



City Council Meeting MINUTES

**Tuesday, April 27, 2021
1:30 PM**

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 CITY COUNCIL

April 27, 2021

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.

21-855: CLOSED SESSION. See Page 17 for Closed Session Minutes.

The Council of the City of San José convened into Open Session at 1:32 p.m.

- **Call to Order and Roll Call**

9:31 a.m. - Closed Session

21-855 Closed Session: All present.

1:31 p.m. – Regular Afternoon Session

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

Absent: Councilmembers - All present.

6:00 p.m. – Previous Evening Session was Canceled.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 4)**

Sierramont Middle School Honors and Concert Choirs performed “For Good” from the Broadway musical Wicked for the Invocation.

- **Orders of the Day**

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

- **Closed Session Report**

City Attorney, Nora Frimann noted a challenge regarding a litigation matter and indicated staff is looking at some options for the project and will be prepared to discuss a settlement meeting later this week.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, 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 21-893 Final Adoption of Ordinances.

(a) Ordinance No. 30556 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.3-Gross Acre Situated on the West Side of North Capitol Avenue, Approximately 300 Feet South of Berryessa Road (APN: 254-29-019), from the A Agricultural Zoning District to the R-M Multiple Residence Zoning District. [Passed for Publication on 4/13/2021- Item 10.1(a)(1) (21-702)]

(b) Ordinance No. 30557 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.66 Gross Acres Situated on the West Side of North 4th and Washington Streets (359 North 4th Street and 405 North 4th Street) (APN: 249-46-088 and 249-46-001) from the Li Light Industrial and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 4/13/2021- Item 10.1(b) (21-703)]

(c) Ordinance No. 30558 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.81-Gross Acre Situated on the Northeast Side of North Third Street, Approximately 170 Feet Southeasterly of East Saint John Street (60 North Third Street) (APN: 467-20-080) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District. [Passed for Publication on 4/13/2021- Item 10.1(c) (21-704)]

(d) Ordinance No. 30559 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 11.19 Gross Acres Situated on the North Side of Montague Expressway Approximately 640 Feet West of North First Street (0 Montague Expressway) (APN: 097-06-055) from the A(PD) Planned Development Zoning District to the IP Industrial Park Zoning District. [Passed for Publication on 4/13/2021- Item 10.1(d) (21-705)]

2.2 (Cont'd.)

Action: **Ordinance No. 30556, Ordinance No. 30557, Ordinance No. 30558 and Ordinance No. 30559** were adopted. (11-0.)

2.3 21-938 Approval of Council Committee Minutes.

- (a) Regular Transportation and Environment Committee Meeting Minutes of March 1, 2021.
- (b) Regular Neighborhood Services and Education Committee Meeting Minutes of March 11, 2021
- (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 24, 2021.
- (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 3, 2021.
- (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 10, 2021.
- (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 17, 2021.
- (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of March 24, 2021.
- (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 7, 2021.

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

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 21-842 Approval of Sexual Assault Awareness 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 Committee on April 7, 2021:
- (a) Approve Sexual Assault Awareness Month scheduled in April 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.
- [Rules Committee referral 4/7/2021 - Item G.1.e] (Arenas)

2.7 (Cont'd.)

Councilmember Sylvia Arenas spoke to gender-based violence prevention support, direct services and innovation/prevention for moving forward during the pandemic and provided a video. She honored Natalia Smüt, a transgender woman, who lost her life due to intimate partner violence.

Public Comments: Blair Beekman and Tessa Woodmansee offered comments.

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

2.8 21-910 Bill of Right's for Children and Youth.

As recommended by the Rules and Open Government Committee on April 14, 2021, adopt a resolution adopting the updated Bill of Rights for Children and Youth.

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

[Rules Committee referral 4/14/2021 - Item G.3]

Public Comments: Blair Beekman and Tessa Woodmansee offered comments.

Motion: Councilmember Sylvia Arenas moved adoption of the resolution, including her memorandum dated April 27, 2021 with updates and changes as reflected. Councilmember Maya Esparza seconded the motion.

Action: On a call for the question, **Resolution No. 79978** adopting the updated Bill of Rights for Children and Youth was adopted, including the memorandum from Councilmember Sylvia Arenas dated April 27, 2021, to

1) Accept and adopt the Youth Commission's updates to the San José Bill of Rights for Children and Youth with the following revisions:

a. Article 1: They have a healthy mind, body, and soul that enables them to maximize their potential.

