



City Council Meeting MINUTES

Tuesday, March 24, 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



- **Call to Order and Roll Call**

Closed Session Cancelled.

The previously scheduled evening session was cancelled.

Regular Session, Council Chambers, City Hall

The Council of the City of San José convened in Open Session on Tuesday, March 24, 2020, at 1:35 p.m. in Committee Meeting Rooms T-118-120 at City Hall. Mayor Sam Liccardo called the meeting to order.

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

Councilmembers Arenas, Carrasco, Davis, and Foley participated in the meeting from an off-site location.

Absent: Councilmembers - All present.

- **Invocation (District 3)**

Councilmember Raul Peralez read an inspirational poem by Laura Kelly Fanucci.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

Upon motion by Councilmember Raul Peralez, seconded by Councilmember Vice Mayor Chappie Jones, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 2.12 “Amendment to Agreement with Hanson Bridgett LLP” deferred to April 21, 2020; Item 5.1 “San Jose City Airport Master Plan Amendment” deferred, with Item 2.16 “Amendment to the Master Agreement with CPS HR Consulting for Recruiting Projects” dropped, and with Item 4.1 “Actions Related to the San Jose Police Department Sexual Assault Workplan” dropped and to be re-agendized after budget reassessment. Also with inclusion of **New Item 2.22, “Incorporate Governor’s Executive Order Regarding Teleconference Requirements in the Brown Act into City Open Government (Sunshine) Resolution”** Requiring a Determination by a Two-Thirds (2/3) Vote of the Members of the Council Present at the Meeting, or, if Less than Two-Thirds (2/3) of the Members of the Council Are Present at the Meeting, a Unanimous Vote of those Members Present that there is a need to take Immediate Action. Council’s Rules of Conduct, Resolution No. 79367, Rule 3(d).

Mayor Sam Liccardo requested that Item 3.4 “Spring Intergovernmental Relations Report”, previously dropped from the Agenda, be heard.
(11-0.)

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

None provided.

2.2 20-346 Final Adoption of Ordinances.

(a) Ord No. 30377 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.49 Gross Acres Situated on the Southeast Corner of Auzerais Avenue and Lincoln Avenue (460 Lincoln Avenue) (APN: 264-12-033) from the Hi Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. [Passed for Publication on 3/10/2020 - Item 10.1 (a) (20-216)]

(b) Ord No. 30378 - An Ordinance of the City of San José Rezoning Certain Real Properties of Approximately 0.21- Gross Acre Each Situated on the East Side of North Second Street Approximately 330 Feet North of West Julian Street (332 and 334 North Second Street) (APNs: 249-44-029; 249-44-030) from the Li Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District. [Passed for Publication on 3/10/2020 - Item 10.1 (b) (20-217)]

(c) Ord No. 30379 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.23-Gross Acre Situated on the Southwest Side of Coleman Avenue Approximately 200 Feet Northwesterly of Emory Street (821 Coleman Avenue) (APN:259-01-035) from the R-2 Two Family Residence Zoning District to the Li Light Industrial Zoning District. [Passed for Publication on 3/10/2020 - Item 10.1 (c) (20-218)]

Action: **Ordinance No. 30377, Ordinance No 30378 and Ordinance No. 30379** were adopted. (11-0.)

2.3 20-360 Approval of Council Committee Minutes.

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 26, 2020.

(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 4, 2020.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 20-380 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Foley, from the Regular Meeting of Neighborhood Services and Education Committee on March 12, 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. (Foley)

[Rules Committee referral 3/18/2020 - Item A.1.a]

Action: The request for an excused absence was approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 20-309 Amendment to the Agreement with Kimley Horn & Associates, Inc. for the Runway Incursion Mitigation/Design Standards Analysis Study at the Airport.

Approve a Second Amendment to the Consultant Services Agreement with Kimley Horn & Associates, Inc. for the Runway Incursion Mitigation/Design Standards Analysis Study at the Norman Y. Mineta San José International Airport, extending the term of the Agreement to September 30, 2020, with no change in maximum compensation.

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

Action: The Amendment to the Agreement with Kimley Horn & Associates, Inc. was approved. (11-0.)

2.8 20-310 Permanent Water Easement Between the City of San José and San Jose Water Company.

