



City Council Meeting SYNOPSIS

Tuesday, March 9, 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**

9:00 a.m. - Closed Session, Call to Order.

Councilmembers Absent: Carrasco, Arenas.

1:32 p.m. - Regular Session

Councilmembers: All Present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 3)**

Executive Director, School of Arts and Culture, Jessica Paz-Cedillos offered the invocation by reciting a poem named “Invictus” by William Ernest Henley.

- **Orders of the Day**

The Orders of the Day were approved.

Councilmember Magdalena Carrasco offered that today’s meeting would be adjourned in memory of the beloved Angel Rios Sr., a loving husband, father, and grandfather, and champion of the Civil Rights Movement.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 21-430 Final Adoption of Ordinances.

(a) Ordinance No. 30535 - An Ordinance of the City of San José Amending Chapter 3.48 of Title 3 of the San José Municipal Code. [Passed for Publication on 2/23/2021- Item 2.14(a) (21-315)] (b) Ordinance No. 30536 - An Ordinance of the City of San José Amending Chapter 3.50 of Title 3 of the San José Municipal Code. [Passed for Publication on 2/23/2021- Item 2.14(c) (21-315)] (c) Ordinance No. 30538 - An Ordinance of the City of San José Amending Chapter 5.08 of Title 5 of the San José Municipal Code to Update and Add Definitions, Compliance Options, and Affordable Housing Requirements for the Citywide Inclusionary Housing Program. [Passed for Publication on 2/23/2021- Item 8.2(b) (21-324)] (d) Ordinance No. 30539 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.2 Gross Acres Situated on South E. Virginia Street between South 2nd Street and South 1st Street (802 S. 1st Street), from the CN Commercial Neighborhood and CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District. [Passed for Publication on 2/23/2021- Item 10.4(d) (21-329)]

Action: City of San José (a) **Ordinance No. 30535**, (b) **Ordinance No. 30536**, (c) **Ordinance No. 30538**, and (d) **Ordinance No. 30539** were adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

2.4 21-472 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Cohen, from the Neighborhood Services and Education Committee on March 11, 2021, due to long standing community service commitment to be a judge at the Synopsis Science Fair. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen) [Rules Committee referral 3/3/2021 - Item A.1.a]

Action: Excused Absence Approved. (11-0.)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 21-428 Amendment to the Mount Chual Antenna Site Lease Schedule. - DROPPED

Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a First Amendment to the Antenna Site Lease Schedule dated August 29, 2001 between the City of San José and Pinnacle Towers LLC, a Delaware limited liability

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2.7 (Cont'd.)

company, to extend the lease term from March 1, 2021 to February 29, 2036, for a total of 15 years, for a total cost of approximately \$540,000, with two additional five-year options to renew for a total cost of approximately \$759,000 if one option term is exercised and \$1,000,000 if both option terms are exercised, 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. (Economic Development) [Deferred from 2/23/2021 Item 2.9 (21-310)]

DROPPED.

2.8 21-409

Amendment to the Agreement with enfoTech & Consulting, Inc. for Environmental Enforcement Data Management System.

Adopt a resolution authorizing the City Manager to negotiate and execute the Ninth Amendment to the Agreement with enfoTech & Consulting, Inc. (Lawrenceville, NJ) for an Environmental Enforcement Data Management System to add 10 one-year options for a total of 18 to extend the agreement through June 30, 2031 for ongoing maintenance, support, and related services with maximum compensation not to exceed \$1,970,218 through June 30, 2021, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 79917** regarding the amendment to the Agreement with enfoTech & Consulting, Inc. for Environmental Enforcement Data Management System was adopted. (11-0.)

2.9 21-410

Actions Related to the Purchase Orders for SAP Center Exterior Stainless Steel Cleaning Services.

Adopt a resolution authorizing the City Manager to: (a) Execute purchase orders with TheWindowWasher.com (Pleasanton, CA) and with CRE Group (Campbell, CA) for SAP Center exterior stainless steel cleaning services for an initial twelve-month period starting on or about March 10, 2021 and ending on or about March 9, 2022, for an amount not-to exceed \$160,000; and (b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about March 9, 2026, 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. 79918** regarding the Purchase Orders for SAP Center Exterior Stainless Steel Cleaning Services was adopted. (11-0.)

2.10 21-411

Amendment to the Agreement with Sherwood Design Engineers, Ltd. for the Alum Rock Park Visitor Center and Service Road Slide Repair.

