



City Council Meeting SYNOPSIS

Tuesday, November 3, 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



SYNOPSIS OF THE CITY COUNCIL

OCTOBER 27, 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.

20-1309 CLOSED SESSION:

The Council of the City of San José reconvened to Open Session at 1:30 p.m.

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

Absent: Councilmembers - All Present.

6:00 p.m. - Evening Session - CANCELLED

* The previously scheduled Evening Session was cancelled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 10)**

Finny Abraham, Local Compassion Pastor, WestGate Church, and Executive Director of Beautiful Day provided the Invocation.

- **Orders of the Day**

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

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 20-1373 Final Adoption of Ordinances.

(a) Ordinance No. 30497 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 11.87 Gross Acres Situated at the Northwest Corner of Race Street and Parkmoor Avenue (550 And 570 Meridian Avenue, 1401 Parkmoor Avenue, 529, 591, and 691 Race Street/APN: 264-08-060, 264-08-063, 264-08-066, 264-08-067, 264-08-071, 264-08-072, 264-08-077, 264-08-078) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

[Passed for Publication on 10/20/2020 - Item 10.2(b) (20-1243)]

Action: **Ordinance No. 30497** was adopted. (11-0.)

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 20-1315 Agreement with Santa Clara Valley Habitat Agency for Airport Environmental Mitigation Fee Payments.

Approve an agreement with the Santa Clara Valley Habitat Agency setting forth a schedule of mitigation fee payments to be payable to the Agency, in conformance with the Airport Master Plan Environmental Impact Report (EIR), in an amount not to exceed \$2.75 million.

CEQA: Environmental Impact Report for the Norman Y. Mineta San José International Airport Master Plan Update (Resolution No. 79497 and SCH#2018102020), File No. PP18-103. (Airport)

Action: The Agreement with the Santa Clara Valley Habitat Agency was approved. (11-0.)

2.8 20-1316 Amendment to the Agreement with Sloan Sakai Yeung Wong, LLP (formerly Renne Sloan Holtzman & Sakai, LLP).

Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Agreement with Sloan Sakai Yeung Wong, LLP (formerly Renne Sloan Holtzman & Sakai, LLP) to extend the term through December 31, 2022.

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

Action: **Resolution No. 79771** regarding Agreement with Sloan Sakai Yeung Wong, LLP was adopted. (11-0.)

2.9 20-1317 Actions Related to the Parkland Agreement Between SJSC Properties, LLC and the City of San José.

Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the Parkland Agreement between SJSC Properties, LLC and the City of San José to:

- (a) Incorporate an increase in residences to 630 residential units; and
- (b) Extend the payment of park impact in-lieu fees under the current Schedule of Parkland Fees to June 30, 2021.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Parks, Recreation and Neighborhood Services)

Action: **Resolution No. 79772** regarding the Parkland Agreement between SJSC Properties, LLC and the City of San José was adopted. (11-0.)

2.10 20-1416 Approval of November 2020 as Sikh American Awareness & Appreciation Month 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.

As recommended by the Rules and Open Government on October 21, 2020:

- (a) Approve the November 2020 as Sikh American Awareness & Appreciation Month to be recognized on November 3, 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. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 10/21/2020- Item G.1.c]

[Deferred from 10/27/2020 - Item 2.16 (20-1347)]

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

2.11 20-1405 Approval of the Dumpster Day at Fischer Middle School Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government on October 28, 2020:

(a) Approve the Dumpster Day at Fischer Middle School scheduled on November 14, 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. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Carrasco)

[Rules Committee referral 10/28/2020 - Item G.1.a]

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

2.12 20-1412 Retroactive Approval of the Dia De Los Muertos Community Event Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government on October 28, 2020:

(a) Retroactively approve the Dia De Los Muertos Community Event scheduled on October 30, 2020 to October 31, 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. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Carrasco)

[Rules Committee referral 10/28/2020- Item G.1.b]

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

2.13 20-1415 City Attorney Appointment and Compensation Package. - RENUMBERED TO ITEM 3.6

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update.

None provided.

3.3 20-1326 Food Distribution Agreements for Meal and Grocery Delivery Request for Proposal.

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

(a) Negotiate and execute an agreement with The Health Trust (San José, CA) for intake, meal preparation and meal delivery to eligible San José residents for adult meals for a maximum compensation of \$264,000 for an initial term retroactive to November 2, 2020 and ending December 30, 2020, and up to 4 three-month options through December 31, 2021, subject to the appropriation of funds;

(b) Negotiate and execute an agreement with Off the Grid, LLC (San Francisco, CA) for intake, meal preparation and meal delivery services to eligible San José residents for adult and youth meals for a maximum compensation of \$622,400, for an initial term retroactive to October 21, 2020 through December 30, 2020, and up to 4 three-month options through December 31, 2021, subject to the appropriation of funds;

(c) Negotiate and execute an agreement with Off the Grid, LLC (San Francisco, CA) for intake, grocery shopping and delivery to eligible San José residents for a maximum compensation not to exceed \$2,313,360, for an initial term retroactive to October 21, 2020 through December 30, 2020, and up to 4 three-month options through December 31, 2021, subject to the appropriation of funds; and

(d) Negotiate and execute amendments and change orders for any unanticipated changes, 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. (City Manager/Finance)

This Item was bifurcated to hear Item (a) separately, due to Councilmember Peralez recusing himself from the Health Trust Agreement issue.