Adopt a resolution authorizing the City Manager or his designee to execute all the documents necessary for a permanent water easement agreement with the San Jose Water Company for water facilities installation to support the construction of the Coleman Highline Project.

CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto. (Economic Development)

Action: **Resolution No. 79447** relating to the Permanent Water Easement between the City of San José and the San José Water Company was adopted. (11-0.)

2.9 20-311 Termination of Drainage Easement on Champions Way and Champions Drive.

Adopt a resolution authorizing the City Manager or his designee to execute all documents necessary to terminate the Drainage Easement Agreement and Reciprocal Drainage Easement Agreement to CAP Tranche 2, LLC, City Fields West 1, LLC and TOD Brokaw, LLC in order to support the Coleman Highline development project.

CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto. (Economic Development)

Action: **Resolution No. 79448** relating to the Termination of Drainage Easement on Champions Way and Champions Drive was adopted. (11-0.)

2.10 20-330 Approval of Hoffman Via Monte 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.

(a) Approve the Hoffman Via Monte Beautification Day, scheduled on March 28, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

(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. (Khamis)
[Rules Committee referral 3/11/2020 - Item G.1(a)]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.11 20-345 Approval of the Great American Litter Pick-Up as a City Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

(a) Approve the Great American Litter Pick-up scheduled on April 25, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

(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. (City Clerk)
[Rules Committee referral 3/11/2020- Item G.1(b)]

Action: The City Council Sponsored Special Event was approved. (11-0.)

2.12 20-353

Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to *Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.*

Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$500,000, for a total amount not to exceed \$1,900,000.

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

[Deferred from 3/17/2020 - Item 2.7 (20-273)]

Action: Deferred to April 21, 2020 per Orders of the Day.

2.13 20-354

Resolution of Intention to Approve an Amendment to the Contract between the California Public Employees' Retirement System and the City of San José. - RECOMMEND DEFERRAL

Adopt a resolution of intention to approve an amendment to the contract between the California Public Employees' Retirement System and the City of San José.

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

[Deferred from 3/17/2020 - Item 2.11 (20-354)]

Deferred to 4/7/20 per Administration.

2.14 20-355

Pond A-18 Surplus Property. - DEFERRED

Adopt a resolution declaring the City's Pond A-18 property (Assessor's Parcel Numbers 015-32-042 and 015-32-043) as exempt surplus land under Cal. Gov. Code §54221 as the land is surplus to the needs of the City.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858), File No. PP20-006. Council District 4. (Environmental Services/Economic Development)

[Deferred from 2/25/2020 Item 2.8 (20-168); 3/3/2020 Item 2.9 (20-222); and 3/17/2020 Item 2.14 (20-247)]

Deferred to 4/7/20 per Administration.

2.15 20-369 Status of Open Audit Recommendations as of December 31, 2019.

Accept the Status of Open Audit recommendations as of December 31, 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)

Renumbered from Item 3.3 (20-312)

Action: The Status of Open Audit Recommendations was accepted. (11-0.)

2.16 20-370 Amendment to the Master Agreement with CPS HR Consulting for Recruitment Projects.

Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement with CPS HR Consulting for recruitment projects, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$540,000 with each service order subject to appropriation of funds.

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

Renumbered from Item 3.5 (20-314)

Action: Dropped per Orders of the Day.

2.17 20-371 2020-2022 Innovation and Technology Strategic Plan.

As recommended by the Smart Cities and Service Improvements Committee on March 5, 2020, accept the update on the concluding of the City's 2017-2019 Innovation and Technology Strategic Plan and performance of goals set and the presentation of input themes, strategies, and priorities for the 2020-2022 Information Technology Strategic 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. (Information Technology)

[Smart Cities and Service Improvements Committee referral 3/5/20 - Item (d)2]

Renumbered from Item 3.6 (20-315)

Action: The 2020-2022 Innovation and Technology Strategic Plan was accepted. (11-0.)

2.18 20-372 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project.

(a) Approve award of a construction contract for the 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$1,102,547.

(b) Approve an approximate ten percent contingency in the amount of \$110,200.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Renumbered from Item 5.2 (20-318)

Action: The award of a construction contract for the 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project was approved with related contingencies. (11-0.)