A. Provide youth mental [, social-emotional and behavioral support as well as] physical health education at school and community sites and provide adequate access to community resources.

b. Article 10: They have knowledge of, are educated about, and actively include people of diverse cultural, racial, ethnic, socio-economic, and religious backgrounds as well as all genders/gender identities, sexual orientations, citizenship, and [physical/social-emotional] developmental abilities, and are aware of the importance of inclusivity and identity.

C. Encourage participation from communities of [the] various groups [listed above].

2) Expand the following Articles to the San José Bill of Rights for Children and Youth that can be found under the Resolution to include:

a. Article 3: They have access to a 21st century education that promotes success in life, in future careers and a love for life-long learning.

(11-0.)

2.9 21-953

Boards and Commissions Appointment.

As recommended by the Rules and Open Government Committee on April 21, 2021, approve the following Boards and Commissions appointment:

(a) Human Services Commission:

(1) Citywide Seat: Michellé Jonesroberts to a term ending December 31, 2022.

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

[Rules Committee referral 4/21/2021 - Item A.1.a]

Action: The Boards and Commissions appointment was approved. (11-0.)

2.10 21-960

VEBA Advisory Committee Appointment.

As recommended by the Rules and Open Government Committee on April 21, 2021, approve the appointment of Patrick Chung, nominated by the IAFF Local 230 as the IAFF Local 230 active employee member, to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee for a term beginning June 1, 2021 and ending May 31, 2025.

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

[Rules Committee referral 4/21/2021 - Item F.1.a]

Action: The VEBA Advisory Committee appointment was approved. (11-0.)

2.11 21-967

Approval of Black April Commemoration City Hall Tower and Rotunda Lighting and Flag Display Sponsored by the Mayor's Office as a City Council Sponsored Event.

As recommended by the Rules and Open Government Committee on April 21, 2021:

(a) Approve the Black April Commemoration City Hall Tower and Rotunda Lighting and Flag Display at City Hall scheduled for the week of April 30 to May 6, 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. (Mayor)

[Rules Committee referral 4/21/2021- Item G.1.a]

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

2.12 21-974 Approval of Dia del Nino Proclamation 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 April 21, 2021:

- (a) Approve the Dia del Nino Proclamation scheduled on April 27, 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. (Carrasco)
[Rules Committee referral 4/21/2021 - Item G.1.b]

Councilmember Magdalena Carrasco pulled Item 2.12 to memorialize the Dia del Nino celebration and spoke to investing in our children

Public Comments: Tessa Woodmansee offered comments.

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

2.13 21-980 Retroactive Approval of National Donate Life Month Proclamation 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 April 21, 2021:

- (a) Retroactively approve April as National Donate Life Month scheduled from April 16 to April 22, 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. (Carrasco)
[Rules Committee referral 4/21/2021 - Item G.1.c]

Public Comments: Tessa Woodmansee offered comments.

Councilmember Magdalena Carrasco pulled Item 2.13 to encourage City residents to sign up for organ, eye and tissue donations.

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

2.14 21-987 Approval of Recognizing Willow Glen High School as the 2021 Santa Clara County High School Mock Trial Tournament Champions Sponsored by Council Districts 6 and 9 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 April 21, 2021:

(a) Approve the recognizing Willow Glen High School's Mock Trial team as the champions of the 2021 Santa Clara County High School Mock Trial tournament scheduled on April 27, 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 and Foley)
[Rules Committee referral 4/27/2021 - Item G.1.d]

Public Comments: Tessa Woodmansee offered comments.

Councilmembers Foley and Davis introduced Coach Sharpe and students of Willow Glen High.

Action: The City Council Sponsored Special Event was 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 21-890 Return Together. - DEFERRED

As recommended by the Rules and Open Government Committee on March 24, 2021:

(a) City Council take the following action:

(1) Adopt an uncodified urgency ordinance requiring certain specified employers to offer reemployment to any worker laid off due to the COVID-19 pandemic if the employer is hiring for the same or substantially similar job formerly held by the laid off worker, and setting forth the facts constituting the urgency; and

(2) Approve an uncodified ordinance requiring certain specified employers to offer reemployment to any worker laid off due to the COVID-19 pandemic if the employer is hiring for the same or substantially similar job formerly held by the laid off worker.

