



City Council Meeting SYNOPSIS

Tuesday, February 2, 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



- **Call to Order and Roll Call**

9:02 a.m. - Closed Session, Call to Order.
Councilmembers Absent: All Present.

1:32 p.m. - Regular Session
Councilmembers: All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 2)**

Reverend Father Hector Basañez, from Christ the King Church, offered the prayer and invocation.

- **Orders of the Day**

The Orders of the Day were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

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 **21-175 **Ordinance Amending Loans in Voluntary 457 Deferred Compensation Plan.****

Approve an ordinance to amend Section 3.48.140 of Chapter 3.48 of Title 3 of the San José Municipal Code relating to loans in the voluntary 457 Deferred Compensation Plan. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Human Resources)

Action: **Ordinance No. 30526** regarding the amendment of the San José Municipal Code relating to loans in the voluntary 457 Deferred Compensation Plan was adopted for publication. (11-0.)

2.8 **21-176 **Agreement with Santa Clara Valley Transportation Authority for Bus Shelter Advertising Revenue.****

Approve an Agreement between the City of San José and Santa Clara Valley Transportation Authority to share bus shelter advertising revenue generated from bus shelters located in the City of San José retroactive from January 1, 2018 through December 31, 2021.

(Item Continued on the Next Page)

2.8 (Cont'd.)

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

DEFERRED TO 2/9/2021 PER ADMINISTRATION

2.9 21-180

Actions Related to the 8775 - Sanitary Structure Cover Repairs II Project.

(a) Approve an increase in the construction contingency for the 8775 - Sanitary Structure Cover Repairs II Project (Project) in the amount of \$163,100 from \$61,480 resulting in a new contingency of \$224,580 and increasing the total contract amount from \$ 614,800 to \$839,380. (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute change orders for additional work related to unforeseen Project conditions in an amount not to exceed the revised total contract amount of \$839,380. CEQA: Exempt, File No. PP15-004, dated January 20, 2015. Council Districts 3 and 6. (Public Works)

Action: (a) Actions Related to the 8775- Sanitary Structure Cover Repairs II Project and (b) **Resolution No. 79882** regarding the Director of Public Works to change orders for additional work were adopted. (11-0.)

2.10 21-177

East San José Multimodal Transportation Improvement Plan (En Movimiento).

Adopt the East San José Multimodal Transportation Improvement Plan (En Movimiento). 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. ER21-001). Council Districts 3 and 5. (Transportation)

RENUMBERED TO ITEM 5.1 (21-247)

2.11 21-178

Active Transportation Program Cycle 5 Quick Build Pilot Grant Funding Agreement.

Approve the following actions to receive grant funds from the California Transportation Commission (CTC) for the Active Transportation Program (ATP) Cycle 5. (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an ATP grant agreement with the CTC and administered by California Department of Transportation (Caltrans), in an amount not to exceed \$622,149 for reimbursement.

(Item Continued on the Next Page)

2.11 (Cont'd.)

(b) Adopt the following Funding Source Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund: (1) Increase the estimate for Revenue from State of California by \$72,000; and (2) Establish the ATP Quick Build Edenvale and Sylvandale Ped and Bike Safety Improvements appropriation to the Department of Transportation in the amount of \$72,000. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities.(Transportation/City Manager)

Action: (a) **Resolution No. 79883**; and (b) Funding Source **Resolution No. 79884**, and Appropriation **Ordinance No. 30527** regarding the Active Transportation Program Cycle 5 Quick Build Pilot Grant were adopted. (11-0.)

2.12 21-196

Approval of American Heart Month Sponsored by Council District 6 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 20, 2021: (a) Approve the American Heart Month scheduled on February 2, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve and accept donations from various individuals, businesses or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis) [Rules Committee referral 1/20/2021 - Item G.1.a]

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

2.13 21-257

Boards and Commission Appointments.

Approve the following Council Appointment Advisory Commission appointment: (a) Citywide Seat: Appoint Mary Cheryl Gloner to a third term ending December 31, 2023 because the reappointment is necessary under San José Municipal Code Section 2.08.150.F in order to maintain a functioning quorum or to retain valuable experience on the Commission. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 1/27/2021 - Item A.1.a]

Action: The Council Appointment Advisory Commission appointment was approved. (11-0.)

2.14 21-258

COVID-19 Related Airport Air Service Support Program.

As recommended by the Rules and Open Government Committee on January 27, 2021, adopt a resolution to revise the Airport Air Service Support Program to reduce the minimum weekly flight threshold that is a condition to receive fee waivers and marketing support retroactive from January 1, 2021 through the termination or expiration of the City's Proclamation of COVID-19 Local Emergency and repeal Resolution No. 78802. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport) [Rules Committee referral 1/27/2021 - Item A.1.a]

Action: **Resolution No. 79885** regarding the COVID-19 Related Airport Air Service Support Program was adopted. (11-0.)