Approve a Third Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the Alum Rock Park Visitor Center and Service Road Slide Repair, retroactively extending the term of the

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2.10 (Cont'd.)

Agreement from February 1, 2021 to January 31, 2022, with no change in maximum compensation. CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269 Emergency Projects. Council Districts 4 and 5. (Public Works)

Action: The third amendment to agreement with Sherwood Design Engineers, Ltd. for Alum Rock Park Visitor Center and Service Road Slide Repair, retroactively extending the term of the Agreement from February 1, 2021 to January 31, 2022 was approved. (11-0.)

2.11 21-473

Boards and Commissions Appointments.

Approve the following Boards and Commissions appointments: (a) Human Services Commission: (1) District 6 Seat: Michellé Jonesroberts to a term ending December 31, 2024. (b) Neighborhoods Commission: (1) District 3 Seat: Jacqueline Vasquez to a term ending June 30, 2021. CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk) [Rules Committee referral 3/3/2021 - Item A.1.a]

Action: The Boards and Commissions appointments were approved. (11-0.)

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 21-414

Second Quarter Financial Reports for Fiscal Year 2020-2021.

As recommended by the Public Safety, Finance and Strategic Support Committee on February 18, 2021, accept the Second Quarter (period ended December 31, 2020) Financial Reports for Fiscal Year 2020-2021 for the following programs: (a) Debt Management; (b) Investment Management; and (c) Revenue Management. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance) [Public Safety, Finance and Strategic Support Committee referral 2/18/2021 - Item (d)4]

Action: The Second Quarter (period ended December 31, 2020) Financial Reports for Fiscal Year 2020-2021 was accepted. (11-0.)

3.4 21-417

City of San José Investment Policy Annual Review.

As recommended by the Public Safety, Finance and Strategic Support Committee on February 18, 2021, adopt a resolution approving revision to Council Policy 1-12, “City of San José Investment Policy.” CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance) [Public Safety, Finance and Strategic Support Committee referral 2/18/2021 - Item (d)5]

Action: **Resolution No. 79919** approving revisions to the City of San José Investment Council Policy 1-12 was adopted. (11-0.)

3.5 21-418

Approval of the Sale and Issuance of Bonds and Related Bond Documents for the City of San José Airport Revenue Refunding Bonds, Series 2021.

(a) Hold a TEFRA (“Tax Equity and Fiscal Responsibility Act”) hearing with respect to the proposed issuance by the City of one or more series of airport revenue refunding qualified private activity bonds in an aggregate principal amount not to exceed \$117 million pursuant to a plan of finance in order to provide proceeds or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in, or are consistent with, the Airport Master Plan.(b) Adopt the Twenty-First Supplemental Resolution (the “Resolution”) of the City Council: (1) Authorizing the issuance of City of San José Airport Revenue Refunding Bonds, Series 2021 in three series, including the City of San José Airport Revenue Refunding Bonds, Series 2021A (AMT) (the “Series 2021A Bonds”), the City of San José Airport Revenue Refunding Bonds, Series 2021B (Non-AMT) (the “Series 2021B Bonds”), and the City of San José Airport Revenue Refunding Bonds, 2021C (Taxable) (the “Series 2021C Bonds” and, together with the Series 2021A Bonds and the Series 2021B Bonds, the “Series 2021 Bonds”) in an aggregate principal amount of not to exceed \$521 million to be sold through negotiated sale; (2) Approving substantially final forms of Twelfth Supplemental Trust Agreement, Preliminary Official Statement, Final Official Statement, Bond Purchase Agreement, and Continuing Disclosure Certificate; authorizing the distribution of one or more Preliminary Official Statements and Final Official Statements; and (3) Authorizing the City’s Authorized Representative to take other necessary actions in connection there with CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 79497), File No. PP18-103. (Finance/Airport)

Action: (a) The TEFRA (“Tax Equity and Fiscal Responsibility Act”) hearing was heard and (b) the Twenty-First Supplemental **Resolution No. 79920** regarding the Sale and Issuance of Bonds for the City of San José Airport Revenue Refunding Bonds, Series 2021 was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

4.1 21-419 Police Reforms: Independent Investigation of Police Misconduct Work Plan. - DEFERRED

Approve the proposed workplan for independent investigation of police misconduct. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager) [Deferred from 2/23/2021 - Item 4.1 (21-321)]

DEFERRED TO 3/16/2021 PER ADMINISTRATION

4.2 21-420 Response to the Santa Clara County Civil Grand Jury Report Entitled “Why Aren’t There More Female Firefighters in Santa Clara County?”

