



# **City Council Meeting MINUTES**

**Tuesday, August 11, 2020**

**1:30 PM**

**Virtual Meeting <https://sanjoseca.zoom.us/j/91325378626>**

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

AUGUST 11, 2020

*Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.*

The Council meeting was teleconferenced from remote locations.

**20-857**          Closed Session Agenda

**9:30 a.m.**        [See Page 17 for Closed Session Minutes](#)

The Council of the City of San José convened on Tuesday, August 11, 2020 at 1:30 p.m.

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

Absent: Councilmembers - All Present.

### • Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

### • Invocation (District 7)

Esther Young with Chopsticks Alley Art, which celebrates Southeast Asian cultural heritage through the creative shared expression of art, performed an original song, *Lilith*.

### • Orders of the Day

Mayor Sam Liccardo expressed that today's Council Meeting would be adjourned in honor of Eddie Gale who proudly carried the mantle of Ambassador of Jazz for over 40 years in the City of San José in service of developing future generations of jazz talent and using music as a means to celebrate peace and unity, utilizing his stature to give back to others. His daughter Djuana Stevens, A.L. Farley and Dennis Kyne and Council members offered further tribute to Eddie Gale.

Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

- Closed Session Report

None provided.

## **1. CEREMONIAL ITEMS**

None provided.

## **2. CONSENT CALENDAR**

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Sergio Jimenez and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated, with Item 2.11 to be deferred to August 18, 2020. (11-0.)

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 Final Adoption of Ordinances.**

None provided.

### **2.3 Approval of Council Committee Minutes.**

None provided.

### **2.4 Mayor and Council Excused Absence Requests.**

None provided.

### **2.5 City Council Travel Reports.**

None provided.

### **2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

### **2.7 20-859 Second Amendment to the Agreement with Macias, Gini & O'Connell to Provide Annual Financial and Compliance Audits.**

Approve the second amendment to the agreement with Macias, Gini & O'Connell LLP to add audit services related to the financial statements for the San José Clean Energy Fund and the Public Safety and Infrastructure Bond Fund, and delete services related to the Hayes Mansion, increasing total compensation under the term of the agreement by an amount not to exceed \$154,741, with revised maximum total compensation of \$4,171,182.

*(Item Continued on the Next Page)*

## 2.7 (Cont'd.)

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

Action: The Second Amendment to the Agreement with Macias, Gini & O'Connell was approved. (11-0.)

## 2.8 20-845 **Amendment to the Agreement with Schindler Elevator Corporation for Citywide Elevator Maintenance Services.**

Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement for Citywide Elevator Maintenance Services with Schindler Elevator Corporation (San Leandro, CA) to extend services for up to eight additional one-year option terms through August 31, 2028 under the same terms and conditions for a maximum compensation of \$385,766 for September 1, 2020 through August 31, 2021, 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. 79670** executing an Amendment to an Agreement for Citywide Elevator Maintenance Services was adopted. (11-0.)

## 2.9 20-846 **Amendment to the Master Agreement with the Santa Clara Valley Transportation Authority for the BART Extension to Berryessa Project.**

Approve the fourth amendment to Master Agreement with the Santa Clara Valley Transportation Authority to retroactively extend the term of the agreement to December 31, 2020.

CEQA: Determination of Consistency with the BART Extension to Milpitas, San Jose, and Santa Clara Final EIR, BART Extension to Milpitas, San Jose, and Santa Clara Final Supplemental EIR, and BART Silicon Valley Phase 1 - Berryessa Extension Final 2nd Supplemental EIR, and Addenda thereto, Resolution No. 76126. Council District 4. (Public Works)

Public Comments: Tessa Woodmansee, Roland, and Blair Beekman spoke to items related to the VTA, including the effects of climate change, concerns regarding wasted resources and redundancy, and the need for minimal use practices.

Action: The fourth Amendment to the Master Agreement with Santa Clara Valley Transportation Authority was approved. (11-0.)