Action: The report on the Request for Proposals was approved, and **Resolution No. 79773** was adopted.

Item (a): (10-0-0-1. Abstain: Peralez.)

Items (b)(c)(d): (11-0.)

3.4 20-1366 Update on San José Al Fresco Program

(a) Accept staff report on status of the San José Al Fresco program.
(b) Adopt a resolution amending the Declarations of the Director of Emergency Services of the City of San José issued June 4, 2020, as amended, June 26, 2020, as amended, July 22, 2020, July 31, 2020 and August 5, 2020, to: extend the duration of these declarations until March 31, 2021 or June 30, 2021, as applicable; require additional safety measures for outdoor operations on private property; extend permissible business hours for outdoor operations in the Downtown Core; expand the list of allowable equipment that may be used in Outdoor Business Areas to allow for cold weather operations, and make other amendments.
CEQA: Categorically Exempt, File No. ER20-223, CEQA Guidelines Section 15304(e) Minor Alterations to Land. (City Manager)

Action: The staff report on status of the San José Al Fresco program was approved, and **Resolution No. 79774** was adopted. (11-0.)

3.5 20-1318 Citywide Capital Improvement Program Annual Report.

Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2019-2020.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: Citywide Capital Improvement Program Annual Report was accepted. (11-0.)

3.6 20-1415 City Attorney Appointment and Compensation Package - RENUMBERED FROM ITEM 2.13

As recommended by the Rules and Open Government on October 28, 2020, adopt a resolution appointing Nora Frimann as City Attorney and approving compensation for services as City Attorney effective beginning November 1, 2020 consistent with the following terms and the attachment in this memo:

(a) Salary: Your starting salary will be \$309,915.41 annually. In addition to this starting salary, you will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$325,411.18;

(b) Executive Management Benefits: As executive management, the Appointee will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The Appointee will also receive a \$350.00 monthly automobile allowance in accordance with the current

(Item Continued on the Next Page)

3.6 (Cont'd.)

City policy and an option to receive payments in-lieu of health care coverage. The Appointee will also receive a monthly cell phone and data stipend, which is currently \$35 for cell phone use and/or \$40 for data plan use. However, the Appointee has waived this stipend as she currently has a City-issued cell phone;

(c) Vacation and Executive Leave: The Appointee will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The Appointee has sixty-four hours remaining of executive leave in the 2020 calendar year and will not be eligible for additional executive leave in 2020. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances.

Vacation can continue to accrue up to twice the annual accrual rate; and (d) Outside Employment: The Appointee will not engage in outside employment without City Council approval.

CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 10/28/2020- Item G.8]

Action: **Resolution No. 79775** approving the City Attorney Appointment and Compensation Package was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-1319 **Federal Aviation Administration Grant Funding for Airport Safety/Pavement Improvements and Air Pollution/Greenhouse Gas Emission Mitigation.**

Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, Airport Improvement Program, Zero Emission Vehicle, Voluntary Airport Low Emissions Program, and other potential environmental and energy grants from the Federal Aviation Administration in a total amount not to exceed \$88 million for certain projects at the Norman Y. Mineta San José International Airport.

CEQA: Determination of Consistency with the Environmental Impact Report for the Norman Y. Mineta San José International Airport Master Plan Update (Resolution No 79497 and SCH#2018102020), File No. PP18-103. (Airport)

Action: **Resolution No. 79776** regarding Federal Aviation Administration Grant Funding was adopted. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-1320 Purchase and Sale and Cost Payment Agreement with SJ City View LLC for Reimbursement of all Costs Associated with the Acquisition Parcels at Park Avenue Between Almaden Boulevard and Market Street.

Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:

(a) A Real Property Purchase and Sale and Cost Payment Agreement with SJ City View LLC that will require SJ City View LLC to reimburse the City of San José for City-incurred costs, fees and expenses associated with the acquisition, through negotiation or through a condemnation action, related to that certain ±6,224 square feet portion of real property located at Park Avenue, between Almaden Boulevard and Market Street; and

(b) Amendments to the Real Property Purchase and Sale and Cost Payment Agreement for additional reimbursement.

CEQA: Supplemental Environmental Impact Report (Resolution 79586) to the Downtown Strategy 2040 Environmental Impact Report (Resolution 78942), File No. H19-016. Council District 3. (Economic Development)

Action: **Resolution No. 79777** regarding Cost Payment Agreement with SJ City View LLC was adopted. (11-0.)

