



# **City Council Meeting MINUTES**

**Tuesday, January 12, 2021**

**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  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, DISTRICT 10



## **MINUTES OF THE SAN JOSÉ CITY COUNCIL**

**OCTOBER 20, 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 and convened in Closed Session on Tuesday, October 20, 2020 at 9:34 a.m.

**20-1291- CLOSED SESSION:** [See Page 17 for Closed Session Minutes](#)

By unanimous consent, Council recessed from the Closed Session at 9:58 a.m.; Council reconvened to Regular Session at 1:32 p.m. virtually from remote locations, and Mayor Sam Liccardo called the meeting to order.

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 1)**

Life Coach with Feed Love Now, Sherine El Gazzar, offered the invocation with a visual exercise and message regarding mindfulness and resiliency.

### **• Orders of the Day**

Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Maya Esparza and carried unanimously, the Orders of the Day were approved. (11-0.)

*(Item Continued on the Next Page)*

## **Orders of the Day (Cont'd.)**

Mayor Sam Liccardo offered that today's meeting would be adjourned in memory of Honorable Sharon A. Chatman.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEM**

None provided.

## **2. CONSENT CALENDAR**

Public Comments: Paul Soto and Blair Beekman spoke to items on the Consent Calendar as a whole.

Upon motion by Councilmember Maya Esparza, seconded by Councilmember David Cohen and carried unanimously, the Consent Calendar was approved, Items 2.7 and 2.9 were pulled for further discussion, and the below listed actions were taken as indicated. (11-0.)

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

None provided.

### **2.2 21-072 Final Adoption of Ordinances.**

(a) Ordinance No. 30510 - An Ordinance of the City of San José Adding Section 4.04.045 and Amending Sections 4.04.055, 4.04.080, and 4.04.085 of Chapter 4.04 of Title 4, and Amending Section 8.04.030 of Chapter 8.04 of Title 8 of the San José Municipal Code Related to the Contract Authority of the Independent Police Auditor. [Passed for Publication on 1/5/2021- Item 3.4 (21-031)] (b) Ordinance No. 30513 - An Uncodified Ordinance Adopting a Revised Covid-19 Paid Sick Leave Ordinance Continuing, Retroactive from January 1, 2021 through June 30, 2021, the Paid Sick Leave Benefits that Had Been Provided Under the Expired Federal Emergency Paid Sick Leave Act and the Previous City Covid-19 Paid Sick Leave Ordinance, Adding Enforcement By Means of a Private Right of Action, and Making Other Technical Changes to Reflect the Health Orders of the State and County of Santa Clara. [Passed for Publication on 1/5/2021- Item 3.7(b) (21-063)]

Action: City of San José **Ordinance No. 30510** and **Ordinance No. 30513** were adopted. (11-0.)

### **2.3 21-065 Approval of Council Committee Minutes.**

(a) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of November 19, 2020; (b) Regular Public Safety, Finance, and Strategic Support Committee Meeting Minutes of December 10, 2020; (c) Regular Transportation and Environment Committee Meeting Minutes of February 3, 2020; (d) Regular Transportation and Environment Committee Meeting Minutes of March 2, 2020; (e) Regular Smart Cities and Service Improvements Committee Meeting Minutes of February 6, 2020; (f) Regular Smart Cities and Service Improvements Committee Meeting Minutes of March 5, 2020; (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 12, 2020; (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 11, 2020; (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 18, 2020; (j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 25, 2020; (k) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 15, 2020; (l) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 29, 2020; and (m) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 13, 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.

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

### **2.4 21-068 Mayor and Council Excused Absence Requests.**

Request for an excused absence for Councilmember Arenas, from the Regular Meeting of City Council on December 15, 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. (Arenas) [Rules Committee referral 1/6/2021 - Item A.1.a]

Action: Excused Absence 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 21-047 Appoint Members to Redistricting Commission.**

(a) Provisionally appoint the following Commissioners designated by the Mayor and City Council and, to permit the public to submit comment on the Commissioners, return on January 26, 2021 for final appointment: (1) District 1 Seat: Appoint TBD: (2) District 2 Seat: Appoint TBD: (3) District 3 Seat: Appoint TBD: (4) District 4 Seat: Appoint TBD: (5) District 5 Seat: Appoint TBD: (6) District 6 Seat: Appoint TBD: (7) District 7 Seat: Appoint TBD: (8) District 8 Seat: Appoint TBD: (9) District 9 Seat: Appoint TBD: (10) District 10 Seat: Appoint TBD: (11) Citywide Chair: Appoint TBD: CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Public Comment: Carl offered public testimony regarding the item.