2.19 20-373 2020 Local Streets Concrete #1 Project.

(a) Approve award of a construction contract for the 2020 Local Streets Concrete #1 Project, to the low bidder, Spencon Construction, Inc. in the amount of \$1,367,640.

(b) Approve an approximate five percent contingency in the amount of \$68,400.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Renumbered from Item 5.3 (20-319)

Vice Mayor Chappie Jones pulled Item 2.19 to highlight importance of the City's support of local businesses and asked that staff present their report on this topic.

Director of Department of Transportation, John Ristow, provided a presentation and responded to questions. Discussion followed regarding outreach and efforts to the local/small business community.

Motion: Councilmember Maya Esparza moved approval of the construction contract, with staff to explore outreach opportunities and changes to the contracting process for competitive bids to local/small businesses. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the award of a construction contract for the 2020 Local Streets Concrete #1 Project was approved with related contingencies, including additional direction to staff to explore changes to the contracting process for remaining bids to give local and small businesses greater opportunities. (11-0.)

2.20 20-374

Authorizing City Manager to execute an agreement with SimpliGov LLC (San Francisco, CA) for the purchase of a Business Process Automation Platform.

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

(a) Execute an agreement with SimpliGov LLC (San Francisco, CA) for the purchase of a Business Process Automation Platform, including software subscriptions and professional services for implementation, configuration, project management, training, and ongoing support and maintenance for an initial one-year term beginning on or about March 25, 2020 and ending April 30, 2021 with a maximum compensation not to exceed \$101,925;

(b) Negotiate and execute amendments and change orders as required for any unanticipated changes to the City's requirements for a contingency amount not to exceed \$20,000 during the initial one-year term, subject to the appropriation of funds; and

(c) Exercise up to four (4) additional one-year options to extend the agreement through April 30, 2025 for ongoing software subscriptions, support, maintenance, and related professional services, 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.

(Finance)

[Rules Committee referral 3/18/2020 - Item A.1.a]

Action: **Resolution No. 79449** Authorizing City Manager to execute an agreement with SimpliGov LLC was adopted. (11-0.)

2.21 20-375

Extension of the Business Tax Amnesty Program to June 30, 2020.

Approve an ordinance retroactively extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs from March 27, 2020 through June 30, 2020.

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

(Finance)

[Rules Committee referral 3/18/2020 - Item A.1.a]

Action: **Ordinance No. 30383** retroactively extending the Business Tax Amnesty and Business Improvement District Assessment Amnesty Programs was passed for publication. (11-0.)

2.22 20-379

Incorporate Current and Future Governor’s Executive Orders regarding the Brown Act into City Open Government (Sunshine) Resolution and Modifications to Public Meetings Noticing and Document Posting.

Adopt a resolution modifying City public meetings and amending the City’s Consolidated Open Government and Ethics Resolution No. 77135 to incorporate Paragraph 3 of the Governor’s Executive Order N-29-20 regarding teleconference requirements in the Brown Act to allow City legislative bodies to hold public meetings solely by teleconferencing or otherwise electronically; to modify public meetings, noticing and document posting; and to incorporate all future Governor’s Executive Orders regarding the Brown Act into the City’s Sunshine procedures, as deemed appropriate by the City Clerk and City Manager, without further action from the City Council during this period that state or local public health officials have imposed or recommended social distancing measures.

CEQA: Not a Project, File No. PP17-008. General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk/City Manager) [Rules Committee referral 3/18/2020 - Item A.1.a]

Motion: Councilmember Maya Esparza moved approval of staffs’ recommendations with a modification that documents, such as staff reports, ordinances and resolutions, would not need to be posted 72 hours in advance of the meeting *if related to the state of emergency*. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the motion carried unanimously, and **Resolution No. 79450** Incorporating the Current and Future Governor’s Executive Orders Regarding the Brown Act, was adopted with the clarification that documents, such as staff reports, ordinances, and resolutions, would not need to be posted 72 hours in advance of the meeting *if related to the state of emergency*. (11-0.)

The Council meeting adjourned at 4 p.m. to correct technical difficulties and reconvened at 4:10 p.m. with all members present.