3. STRATEGIC SUPPORT

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

City Manager, David Sykes recognized the Unsung Heroes: The Food Team, Necessities Branch, Contracts Team, and Fiscal Team.

Chief of Staff, Emergency Operations Center Director, Lee Wilcox and Deputy City Manager, Emergency Operations Center Director, Kip Harkness, presented the Covid-19 Update, Emergency Operations Center Update, and the Vaccination Update.

Director of Public Works, Matt Cano presented the recent Storm Response.

Intergovernmental Relations Director, City Manager's Office, Bena Chang, presented the Intergovernmental Relations COVID-19 Update.

3.2 Labor Negotiations Update.

None provided.

3.3 21-188

City's COVID-19 Response: Child Care Update.

Accept the verbal report on childcare and the City's COVID-19 response. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action (Parks, Recreation and Neighborhood Services)

(Item Continued on the Next Page)

3.3 (Cont'd.)

Action: The verbal report on childcare and the City's COVID-19 response was accepted, including the acceptance of the memorandum from Councilmember Sylvia Arenas, dated February 2, 2021, directing the City Manager to:(1) Continue to prioritize learning pod and other childcare community solutions throughout the COVID crisis, including prioritizing these programs for additional local assistance relief funding that comes out of new federal legislation. (2) Create a referral process for isolation assistance and homelessness prevention whenever any learning pod participant or family is exposed to COVID. (3) Quickly reopen the Recreation Leader position to allow for sufficient staffing availability for the learning pod programs through the end of this fiscal year. (4) Directly coordinate with school districts – both 1-on-1 and through the Schools City Collaborative – to request that each school district currently referring children to a City of San Jose learning pod also provide PRNS with at least one resource specialist (educational) who can provide support for the high needs children we're serving. (5) Produce a Manager's Budget Addendum that presents options to create full time position classifications for preschool – as has previously been developed by PRNS – and also present options to create a full-time classification to support other educational roles within PRNS's recreation programs, such as learning pods. (6) Inform council offices of open preschool and learning pod slots available to students in their districts at the beginning of each session – and request that each council member commit to designate a staff member in each of our offices to support the referral process to fill these slots with qualifying children. (11-0.)

3.4 21-256

Hazard Pay for Retail Food Workers.

As recommended by the Rules and Open Government Committee on January 27, 2021, direct the City Attorney to draft an urgency ordinance requiring hazard pay for retail food workers. The ordinance shall: (a) Guarantee hazard pay of an additional five dollars an hour for retail food workers; (b) Apply to retail establishments that sell meats, poultry, dairy products, fresh fruits and vegetables and have at least 300 employees nationwide; (c) Allow for a private right of action; (d) Include a credit for retail establishments that currently provide pay increases related to the COVID-19 pandemic; (e) Commence immediately upon Council approval and continue until the Santa Clara County Health Officer has lifted mandatory directives for implementing the State's Regional Stay at Home Order related to the COVID-19 pandemic.

(Item Continued on the Next Page)

3.4 (Cont'd.)

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 1/27/2021 - Item G.3]

Motion: Councilmember Sergio Jimenez moved approval of his memorandum dated, February 2, 2021 including items 3, 4, & 5, from Vice Mayor Chappie Jones memorandum dated February 2, 2021. Councilmember Maya Esparza seconded the motion.

During the discussion and following clarification by the City Attorney, Councilmembers Foley and Jones discovered that due to unforeseen financial interests, they needed to recuse themselves after the initial motion due to a conflict of interest. Jones' amendment was removed from the motion.

Councilmember David Cohen offered a friendly amendment to clarify full-time/part-time flexibility and to include in a proposed ordinance an exemption for small business franchisees/publicly owned, with direction to staff to return with an urgency ordinance and a regular ordinance to the next City Council meeting. The friendly amendments were accepted by Vice Mayor Chappie Jones and Councilmember Maya Esparza.

