



City Council Meeting SYNOPSIS

Tuesday, September 14, 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.

1:30 p.m. - Regular Session

Councilmembers Absent: All present.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 8)**

Paula Escobar, Santa Clara County Finalist for Youth Poet Laureate offered the invocation.

- **Orders of the Day**

The Orders of the Day were approved.

Councilmember Sergio Jimenez offered that today's meeting would be adjourned in honor and memory of Rebecca Boylan, former Director of Philanthropy YMCA.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation recognizing September 16, 2021 as Mexican Independence Day. (Carrasco)

Councilmember Magdalena Carrasco introduced representatives from the Regional Medical Center of San José and spoke on the importance of this Proclamation. A commendation was issued to Director of Physicians, Robert A., Kathy Wilson, and the entire Latino staff and team as a whole at the Regional Medical Center for their selfless hard work in honor of Mexican Independence Day.

1.2 Presentation of a Proclamation for World Alzheimer's Month. (Foley)

Councilmember Pam Foley introduced a representative from the Alzheimer's Association of Northern California and spoke on the importance of this Proclamation. A commendation was issued to Health Systems Director, Director of Diversity, Equity, and Inclusion Stella De La Pena.

1.3 Presentation of a Proclamation retroactively recognizing September 6, 2021 as Jaswant Singh Khalra Day. (Arenas)

Councilmember Sylvia Arenas spoke on the importance of this Proclamation and the impact and importance of Jaswant Singh Khalras' life. A commendation was issued to the family of Human Rights Activist, Jaswant Singh Khalra in remembrance of all his efforts and activism.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 21-1937

Final Adoption of Ordinances.

(a) Ordinance No. 30651 - An Ordinance of the Council of the City of San José Dedicating as Public Right-of-Way Approximately 299,336 Square Feet of City-Owned Property as Part of Coleman Avenue, Earthquakes Way, Wondo Way, Aviation Avenue and Champions Way. [Passed for Publication on 8/24/2021 - Item 2.9 (21-1822)]

(b) Ordinance No. 30659 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 28.99-Gross Acre Site Situated on the West Side of East Capitol Expressway, Approximately 1,165 Feet Southerly of Quimby Road (Assessor Parcel Numbers 670-29-032, 670-29-033, 670-29-035, and 670-50-001 To 670-50-005), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. [Passed for Publication on 8/31/2021 - Item 10.1(a)(2) (21-1898)]

(c) Ordinance No. 30660 - An Ordinance of the City of San José Rezoning 51 Properties from the CP Commercial Pedestrian and CN Commercial Neighborhood Zoning District to the CIC Combined Industrial/Commercial Zoning District, Nine Properties from the CP Commercial Pedestrian Zoning District to the LI Light Industrial Zoning District, and Two Properties from the CN Commercial Neighborhood Zoning District to the IP Industrial Park Zoning District, Located in Various Locations in the City of San José. [Passed for Publication on 8/31/2021 - Item 10.1(b) (21-1899)]

Action: (a) **Ordinance No. 30651**, (b) **Ordinance No. 30659**, and (c) **Ordinance No. 30660** were passed for publication. (11-0.)

2.3 Approval of Council Committee Minutes.

None provided.

- 2.4 21-1974 Mayor and Council Excused Absence Requests.**
(a) Request for an excused absence for Councilmember Davis from the Regular Meetings of the Rules and Open Government Committee on August 25, 2021 due to illness. (b) Request for an excused absence for Councilmember Esparza from the Special Meeting of the Transportation and Environment Committee on August 30, 2021 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis & Esparza)[Rules Committee referral 9/8/2021 - Item A.1.a for (b)]
- Action: The Mayor and Council Excused Absence Requests were approved. (11-0.)
- 2.5 City Council Travel Reports.**
- 2.6 Report from the Council Liaison to the Retirement Boards.**
- 2.7 21-1975 Airline-Airport Lease and Operating Agreement with All Nippon Airways Co., LTD.**
Adopt a resolution authorizing the City Manager or designee to negotiate and execute:
(a) A First Amendment to the Airline-Airport Lease and Operating Agreement with All Nippon Airways Co., LTD. to terminate the agreement early, effective March 31, 2021; and (b) A retroactive Airline-Airport Non-Signatory Operating Agreement effective April 1, 2021. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)
- Action: **Resolution No. 80209** was adopted. (11-0.)
- 2.8 21-1976 Amendment to Master Services Agreement with Logik Systems, Inc. for Hosted E-Discovery and Document Management.**
Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth Amendment to the Master Services Agreement with Logik Systems, Inc. for hosted e-discovery and document management, increasing the maximum amount of compensation by \$45,630, for a total compensation amount of \$366,179, and extending the term beginning September 28, 2017 through March 27, 2022. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
- Action: **Resolution No. 80210** was adopted. (11-0.)
- 2.9 21-1995 Settlement of Santa Cruz, et al. v. City of San José et al.**
Approve a settlement in the case of Santa Cruz, et al. v. City of San Jose, et al. in the amount of \$400,000, and authorize the City Attorney to execute a Settlement Agreement. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)
- Action: The settlement in the case of Santa Cruz, et al. v. City of San Jose, et al. was approved. (11-0.)