Councilmember Maya Esparza requested information from staff regarding the timeline and data collected from the United States Census Bureau to start the process granted by Measure G.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember David Cohen and carried unanimously, the provisional appointment of Members to the Redistricting Commission was approved, to return on January 26, 2021 for final appointment. (11-0.)

**2.8 21-048 Municipal Advisor Consultant Agreement with PFM Financial Advisors LLC and Public Resources Advisory Group Inc. and Bond Counsel Agreement with Orrick Herrington & Sutcliffe, LLP for the Refunding of Certain Airport Revenue Bonds.**

Adopt a resolution: (a) Authorizing the City Manager or Director of Finance to negotiate and execute an agreement in an amount not to exceed \$350,000 with PFM Financial Advisors LLC and Public Resources Advisory Group, Inc., for municipal advisor services in connection with the refunding of certain Airport Revenue Bonds with fees to be paid from the cost of issuance of the refunding bonds contingent upon the successful completion of the sale of the bonds; and (b) Authorizing the City Attorney to negotiate an execute an agreement with Orrick, Herrington & Sutcliffe, LLP for Bond Counsel and Disclosure Counsel services in connection with the refunding of certain Airport Revenue Bonds, in an amount not to exceed \$380,000, to be paid from the cost of issuance of the refunding bonds contingent upon the successful sale of the bonds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney/City Manager)

Action: **Resolution No. 79858** regarding the Municipal Advisor Consultant Agreement was adopted. (11-0.)

## **2.9 21-008 City Council Appointments of Vice Mayor and Members of Committees and Boards.**

(a) Apprise the Council of the Mayor's Appointments for each of the standing committees, as described in Exhibit "A" of this Memorandum. (b) Appoint the following Councilmembers to each of the committees and assignments, as described in Exhibit "B" of this Memorandum. (c) Re-appoint Chappie Jones as Vice Mayor. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Motion: Councilmember Maya Esparza moved approval of her memorandum dated January 12, 2021, including acceptance of Mayor Sam Liccardo's January 4, 2021 memorandum as noted below in "Action". The motion was seconded by Councilmember Sylvia Arenas.

Mayor Sam Liccardo asked that this motion include appointment of regional bodies tonight. Upon concurring with City Attorney Nora Frimann that this action would create no conflicts, Councilmember Maya Esparza and Councilmember Sylvia Arenas accepted the amendment to the motion.

Councilmember Sylvia Arenas asked for consideration of Councilmember Magdalena Carrasco being assigned to the VTA Board in her place due to the impacts she is facing because of the Pandemic. Upon discussion, Mayor Sam Liccardo suggested replacing Councilmember Sylvia Arenas' name with that of Councilmember Magdalena Carrasco until this returns to Council.

Action: On a call for the question, the motion carried unanimously, including the memorandum from Councilmember Maya Esparza dated January 12, 2021, recommending: (1) Direct the City Attorney to return to Council on January 26th, 2021, or as soon as possible, with amendments to Resolution #79367 and any other relevant statutory provisions with language clarifying that for Council Standing Committees, including the Rules and Open Government Committee, the Mayor makes a recommendation of the slate to the Council, which has the authority to publicly discuss, amend, and approve the final slate of Standing Committee members. (2) Defer the Mayor's Recommendations 1 and 2 from his 1/11/21 memorandum to Council on this item to coincide with the timing of Recommendation 1 of this memorandum. (3) Clarify that for the interim period until staff returns with the amendments described in Recommendation 1 above, consistent with the current authority granted to the Mayor in Resolution #79367, that the proposed committee and commission assignments will take effect, subject to further Council review consistent with Recommendation 1. (4) Approve the Mayor's Recommendation 3, reappointment of Chappie Jones as Vice Mayor.