3.3 21-890 Return Together. - DEFERRED

PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).

(b) If the City Council is unable to take the action in part “a” of this recommendation by the required vote of eight (8) City Council members, approve an uncodified ordinance requiring certain specified employers to offer reemployment to any worker laid off due to the COVID-19 pandemic if the employer is hiring for the same or substantially similar job formerly held by the laid off worker.

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

[Rules Committee referral 3/24/2021 - Item G.3]

[Deferred from 4/13/2021 - Item 3.4 (21-691)]

DEFERRED TO 5/4/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

3.4 21-882 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)

Public Comments: Blair Beekman and Tessa Woodmansee offered comments.

Action: Upon motion by Councilmember Matt Mahan, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79979** extending the Proclamation of Local Emergency Related to COVID-19 was adopted. (10-0-1. Absent: Foley.)

3.5 21-883 Report on Alternative Productivity and Collaboration Tools and Actions Related to Microsoft Office 365 Software Renewal.

(a) Accept the report on alternative productivity and collaboration tools to Microsoft Office 365.

(b) Adopt a resolution authorizing the City Manager to:

(1) Execute enrollment documentation with Microsoft Corporation (Redmond, WA) to purchase Microsoft Office 365 and related enterprise licenses pursuant to the Microsoft Enterprise License Agreement for State and Local Governments (“Enterprise Agreement”), a cooperative agreement administered by the County of Riverside, California on behalf of State and Local public agencies, for a five-year term beginning June 1, 2021 through May 31, 2026;

(2) Execute annual purchase orders with Insight Public Sector

(Tempe, AZ), an authorized Microsoft reseller, to purchase Microsoft Office 365 and related enterprise licenses for a five-year term beginning June 1, 2021 through May 31, 2026 in an amount not to exceed \$10,317,180, subject to the annual appropriation of funds; and (b) (3) Negotiate and execute amendments, change orders, and enrollment documents as required to cover any unanticipated changes, including additional subscriptions at the Enterprise Agreement discounted rates as may be required, 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/Information Technology)

Chief Information Officer Rob Lloyd and Deputy Director of Finance, Jennifer Cheng delivered the report and responded to questions.

City Attorney Nora Frimann indicated that anyone on Council who owns \$2,000 or more of stock must recuse themselves.

Motion: Councilmember Dev Davis moved approval of the report and asked that an update be provided at the two-year midpoint. Councilmember Pam Foley seconded the motion.

Public Comments: Blair Beekman and Tessa Woodmansee offered comments.

Action: On a call for the question, (a) The report on Alternative Productivity and Collaboration Tools was accepted; and (b) **Resolution No. 79980** regarding actions related to Microsoft Office 365 Software Renewal was adopted, with direction to staff to provide an update to the Smart Cities and Service Improvements Committee at the two-year midpoint. (11-0.)

3.6 21-884 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and the Loan of the Proceeds Thereof and Related Documents and Changes to Existing Loan and Grant Terms for the Markham Plaza II Development.

(a) Adopt a resolution:

(1) Authorizing the issuance of (a) tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Markham Plaza II), Series 2021C-1” (the “Series 2021C-1 Bonds”) and “City of San José Multifamily Housing Revenue Bonds (Markham Plaza II), Subordinate Series 2021C-2” (the “Series 2021C-2 Bonds”) and with the “Series 2021C-1 Bonds, the “2021C Bonds”) in an aggregate principal amount not to exceed \$25,000,000;

(2) Approving the loan of the proceeds of the Series 2021C Bonds to Markham Plaza II, LP, a California limited partnership created by Core Development, Inc., a California corporation, to finance the acquisition and rehabilitation of a 152-unit multifamily development known as the Markham Plaza II apartments (formerly known as Tully Gardens II) located at 2010 Monterey Road, in San José (the “Development”);

(Item Continued on the Next Page)

3.6 (Cont'd.)

(a) (3) Approving in substantially final form the Indenture of Trust, the Subordinate Indenture of Trust, the Loan Agreement, the Subordinate Loan Agreement and the Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2021C Bond Documents”); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, the Assistant Director of Finance, the Deputy Director of Finance, Debt & Treasury Management, or their designees, to execute and deliver the Series 2021C Bond Documents together with any documents ancillary to the Series 2021C Bond Documents.