8.2 20-1419 Internal Transfer for Affordable Housing Sites.

Adopt a resolution:

(a) Authorizing the Director of Housing to negotiate and execute any documents required under California Redevelopment Law for the transactions herein, and any amendments or modification thereto, including, but not limited to, the affordability restrictions; and

(b) Authorizing the transfer of the following three City-owned real properties, totaling approximately 1.02 acres of land, to the Housing Department to be funded from the Low and Moderate Income Housing Asset Funds for the future construction of affordable housing in exchange for the appraised values of the properties consistent with the California Redevelopment Law:

(1) 3707 Williams Road (Assessor Parcel Number 299-32-074) from the Department of Parks, Recreation and Neighborhoods Service for the appraised amount of \$6,200,000;

(2) 1749 Mt. Pleasant Road (Assessor Parcel Number 647-24-042), from the Fire Department for the appraised amount of \$900,000;

(3) 430 Park Avenue (Assessor's Book 259, Page 46, unassigned parcel), from the Office of Economic Development for the appraised amount of \$555,000.

CEQA: Statutorily Exempt, File No. ER20-107, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 1, 3, 5. (Economic Development/Fire/Housing/Parks, Recreation and Neighborhood Services)

8.2 (Cont'd.)

[Deferred from 10/27/2020 - Item 8.3 (20-1287)]

Action: **Resolution No. 79778** regarding Internal Transfer for Affordable Housing Sites was adopted. (11-0.)

8.3 20-1420 **Ratify Agreement with County of Santa Clara to Provide Emergency Non-Congregate Shelter for COVID-19 Vulnerable Individuals in Motels.**

Adopt a resolution ratifying an agreement with County of Santa Clara in an amount not to exceed \$1,794,447, dated September 17, 2020, to provide emergency non-congregate shelter in motels for City of San José residents that are COVID-19 vulnerable from June 15, 2020 through October 15, 2020.

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

[Rules Committee referral 10/21/2020 - Item A.1.a]

[Deferred from 10/27/2020 - Item 8.5 (20-1364)]

Action: **Resolution No. 79779** regarding the Agreement with County of Santa Clara to Provide Emergency non-Congregate Shelter, including direction as outlined in Vice Mayor Chappie Jones memorandum dated October 27, 2020, to (A) Explore innovative alternative forms of affordable housing development including modular and capsule housing; and (B) Assist the tenants of 3707 E. Williams Rd with identifying a nearby PRNS site to relocate and continue programming utilizing the 2021 Neighborhood Center RFQ process, was approved. (11-0.)

8.4 20-1421 **Cost Sharing Agreement with County of Santa Clara for COVID-19 Isolation and Quarantine Support Program, Community Health and Business Engagement Teams, and Meal Delivery Service.**

Adopt a resolution authorizing the City Manager to negotiate and execute a Cost Sharing Agreement with the County of Santa Clara (County) for COVID-19 related activities through December 30, 2020:

(a) Payment to the County in the amount of \$4,500,000 to support the COVID-19 Isolation and Quarantine Support Program to contain and mitigate community spread of COVID-19;

(b) Payment to the County in the amount of \$500,000 to support and expand the Community Health and Business Engagement Teams; and,

(c) Receipt of \$724,000 from the County to fund the City's meal delivery for non-San José residents that are COVID-19 vulnerable homeless persons staying in motels as part of the Isolation and Quarantine Support Program.

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

(Housing) [Rules Committee referral 10/21/2020 - Item A.1.a]

[Deferred from 10/27/2020 - Item 8.6 (20-1365)]

Action: **Resolution No. 79780** regarding the Cost-Sharing Agreement with the County of Santa Clara was adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

(a) **20-1321 C20-002 - Conforming Rezoning on Certain Real Property Located at 2586 Seaboard Avenue. - DROPPED**

Approve an ordinance rezoning certain real property from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 0.78-gross acre site located at 2586 Seaboard Avenue.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)
Dropped to be Noticed at a Later Date Per Administration

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

• Open Forum

1. Tessa Woodmansee suggested that undeveloped land at 615 Stockton Avenue be used as a community garden.
2. JT had parting words for the Mayor and councilmembers before he moves out of the area.
3. Blair Beekman recommended Anthony Mata for the new San José police chief and denounced the industrial/military complex.
4. Speaker “5140” complained of too many traffic cops and non-intuitive bike lanes.

• Adjournment

The Council of the City of San José adjourned at 4:40 p.m.

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

FOR RECEIPT:

Tract: 10505

Location: North side of Norwood Avenue, approximately 110 feet westerly of Norcross Drive

District: 8

Lots/Units: 5/4

Type: SFD

Developer: Ramon Hernandez, RH Concrete