Also including acceptance of Mayor Sam Liccardo's memorandum, dated January 4, 2021, with change as noted: (1) Apprise the Council of the Mayor's Appointments for each of the standing committees, as described in Exhibit "A" of this Memorandum. (2) Appoint the following Councilmembers to each of the committees and assignments, as described in Exhibit "B" of this Memorandum, *with the exception of replacing Councilmember Sylvia Arenas' name with that of Councilmember Magdalena Carrasco until this item returns to Council.*

(3) Re-appoint Chappie Jones as Vice Mayor. (11-0.)

**2.10 21-039 Route 101 Freeway Agreement.**

Adopt a resolution authorizing the City Manager or designee to execute a Freeway Agreement between the City of San José and the State of California, Department of Transportation (Caltrans) relating to the portion of U.S. Route 101 from 0.3 miles north of Burnett Ave to 0.4 miles north of De La Cruz Blvd. CEQA: Categorically Exempt, File No. ER20-247, CEQA Guidelines Section 15301 Existing Facilities. Council Districts 3 and 4. (Transportation)

Action: **Resolution No. 79859** regarding the Route 101 Freeway Agreement was adopted. (11-0.)

**2.11 21-070 Trail: Three Creeks (Lonus Street to Coe Avenue) Pavement and Landscaping. - RENUMBERED FROM ITEM 7.1**

Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund: (a) Decrease Future PDO / PIO Projects Reserve by \$1,100,000; and (b) Establish the Trail: Three Creeks: Lonus Street to Coe Avenue appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,100,000. CEQA: Mitigated Negative Declaration for the Three Creeks Trail Master Plan - Western Alignment, File No. PP14-012. (Parks, Recreation and Neighborhood Services/City Manager) RENUMBERED FROM ITEM 7.1 (21-043)

Action: **Appropriation Ordinance No. 30514** regarding the Trail: Three Creeks (Lonus Street to Coe Avenue) Pavement and Landscaping was adopted. (11-0.)

**2.12 21-084 Retroactive Approval of the Hillview Area Dumpster Day and the 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 Committee on January 6, 2021: (a) Retroactively approve the Hillview Area Dumpster Day scheduled on November 9, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 1/6/2021 - Item G.1.a]

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

**2.13 21-087 Retroactive Approval of the Purchase of Fiesta Navidena Materials 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 Committee on January 6, 2021: (a) Retroactively approve the Fiesta Navidena Celebration scheduled on December 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 1/6/2021 - Item G.1.b]

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

**2.14 21-094 Retroactive Approval of the San José State University Spartans Championship Tower and Rotunda Lighting Event Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on January 6, 2021: (a) Retroactively Approve the San José State University Spartans Championship Tower and Rotunda Lighting Event scheduled on December 18 – December 20, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perez) [Rules Committee referral 1/6/2021 - Item G.1.c]

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

**2.15 21-069 Boards and Commissions Appointments.**

Approve the following Neighborhoods Commission appointment: (a) District 2 Seat: Appoint Lalbabu Prasad to a term ending June 30, 2021; and (b) District 4 Seat: Appoint Brandon Catolico to a term ending June 30, 2021. CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Action: The Neighborhoods Commission appointments were approved. (11-0.)

### **3. STRATEGIC SUPPORT**

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

City Manager, David Sykes recognized the Unsung Heroes: Capital Improvement Team and thanked Assistant Chief of Police, Dave Knopf for stepping in as the interim Police Chief for SJPd.

Deputy City Manager, Emergency Operations Center Director, Kip Harkness and Chief of Staff, Emergency Operations Center Director, Lee Wilcox presented the Covid-19 Update, County Public Health Orders, Vaccine Update, and the Emergency Operations Center Update.

Intergovernmental Relations Director, City Manager's Office, Bena Chang and Director of Community and Economic Recovery Taskforce, Andrea Flores Shelton presented the Coronavirus Response and Relief Supplemental Appropriations Act of 2021

Program Manager, Department of Transportation, Jill Mariani; Distribution Operations Unit Lead for Food and Necessities Branch, Amanda Carrera; and Marketing and Impact Manager, for Veggelution, Emily Schwing offered the presentation on Food Distribution Over the Winter Holiday.

Vaccination campaign task force, CMO's Office, Anh Tran presented the process, approach, and recent changes of the distribution for vaccinations.