3. STRATEGIC SUPPORT

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

City Manager, David Sykes, Deputy City Manager, Kip Harkness, Chief of Staff, Office of the City Manager, Lee Wilcox, and Chief of Police Edgardo Garcia provided a comprehensive update regarding the City’s response to COVID-19 and described the City’s continuity of operations plans, the Public Health Orders and other areas of greatest concern, and responded to questions from Council.

3.2 Labor Negotiations Update.

None provided.

3.3 20-312 Status of Open Audit Recommendations as of December 31, 2019. - RENUMBERED TO ITEM 2.15 (20-369)

Accept the Status of Open Audit recommendations as of December 31, 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)

Renumbered to Item 2.15 (20-369)

3.4 20-313 Spring Intergovernmental Relations Report. – (Originally Dropped)

(a) Accept the Spring Intergovernmental Relations Report.

(b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.

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

Per Orders of the Day, Item 3.4 was re-agendized at the Mayor’s request.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Report was accepted with all City positions summarized in the Intergovernmental Relations Priority Legislation Log reaffirmed, and including Mayor Sam Liccardo’s memorandum dated March 23, 2020, to: (A) Not drop agenda item 3.4, Spring Intergovernmental Relations Report in order for Council to provide direction to City Manager for ongoing State advocacy efforts related to the COVID-19 public health emergency.

(B) Accept the Administration’s recommendation to defer Staffs presentation and report to an Information Memorandum.

(C) Prioritize advocacy with the Governor, through the Big City Mayors Coalition with support from City staff, to:

(a) Waive CEQA, State permitting rules, and State building codes for emergency housing construction—defined as buildings with separate units or rooms for each resident, to ensure physical separation in compliance with County Public Health mandates— for the duration of the State of Emergency. (b) Mandate state-chartered or authorized agencies (e.g., CalTrans, utility districts, and counties) to immediately identify and make available specific sites of public land for temporary or permanent emergency housing construction for the duration of the State of Emergency. (c) Provide allocation of homeless funding via HHAP or other similar funding mechanisms directly to cities, counties, and CoC’s, rather than with the intercession of a “regional administrator”.

(11-0.)

- 3.5 20-314 Amendment to the Master Agreement with CPS HR Consulting for Recruitment Projects. - RENUMBERED TO ITEM 2.16 (20-370)**
Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement with CPS HR Consulting for recruitment projects, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$540,000 with each service order subject to appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Human Resources)
Renumbered to Item 2.16 (20-370)
- 3.6 20-315 2020-2022 Innovation and Technology Strategic Plan. - RENUMBERED TO ITEM 2.17 (20-371)**
As recommended by the Smart Cities and Service Improvements Committee on March 5, 2020, accept the update on the concluding of the City's 2017-2019 Innovation and Technology Strategic Plan and performance of goals set and the presentation of input themes, strategies, and priorities for the 2020-2022 Information Technology Strategic 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. (Information Technology)
[Smart Cities and Service Improvements Committee referral 3/5/20 - Item (d)2]
Renumbered to Item 2.17 (20-371)
- 3.7 20-376 Ratification of the Declaration of the Director of Emergency Services Suspending Commercial and Industrial Delivery and Loading Regulations in the San José Municipal Code.**
Adopt a resolution ratifying the Director of Emergency Services' Declaration of March 16, 2020 suspending commercial and industrial delivery and loading regulations in the San José Municipal Code so that commercial and industrial deliveries of products to be sold to the public may occur at any time.
CEQA: Statutorily Exempt, Section 15269, Emergency Projects Undertaken for specific actions necessary to prevent or mitigate an emergency. (City Manager)
[Rules Committee referral 3/18/2020 - Item A.1.a]

The Mayor offered accolades to staff for their fast and decisive action on this issue.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79451** ratifying the Director of Emergency Services' Declaration of March 16, 2020, was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

- 4.1 20-316 Actions Related to the San José Police Department Sexual Assault Workplan for the Sexual Assaults Law Enforcement Training and Supportive Services Program.**
- (a) Accept the San José Police Department’s Workplan for the Sexual Assaults Law Enforcement Training and Supportive Services Program.
- (b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the General Fund:
- (1) Decrease the Sexual Assaults Law Enforcement Training and Supportive Services Reserve appropriation by \$690,000;
 - (2) Increase the Personal Services appropriation to the Police Department by \$150,000; and
 - (3) Increase the Non-Personal/Equipment appropriation to the Police Department by \$540,000.
- 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. (Police/City Manager)

Dropped during Orders of the Day, then pulled by Councilmember Maya Esparza and opened for discussion. She and Councilmember Sylvia Arenas asked assurance that this item would remain within the forefront as it is a good use of the City’s resources. Senior Deputy City Manager/Budget Director Jennifer Maguire indicated that it would be re-agendized after the Budget Office has assessed the fiscal situation.