(b) Adopt a resolution approving changes in terms for the City’s outstanding \$5,491,858.38 loan and outstanding \$3,781,000 grant for the Development, approving a loan to value ratio in excess of 100% and authorizing the Director of Housing to negotiate and execute documents and amendments related to those changes.

CEQA: Categorically Exempt, File No. ER21-023, CEQA Guidelines Section 15301, Existing Facilities. Council District 7. (Finance/Housing)

Public Comments: Blair Beekman, Brian Darby and Tessa Woodmansee offered comments.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Matt Mahan and carried unanimously, (a) **Resolution No. 79981** regarding Issuance of Tax-Exempt Multifamily Housing Revenue Bonds; and (b) **Resolution No. 79982** approving changes in terms for the City’s loan and outstanding grant for the Markham Plaza II Development were adopted. (11-0.)

3.7 21-885

Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing. -DEFERRED

Accept the staff report on public purpose bonds issued by a joint powers authority (JPA) for moderate-income housing, and direct the Administration not to move forward with releasing a term sheet in order to pursue membership in one or more JPAs for moderate-income housing at this time.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Finance/Housing)

DEFERRED TO 5/4/2021 PER RULES AND OPEN GOVERNMENT COMMITTEE

3.8 21-903

Request for Additional Financial Resources Allocated by the San José City Council to the Charter Review Commission.

(a) As recommended by the Rules and Open Government Committee on April 14, 2021, the Charter Review Commission has overwhelmingly voted to request that the Council provide adequate resources to accomplish the following goals and outcomes:

(1) Adequate budgetary resources to ensure that outside legal counsel can provide support in crafting legislative language and

(Item Continued on the Next Page)

3.8 (Cont'd.)

recommendations from the Commission to the Council. This is a recommendation comes after we received presentations from 1985 Commission members, who also noted that inclusion of independent outside counsel was critical to the success of the Commission.

(a) (2) Adequate budgetary resources to hire a consultant, or consultants, to provide qualitative research so that the Commission can understand best management practices in other municipalities, or agencies and consider what Charter changes are best for the City of San Jose.

(3) Adequate budgetary resources to ensure outreach can be conducted, by up to 10 community based groups and organizations, to ensure that the voices of all of the residents of San Jose are heard, and included, in the important task of updating the Charter.

(4) Adequate Budgetary resources to ensure that translation of the Commission's documents and interpretation at meetings can be accomplished so that no community is excluded.

(b) Adopt the following 2020-2021 Appropriation Ordinance amendments in the General Fund:

(1) Decrease the Office of the City Manager's Personal Services appropriation in the amount of \$110,000; and

(2) Increase the Office of the City Clerk's Non-Personal/Equipment appropriation in the amount of \$110,000.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk/City Manager)

[Rules Committee referral 4/14/2021 - Item G.2]

Public Comments: Tessa Woodmansee, Jeffrey Buchanan (Working Partnerships), Blair Beekman, Roma Dawson, Commission Member Jeremy Barrouse and Alex Shoor (Catalyze SV) offered public comment.

Mayor Sam Liccardo offered opening comments.

Motion: Councilmember Sylvia Arenas indicated disagreement with the caveat of legal expertise suggested in the Mayor's memorandum and moved her own memo from April 27, 2021 and #1 from the Mayor's memorandum. Councilmember Maya Esparza seconded the motion.

Substitute Motion: Councilmember David Cohen moved replacing #3 from Councilmember Sylvia Arenas' memorandum and replacing it with #2 from Mayor Sam Liccardo's memo. Vice Mayor Chappie Jones seconded the motion.

Councilmember Maya Esparza suggested returning to the Charter Review Commission to get clarification on the need for outside counsel whereby the necessity can be articulated. City Clerk Toni Taber offered to bring this before next Monday's meeting of the Commission. Commission Chair Frederick Ferrer was asked for input and expressed a need for outside counsel.

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3.8 (Cont'd.)

Friendly Amendment: Councilmember Sylvia Arenas suggested that the City Clerk and City Attorneys meet with the Charter Review Commission to define their needs. The friendly amendment was accepted.