2.10 21-1978

Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard. - DEFERRED

(a) Adopt a resolution: (1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection (“Subject Property”); (2) Conditionally vacating the Subject Property, which after the satisfaction of the condition, will be superseded by relocation; (3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and (4) Declaring the Subject Property “exempt surplus land” to the needs of the City. (b) Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute: (1) Purchase and Sale Agreement with the adjacent property owners Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A), in exchange for the conditionally vacated 674 square feet and Assessor’s Parcel Number 259-35-055 being voluntarily annexed to the Convention Center Facilities District; (2) Purchase and Sale Agreement with adjacent property owner Bit Holdings Sixty-Eight, Inc. for the sale of approximately 707 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between N. Almaden Boulevard and W. Santa Clara Street, in accordance with to Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; and (3) All other documents necessary to complete the transactions. CEQA: Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, H18-038. Council District 3. (Economic Development and Cultural Affairs/Public Works) [Deferred from 8/31/2021 - Item 2.8 (21-1886)]

DEFERRED TO 9/21/2021 PER ADMINISTRATION

2.11 21-1979

Actions Related to the Purchase Order for Window and Gate Maintenance, Repair, Installation and Replacement Services.

Adopt a resolution authorizing the City Manager to: (a) Execute a purchase order with Pro Door and Glass (San José, CA) for glass, window, and gate maintenance, repair, installation and replacement services at citywide facilities for an initial twelve-month period, starting on or about September 15, 2021 and ending on or about September 14, 2022 for an amount not-to-exceed \$750,000; and (b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about September 14, 2026, subject to the annual appropriation of funds. CEQA: Categorically Exempt, CEQA Guidelines 15301, Existing Facilities, File No. ER19-083. (Finance)

Action: **Resolution No. 80211** was adopted. (11-0.)

2.12 21-1980

Actions Related to the Purchase Orders for Metal and Steel Fence Maintenance, Repair and Replacement Services.

Adopt a resolution authorizing the City Manager to: (a) Execute purchase orders with Agbayani Construction, Inc. (San José, CA) and Tucker Construction, Inc. (San José, CA) for metal and steel maintenance, repair, and replacement services for an initial twelve-month period, starting on or about September 15, 2021 and ending on or about September 14, 2022 for a total cumulative compensation not-to-exceed amount of \$1,750,000. (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 September 14, 2026, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP17-008, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80212** was adopted. (11-0.)

2.13 21-1997

Fourth Quarter Financial Reports for Fiscal Year 2020-2021.

As recommended by the Public Safety, Finance and Strategic Support Committee on August 19, 2021, accept the Fourth Quarter (period ending June 30, 2021) Financial Reports for the Fiscal Year 2020-2021 for the following programs: (a) Debt Management (b) Investment Management (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 8/19/2021 - Item (d)1]

Action: The Fourth Quarter Financial Reports for Fiscal Year 2020-2021 (period ending June 30, 2021) was accepted. (11-0.)

2.14 21-1996

Destination: Home SV Grant for Supportive or Extremely Low-Income Housing Developments.

Approve a Grant Agreement between Destination: Home SV and the City of San José for up to three years, through June 30, 2024, in the total amount of \$540,000 to expedite applications for supportive or extremely low-income housing developments. CEQA: Not a Project, File No. PPI7-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Planning, Building and Code Enforcement/Housing)

Action: The Grant Agreement between Destination: Home SV and the City of San José was approved. (11-0.)