Public Comments: Blair Beekman and Kathryn provided public testimony regarding the item.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3 21-052 Extension of Proclamation of Local Emergency Related to COVID-19.**

Adopt a resolution finding the continued existence of a local emergency and extending the March 6, 2020 Director of Emergency Services' proclamation of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José. CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79860** regarding the Extension of Proclamation of Local Emergency Related to COVID-19 was adopted. (11-0.)

**3.4 21-041 Statement of Policy and Questions for the Prospective Chief of Police.**

Adopt a Statement of Policy and City Council Questions related to the selection of a new Chief of Police in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

**DEFERRED TO 1/26/2021 PER ADMINISTRATION.**

**3.5 21-001 Procurement Programs for Minority-Owned and Other Businesses.**

As recommended by the Rules and Open Government Committee on December 9, 2020: (a) Accept the Report on Small/Local Business Contract Participation in FY 2019-20 as accepted by the Community and Economic Development (CED) Committee on November 23, 2020. (b) Accept recommendations outlined in the letter submitted to the CED Committee from the San José Small Business Advisory Task Force and integrate into the workplan. (c) Explore options for implementing a Disparity Study to evaluate and potentially determine the need for new procurement policies that facilitate participation of Minority, Women, and Other owned Business Enterprises (MWOBE) as appropriate. (d) Return to Council in spring 2021 with proposal, cost estimate, and scope of study to be considered in the annual budget process. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Jones and Arenas) [Rules and Open Government Committee referral 12/9/2020 - Item G.6]

Deputy Director, Finance Department, Jennifer Cheng and Division Manager, Public Works Department, David French offered the presentation and responded to questions.

Public Comments: Walter Wilson; Vice President of Racial Justice and Equity with the Silicon Valley Leadership Group, Angelica Cortez; Executive Director of the Hispanic Chamber of Commerce, Denise Jimenez; Ray Duran, and Reginald S. offered public comment regarding the item.

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Sylvia Arenas and carried unanimously, the report on Procurement Programs for Minority-Owned and Other Businesses was accepted. (11-0.)

**3.6 21-042 Report on Bids and Award of Construction Contract of the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project.**

(a) Report on bids and award of the construction contract for the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project to the lowest bidder Zovich & Sons Inc. dba Zovich Construction, Inc. for the

*(Item Continued on the Next Page)*

### 3.6 (Cont'd.)

base bid amount and bid alternates 1, 2A, 2B, 3A, 3B, 4, 5, 6, 7, 8, and 9 in the amount of \$54,105,000 and approval of a 10 percent contingency in the amount of \$5,410,500. (b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the General Fund: (1) Increase the Fire Training Center Relocation Capital Contributions appropriation to the Fire Department in the amount of \$24,835,000; (2) Increase the Emergency Operations Center Relocation Capital Contributions appropriation to the Public Works Department in the amount of \$2,500,000; (3) Decrease the Fire Training Center Replacement Reserve appropriation in the amount of \$24,835,000; and (4) Decrease the Emergency Operations Center Furniture, Fixtures and Equipment Reserve by \$2,500,000. (c) In accordance with City Council-approved Budget Principle #8, certify that funding the annual operations and maintenance costs for the Fire Department Training Center and Emergency Operations Center, which is estimated to exceed \$100,000 annually in the General Fund once the project is complete, will not require a decrease in existing basic neighborhood services. CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. (Public Works/City Manager) **HEARD CONCURRENTLY WITH SJFA ITEM 1**

Director of Finance, Julia H. Cooper and Deputy Director of Finance, Debt & Treasury Management, Nikolai J. Sklaroff offered the presentation and responded to questions.

Public Comments: Caller '5140', Caller 'Zoom Participant', Paul Soto, Blair Beekman, and Roland provided public testimony regarding the item.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, (a) the report on Bids and Award of Construction Contract of the 9084-9183 - Fire Department Training Center and Emergency Operation Center Relocation Project was accepted, (b) the 2020-2021 Appropriation **Ordinance No. 30515** was adopted, and (c) the City Council Budget Principle was approved. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