Approve the San José Fire Department’s response to the December 17, 2020, Santa Clara County Civil Grand Jury report entitled, “Why Aren’t There More Female Firefighters in Santa Clara County?” CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire)

Action: The San José Fire Department’s response to the December 17, 2020, Santa Clara County Civil Grand Jury report entitled, “Why Aren’t There More Female Firefighters in Santa Clara County?” was approved, with the amendment to include and agendize these topics to the Public Safety, Finance, & Strategic Support Committee (PSFSS). (11-0.)

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-424 Construction Crane Height Guidance Study Findings and Recommendation.

As recommended by the Community and Economic Development Committee on February 22, 2021: (a) Accept the findings from a completed Construction Crane Height Guidance Study, which would affirm the City’s development commitment for the Federal Aviation Administration (FAA) to protect the primary Terminal Instrument Procedures (TERPS) utilized by Mineta San José Airport’s Air Carriers to determine the maximum crane heights in the Downtown Core and Diridon Station Area. (b) Direct the Administration to: (1) Prepare a Construction Crane Guidance Document to be included in all development permits for projects in the Downtown Core and Diridon Station Area requiring temporary construction cranes. (2) Include in the Construction Crane Guidance Document, the following three methods for developers to minimize impacts on air service: (i) Utilize crane jumps to minimize duration cranes are at maximum height. (ii) Limit maximum crane heights to a 6-month window. (iii) Schedule maximum crane heights during non-South flow months of April through September (i.e., departures towards downtown). (3) Explore a construction crane permit fee to support a Landing Fee Reduction Program for air carriers that incur either cargo or passenger weight impacts on account of construction cranes in the Downtown Core and Diridon Station Area.

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5.1 (Cont'd.)

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council Districts 3 and 6. (Airport/Economic Development/Planning, Building and Code Enforcement) [Community and Economic Development Committee referral 2/22/2021 - Item (d)2]

Action: The findings and recommendations from the completed Construction Crane Height Guidance Study was accepted. (11-0.)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-425 San José Clean Energy Programs Roadmap and Energy Efficiency Programs Advice Letter.

(a) Adopt a resolution: (1) Authorizing the Director of the Community Energy Department or, her designee, to prepare and submit an Advice Letter to the California Public Utilities Commission to administer Elect to Administer Energy Efficiency programs; and (2) Authorizing the City Manager, or his designee, to accept and administer California Public Utilities Commission funds if the Advice Letter is approved by that agency. (b) Accept report on San José Clean Energy programs roadmap. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Community Energy)

Action: (a) **Resolution No. 79921** regarding the San José Clean Energy Programs Roadmap and Energy Efficiency Programs Advice Letter was adopted and the (b) San José Clean Energy programs roadmap report was accepted. (11-0.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-475 City's COVID-19 Response: Emergency Rental Assistance Program. - DEFERRED

(a) Accept the staff report on the Emergency Rental Assistance program. (b) Adopt a resolution: (1) Accepting \$30,379,739.90 in Emergency Rental Assistance funds from the U.S. Department of the Treasury and ratifying the City Manager's signing of the award terms; (2) Authorizing the City Manager to negotiate and execute the following agreements, including any amendments and revisions to said agreements and any necessary documents to effectuate the grant, to use Emergency Rental Assistance Funds to provide assistance to San José tenants and landlords who have been negatively impacted by the COVID-19 pandemic: (i) With Destination: Home SV, a supporting organization of Silicon Valley Community Foundation, a grant agreement in an amount

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8.1 (Cont'd.)

not to exceed \$30,379,739.90 to provide rental assistance, utility relief, and other eligible housing assistance to San José residents, as well as to fund case management and outreach efforts to connect San José residents with rental assistance, utility relief, and other housing assistance. (ii) With the State of California Department of Housing and Community Development, a Memorandum of Understanding to enable San José tenants and landlords to access federal rental relief funds that will be disbursed through the state program. (c) Adopt the following Funding Sources Resolution and Appropriation Ordinance amendments in the Emergency Reserve Fund: (1) Increase the estimate for Revenue from Federal Government by \$30,379,740; and (2) Establish the Emergency Rental Assistance appropriation to the City Manager's Office in the amount of \$30,379,740. CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager) [Deferred from 2/23/2021 - Item 8.3 (21-332) and 3/2/2021 - Item 8.2 (21-394)]

DEFERRED TO 3/23/2021 PER ADMINISTRATION

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10. Land Use - Regular Agenda

10.2 21-426

PP21-001 - Amendment to Title 13 (Sidewalks, Streets, and Public Spaces) Title 20 (Zoning Ordinance) of the City of San José Municipal Code.

