



City Council Meeting SYNOPSIS

Tuesday, August 24, 2021
<https://sanjoseca.zoom.us/j/93052835954>

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**

9:30 a.m. - Closed Session, Call to Order.

Councilmembers Absent: All present.

1:32 p.m. - Regular Session

Councilmembers Absent: All present. (Carrasco present virtually)

- **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

- **Invocation (District 7)**

The Venerable Thich Phap Lu'u of the Chua Di Lac Buddhist Temple offered the invocation.

- **Orders of the Day**

The Orders of the Day were approved.

Mayor Sam Liccardo offered that today's meeting would be adjourned in honor and memory of Bishop Emeritus John E. Erwin, Sr. aka "Jon Jon's".

- **Closed Session Report**

Mayor Sam Liccardo formally introduced the new San José City Manager, Jennifer Maguire.

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation Recognizing August 28 and 29, 2021 as Silicon Valley Pride weekend. (Foley)

Councilmember Pam Foley introduced representatives from the Silicon Valley Pride Association and spoke on the importance of this Proclamation and this years' Pride weekend theme, "Love and Liberation". A commendation was issued to Nicole A. (President), Brian R., and Saul S.

1.2 Presentation of a Proclamation Recognizing August 26, 2021 as Women's Equality Day. (Arenas)

Councilmember Sylvia Arenas introduced representatives from the Latina Coalition of Silicon Valley and spoke on the importance of this Proclamation. A commendation was issued to Gabriela Chavez-Lopez (President), Dianna Zamora-Marroquin, and Zuma Maciel.

1.3 Presentation of a Commendation to Lincoln Ladies Varsity Soccer Team for their hard work, dedication, and teamwork to win the Central Coast Section II Championship. (Davis)

Councilmember Dev Davis introduced students from the Lincoln High School Ladies Varsity Soccer Team and spoke on the determination it took to achieve the teams Championship Accomplishment. A commendation was issued to the team as a whole.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 21-1830 Final Adoption of Ordinances.

(a) Ordinance No. 30625 - An Ordinance of the City of San José Amending Sections 3.49.025, 3.49.030, 3.49.040 3.49.050, 3.49.070 and 3.49.181 of Chapter 3.49 And Sections 3.50.020, 3.50.030 and 3.50.040 of Chapter 3.50 of Title 3 of the San José Municipal Code to Provide that Councilmembers Shall No Longer Actively Participate in the PTC Plan and Provide for Participation by Councilmembers in the City of San José, California Defined Contribution Plan for Unit 99 Employees. [Passed for Publication on 8/10/2021- Item 2.10(a) (21-1705)]

Action: **Ordinance No. 30625** was passed for publication. (11-0.)

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

Councilmember Dev Davis offered the Verbal Report.

2.7 21-1819 Approval of Flag Raisings, Lighting, and Proclamation Recognizing Silicon Valley Pride Sponsored by Council District 9 and Council District 6 as a City Council Sponsored Special Event to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on July 28, 2021:

(a) Approve the Rainbow and Bisexual Flag Raisings (August 24-31, 2021) as a City Council sponsored Special Event and approve the expenditure of funds. (b) Approve the 2021 Silicon Valley Pride lighting ceremony (August 24-31, 2021) as a City Council sponsored Special Event and approve the expenditure of funds. (c) Approve the

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2.7 (Cont'd.)

proclamation event scheduled on August 24, 2021 as a City Council sponsored Special Event and approve the expenditure of funds. (d) 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. (Foley and Davis) [Rules Committee referral 7/28/2021 - Item G.1.g]

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

2.8 21-1821

Adoption of the Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project and Approval of the Project's Status Report and Project Scope.

Adopt a resolution:(a) Adopting the Initial Study/Mitigated Negative Declaration for the Trimble and Agnews Municipal Groundwater Wells Project (File No. ER20-015) and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act; and (b) Approving the status report and project scope for the Trimble and Agnews Municipal Groundwater Wells Project. CEQA: Trimble and Agnews Municipal Groundwater Wells Project Initial Study and Mitigated Negative Declaration, Planning File No. ER20-015. (Environmental Services) [Deferred from 6/29/2021 - Item 2.14 (21-1527)]

Action: **Resolution No. 80187** was adopted. (11-0.)

2.9 21-1822

Approve an Ordinance Dedicating Additional Public Right-of-Way as part of Coleman Avenue, Champions Way, Wondo Way, Earthquakes Way, and Aviation Avenue.

Approve an ordinance dedicating as public right-of-way approximately 299,336 square feet of City-owned property along the south side of Coleman Avenue and the newly constructed streets named Champions Way, Wondo Way, Aviation Avenue, and Earthquakes Way and accepting the newly dedicated rights-of-way into the City's street system as named above in conjunction with the PayPal Park Stadium and the Coleman Highline Development Projects. CEQA: Determination of Consistency with the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (Resolution No. 75309), File No. PDC09-004. Council District 3. (Public Works)

Action: **Ordinance No. 30651** was passed for publication. (11-0.)

2.10 21-1904

Approval of Three Dumpster Days Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on August 18, 2021: (a) Retroactively Approve the Brooktree Neighborhood Dumpster Day scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Approve the Vinci Park Dumpster Day scheduled on September 25, 2021

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2.10 (Cont'd.)

as a City Council sponsored Special Event and approve the expenditure of funds; (c) Approve the Flickinger Neighborhood Dumpster Day scheduled on October 16, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and (d) 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. (Cohen) [Rules Committee referral 8/18/2021 - Item G.1.a]

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

2.11 21-1908

Approval of the 15th Annual Santos Family Car Show Sponsored by Council District 4 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 August 18, 2021: (a) Approve the 15th Annual Santos Family Car Show scheduled on September 4, 2021 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. (Cohen) [Rules Committee referral 8/18/2021 - Item G.1.b]

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

2.12 21-1912

Approval of the Listed District 2 Events as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

As recommended by the Rules and Open Government Committee on August 18, 2021: (a) Approve the Great Oaks Movie Night scheduled on August 30, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Approve Coffee with the Chief scheduled on September 18, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Approve the expenditure of District 2 office budget funds to purchase gift cards and other prizes not to exceed \$50 for a free raffle; and (d) 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. (Jimenez) [Rules Committee referral 8/18/2021 - Item G.1.c]

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

2.13 21-1916

Retroactive Approval of the San Jose State University Flag Raising and Lighting 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 August 18, 2021:

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2.13 (Cont'd.)

(a) Retroactively approve the San Jose State University (SJSU) Flag Raising scheduled on August 23, 2021 and the SJSU lighting scheduled on August 19-20, 2021 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 8/18/2021 - Item G.1.d]

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

3. STRATEGIC SUPPORT

3.1 Report of the Acting City Manager, Jennifer Maguire (Verbal Report)

3.2 Labor Negotiations Update.

3.3 21-1823 Recognition of Juneteenth as a City-Observed Holiday Effective June 19, 2022.

Adopt a resolution recognizing Juneteenth as a City-observed holiday effective June 19, 2022. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. 80188** was adopted. (11-0.)

3.4 21-1917 Vaccine Mandate.

(a) Adopt an urgency ordinance requiring all attendees and staff at events at City facilities--such as the SAP Arena, Convention Center, and Center for Performing Arts--to demonstrate proof of vaccination prior to entry in a gathering of any substantial size, such as 50 or more persons. The City should utilize commonly accepted and readily deployable methods of proof, such as the State of California's QR Code-enabled system. **PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).**
(b) Return at a subsequent Council meeting to evaluate data and discuss whether San José should similarly require vaccination prior to entry in indoor dining, theaters, gyms, and other privately-owned facilities that serve the general public. Such a discussion should be informed by what we have learned from San Francisco's experience, including the impact on local businesses, the change in infection rates, the change in vaccination rates, and the safety of employees. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Liccardo)

Action: (a) Urgency **Ordinance No. 30652** was adopted with the City Manager's Office to come back for further discussion, discretion, and staff flexibility.

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3.4 (Cont'd.)

Including the acceptance of the supplemental memorandum from Mayor Sam Liccardo, dated August 19, 2021, clarifying the recommended direction that the City Manager provide sufficient time implementation/enforcement to allow operators of city owned facilities, including Team San Jose and Sharks Sports and Entertainment, to secure equipment and software necessary for implementation of vaccination requirement for entry, and to notify event organizers and promoters of the pending requirement.

Also included was direction to give the Administration flexibility to provide for exemptions to the Urgency Ordinance including medical and religious. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

10.1 (a) 21-1824 C20-002 & SP21-021 - Conforming Rezoning and Special Use Permit for the Property Located at 2586 Seaboard Avenue.

(1) Approve an ordinance rezoning certain real property of approximately 0.78 acres located on the east side of Seaboard Avenue, approximately 200 feet southeast of West Trimble Road (2586 Seaboard Avenue) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. (2) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow a day care center for a maximum of 120 children in an existing building, approval of an alternating use parking arrangement, and construction of on-site circulation improvements and two outdoor play areas. CEQA: Exempt per CEQA Guidelines Section 15303(c) and 15303(e) for New Construction or Conversion of Small Structures. Council District 4. (Planning, Building and Code Enforcement)

DEFERRED TO 9/14/2021

- 10.1(b) **21-1825** **HL21-001 & MA21-001 - Application for City Landmark Designation and Historical Property (Mills Act) Contract for the Property Located at 285 South 12 Street (Doobie Brothers House).**

RENUMBERED TO ITEM 10.5 (21-1855)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 **21-1826** **SP20-004 - Special Use Permit for 1530-1544 West San Carlos Street Mixed-Use Project.**

(a) Adopt a resolution certifying the West San Carlos Street Mixed-Use Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA). (b) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of three existing commercial buildings, eight residential buildings, and associated service structures totaling approximately 14,131 square feet, the removal of 15 trees (11 ordinance-size, four non-ordinance-size) for the construction of two seven-story residential mixed-use buildings, including 173 residential units and 17,836 square feet of commercial retail space with a 42 percent parking reduction on an approximately 1.34-gross acre site. CEQA: West San Carlos Street Mixed-Use Project Environmental Impact Report. Planning Commission recommends approval (9-0-1-1; Cantrell abstain; Ornelas-Wise absent). Council District 6. (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 80189** and (b) **Resolution No. 80190** were adopted. (10-0-1. Absent: Carrasco.)

- 10.3 **21-1827** **H19-053 & T20-004 - Site Development Permit and Vesting Tentative Map for Marriott Townplace Suites on the Northeast Corner of West San Carlos Street and Josefa Street Intersection.**

(a) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report for the Marriott Townplace Suites on West San Carlos Street and make certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA). (b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge four parcels into one parcel on an approximately 0.60-gross acre site. (c) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow the demolition of three residential units, a water tank building, three commercial buildings, removal of seven trees (two ordinance-size and five non-ordinance-size), and two sheds for the construction of a building with an up to 175-room hotel on an approximately 0.60-gross acre site. CEQA: Supplemental Environmental Impact Report (SEIR) to the Downtown

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10.3 (Cont'd.)

Strategy 2040 Environmental Impact Report (EIR) for the Marriott Townplace Suites. Council District 3. Planning Commission recommends approval (10-0-1; Cantrell absent). (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 80191**, (b) **Resolution No. 80192**, and (c) **Resolution No. 80193** were adopted. (10-0-1. Absent: Carrasco)

10.4 21-1828

SP20-005 & T21-015 - Vesting Tentative Map and Special Use Permit for Property Located on the Northwest Corner of South Almaden Boulevard and Woz Way.

(a) Adopt a resolution certifying the Woz Way Project Supplemental Environmental Impact Report (SCH No. 2003042127) to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and making certain findings concerning significant impacts, mitigation measures, alternatives, Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA). (b) Adopt resolution approving, subject to conditions, a Vesting Tentative Map, to merge existing five lots to one lot for up to 15-commercial condominium units on this 3.57-gross acre site. (c) Adopt a resolution approving, subject to conditions, a Special Use Permit, to allow the construction of a 16-story office building with two towers totaling approximately 2.1 million square feet, including 37,603 gross square feet of ground floor retail and amenity space and 1,433,301 gross square feet of commercial office space with an alternative parking design (three levels of underground parking including stackers, tandem and valet parking) on a 3.57-gross acre site; and to allow up to 15 commercial condominium units and extended construction hours to include Saturday work from 7:00 AM to 7:00 PM and 24-hour concrete pours for up to 12 days per year over the course of construction. CEQA: Woz Way Project Supplement Environmental Impact Report (SEIR) to the Downtown Strategy 2040 EIR. Council District 3. (Planning, Building and Code Enforcement)

RENOTICED TO 9/14/2021

10.5 21-1855

HL21-001 & MA21-001 - Application for City Landmark Designation and Historical Property (Mills Act) Contract for the Property Located at 285 South 12 Street (Doobie Brothers House). - RENUMBERED FROM ITEM 10.1(b)

Conduct a Public Hearing, and: (a) Adopt a resolution designating 285 South 12th Street (Doobie Brothers House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature. (b) Adopt a resolution approving the Historical Property Contract (Mills Act Contract) between the City of San José and property owners John and Lauren White for the property located at 285 South 12th Street. CEQA: Exempt per CEQA Guidelines Section 15331. Council District 3. Historic Landmarks Commission recommends approval (4-0). (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 80194** and (b) **Resolution No. 80195** were adopted. (11-0.)

- **Open Forum**

1. Tessa Woodmansee addressed fossil fuels and the climate crisis needing to be discussed on Agendas.
2. Robert Aguirre spoke to the need for a commission to have the unhoused community heard and spoke to Recreational Vehicle (RV) parking in certain neighborhoods.
3. Paul Soto thanked Councilmember Sergio Jimenez for his words on a previous item and spoke to historical injustices.
4. Blair Beekman addressed equity, reimagining, and open democratic practices.
5. Caller '5140' spoke to peaceful protests.
6. Roland spoke to the use of N95 facemasks and government policies.
7. Mike Sodergren spoke to historical landmark preservations and the code enforcement of unoccupied buildings.

- **Adjournment**

The Council of the City of San José adjourned at 9:46 p.m. in honor and memory of Bishop Emeritus John E. Erwin, Sr. aka “Jon Jon’s”.

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

FOR APPROVAL:

Tract: 10538

Location: S/S of Prune Way and Olsen Drive and N/S of 280-Junipero Serra Freeway, 1,000' west of Winchester Boulevard.

District: 1

Lots/Units: 17/224

Type: MFA

Proposed Decision: Approved

Developer: Pulte Group