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

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

## **7. NEIGHBORHOOD SERVICES**

### **7.1 21-043 Trail: Three Creeks (Lonus Street to Coe Avenue) Pavement and Landscaping. - RENUMBERED TO ITEM 2.11**

Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund: (a) Decrease Future PDO / PIO Projects Reserve by \$1,100,000; and (b) Establish the Trail: Three Creeks: Lonus Street to Coe Avenue appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,100,000. CEQA: Mitigated Negative Declaration for the Three Creeks Trail Master Plan - Western Alignment, File No. PP14-012. (Parks, Recreation and Neighborhood Services/City Manager)

**RENUMBERED TO ITEM 2.11**

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

### **8.1 21-097 Proposed Expenditure Plan for the Homeless Housing Assistance and Prevention Program**

Adopt a resolution accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention Program (HHAP) – Round 2 that will allow the Director of Housing to apply to the State of California’s (State) HHAP for a one-time award of approximately \$11,266,278. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

Director, Jacky Morales-Ferrand and Deputy Director, Ragan Henninger offered the presentation and responded to questions.

Public Comment: Roland offered public comment regarding the item.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, **Resolution No. 79861** regarding the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention Program (HHAP) was adopted.

Including the acceptance of the joint memorandum from Mayor Sam Liccardo, Councilmember Sergio Jimenez, and Councilmember David Cohen, dated January 8, 2021, to: (1) Accept staff’s recommendations regarding the proposed expenditure plan for Homeless Housing, Assistance, and Prevention (HHAP) Program Round 2. (2) Direct staff to create a “lived experience” member seat on the Housing and Community Development Commission (HCDC), to be filled by a resident who is currently experiencing or formerly experienced homelessness. This recommendation is in line with the City’s approved Residential Anti-Displacement Strategy #4: “Increase Equitable Representation of Historically Underrepresented Communities on City

*(Item Continued on the Next Page)*

## 8.1 (Cont'd.)

Commissions.” This requires an amendment to the municipal code regarding the Housing and Community Development Commission provisions. (a) The selection process should include broad and robust outreach to homeless and formerly homeless residents to obtain a diverse pool of applicants. (b) Establish a compensation model for all HCDC members to eliminate any financial barriers to participation by a lived experience HCDC member. Utilize HHAP Round 2 funding as appropriate and allowed under the funding guidelines. (c) Incorporate new guidelines and resources for onboarding lived experience HCDC members, including ensuring equitable access to participation, through resources such as technology, connectivity, information, and training. (d) Consult with Destination: Home, homeless advocates, and others who serve the unhoused and homeless community to determine best practices, including staff support and potential barriers to participation for a lived experience HCDC member. Many organizations, groups, and individuals in San José can make helpful recommendations based on their experiences and work, such as from Santa Clara County’s Continuum of Care Lived Experience Advisory Board. Also including acceptance of the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated January 8, 2021, to: Accept staff’s recommendations and direct the City Manager to explore the overflow parking lot adjacent to the San José Police Department (“Lot E”) as a potential future site for an emergency interim housing community.

Also including the acceptance of the joint memorandum from Mayor Sam Liccardo and Councilmember Raul Peralez, dated January 8, 2021, to: Accept staff’s recommendations and direct the City Manager to explore the overflow parking lot adjacent to the San José Police Department (“Lot E”) as a potential future site for an emergency interim housing community. (11-0.)

## 8.2 **21-098 Grant Agreement with Abode Services to Operate the Project HomeKey SureStay Hotel for Unhoused Individuals Who Are Vulnerable to COVID-19.**

Adopt a resolution authorizing the Housing Director to negotiate and execute a grant agreement with Abode Services in the amount of \$1,085,474 to operate a non-congregate shelter for unhoused individuals who are vulnerable to COVID-19 in phase one and affordable housing in phase two at the Project HomeKey SureStay Hotel (1488 North 1st Street) for an extended term beginning February 1, 2021 through June 30, 2022, with an option to extend the agreement for an additional year beyond the initial term. CEQA: Not a Project, File No. PP17-00 Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Housing)

Public Comment: Roland offered public comment regarding the item.

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### 8.1 (Cont'd.)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sergio Jimenez and carried unanimously, **Resolution No. 79862** authorizing the Housing Director to negotiate and execute a grant agreement with Abode Services was adopted. (11-0.)