Approve an ordinance amending Chapter 13.48 (Historic Preservation) of Title 13 and Section 20.100.140 of Chapter 20.100 (Administration) of Title 20 to allow for concurrent review of Historic Preservation Permits and to make other technical, non-substantive or formatting changes within those Chapters and Sections of the San José Municipal Code. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. Planning Commission recommends approval (5-0-2; Bonilla and Oliverio absent). (Planning, Building and Code Enforcement) [Deferred from 2/23/2021 - Item 10.3 (21-328)]

Action: **Ordinance No. 30543** regarding the amendments to Title 13 (Sidewalks, Streets, and Public Spaces) and Title 20 (Zoning Ordinance) of the City of San José Municipal Code was passed for publication. (11-0.)

10.3 21-427

C19-020, CP19-031 & T19-038 - Conforming Rezoning, Conditional Use Permit and a Vesting Tentative Map on Real Property Located at 3896 Stevens Creek Boulevard.

(a) Adopt a resolution certifying the 3896 Stevens Creek Commercial Project Environmental Impact Report, and making certain findings concerning significant

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10.3 (Cont'd.)

impacts, mitigation measures, alternatives, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA). (b) Approve an ordinance rezoning an approximately 4.84-gross acre site, located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue, from the CG Commercial General and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District. (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to resubdivide five parcels into two parcels on an approximately 4.84-gross acre site. (d) Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Site Development Permit to allow the demolition of all existing commercial buildings on site, totaling approximately 47,631 square feet, the removal of 65 trees (41 ordinance-size, 24 non-ordinance-size) and the construction of an approximately 791,000-square foot commercial mixed-use office building and an approximately 122,700-square foot health club with late-night use (4am to 12am) and an approximately 39 percent parking reduction on an approximately 4.84-gross acre site. CEQA: 3896 Stevens Creek Commercial Project Environmental Impact Report. Planning Commission recommends approval (7-0). Council District 1. (Planning, Building and Code Enforcement)

Action: The March 8, 2021 memorandum from Vice Mayor Chappie Jones was approved, to “Approve the Conforming Rezoning, Conditional Use Permit and a Vesting Tentative Map on Real Property Located at 3896 Stevens Creek Boulevard.”

(a) **Resolution No. 79922** certifying the 3896 Stevens Creek Commercial Project Environmental Impact Report, (c) **Resolution No. 79923** Vesting the Tentative Map to resubdivide five parcels into two parcels, and (d) **Resolution No. 79924** allowing the demolition of all existing commercial buildings on site Located at 3896 Stevens Creek Boulevard were adopted; (b) **Ordinance No. 30544** regarding the rezoning of an approximately 4.84-gross acre site was passed for publication. (11-0.)

• Open Forum

1. Paul Soto thanked the women from the Nonprofit “Connection” in Honor of International Women’s Day for nurturing him, loving him, correcting him, believing in him throughout the program.
2. Blair Beekman spoke on civil rights, the future of technology in Silicon Valley, interpretation issues, and stated he enjoyed the Charter Commission Meeting on March 9, 2021.
3. A speaker from District 6, Director of the Compassion and Justice Ministries at the River Church Community, and member of the P.A.C.T Beloved Community Team urged Council and the City Manager to move forward with the candidate Larry Sciroto as the new San Jose Police Chief.
4. Harriet W., resident of District 6, and member of the P.A.C.T Beloved Community Team stated she’s in favor of Larry Sciroto as the new San Jose Police Chief.
5. Katherine Hedges stated her reasons on why she believes Larry Sciroto is the best San José Police Chief Candidate.

- **Adjournment**

The Council of the City of San José meeting adjourned at 6:02 p.m.in memory of the beloved Angel Rios Sr., a loving husband, father, and grandfather, and champion of the Civil Rights movement.