**2.10 20-847 Grant Franchise to Hummingbird Energy Storage, LLC for PG&E Metcalf Substation.**

Adopt a resolution:

- (a) Declaring the intention of the City Council to grant a franchise to Hummingbird Energy Storage, LLC, for the purpose of electricity transmission to and from PG&E's Metcalf Substation;
- (b) Setting a Public Hearing on August 25, 2020, at 1:30 p.m., to hear any objections to the granting of the franchise; and
- (c) Directing the City Clerk to publish notice of the public hearing.

CEQA: Initial Study/Mitigated Negative Declaration for the Hummingbird Energy Storage Project, File No. CP19-020. Council District 2. (Public Works)

Mayor Sam Liccardo pulled Item 2.10 to pose questions regarding use of energy storage during emergencies. Director of Public Works, Matt Cano noted he could follow up on this item during the August 25 hearing.

Public Comments: (1) Erik Schoennauer, representing esVolta, spoke to merits of the project. (2) Tessa Woodmansee championed a sustainable fossil-free future, getting hydro-local and the use of solar panels. (3) Blair Beekman noted the East Bay Community Energy Program's accomplishments and working outside of PG&E. (4) Roland expressed support, and recommendations for a good location for the CalTrain maintenance facility.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 79671** regarding a Franchise with Hummingbird Energy Storage, LLC was adopted. (11-0.)

**2.11 20-848 Agreement with San José Water Company for Water Facility Services for the Fire Station No. 37 Project.**

Approve an agreement with the San José Water Company for installation of water facilities to serve the new Fire Station No. 37 project, in the amount of \$192,501.

CEQA: Categorically Exempt, File No. PP09-150, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Council District 6. (Public Works)

Action: Deferred to August 18, 2020 per staff.

**2.12 20-885 Approval of The India Independence Day 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.**

- (a) Approve recognition of India Independence Day on Saturday, August 15, 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.

*(Item Continued on the Next Page)*

## 2.12 (Cont'd.)

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)  
[Rules Committee referral 8/5/2020 - Item A.1.a]

Councilmember Sylvia Arenas pulled Item 2.12 to honor the 74th anniversary of India's independence and honored the thriving Southeastern community in San José.

Public Comments: Tessa Woodmansee spoke to independence from colonization, consumerism and capitalism, and Blair Beekman spoke to good democratic practices.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, the City Council Sponsored Special Event was approved. (11-0.)

## 2.13 20-895 Street Naming Policy (Council Policy 6-5) Update.

As recommended by the Rules and Open Government Committee on August 5, 2020, adopt a resolution amending the City Council Policy on Street Renaming related to the following provision under "Renaming of Other Named Major Rights of Way"- Changing the following definition from: 3. "Affected property owners" means property owners and/or occupants and businesses located along the street whose name is proposed for change. to 3. "Affected property owners" means property owners and/or occupants and businesses with an address on the street whose name is proposed for change.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mayor and Jones)  
[Rules Committee referral 8/5/2020 - Item G.4]

Action: **Resolution No. 79672** amending City Council Policy 6-5 was adopted. (11-0.)

## **3. STRATEGIC SUPPORT**

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

- 20-849** (a) City Manager's COVID 19 Update (Verbal Report)  
(b) City Manager's Report on Other City Matters (Verbal Report)  
***Heard Before Consent Calendar***

City Manager, David Sykes thanked Craig Jutson and CreaTV for outstanding efforts in the continued production of broadcasts during the COVID crisis. Chief of Staff, Office of the City Manager, Lee Wilcox gave the EOC update with a "Roadmap through the Epidemic". Director of Housing Jacky Morales-Ferrand and staff presented on the Supported Isolation Program and promoted the supported isolation referral hotline.

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### 3.1 (Cont'd.)

Rosalynn Hughey, Director, Planning, Building and Code Enforcement offered an update on Development Services; Alexandria Felton, Office of Intergovernmental Relations, presented a federal legislation update, and Lee Wilcox, concluded and offered a preview of coming COVID-19 updates. Staff followed up, answering questions from Council.