Action: Dropped per Orders of the Day – to be re-agendized after reassessment of budget.

5. TRANSPORTATION & AVIATION SERVICES

- 5.1 20-317 San Jose City Airport Master Plan Amendment.**
- (a) Adopt a resolution certifying the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.
- (b) Adopt a resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport.
- (c) Approve an ordinance amending Section 25.04.300 of Chapter 25.04 of Title 25 of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42.
- CEQA: Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report. Planning Commission recommends approval (5-0-2; Caballero and Ballard absent). (Planning, Building and Code Enforcement/Airport)

Action: Deferred per Orders of the Day.

- 5.2 20-318 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project. - RENUMBERED TO ITEM 2.18 (20-372)**
 (a) Approve award of a construction contract for the 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$1,102,547.
 (b) Approve an approximate ten percent contingency in the amount of \$110,200.
 CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)
Renumbered to Item 2.18 (20-372)
- 5.3 20-319 2020 Local Streets Concrete #1 Project. - RENUMBERED TO ITEM 2.19 (20-373)**
 (a) Approve award of a construction contract for the 2020 Local Streets Concrete #1 Project, to the low bidder, Spenco Construction, Inc. in the amount of \$1,367,640.
 (b) Approve an approximate five percent contingency in the amount of \$68,400.
 CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)
Renumbered to Item 2.19 (20-373)

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 20-359 Agreement with Valley Water for the Sale of Pond A-18 for the Shoreline Levee Project. - DEFERRED**
 Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Valley Water for the sale of Pond A-18 and related easements to support the Shoreline Levee Project consistent with the criteria directed by the Treatment Plant Advisory Committee and Council in October of 2015 and 2017.
 CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858) and all addenda thereto, File No. PP20-006. Council District 4. (Environmental Services/Economic Development)
 [Deferred from 2/25/2020 Item 6.6 (20-181); 3/3/2020 Item 6.2 (20-208); and 3/17/2020 Item 6.1 (20-261)]
Deferred to 4/7/2020 Per Administration

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 20-320 Countywide Community Plan to End Homelessness Status Update. - DROP - RELEASED AS AN INFORMATION MEMORANDUM**
(a) Accept status update on the Community Plan to End Homelessness.
(b) Direct staff to return to Council with the final Community Plan to End Homelessness along with a City of San José Year 1 implementation plan by June 2020.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Housing/City Manager)
Dropped - Released as an Information Memorandum

- 8.2 20-321 Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Successor to the Redevelopment Agency Annual Report.**
(a) Accept the Calendar Year 2019 Annual Progress Report on the Implementation of the San José 2014-2023 Housing Element.
(b) Accept the Fiscal Year 2018-2019 Housing Successor to the Redevelopment Agency Annual 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. (Planning, Building and Code Enforcement/Housing)

Rosalynn Hughey, Director, Planning, Building and Code Enforcement and Director of Housing Jacky Morales-Ferrand provided a presentation and responded to questions.

Director of Housing Jacky Morales-Ferrand spoke on obstacles in supplementing the budget considering likely loss of tax credit financing, the primary source of funding for affordable housing. She offered an information memorandum as we begin to understand these long-term impacts, and also offered to keep Council apprised of ongoing progress made with inspections using video-conferencing tools.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, the Annual Progress Report was accepted. (11-0.)

