sutter's Place, Inc. dba Bay 101; City of San Jose; the Division of Gaming Control. Court: Superior Court of California, County Of Santa Clara. Court; Case No.: 1-13-CV-258057. Amount of Money or Other Relief Sought: Damages according to proof. (D) confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Jennifer Schembri. Employee Organizations: (1) 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.

By unanimous consent, Council recessed from the Closed Session at 11:02 AM and reconvened to Regular Session at 1:32 PM in the Council Chambers.

Present: Councilmembers -Liccardo, Jones, Jimenez, Peralez, Carrasco, Davis, Foley, Khamis

Absent: Councilmembers -Diep, Esparza, Arenas.

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

• **OPEN FORUM**

1. Carol Yeakel commented that she went into a store and was falsely accused of stealing a \$125 worth of merchandise.
2. Paul Soto offered comments on his understanding of homelessness, wage theft, traffic accidents and fatalities. Therefore, the definition of equity has become confusing.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 11:26 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

10/2-11-20 MIN

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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On occasion the City Council may consider agenda items out of order.