Public Comments: (1) Mollie McLeod stressed importance of communication for meetings, including enhanced accessibility features. (2) Blair spoke to need for better communication and making the City's website more accessible to the public. He thanked Oakland and Berkeley for policing efforts. (3) Tessa Woodmansee asked for better efforts in reaching out to remote speakers and identified respiratory distress ailments due to air quality. (4) Roland spoke to COVID testing efforts and honored Eddie Gale.

### 3.2 Labor Negotiations Update.

None provided.

#### 3.3 20-850 **Report on Police Misconduct Complaints Received During Period of Civil Unrest. - DEFERRED**

Accept the report on the police misconduct complaints received by the Office of the Independent Police Auditor and the Internal Affairs Unit during the period of civil unrest.

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

***DEFERRED TO 8/18/2020 PER RULES AND OPEN GOVERNMENT COMMITTEE***

#### 3.4 20-844 **Improvements to the Public Engagement Process in City Council, Council Committees and Other City Public Meetings.**

As recommended by the Rules and Open Government Committee on June 24, 2020:

- (a) Visually display the agenda item number and title on Zoom or any other platforms that host public meetings and remain visible until the item is finalized;
- (b) The Meeting Chair to verbally announce the agenda item name and number during the following times: a. At the start, prior to discussion on any item b. Before starting public comment;
- (c) Provide visual directions regarding access to closed captions on Zoom and other platforms that host the City of San José's public meetings;
- (d) After the vote on an agenda item, visually display on Zoom and other platforms that host San José's public meetings a statement of the final motion (with amendments) and the voting results;
- (e) Use best practices for translation services and analyze existing effective solutions to do the following:

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### 3.4 (Cont'd.)

(e)(1) A statement regarding translation services will be made before each item on Zoom and other platforms that host San José's public meetings;

(2) Visually display a statement in English, Spanish and Vietnamese on Zoom and other platforms that host San José's public meetings and explore a Spanish and Vietnamese translation option as part of their broadcast and as standard practice;

(3) Meeting agendas and packet information should be translated as a standard practice.

(f) Participants shall be given full opportunity to make public comment, taking into account virtual latency time. The Meeting Chair shall provide adequate time (e.g. 30 seconds) after naming the person who appears to be the last in the speaker queue before proceeding to the debate of the body;

(g) Issues regarding housing and COVID policies should be agendized for evening council sessions to ensure more essential workers and families can participate.

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

(Peralez)

[Rules Committee referral 6/24/2020 - Item G.7]

City Clerk Toni Taber addressed the implementation of additional items as noted in her August 6, 2020 memorandum, how these ideas have been incorporated, the significant cost for some and possible budget adjustment required to continue.

Public Comment: (1) Blair Beekman noted importance of translation services. (2) Al Shore addressed "keeping public meetings public" and encouraged the need for community engagement. (3) Mary Helen Doherty offered appreciation for the direction we are moving in, and asked that housing issues be heard early in the evening. (4) Mollie McLeod spoke to influencer videos and offered ideas for greater engagement. (5) Tessa Woodmansee addressed the need for science and less fossil fuel use. (6) Roland addressed legislation regarding the Brown Act. (7) Scott Largent urged public comment be heard at the beginning of meetings.

Motion: Councilmember Raul Peralez spoke to the purpose of his June 18, 2020 memorandum and moved approval of Staffs' recommendations. Councilmember Maya Esparza seconded the motion.

Extensive Council discussion followed. Assistant City Attorney Nora Frimann and City Manager, David Sykes offered responses regarding Sunshine ordinance waivers and our remote routine, and Chief Information Officer Rob Lloyd and City Clerk Toni Taber responded to additional questions.

Action: On a call for the question, improvements to the public engagement process were approved as recommended by staff. (11-0.)