Action: On a call for the question, the substitute motion passed unanimously, and additional Financial Resources Allocated by the San José City Council to the Charter Review Commission were approved; and (b) Appropriation **Ordinance No. 30563** was adopted, including Councilmember Sylvia Arenas' memorandum of 4/27/21, replacing #3 from her memorandum with #2 from Mayor Sam Liccardo's memo of 4/27/21 as noted below:

(1) Adopt the following 2020-2021 Appropriation Ordinance amendments in the General Fund: a. Decrease the Office of the City Manager's Personal Services appropriation in the amount of \$110,000; and b. Increase the Office of the City Clerk's Non-Personal/Equipment appropriation in the amount of \$110,000.

2) Direct the City Manager and City Clerk to report back to Council during the budget process regarding the resources that would be needed for any special commissions in the upcoming fiscal year, as part of the Fiscal Year 2021/2022 Budget Process. a. Include the resources identified in staff's Supplemental Memo. b. Consult with the Charter Review Commission to document and incorporate their feedback into the budget proposal.

3) *Continue to utilize staff from the City Attorney's office to offer legal expertise to the commission and draft the charter language for a potential future ballot measure, until and unless some palpable conflict of interest (or other concern necessitating outside counsel) is brought to Council's attention.*

Additionally, directing the City Clerk to lead a discussion with the CRC to define the needs of the Commission. (11-0.)

3.9 21-913 **Assembly Bill 1400: Guaranteed Healthcare for All. - DROP**

As recommended by the Rules and Open Government Committee on April 14, 2021, adopt a position of support for AB 1400 (Kalra, Alex Lee, and Santiago) on guaranteed Health Care for All.

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

[Rules Committee referral 4/14/2021- Item G.4]

DROPPED

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 21-886 Actions Related to the Master Plan for Neighborhood Parks Located at North San Pedro and Bassett Streets.

(a) Adopt a resolution adopting the North San Pedro and Bassett Street Parks Master Plan Addendum to the Downtown Strategy 2040 Environmental Impact Report in accordance with the California Environmental Quality Act.

(b) Approve the Master Plan that guides development of two neighborhood parks in downtown San José, at North San Pedro Street and Bassett Street.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Report (Resolution No. 78942), File No. PP20-001. Council District 3. (Parks, Recreation and Neighborhood Services)

Deputy Director of Parks, Recreation and Neighborhood Services, Nicolle Burnham & Division Manager Yves Zsutty offered a presentation.

Public Comments: Blair Beekman and Tessa Woodmansee provided comments.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, (a) **Resolution No. 79983** regarding actions related to the Master Plan for Neighborhood Parks Located at North San Pedro and Bassett Streets was adopted; and (b) the Master Plan was approved. (11-0.)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-887 Public Hearing on the Draft Fiscal Year 2021-22 Annual Action Plan for U.S. Department of Housing and Urban Development.

(a) Conduct a public hearing on the draft Fiscal Year 2021-22 Annual Action Plan for the use of federal funds from the U.S. Department of Housing and Urban Development.

(b) Provide Housing Department staff with input on the Annual Action Plan.

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)

Deputy Director of Housing, Ragan Henninger provided a presentation and noted this item will return on May 11 for approval. James Stagi, Housing Policy and Planning Administrator and Director of Housing Jacky Morales-Ferrand responded to questions

Mayor Sam Liccardo opened the public hearing.

Public Comments: Blair Beekman and Tessa Woodmansee offered comments.

Mayor Sam Liccardo closed the public hearing.

(Item Continued on the Next Page)

8.1 (Cont'd.)

No Action required.

Action: The Public Hearing was held, and the Housing Department staff was provided with input on the Annual Action Plan. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

10 Land Use - Regular Agenda

10.2 21-888 GP20-008 & C21-001 - City-Initiated General Plan Amendment and Conforming Rezoning for the Berryessa BART Urban Village Plan. - DEFERRED

City-initiated General Plan Amendment (GP20-008) for the adoption of the Berryessa BART Urban Village Plan (BBUV), including changes to General Plan land use designations for properties within the boundaries of the Urban Village as shown on the Urban Village land use plan; and City-initiated Conforming Rezoning (C21-001) of properties within the East District of the BBUV boundary.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Initial Study/Addendum file ER20-187, and Addenda thereto. Council District 4. (Planning, Building and Code Enforcement)

DEFERRED TO 6/8/2021 PER ADMINISTRATION

10.3 21-889 PDC17-051 - Planned Development Zoning for Real Property Located at 1590 Berryessa Road. - DEFERRED

Planned Development zoning to allow up to 3,400,000 sf of commercial development and up to 3,400 residential units, to develop a mixed-use, Transit-Oriented Development project on approximately 61 acres.