- 8.3 20-377 Shelter Crisis Declaration for COVID-19 Emergency. - RECOMMEND DEFERRAL**
Adopt a resolution declaring the existence of a continued shelter crisis in the City of San José, pursuant to and in accordance with the provisions of California Government Code Section 8698 et seq., Citywide for facilities and properties as authorized by the City Manager during the COVID-19 emergency.
CEQA: Categorically Exempt, File No. PP15-119, Guideline Section 15303, New Construction or Conversion of Small Structures. (Housing)
[Rules Committee referral 3/18/2020 - Item A.1.a]
Deferred to 4/7/20 per Administration

8.4 20-378

Amendment to the Agreement with Destination: Home to Support Low Income Households Impacted by COVID-19.

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a second amendment to the Health Trust grant agreement previously transferred to Destination: Home SV in the amount of \$4,250,000, for the employment initiative and homelessness prevention system for homeless individuals and families through June 30, 2021 to provide housing assistance payments to low income households impacted by COVID-19, at a cost of \$2,000,000 and to provide an option to extend the agreement for one one-year term.

(b) Adopt the following Appropriation Ordinance amendments in the Multi-Source Housing Fund:

- (1) Decrease the City Housing Authority Reserve by \$2,000,000; and
- (2) Establish the Destination: Home COVID-19 appropriation to the Housing Department in the amount of \$2,000,000.

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

[Rules Committee referral 3/18/2020 - Item A.1.a]

Deputy Director of Housing, Ragan Henninger provided a report and responded to questions.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sergio Jimenez and carried unanimously, **Resolution No. 79452** amending the Agreement with Destination: Home was adopted; **Appropriation Ordinance 30384** was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

(a) **20-322 CA19-001 - Consideration of a Proposed Conservation Area Historic Designation as North Willow Glen Conservation Area.**

Adopt a resolution adopting the designation of the area generally bounded on the north by the Southern Pacific Rail Line right-of-way, on the east by Delmas Avenue, on the south by Willow Street, and on the west by Bird Avenue as the North Willow Glen Conservation Area. CEQA: Categorically Exempt, CEQA Guidelines Section 15262 for Feasibility and Planning Studies, and Section 15331 for Historical Resource Restoration/Rehabilitation, implementing the California Environmental Quality Act of 1970, as amended. Planning Director recommends approval. Council District 6. (Planning, Building and Code Enforcement)

Heard Immediately After Consent

Councilmember Dev Davis recused herself from this item due to a conflict of interest.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 79453** regarding the Proposed Conservation Area Historic Designation as North Willow Glen Conservation Area, was adopted. (10-0-0-1. Abstain: Davis.)

(b) **20-323 C19-030 - Conventional Rezoning for Real Property Located at 200 Hayes Avenue.**

Approve an ordinance rezoning certain real property on an approximately 0.41-gross acre site located on the southwest corner of Hayes Avenue and Lean Avenue, from the R-1-1 Single Family Residence Zoning District to the R-2 Two-Family Residence Zoning District.

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(a) for the Construction of up to three single-family residences in urbanized area. Planning Commission recommends approval (7-0). Council District 2. (Planning, Building and Code Enforcement)

Heard Immediately After Consent

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, **Ordinance No. 30386** regarding Conventional Rezoning for Real Property Located at 200 Hayes Avenue, was passed for publication. (11-0.)

10.1 Land Use on Consent Calendar

- (c) **20-324** **C19-047 - Conforming Conventional Rezoning for Real Property Located at 2150 North First Street.**
Approve an ordinance rezoning certain real property on an approximately 4.70-gross acre site located at 2150 North 1st Street from the A(PD) Planned Development Zoning District to the TEC Transit Employment Center Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Council District 4. Planning Director recommends approval. (Planning, Building and Code Enforcement)
Heard Immediately After Consent

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Maya Esparza and carried unanimously, **Ordinance No. 30385** Conforming Conventional Rezoning for Real Property Located at 2150 North First Street was passed for publication. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

• Open Forum

1. Robert Aguirre spoke to the needs of the homeless during the COVID-19 crisis, including the need for more food, hand-washing stations, and places to charge their phones, and the susceptibility of individuals riding the Light Rail.
2. Scott Largent suggested the County bring trailers in to house the homeless across from the County Building and brought attention to unsanitary and unsafe conditions for the vulnerable members of the homeless community throughout the City and riding the Light Rail.

• Adjournment

The meeting of the Council of the City of San José was adjourned at 6:09 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/03-24-20 MIN