**3.5 20-886 Actions Related to the Agreements for Food Distribution and Related Services for COVID-19 Pandemic.**

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute a First Amendment to the Agreement between the City of San José and San José Conservation Corps, (San José, CA) to Provide Disaster Relief Support for Limited Duration to provide food distribution workforce support to the Second Harvest of Silicon Valley from August 24, 2020 through December 30, 2020, and increase the maximum aggregate compensation amount to \$4,577,783;

(b) Negotiate and execute the two Agreements to Provide Meals for a Limited Duration between the City of San José and Catholic Charities of Santa Clara County (San José, CA) to provide groceries to temporarily sheltered, unsheltered, isolated, medically vulnerable, and low-income individuals and families experiencing food insecurity due to the impacts of the COVID-19 to extend the Term by adding up to one option through September 30, 2020, with no change to the maximum aggregate compensation amounts to \$1,300,000 with \$914,550 for service in San José and \$385,450 for service in Santa Clara County and outside of San José; and

(c) Amend Purchase Order(s) with First 5 Santa Clara County (San José, CA) for the purchase of baby formula, diapers, and wipes to distribute to families experiencing food and necessity insecurities and to mitigate the effects of COVID-19 to extend the term through December 30, 2020, with no change to the maximum aggregate compensation amount of \$1,500,000.

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

(City Manager) [Rules Committee referral 8/5/2020 - Item A.1.a]

Deputy City Manager Angel Rios, Jr., provided a presentation and responded to questions.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79673** regarding Actions Related to the Agreements for Food Distribution and Related Services for COVID-19 Pandemic was adopted. (11-0.)

**3.6 20-887 Actions Related to Declarations Suspending Enforcement of Certain Provisions In Land Use Permits and Approvals and the San José Municipal Code.**

Adopt a resolution of the City Council confirming and ratifying the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning in the San José Municipal Code and Waiving Compensation for Business Use of City-owned Public Parking Lots issued July 31, 2020 and the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Special Use Permit Requirements in the San José Municipal Code issued August 5, 2020.

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**3.6 (Cont'd.)**

CEQA: Categorically Exempt, File No. ER20-159, CEQA Guidelines  
Section 15304(e) Minor Alterations to Land. (City Manager)  
[Rules Committee referral 8/5/2020 - Item A.1.a]

Downtown Manager, Blage Zelalich answered questions.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79674** regarding Actions Related to Declarations Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the Municipal Code was adopted. (11-0.)

**3.7 20-898 Temporary Modification to Arts Commission & Extension of Terms of Termed-Out Commissioners.**

As recommended by the Rules and Open Government Committee on August 5, 2020:

(a) Approve an ordinance amending Section 2.08.820 of Chapter 2.08 of Title 2 of the San Jose Municipal Code to add an additional four temporary members to the Arts Commission with terms from August 11, 2020 to December 31, 2020, to be effective August 11, 2020 to December 31, 2020, and waiving the regular nomination process for these four temporary seats. On 11:59 PM December 31, 2020 these four temporary seats will terminate and those appointed to these temporary seats will conclude their service to the Arts Commission. The commission will revert back to its previous 11-member configuration as of midnight on January 1, 2021;

(b) Pursuant to Section 2.08.150.F.2 of the San Jose Municipal Code, to maintain commissioners with relevant experience or background, approve the following temporary appointments to the Arts Commission for a term from August 11, 2020 to December 31, 2020:

- (1) Albert Le;
- (2) Ron Muriera;
- (3) Ramona Snyder; and
- (4) Roma Dawson.

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

[Rules Committee referral 8/5/2020 - Item G.6]

Public Comments: (1) Tessa Woodmansee complained of the lack of control over ads in public spaces. Four additional speakers, including Roma Dawson and Ramona Snyder offered support to the modifications as provided. Roma Dawson was asked to provide additional input for Council's review.

Extensive Council discussion followed.

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### 3.7 (Cont'd.)

Motion: Councilmember Sergio Jimenez moved approval of the Temporary Modification to Arts Commission and extension of terms of termed-out commissioners. The motion was seconded by Councilmember Dev Davis.

Councilmember Maya Esparza requested a friendly amendment, asking that current commissioners stay on through December 31, 2020, but without being able to vote.

Director of Cultural Affairs/Deputy Director Economic Development, Kerry Adams Hapner responded to questions, and the friendly amendment was clarified, with the indication that it would override Council Policy 0-4 which does not currently allow ex-officio members to participate.