### 8.3 21-100 **Grant Agreement with HomeFirst Services of Santa Clara County to Operate an Emergency Congregate Shelter.**

Adopt a resolution authorizing the Director of Housing to negotiate and execute a grant agreement with HomeFirst Services of Santa Clara County in the amount of \$3,143,155.00 to operate an emergency congregate shelter at South Hall (435 S. Market Street) for an extended term beginning December 31, 2020 through 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. (Housing)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79863** regarding the Grant Agreement with HomeFirst Services of Santa Clara County to Operate an Emergency Congregate Shelter was adopted. (11-0.)

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

## **10. LAND USE**

### **10. Land Use - Regular Agenda**

#### **10.1(a) 21-044 Story No. 69 - Reorganization/Annexation to the City of San José of an approximately 0.99-gross acre portion of County territory consisting of one lot generally located approximately 50 feet south of the southeast corner of Fleming Avenue and Nob Hill Drive.**

Adopt a resolution ordering the reorganization of territory designated as Story No. 69 which involves the annexation to the City of San José of approximately 0.99 gross acres of land generally located approximately 50 feet south of the southeast corner of Fleming Avenue and Nob Hill Drive, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, Santa Clara County Sanitation District 2-3, and Santa Clara County Library Services. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto (File No. C20-004). Council District 5. (Planning, Building and Code Enforcement)  
**HEARD IMMEDIATELY AFTER CONSENT**

*(Item Continued on the Next Page)*

**10.1(a) (Cont'd.)**

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79864** regarding the reorganization of territory designated as Story No. 69 was adopted. (11-0.)

**10.1(b) 21-045 PP20-014 - Quarterly Update of an Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code.**

Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) amend Part 4.5, Accessory Dwelling Units, to make minor clarifying text alterations and updates consistent with state law within Sections 20.30.460, 'Single-Family Dwelling' lot, 20.30.470, 'Junior Accessory Dwelling Units - Single-family dwelling lot,' 20.30.480, 'Two-Family and Multi-Family Dwelling lots, and 20.30.495, 'Tiny Home on Wheels (THOW); (b) add notes specifying permitting requirements for Transitional Housing uses within Tables 20-50, 20-90, 20-140 and 20-156 amending Sections 20.30.100, 20.40.100, 20.70.100 and 20.75.200; (c) incorporate minor text alterations to Table 20-156 amending Section 20.75.200 to add permitting requirements for Social Service Agency uses; (d) amend Table 20-100 in Section 20.40.200 to allow property in the Commercial Neighborhood Zoning District to utilize Urban Village Plan development standards (e) amend Chapter 20.100, Part 9, Single-Family House Permit, to make minor clarifying changes related to infill single-family additions within Section 20.100.1040, 'Additional Development Requiring a Single-Family House Permit'; and (f) to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto (File No. PP20-014). Planning Commission recommends approval (7-0). Council District: Citywide. (Planning, Building and Code Enforcement)

**HEARD IMMEDIATELY AFTER CONSENT**

Action: Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Maya Esparza and carried unanimously, **Ordinance No. 30516** regarding the City of San José amending various sections of Title 20 was passed for publication. (11-0.)

**END OF CONSENT CALENDAR**

## • Open Forum

1. Blair Beekman spoke to the peace and unity of the country regarding the recent events.
2. Roland addressed the Central County Occupational Center, housing, and the training center.
3. Scott Largent spoke to the conduct of Sheriff Departments task force during protests and the vandalism that occurred at Mayor Sam Liccardo's home.
4. Lillian, from District 6, thanked Councilmember Arenas for addressing domestic violence, the "life moves" 24-hour hotline for domestic violence victims, the procurement program, and small businesses.
5. Robert Aguirre spoke to the difficulties of paying rent, the vaccine, and providing services for the unhoused communities due rent hardships.

## • Notice of City Engineer's Pending Decision on Final Maps

FOR APPROVAL:

Tract: 10505

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

District: 8

Lots/Units: 5/4

Type: SFD

Proposed Decision: Approved

Developer: Ramon Hernandez, RH Concrete

## • Adjournment

The Council of the City of San José adjourned at 8:48 p.m. in memory of the Honorable Sharon A. Chatman.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC City Clerk

yj/12-8-20/CCMin



## **CLOSED SESSION MINUTES**

**SAN JOSE, CALIFORNIA**

**TUESDAY, JANUARY 12, 2021**

The Council of the City of San José convened into Closed Session at 9:34 a.m.  
This meeting was teleconferenced from remote locations.