Action: on a call for the question, the motion carried, including Councilmember Sergio Jimenez memorandum dated February 2, 2021 to 1. Decline to accept the memo from Mayor Liccardo dated February 1, 2021, and the memo from Vice Mayor Jones dated February 2, 2021; 2. Direct the City Attorney to draft an urgency ordinance requiring hazard pay for retail food workers. The ordinance shall: a. Guarantee hazard pay of an additional \$3 an hour for retail food workers; b. Apply to retail establishments that sell meats, poultry, dairy products, fresh fruits and vegetables and have at least 300 employees nationwide; c. Allow for a private right of action; d. Include a credit for retail establishments that currently provide pay increases related to the COVID-19 pandemic; e. Commence immediately upon Council approval and continue for 120 days, at which point the Council will evaluate the impacts of the ordinance and decide whether to extend hazard pay for additional time. 3. Place the ordinance on the February 9, 2021 Council Agenda for action. Also including Councilmember Cohen's recommendation to include a proposed ordinance, an exemption for small business franchisees/publicly owned, with direction to staff to return with an urgency ordinance and a regular ordinance to the next City Council meeting. (6-3-0-2. Noes: Davis, Mahan, Liccardo. Recused: Foley, Jones.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-247

East San José Multimodal Transportation Improvement Plan (En Movimiento). RENUMBERED FROM ITEM 2.10

Adopt the East San José Multimodal Transportation Improvement Plan (En Movimiento). 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. ER21-001). Council Districts 3 and 5. (Transportation)

RENUMBERED FROM ITEM 2.10 (21-177)

Action: The East San José Multimodal Transportation Improvement Plan was approved, including the acceptance of the joint memorandum from Councilmember Raul Peralez and Councilmember Magdalena Carrasco, dated February 2, 2021, to: (1) Report back to the Transportation & Environment Committee (T&E) as part of the bi-annual transportation planning update on a. Implementation updates and funding strategy including leveraging private development support b. Update in collaboration with VTA on how the E. Santa Clara Transit Priority Project will enhance service and farebox revenue and consideration of raising its project priority level (2) Continuance of the Community Advisory Group to keep the community updated on ongoing progress and solicit any additional feedback (3) Direct PRNS, SJPD and the Housing Department to collaborate on the E. St. John Bike Boulevard Project & Connection to BART Project to ensure the user experience is safe and enjoyable, specifically through Roosevelt Park and Coyote Creek. a. Santa Clara Valley Water District should also be invited to participate in this collaboration. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-181 Approval of an Exception to the City Multifamily Housing Revenue Bond Policy Allowing the Auzerais Affordable Housing Development and Meridian Avenue Affordable Housing Development to Utilize an External Bond Issuer.

Adopt a resolution authorizing an exception to the City’s Policy for the issuance of Multifamily Housing Revenue Bonds for the Auzerais Apartments project and for Meridian Avenue Affordable Housing Development project, thereby allowing issuance for those projects by the Municipal Finance Authority and California Statewide Communities Development Authority respectively. CEQA: 425 Auzerais Apartments project is exempt from CEQA review per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109; and Environmental Impact Report for the Meridian Apartments Project, File No. SP19-064. (Housing)

Action: **Resolution No.79886** regarding the Multifamily Housing Revenue Bonds was adopted. (11-0.)

8.2 21-259 Adoption of 2021 Moratorium on Rent Increases for Tenants and Mobilehome Residents and Owners Financially Impacted by COVID-19.

As recommended by the Rules and Open Government Committee on January 27, 2021: (a) Adopt an Urgency Ordinance that establishes a moratorium on rent increases to be effective through June 30, 2021 for tenants residing in rent stabilized apartments, mobilehome owners, and mobilehome residents of mobilehomes subject to rent control who submit to their Landlord prior to the effective date of the rent increase a signed Declaration of COVID-19-Related Financial Distress. (1) Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health and safety, to include additional provisions protecting against rent increases through June 30, 2021. PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3) (b) Approve a Companion Ordinance that establishes a moratorium on rent increases to be effective through June 30, 2021 for tenants residing in rent stabilized apartments, mobilehome owners, and mobilehome residents of mobilehomes subject to rent control who submit to their Landlord prior to the effective date of the rent increase a signed Declaration of COVID-19-Related Financial Distress.

(Item Continued on the Next Page)

8.2 (Cont'd.)

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing) [Rules Committee referral 1/27/2021 - Item A.1.a]

Action: (a) **Urgency Ordinance No. 30529** and (b) **Companion Ordinance No. 30530** regarding the adoption of the 2021 Moratorium on Rent Increases for Tenants and Mobilehome Residents and Owners Financially Impacted by COVID-19 were adopted. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

• Open Forum

1. Paul Soto thanked Councilmember Magdalena Carrasco for acknowledging his comments.
2. Blair Beekman addressed bicycle trails on the west side of San José and transportation issues.
3. Roland corrected a comment he made earlier, addressed state fees, and minimum wage increases.
4. Robert Aguirre addressed parking compliance issues of RV and vehicle orders to move out of the Spring Street area by SJPD.

• Adjournment

The Council of the City of San José adjourned at 11:46 p.m.