Action: On a call for the question, the motion was carried unanimously, and **Ordinance No. 30455** approving an amendment to Section 2.08.820 of Chapter 2.08 of Title 2 of the San Jose Municipal Code was passed for publication, with the inclusion that current Arts Commissioners stay on through December 31, 2020 and participate, but not vote, with the clarification that it overrides Council Policy 0-4 which does not currently allow ex-officio member participation. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

### **4.1 20-851 Police Department Duty Manual Amendments. -DEFERRED**

Approve various amendments to the Police Department Duty Manual that follow the direction provided by the City Council as part of the police reforms work plan.

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

*Deferred to 8/18/2020 Per Rules And Open Government Committee*

## **5. TRANSPORTATION & AVIATION SERVICES**

### **5.1 20-852 Report on Bids and Award of Contract for the 8418 - Senter Road Vision Zero Safety Improvements Project (Between Keyes Street and Singleton Road), Federal Project No. Hsipl-5005(149).**

Report on bids and award of contract for the 8418 - Senter Road Vision Zero Safety Improvements Project to the low bidder, Granite Rock Company, in the total amount of \$2,592,093 and approval of an approximate 10% contingency in the amount of \$259,200.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 7. (Public Works/Transportation)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, the Report on Bids and Award of a Contract for the Vision Zero Safety Improvements Project with related contingencies was accepted. (11-0.)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

### **8.1 20-888 Actions Related to the 2020-25 Consolidated Plan and Fiscal Year 2020-21 Annual Action Plan.**

- (a) Conduct a final Public Hearing regarding the approval of the City's 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan, as required by the U.S. Department of Housing and Urban Development (HUD), to receive federal housing and community development funding;
- (b) Adopt the City's 2020-25 Consolidated Plan;
- (c) Adopt the City's FY 2020-21 Annual Action Plan, including the FY 2020-21 funding recommendations for \$14,485,604 in funding in the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Solutions Grant (ESG) Program, as well as \$32,836,839 in second round ESG-CV supplemental funding made available to the City by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act;
- (d) Adopt a resolution authorizing the City Manager or his designee to accept the Emergency Solutions Grant award as authorized by the CARES Act in the amount of \$32,836,839 and to negotiate and execute related documents to accept these grant funds without further Council action;
- (e) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review and to negotiate all capital project agreements and contracts, including any extensions, amendments, or modifications, and to execute all documents for the expenditure of CDBG, HOME, HOPWA, ESG, and ESG CARES Act funds on behalf of the City;
- (f) Adopt a resolution authorizing the Housing Department to submit the City's 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan to HUD;
- (g) Adopt the following Appropriation Ordinance Amendments in the Community Development Block Grant Fund:
  - (1) Decrease the Unrestricted Ending Fund Balance appropriation by \$1,397,213;
  - (2) Decrease the Housing Rehabilitation Loans & Grants appropriation by \$902,787;
  - (3) Establish a Childcare Services appropriation to the Housing Department in the amount of \$1,000,000;
  - (4) Increase the Job Readiness Training Project appropriation to the Housing Department by \$700,000; and
  - (5) Increase the Neighborhood Infrastructure Improvements appropriation to the Public Work Department by \$600,000.

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**8.1 (Cont'd.)**

(h) Adopt the following Appropriation Ordinance Amendments in the Home Investment Partnership Program Fund:

(1) Decrease the Unrestricted Ending Fund Balance appropriation by \$1,199,500; and

(2) Increase the Tenant Based Rental Assistance appropriation by \$1,199,500.

(i) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from the Federal Government by \$32,836,839;

(2) Establish a Street Outreach and Support Services appropriation to the Housing Department in the amount of \$3,403,982;

(3) Establish a Hygiene/Infection Control appropriation to the Housing Department in the amount of \$3,882,000;

(4) Establish a Housing Shelter appropriation to the Housing Department in the amount of \$22,264,018; and

(5) Establish an ESG CARES II Grant Administration appropriation to the Housing Department in the amount of \$3,286,839.

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. Specific development projects that are funded as a result of the Consolidated Annual Action Plan are subject to project-specific CEQA clearance. (Housing/City Manager)

[Rules Committee referral 8/5/2020 - Item A.1.a]

Mayor Sam Liccardo opened the public hearing.