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

Absent: Councilmembers - All Present.

### **CLOSED SESSION:**

Council convened to Closed Session virtually from remote locations; for the following:

A.CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: (1) Claim of Dang. B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1): (1) Claim of Pham. (2) Claim of Kepler. C. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a): Consultation with: Police Department. D. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI) (2) Association of Engineers & Architects (AEA) (3) Association of Maintenance Supervisory Personnel (AMSP) (4) City Association of Management Personnel Agreement (CAMP) (5) Confidential Employees’ Organization, AFSCME Local 101 (CEO) (6) International Association of Firefighters (IAFF), Local 230 (IAFF#230) (7) International Brotherhood of Electrical Workers, Local 332 (IBEW) (8) Municipal Employees’ Federation, AFSCME Local 101, AFL-CIO (MEF) (9) International Union of Operating Engineers, Local No. 3 (OE#3) (10) San José Police Officers’ Association (SJPOA) (11) Association of Legal Professionals of San José (ALP). E. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION: Number of matter(s) to be discussed: 1.

By unanimous consent, Council recessed from the Closed Session at 9:58 a.m.; to reconvene in Regular Open Session at 1:32 p.m. virtually from remote locations, and Mayor Sam Liccardo called the meeting to order.

# Joint City of San José Council and San José Financing Authority Board Agenda

1:30 p.m.

January 12, 2021

Virtual Meeting

- Call to Order and Roll Call

- 1. **21-046 Issuance of City of San José Financing Authority's Commercial Paper Notes for Fire Department Training Center and Emergency Operations Relocation Project and Related Budget Actions. HEARD CONCURRENTLY WITH ITEM 3.6**

(a) City Council take the following actions: (1) Conduct a public hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of construction costs for the relocation of a Fire Department Training Center and Emergency Operations Center (The "Project"). (2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as City of San José Financing Authority Lease Revenue Commercial Paper Notes to provide a temporary bridge financing tool for the construction of the Fire Department Training Center and Emergency Operations Center in an amount not to exceed \$23.4 million and to state the City Council's determination that there will be significant public benefits accruing from such financing. (3) Adopt the following 2020-2021 Funding Sources Resolution and Appropriation Ordinance amendments in the General Fund: (i) Increase the estimate for Other Revenue by \$23.4 million; and (ii) Increase the Fire Training Center Relocation appropriation to the Fire Department in the amount of \$23.4 million. (4) Adopt the following 2020-2021 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Service Yards Purpose: (i) Establish a Fire Department Training Center and Emergency Operations Center Debt Service appropriation to the Finance Department in the amount of \$100,000; and (ii) Decrease the Unrestricted Ending Fund Balance in the amount of \$100,000.

(b) Adopt a resolution of the City of San José Financing Authority Board to approve the issuance of City of San José Financing Authority Lease Revenue Commercial Paper Notes to provide a temporary bridge financing tool for the construction of the Fire Department Training Center and Emergency Operations Center in an amount not to exceed \$23.4 million. CEQA: Fire Training and Emergency Operations Center Relocation Project Mitigated Negative Declaration, File No. ER20-180. (Public Works/Finance/City Manager)

**HEARD CONCURRENTLY WITH ITEM 3.6 WITH ACTION ON SJFA FIRST UNDER BOTH THE DEBT MANAGEMENT POLICY AND SAN JOSE MUNICIPAL CODE SECTION 4.34.200, APPROVAL OF THE ISSUANCE OF THE LEASE REVENUE COMMERCIAL PAPER NOTES REQUIRES A TWO-THIRDS VOTE BY THE CITY COUNCIL (8 VOTES)**

*(Item Continued on the Next Page)*

**SJFA 1 (Cont'd.)**

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, (a)(2) **Resolution No. 79865**, approving the issuance of commercial paper notes; (a)(3) Funding Sources **Resolution No. 79866**, (a)(3) Appropriation **Ordinance No. 30517**; (a)(4) Appropriation **Ordinance No. 30518**; and (b) San José Financing Authority Board **Resolution, No. SJFA 151**, were adopted. (11-0.)