CEQA: The San José Flea Market Southside Rezoning EIR. Council District 4. (Planning, Building and Code Enforcement)

DEFERRED TO 6/8/2021 PER ADMINISTRATION

OPEN FORUM

1. Speaker '5140' addressed issues regarding demands on the electrical grid and water use.
2. Tessa Woodmansee urged action to decrease pollution, especially for lower income communities that are more strongly impacted.
3. Blair Beekman spoke to open public policy ideas and inclusivity, further addressing foreclosure and City Charter issues.

ADJOURNMENT

The Council of the City of San José adjourned at 4:49 p.m. in honor of beloved Berryessa Branch librarian Scott Kimizuka, an ordinary man that made an extraordinary impact on our community.

Minutes Recorded, Prepared and Respectfully Submitted by,

Ruth Krantz

Ruth Krantz, CMC
Deputy City Clerk, City of San Jose

Approved at Council on April 25, 2023

Attest by



Toni J. Taber, CMC City Clerk

rmk/04/27/21 MIN



SAN JOSÉ CITY COUNCIL CLOSED SESSION

APRIL 27, 2021

The Council of the City of San José convened into Closed Session at 9:01 a.m.
This meeting was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Carrasco, Davis, Esparza, Mahan, Jimenez, Jones, Cohen, Perez, Foley; Liccardo.

Absent: Councilmembers - All present.

Closed Session Item(s) discussed:

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

1. Case Name: Protecting the Children of Orchard Elementary v. City of San Jose, et al.,
Name(s) of Parties(s) PROTECTING THE CHILDREN OF ORCHARD SCHOOL, CITY OF SAN JOSE; DOES 1 through 100, inclusive
Court: Superior Court of California, County of Santa Clara
Case No: 20CV370153
Amount of Money or Other Relief Sought: Writ of Mandate to set aside a project approval
2. Case Name: Caballero, Hilarion Ojeda v. Jordan Epperson; et al.,
Name(s) of Parties(s) Hilarion Ojeda Caballero, Jordan Epperson; City of San Jose; and DOES 1 TO 25
Court: Superior Court of California, County of Santa Clara
Case No: 20CV366856
Amount of Money or Other Relief Sought: Damages according to proof

**B. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT
CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or **Association of Engineers & Architects (AEA)**
 Name and Title of
 Unrepresented
 Employees:

 Nature of wages/salaries, hours, working conditions, etc.
 negotiations:

 Name of Existing Memorandum of Agreement — City of San José and
 Contract or MOA: Association of Engineers & Architects (AEA)

 How to Obtain a Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 copy of Existing Telephone – Employee Relations: (408) 535-8150
 Contract or MOA:
2. Organization or **Association of Maintenance Supervisory**
 Name and Title of **Personnel (AMSP)**
 Unrepresented
 Employees:

 Nature of wages/salaries, hours, working conditions, etc.
 negotiations:

 Name of Existing City of San José - Association of Maintenance
 Contract or MOA: Supervisory Personnel (AMSP) Benefit &
 Compensation Summary

 How to Obtain a Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 copy of Existing Telephone – Employee Relations: (408) 535-8150
 Contract or MOA:
3. Organization or **City Association of Management Personnel**
 Name and Title of **Agreement (CAMP)**
 Unrepresented
 Employees:

 Nature of wages/salaries, hours, working conditions, etc.
 negotiations:

 Name of Existing Benefit & Compensation Summary — City of San José
 Contract or MOA: and City Association of Management Personnel
 Agreement

 How to Obtain a Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 copy of Existing Telephone – Employee Relations: (408) 535-8150
 Contract or MOA:

4. Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO
 How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 Telephone – Employee Relations: (408) 535-8150

5. Organization or Name and Title of Unrepresented Employees: **International Union of Operating Engineers, Local No. 3 (OE#3)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)
 How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 Telephone – Employee Relations: (408) 535-8150

6. Organization or Name and Title of Unrepresented Employees: **San José Police Officers' Association (SJPOA)**
 Nature of negotiations: wages/salaries, hours, working conditions, etc.
 Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association
 How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>
 Telephone – Employee Relations: (408) 535-8150

By unanimous consent, Council recessed from the Closed Session at 12:20 p.m. to reconvene in Regular Open Session at 1:30 p.m. in the Council Chamber.