Public Comments: Tessa Woodmansee expressed objections to fossil fuel use.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Sylvia Arenas moved her memorandum of August 11, 2020. Councilmember Dev Davis seconded the motion.

Director of Housing Jacky Morales-Ferrand assured staffs' ability to provide the reports as requested

Action: On a call for the question, the motion carried unanimously, with approval of Councilmember Sylvia Arenas memorandum dated August 11, 2020, to: (1) Accept staff report and recommendations to approve the City's 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan, including all FY 2020-21 funding recommendations; (2) Direct the City Manager to provide in their future Annual Action Plans a sub-plan that demonstrates how federal dollars directly serve families with children; (3) Direct the City Manager to include in their CAPER Performance Report a family performance sub-plan report

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## 8.1 (Cont'd.)

on how many families with children were able to access federally funded services; and (4) Direct the City Manager to seek recommendations and feedback from the Neighborhood Services Committee on the future use of any unprogrammed Community Development Improvement (CDI) funds.

Including (d) **Resolution No. 79675** accepting the Emergency Solutions Grant award as authorized by the CARES Act; and (e) **Resolution No. 79676** authorizing negotiation and execution of all non-capital agreements and contracts not requiring CEQA/NEPA review; (f) **Resolution No. 79677** authorizing the Housing Department to submit the City's 2020-25 Consolidated Plan and FY 2020-21 Annual Action Plan to HUD; and (g) Appropriation **Ordinance No. 30456** Amendments in the Community Development Block Grant Fund; (h) Appropriation **Ordinance No. 30457** Amendments in the Home Investment Partnership Program Fund; (i) Appropriation **Ordinance No. 30458** Amendments in the Multi-Source Housing Fund; and (i) Funding Sources **Resolution No. 79678** were adopted. (11-0.)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

#### **10.1 Land Use on Consent Calendar**

(a) **20-853** **PDC17-035 - Planned Development Rezoning for Property Located at 7201 Bark Lane.**

(1) Adopt a resolution adopting the Bark Lane Planned Development Rezoning Project Mitigated Negative Declaration and associated mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act, as amended.

(2) Approve an ordinance rezoning certain real property located on the north side of Bark Lane approximately 150 feet west of Weyburn Lane (7201 Bark Lane) from the A Agricultural (PD) Planned Development Zoning District to the R-M Multiple Residence (PD) Planned Development Zoning District for up to 85 units on an approximately 0.91-gross acre site.

CEQA: Bark Lane Planned Development Rezoning Project Mitigated Negative Declaration (File No. PDC17-035). Planning Commission recommends approval (6-0). Council District 1. (Planning, Building and Code Enforcement)

***Heard Immediately After Consent***

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79679** adopting the Bark Lane Planned Development Rezoning Project Mitigated Negative Declaration and associated mitigation monitoring and reporting was adopted; and **Ordinance No. 30459** rezoning certain real property located on the north side of Bark Lane was passed for publication. (11-0.)

## 10.1 Land Use on Consent Calendar (Cont'd.)

**(b) 20-854 PP20-008 - Temporary Extension of Certain Land Use Permits and Certain Tree Removal Permits.**

Approve an ordinance of the City of San José temporarily extending the term of specified land use permits by two years from the set expiration date, and Tree Removal permits by eight months from the set expiration date.

CEQA: Exempt, CEQA Guidelines Section 15061(b)(3), which states that if it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment, then the activity is not subject to CEQA (File No. PP20-008). Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

***Heard Immediately After Consent***

Rosalynn Hughey, Director, Planning, Building and Code Enforcement, read changed language into the record, adding “section D” into the amended ordinance.

Public Comments: Blair Beekman spoke to proposed tree removal, noting that a more appealing canopy-type tree is needed, rather than the Armstrong maples selected.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Ordinance No. 30460** approving temporary Extension of Certain Land Use Permits and Certain Tree Removal Permits was passed for publication. (11-0.)