2.15 21-1981

City Hall Lighting Policy.

Adopt a resolution amending City Council Policy 7-14, City Hall Special Event Lighting Policy, to specifically include San José State University special events. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Public Works)

Action: **Resolution No. 80213** was adopted. (11-0.)

2.16 21-1982

Actions Related to the 9095- Ramac Park Turf Replacement Project.

(a) Report on bids and award of construction contract for the 9095- Ramac Park Turf Replacement Project to the low bidder, Redgwick Construction Co. for the base bid in the amount of \$2,011,882 and approve a five percent contingency in the amount of \$100,594. (b) Adopt the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund: (1) Increase the Ramac Park Turf Replacement appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$234,000; and (2) Decrease the Future Parkland Dedication Ordinance/ Parkland Impact Ordinance Projects Reserve by \$234,000. CEQA: Categorically Exempt, File No. ER20-192, CEQA Guidelines Section 15302 Replacement or Reconstruction. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Action: (a) The report on the bids and award of construction contract for the 9095- Ramac Park Turf Replacement Project was accepted and (b) Appropriation **Ordinance No. 80213** was adopted. (11-0.)

2.17 21-1983

Caltrans Sustainable Transportation Planning Grant.

Adopt a “Resolution of Local Support” to receive grant funds from the Caltrans Sustainable Transportation Planning Grant that indicates the City will: (a) Follow all grant program requirements; and (b) Authorize the City Manager or designee to negotiate and execute grant agreements and all documents necessary to effectuate the grant agreements with MTC, that are administered by California Department of Transportation (Caltrans), in an amount not to exceed \$797,670 for reimbursement for the following two projects: (1) Walk Safe San José, in an amount not to exceed \$398,400; and (2) King Road Complete Street Project, in an amount not to exceed \$399,270. CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council Districts 3, 5, 6, 7 and 8. (Transportation)

Action: **Resolution No. 80214** was adopted. (11-0.)

2.18 21-2004

Approval of Mexico's Independence Flag Raise Ceremony, Tower and Rotunda Lighting on September 16-22 and Community Event 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 September 1, 2021: (a) Approve the Mexico's Independence Flag Raise Ceremony scheduled on September 16-22, 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. (Carrasco) [Rules Committee referral 9/1/2021 - Item G.1.a]

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

Retroactive Approval of Multiple Special Events Sponsored by Council District 7 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 September 1, 2021: (a) Retroactively approve the Dahl Kindergarten Promotion scheduled on June 14, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (b) Retroactively approve the Dahl 6th Grade Promotion scheduled on June 15, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (c) Retroactively approve the Owsley Community Safety Meeting scheduled on June 16, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (d) Retroactively approve the Hubbard Movie Night scheduled on July 9, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (e) Retroactively approve the Dumpster Day on Flory Drive scheduled on July 10, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (f) Retroactively approve the Bellevue Soccer Clinic at Bellevue Park scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (g) Retroactively approve the Owsley Movie Night at McLaughlin Park scheduled on July 17, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (h) Retroactively approve the Owsley Movie Night at McLaughlin Park scheduled on August 6, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (i) Retroactively approve the Rocksprings Zumba scheduled on August 7, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (j) Retroactively approve the Fair Swim Center Pool Party at the Fair Swim Center scheduled on August 13, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (k) Retroactively approve the Communications Hill Movie Night scheduled on August 14, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (l) Retroactively approve the Dumpster Day on Feldspar Drive scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (m) Retroactively approve the First Responders Cup scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (n) Retroactively approve the Seven Trees Litter Pick Up scheduled on August 21, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; (o) Retroactively approve the Dumpster Day on Perrymont Avenue scheduled on August 28, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and (p) Approve and accept donations from various individuals, businesses or community groups to support the events. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Esparza) [Rules Committee referral 9/1/2021 - Item G.1.d]

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

2.20 21-2013

Approval of Fall Family Festival 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 September 1, 2021: (a) Approve Fall Family Festival scheduled on October 24, 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. (Arenas) [Rules Committee referral 9/1/2021 - Item G.1.e]

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

2.21 21-2061

Board and Commissions Appointment.

Approve the following Boards and Commissions appointments:(a) Housing and Community Development Commission: (1) District 3 Seat: Barry Del Buono to a term ending June 30, 2025; (2) District 5 Seat: Ruben Navarro to a term ending June 30, 2025; (3) District 7 Seat: Victoria Partida to a term ending June 30, 2025; and (4) District 9 Seat: John Sellarole to a term ending June 30, 2025. (b) Clean Energy Community Advisory Commission: (1) Victor Niemeyer to a term expiring December 31, 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 9/8/2021 - Item A.1.a]

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

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire invited San José residents to the “VivaCalleSJ” event on September 19, 2021 and addressed President Joe Biden’s “Path out of the Pandemic: President Biden’s Action Plan”.

Deputy City Manager, Emergency Operations Center Director, Lee Wilcox; and Director, Office of Administration, Policy, and Intergovernmental Relations, Sarah Zarate offered more details and information on the six pronged planned focus for President Joe Biden’s “Path out of the Pandemic: President Biden’s Action Plan” which are: to get more people vaccinated, preparing for boosters, keeping kids safe and in school, increasing testing and masking, protecting the economy, and strengthening the surge response.

3.3 21-1984

Actions Related to Purchase Orders for Citywide Radio Upgrade Assurance Program.

Adopt a resolution authorizing the City Manager to: (a) Execute the Radio Upgrade Assurance plan with Motorola Solutions, Inc. (“Motorola”) (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority (“SVRIA”) dated June 26, 2020 for radio equipment and services in an amount not to exceed \$11,500,000, including estimated sales tax, for the ten-year term beginning on or about September 14, 2021 through June 30, 2031, subject to the appropriation of funds; (b) Execute annual purchase orders with Motorola in accordance with the SVRIA Agreement and the Radio Upgrade Assurance plan for an amount not to exceed \$5,869,516, including estimated sales tax, in the first year of the ten-year term beginning on or about September 14, 2021 through June 30, 2022, subject to the appropriation of funds; and (c) Amend purchase orders as required for unanticipated changes in requirements, quantities, and sales tax for a contingency amount not to exceed \$800,000 for the ten-year term, 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) [Deferred from 8/31/2021 - Item 3.4 (21-1913)]

Action: **Resolution No. 80215** was adopted. (11-0.)

3.4 21-1994

Approval of Citywide Insurance Renewals.

Adopt a resolution authorizing the Director of Finance to: (a) Select and purchase City property and liability insurance policies for the period of October 1, 2021 to October 1, 2022, at a total cost not to exceed \$4,024,339 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers: (1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage; (2) Beazley Syndicate 2623/623 at Lloyd’s for Terrorism Insurance; (3) The Princeton Excess and Surplus Lines Insurance Company and Arch Specialty Insurance Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis; (4) National Union Fire Insurance Company of Pittsburgh, PA, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile); (5) Old Republic Insurance Company, for Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage; (6) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility; (7) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses; (8) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability; (9) Hartford Life and Accident Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and (10) Berkley Insurance Company for Government Fidelity/Crime Coverage. (b) Select and purchase Additional Liability Insurance for the period of October 22, 2021 to October 22, 2022 at cost ranging from \$150,000 to \$650,000, 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)

(Item Continued on the Next Page)

3.4 (Cont'd.)

Action: **Resolution No. 80216** was adopted.

A separate vote was required for Item 3.4 during Orders of the Day with a 2/3 vote required to amend the recommended supplemental memorandum under the Sunshine Ordinance. Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, the members of the Council accepted the amended supplemental memorandum from Julia H. Cooper, dated September 13, 2021, directing the Director of Finance to: (a) Select and purchase City property and liability insurance policies for the period of October 1, 2021 to October 1, 2022, at a total cost not to exceed \$4,024,339 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers: (1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage; (2) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance; (3) The Princeton Excess and Surplus Lines Insurance Company and Arch Specialty Insurance Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis; (4) National Union Fire Insurance Company of Pittsburgh, PA, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile); (5) Old Republic Insurance Company, for Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage; (6) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility; (7) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses; (8) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability; (9) Hartford Life and Accident Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and (10) Berkley Insurance Company for Government Fidelity/Crime Coverage. There is no change to recommendation (b). (11-0.)

3.5 **21-2075** **City Manager Appointment and Compensation.**

As recommended by the Rules and Open Government Committee on September 8, 2021, adopt a resolution appointing Ms. Jennifer Maguire as City Manager, effective August 24, 2021, and approving the terms of compensation as outlined in the September 3, 2021 letter from Mayor Liccardo. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative activities resulting in no changes to the physical environment. (Mayor) [Rules Committee referral 9/8/2021 - Item G.6]

Action: **Resolution No. 80217** was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 21-1985 Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc, HDR Engineering Inc, Brown and Caldwell, and Black & Veatch Corporation for General Engineering Services for the San José - Santa Clara Regional Wastewater Facility Capital Improvement Program.**
Approve Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc, HDR Engineering Inc, Brown and Caldwell, and Black & Veatch Corporation to provide general engineering services at the San José - Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2028 in amounts not to exceed \$7,000,000 each, 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. (Environmental Services)

Action: The Master Consultant Agreements with Jacobs Engineering Group Inc, CDM Smith Inc., HDR Engineering Inc., Brown and Caldwell, and Black & Veatch Corporation were approved. (11-0.)

- 6.2 21-2072 City of San José and Santa Clara Valley Water Efforts Toward Purified Water Project.**
As recommended by the Rules and Open Government Committee on September 8, 2021: (a) Coordinate with the Santa Clara Valley Water District (Valley Water) to immediately select a mutually agreed upon subject matter expert to facilitate negotiation meetings between the City of San José and Valley Water. (b) Both parties are to enter the first negotiation meeting with a clear, concise, and detailed term sheet which would clarify negotiation outcomes for January 2022. (c) Accept a written letter from Valley Water indicating Valley Water's commitment to pay for City support services for an amount adequate to fund all costs incurred by the City to support negotiation of new agreements including legal services and a facilitator; and authorize the City Manager to negotiate and execute a Master Agreement for Valley Water's payment for City services required to support negotiations related to the purified water project consistent with the City Council's direction from April 13, 2021. (d) Continue to hold check-in meetings, as needed, comprised of elected officials and/or representatives from the San José City Council and Valley Water Board of Directors. (e) Provide verbal reports of progress from San José City staff to the Transportation & Environment Committee and Treatment Plant Advisory Committee. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Jones, Cohen, and Jimenez) [Deferred from 9/1/2021 - Item G.3 (ROGC 21-714)] [Rules Committee referral 9/8/2021 - Item G.3]

Action: The City of San José and Santa Clara Valley Water Efforts Towards a Purified Water Project was approved. (11-0.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 21-1986 Disposition and Development Agreement with BXP and Almaden Associates, LP. - DROPPED.

Adopt a resolution authorizing the Executive Officer of the Successor Agency to the Redevelopment Agency of the City of San José, after approval by the Redevelopment Dissolution Countywide Oversight Board for Santa Clara County and subsequently by the State of California Department of Finance, to: (a) Execute an Amended and Restated Disposition and Development Agreement ("DDA") with BXP Almaden Associates, LP for the construction of a mixed-use project consisting of office space, retail space, and a garage ("Project") for the 3.57-gross acre site located on the Northwest Corner of South Almaden Boulevard and Woz Way; and (b) Negotiate and execute all ancillary documents and agreements referenced in or required under the DDA for the Project. CEQA: Supplemental Environmental Impact Report to the Downtown Strategy 2040 EIR for the Almaden Office Project, File No. SP20-005 and T21-015. Council District: 3. (Economic Development and Cultural Affairs)

DROPPED PER ADMINISTRATION.

10. LAND USE

10.1 Land Use on Consent Calendar

10.1 (a) 21-1987 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 acre 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 from 8/24/2021 Item 10.1(a) (21-1824)]

Action: (1) **Ordinance No. 30663** was passed for publication and (2) **Resolution No. 80218** was adopted. (11-0.)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

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

(a) Adopt a resolution certifying the Almaden Office Project Supplemental Environmental Impact 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 a resolution approving, subject to conditions, a Vesting Tentative Map, to merge existing five parcels to one parcel and to resubdivide 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: Almaden Office Project Supplement Environmental Impact Report to the Downtown Strategy 2040 EIR. Council District 3. (Planning, Building and Code Enforcement) Planning Commission recommends approval 6-3-2 (Cantrell, Montanez, and Young opposed; Caballero and Oliverio absent). [Deferred from 8/24/2021 - Item 10.4 (21-1828)]

Action: (a) **Resolution No. 80219**, (b) **Resolution No. 80220**, and (c) **Resolution No. 80221** were adopted. Including the friendly amendment by Mayor Sam Liccardo requesting staff to include comprehensible information and clarity into the Environmental Impact Report, to allow readers to better understand and evaluate whether or not a site is compliant with the City.

Also including the joint memorandum from Mayor Sam Liccardo, Councilmember Raul Peralez, Councilmember Sergio Jimenez, Councilmember Dev Davis, and Councilmember Pam Foley, dated September 10, 2021, approving the Planning Commission's recommendation with the following addition: (1) Direct the applicant to work with Parks, Recreation, Neighborhood & Services and San José Airport staff and/or partners such as the Guadalupe River Park Conservancy (GRPC) to explore mitigation measures and implement the selected option(s) to restore and enhance off-site riparian habitats as required by the Environmental Impact Report (EIR). (11-0.)

• Open Forum

The following public comments were made in person:

1. Sheena Madan, Sandip Madan, Reshma Salian-George, Prateek Kansal, Bharat, Khalid Sabzwari, Maribel Montaner, Lubna Afzal, Ofelia Hernandez, Shweta Shingte, Suhas A., and Giyang Youn collectively addressed their frustrations and concerns with the location of the homeless encampments and Recreational Vehicle (RV) parking in their neighborhood on 71 Vista Montana Street. They stated that the encampments and RV's were placed in their neighborhood next to a children's park without any notification or input from the residents, and their presence has made it unsafe for residents to take their children there and has caused vehicle congestion and theft issues. They urged City Staff and Council to find a different location that is not in a residential area to appropriately meet the needs of the unhoused community.

The following public comments were made virtually through Zoom:

1. Blair Beekman spoke to the Consent Calendar, community engagement regarding the homeless encampments, and open public policies.
2. Roland addressed his concerns with the Valley Transportation Authority (VTA) event at the Convention Center, which is expecting approximately 300 participants, as it can become a potential COVID-19 "spreader event".
3. Paul Soto spoke to low-income housing issues in the City.
4. Alma spoke to her concerns of placing homeless encampments near toxic sites that have high arsenic levels.
6. Thomas spoke to his social media post captioned, "Silicon Valley Guantanamo Bay" comparing homeless encampments to Guantanamo Bay.
7. Tessa Woodmansee spoke to the Charter Review Commission addressing clean air and climate issues.
8. Gail O. thanked Lam, Stacey, and the City staff for their hard work and efforts.
5. Alma, Joseph, Vicky, Vahee, Shabareesh, Nick, Geet, Bagesh, and 9 other speakers all collectively addressed their frustrations and concerns with the location of the homeless encampments and Recreational Vehicle (RV) parking in their neighborhood on 71 Vista Montana Street. They stated the location is next to a children's park in their neighborhood, making it unsafe for their children to play, and spoke to their concerns with Councilmember Cohen's actions, fire hazards due to the encampments, petty crimes, and not being properly notified about this decision. They urged City Staff and Council to find a different location that is not in a residential area to appropriately meet the needs of the unhoused community.

Adjournment

This meeting is adjourned at 5:57 p.m. in memory of Rebecca Boylan, former Director of Philanthropy YMCA. Rebecca's passion was working with teens; specifically, teens who needed an advocate. She was intentional in her relationship building. She let every dismissal or inappropriate reaction slide off her back and dug her heels in more to connect. She didn't just relationship build; she likely helped save lives. Rebecca attended San Jose State University and continued her employment with the Y on and off until graduation when she joined the South Valley Family YMCA in 2008 as The Director of Philanthropy and Administration. Titles didn't mean anything to Rebecca though; you could find her with her sleeves rolled up in pretty much every facet of the Y. Rebecca was a champion of people. She truly wanted to help people be the best they can. She pushed hard, expected excellence and challenged herself to support beyond measure. The South Valley Y thrived in meeting and exceeding fundraising goals under her leadership. She was unapologetic in challenging the Y and the larger community to do more. She would remind us all youth deserve access and we have a responsibility to them. This infectious leadership would grow to be the culture and as a result, Rebecca leaves behind a legacy that will be imprinted for years to come. Generations of kids have come back to the Y to express appreciation or start their own Y journey. There is a palpable difference without her, a footprint no one can fill. We will honor her memory by continuing to be the best we can be. It's what she expects of us.