**(c) 20-855 PDC19-022, PT19-022, PD19-018 - Planned Development Rezoning, Tentative Map, and a Planned Development Permit for Property Located at 4349 San Felipe Road.**

(1) Approve an ordinance rezoning certain real property located on the west side of San Felipe Road approximately 2,000 feet north of Yerba Buena Road from the R-1-5 Single-Family Residence Zoning District to the A (PD) Planned Development Zoning district on an approximately 1.01-gross acre site.

(2) Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one lot into three lots to allow residential and commercial uses.

(3) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow demolition of an existing residential structure, construction of two single-family residences and associated grading, and establish an existing unpermitted commercial parking lot, and allow the removal of one ordinance-size tree on a 1.01-gross acre site.

CEQA: Categorically Exempt, CEQA Guidelines Sections 15303(a), New Construction and 15301, Existing Facilities. (File Nos. PD19-018, PT19-022, PDC19-022). Planning Commission recommends approval (7-0). Council District 8. (Planning, Building and Code Enforcement)

***Heard Immediately After Consent***

## 10.1 Land Use on Consent Calendar (Cont'd.)

- (c) Councilmember Sylvia Arenas highlighted Item 10.1(c), thanking the Planning Commission for their efforts to increase housing in this area.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, (1) **Ordinance No. 30461** rezoning certain real property located on the west side of San Felipe Road was passed for publication; (2) **Resolution No. 79680**, a Tentative Map to subdivide one lot into three lots to allow residential and commercial uses, and (3) **Resolution No. 79681** regarding a Planned Development Permit to allow demolition of an existing residential structure were adopted. (11-0.)

### END OF CONSENT CALENDAR

## 10 Land Use - Regular Agenda – None.

### • Open Forum

1. Tessa Woodmansee urged the need to follow science to avoid health destruction by pandemic and pollution.
2. Blair Beekman advocated for the expansion of measures for tenant right forgiveness.
3. Member of the public asked for more focus on economy and cutting back on the arts.

### • Adjournment

The Council of the City of San José adjourned at 8:06 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

rmk/08-11-20 MIN



## CLOSED SESSION MINUTES

**TUESDAY, AUGUST 11, 2020**

The Council of the City of San José convened into Closed Session at 9:32 a.m.  
The Session was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Diep, Jimenez, Jones, Esparza, Peralez, Esparza, Foley;  
Liccardo (9:57).

Absent: Councilmembers - Carrasco, Khamis.

### Items discussed:

#### A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: In re: Claim of La Blanc

Name(s) of Parties(s)

Involved:

Court: Workers Compensation Appeals Court

Case No.: ADJ11836838

ADJ2861083

ADJ2042485

Amount of Money or Other Benefits

Relief Sought:

2. Case Name: 2017 Flood Litigation

Name(s) of Parties(s) Plaintiffs: Numerous

Involved:

Defendants: CITY OF SAN JOSE, SANTA CLARA VALLEY WATER DISTRICT, COUNTY OF SANTA CLARA, CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) AND DIVISION OF SAFETY OF DAMS (DSOD)

Court: Superior Court of California, County of Santa Clara

Case No.: 18CV321600, 18CV321601, 18CV321602,  
18CV321603, 18CV321604, 18CV321613,  
18CV321761, 18CV322210, 18CV323345,  
18CV324263, 18CV324794, 18CV325153,  
18CV325282, 18CV325283, 18CV325285,  
18CV325287, 18CV325289, 18CV325346

Amount of Money or Other Damages according to proof.

Relief Sought:

3. Case Name: Schuermann, Alfred, et al., v. Jose Moreno, et al.,  
Name(s) of Parties(s) Alfred Schuermann, Eleanor Schuennann, and Estate of Eleanor Catherine Schuermann, Jose Moreno; City of San Jose  
Court: Superior Court of California, County of Santa Clara  
Case No: 19CV346543  
Amount of Money or Other Damages according to proof  
Relief Sought:

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code:

Number of matter(s) to be discussed: 2

**C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code:

1. Claimants(s): In re: Claim of AmTrust North America aso Lyons General Engineering.

City Department: DOT

The Closed Session Meeting was Adjourned at 11:04 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk