



City Council Meeting SYNOPSIS

Tuesday, September 21, 2021

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<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 – Absent: Davis.

1:30 p.m. Present: Councilmembers -Carrasco, Arenas, Mahan, Jimenez, Jones, Cohen, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - Davis.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 8)**

Craig Ferguson, President of Thompson Creek Neighborhood Association, provided the Invocation.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with Item 2.10 deferred. (10-0-1. Absent: Davis.)

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation recognizing September 20, 2021 through September 24, 2021 as Fall Prevention Awareness Week. (Foley)

Councilmember Pam Foley presented a proclamation recognizing Fall Prevention Awareness Week to Dianna Miller, Department of Aging, and Gabrielle Antolovich Senior Commission Chair.

1.2 Presentation of a Proclamation recognizing National Literacy Month. (Arenas)

Councilmember Sylvia Arenas presented a proclamation recognizing National Literacy Month to the Evergreen Valley Rotary Club for its good works, including establishing pop-up libraries.

1.3 Presentation of a Proclamation recognizing Suicide Prevention Month. (Peralez)

Councilmember Raul Peralez recognized Suicide Prevention Month and presented a proclamation to the Suicide Prevention Services Division of County of Santa Clara.

2. CONSENT CALENDAR

The Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Davis.)

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

None provided.

2.3 Approval of Council Committee Minutes.

None provided.

2.4 21-2113 Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Cohen from the Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole on September 22, 2021 due to authorized City Business.

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

[Rules Committee referral 9/15/2021 - Item A.1.a]

Action: The Excused Absence Request was approved. (10-0-1. Absent: Davis.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 21-2034 Approval of Three Dumpster Days Sponsored by Council District 5 as a 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) Approve the Dumpster Day scheduled on September 25, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(Item Continued on the Next Page)

2.7 (Cont'd.)

(b) Approve the Dumpster Day scheduled on October 8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds;

(c) Approve the Dumpster Day scheduled on October 23, 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. (Carrasco)

[Rules Committee referral 9/1/2021 - Item G.1.b]

Action: The City Council Sponsored Special Events were approved. (10-0-1. Absent: Davis.)

2.8 21-2041 Retroactive Approval of Dumpster Day 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) Retroactively approve the Dumpster Day Event scheduled on September 11, 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.c]

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1. Absent: Davis.)

2.9 21-2042 Amendment to Master Consultant Services Agreement with AECOM Technical Services.

Approve a Second Amendment to the Master Consultant Services Agreement with AECOM Technical Services, Inc. for professional consulting services, extending the term from December 31, 2021 to December 31, 2022, with no change in maximum compensation.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

Action: The Amendment to the Master Consultant Services Agreement was approved. (10-0-1. Absent: Davis.)

2.10 21-2043

Hewlett Packard Ground Lease Termination.

(a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Third Amendment to the Ground Lease of Parcel W-9 Agreement with Hewlett Packard Enterprise Company to terminate the agreement early, effective upon execution by the City with a payment to Hewlett Packard Enterprise Company of \$1,500,000.

(b) Adopt the following 2021-2022 Appropriation Ordinance Amendments in the Airport Renewal and Replacement Fund:

(1) Establish the Hewlett Packard Enterprise Lease Buyout appropriation to the Airport Department in the amount of \$1,500,000; and

(2) Decrease the Ending Fund Balance in the amount of \$1,500,000.

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

(Airport/City Manager)

Dropped per Orders of the Day.

2.11 21-2044

City Manager’s Travel to Portland, Oregon. - DROP

Authorize travel for City Manager Jennifer Maguire to Portland, Oregon on October 1 - 3, 2021 to participate in the Large Cities Executive Forum. Source of Fund: General Fund/City Manager's Non-Personal Appropriation.

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

DROPPED

2.12 21-2045

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:

(Item Continued on the Next Page)

2.12 (Cont'd.)

(b) (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) and 9/14/2021 - Item 2.10 (21-1978)]

Deferred to 9/28/2021 per Administration

2.13 21-2046 Google Donation to work2future to Fund the San José Job Center Relocation Costs.

Adopt a resolution accepting a donation of \$300,000 from Google for moving, tenant site improvements, and technology upgrades to the new work2future San José Job Center location.

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

Action: **Resolution No. 80222** regarding Google Donation to work2future to Fund the San José Job Center Relocation Costs was adopted. (10-0-1. Absent: Davis.)

2.14 21-2047 Stormwater Permit Annual Report for Fiscal Year 2020-2021.

Adopt a resolution authorizing certification and submittal of the FY 2020-2021 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2021, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City Action. (Environmental Services)

Action: **Resolution No. 80223** authorizing certification and submittal of the Stormwater Permit Annual Report for Fiscal Year 2020-2021 was adopted. (10-0-1. Absent: Davis.)

2.15 21-2048 Actions Related to the Purchase Orders for Maintenance, Repair and Operations Services for Norman Y. Mineta San José International Airport.

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with ECS Design, Inc. (San José, CA) and Castillo Plumbing, Inc. (Burlingame, CA) for maintenance, repair, and operation services for the Norman Y. Mineta San José International Airport for an initial twelve-month period, starting on or about September 21, 2021 and ending on or about September 20, 2022 for a total cumulative compensation not-to-exceed \$700,000; and

(b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about September 21, 2026, subject to the annual appropriation of funds.

CEQA: Environmental Impact Report for Norman Y. Mineta San Jose International Airport Master Plan (Resolution No. 79497 and SCH#2018102020), File No. PP18-103. (Finance)

Action: **Resolution No. 80224** regarding actions related to the Purchase Orders for Maintenance, Repair and Operations Services for Norman Y. Mineta San José International Airport was adopted. (10-0-1. Absent: Davis.)

2.16 21-2049 Actions Related to the Purchase Order with Vincent Electric Company for Motor, Generator, Pump, Gearboxes and Related Equipment Test, Repair and/or Overhaul/Rebuild Services.

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Vincent Electric Company (Oakland, CA) for motor, generator, pump, gearboxes and related equipment test, repair and/or overhaul/rebuild services for a twelve-month period, starting on or about September 21, 2021 and ending on September 20, 2022, for an amount not to exceed \$172,000; 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 20, 2026, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. ER21-152, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 80225** regarding actions related to the purchase order with Vincent Electric Company was adopted. (10-0-1. Absent: Davis.)

2.17 21-2050 Actions Related to Open Purchase Order with Bear Electric Solutions, Inc for Outside Plant Fiber Optic Cable Installations, Maintenance, Repair, Splicing and Testing Services.

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Bear Electric Solutions, Inc. (Alviso, CA) for outside plant fiber optic cable installation, maintenance, repair, splicing and testing services for an initial twelve-month period, starting on or about September 21, 2021 and ending on or about September 20, 2022 for a total cumulative compensation not-to-exceed amount of \$900,000; 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 20, 2026, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Finance)

Action: **Resolution No. 80226** regarding actions related to the purchase order with Bear Electric Solutions, Inc. was adopted. (10-0-1. Absent: Davis.)

2.18 21-2051 Amendment to the Agreement with Applications Software Technology LLC for a Service Request Management/Customer Relationship Management Software Solution.

Adopt a resolution authorizing the City Manager to negotiate and execute the Fourth Amendment to the Agreement for a Service Request Management/Customer Relationship Management (SRM/CRM) Software Solution with Applications Software Technology (AST) LLC (Naperville, IL) to migrate the San José 311 web portal and mobile application to a low-code or no-code platform, provide application development, testing, deployment, and post go-live support for new features and enhancement, and increase compensation by \$200,000 for a revised maximum compensation not to exceed \$1,666,983 for the initial term ending November 30, 2021.

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

Action: **Resolution No. 80227** regarding execution of the Fourth Amendment to the Agreement with Applications Software Technology (AST) LLC was adopted. (10-0-1. Absent: Davis.)

2.19 21-2060 Retroactive Approval of the Ethiopian Flag Raising as a City Sponsored Special Event to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on September 8, 2021:

(a) Retroactively approve the Ethiopian Flag Raising scheduled on September 1-8, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and

2.19 (Cont'd.)

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

[Rules Committee referral 9/8/2021 - Item G.1.a] (Mayor)

Action: Retroactive approval of the City Sponsored Special Event was accepted. (10-0-1. Absent: Davis.)

2.20 21-2069

Seamless Transit Principles.

As recommended by the Rules and Open Government Committee on September 8, 2021, adopt a resolution supporting the Seamless Transit Principles.

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

[Rules Committee referral 9/8/2021- Item G.5]

Action: **Resolution No. 80228** supporting Seamless Transit Principles was adopted, with the September 2, 2021 memorandum from Councilmember Raul Peralez accepted, recommending adoption of the proposed resolution. (10-0-1. Absent: Davis.)

3. STRATEGIC SUPPORT

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

3.3 21-2052

Recovery Task Force Membership.

Approve the COVID-19 Recovery Task Force membership, as shown in Attachment A of the staff memorandum, as part of the FY 2021-2022 City Roadmap “Build Back Better + Recovery Task Force” Initiative.

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

Action: The COVID-19 Recovery Task Force membership was approved, including Councilmember Raul Peralez’ memorandum dated September 20, 2021 to approve staff’s recommendation including the supplemental memo dated September 15 and amending membership to include the following: “1. Santa Clara & San Benito Building and Construction Trades Council 2. Service Employees International Union (SEIU) / United Service Workers West (USWW) 3. United Food and Commercial Workers (UFCW) Local 5 4. San José Jazz 5. MACLA/Movimiento de Arte y Cultura Latino Americana 6. San José Museum of Art 7. Small Business Advisory Task Force.” Additionally including: Local Union 270 (per Councilmember Carrasco); Evergreen Islamic Center (per Vice Mayor Jones); A gender-based violence prevention agency, such as YWCA (per Councilmember Arenas); and an environmental issues group such as Sierra Club or Greenbelt Alliance (per Councilmember Cohen). (9-1-1. Noes: Liccardo. Absent: Davis.)

3.4 21-2053 Actions Related to Pension Obligation Bonds Issuance and Court Validation

Proceedings. - RECOMMEND DEFERRAL

Adopt a resolution authorizing the issuance of bonds to refund and repay certain pension obligations of the City of San José, approving the form and authorizing the execution of a Trust Agreement and Bond Purchase Agreement; authorizing judicial validation proceedings relating to the issuance of such bonds and approving additional actions related thereto.

CEQA: Not a Project, File No. PP17-004, 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. (City Manager/City Attorney)

Deferred to 10/5/2021 per Administration

3.5 21-2054 Amendment to the Vendor Agreement with Managed Health Network for Employee Assistance Programs and Critical Incident Stress Management Benefits and MHN Services for Substance Abuse Treatment.

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Managed Health Network for employee assistance programs and critical incident stress management benefits and MHN Services, LLC for substance abuse treatment, extending the term of the Agreement from December 31, 2021 to December 31, 2022, and increasing the not to exceed Agreement amount from \$2,346,114 to a revised not to exceed amount of \$3,006,639, 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. (Human Resources)

Action: **Resolution No. 80229** regarding the Vendor Agreement with Managed Health Network for Employee Assistance Programs and Critical Incident Stress Management Benefits and MHN Services for Substance Abuse Treatment was adopted. (10-0-1. Absent: Davis.)

4. PUBLIC SAFETY SERVICES

4.1 21-2065 Pedestrian Safety Pilot at Monterey Road and Curtner Avenue.

As recommended by the Rules and Open Government Committee on September 8, 2021:

(a) Direct Staff to pilot recording video cameras at Monterey and Curtner, which will record the intersection in a manner consistent with our current Privacy Policy, including time limited recording retention as appropriate, and report back to the Transportation and Environment Committee with a report on the pilot program to assess effectiveness.

(Item Continued on the Next Page)

4.1 (Cont'd.)

(b) Direct Staff to explore the use of American Rescue Plan or federal infrastructure funding for these efforts.

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

(Esparza)

[Deferred from 9/1/2021 - Item G.2 (ROGC 21-713)]

[Rules Committee referral 9/8/2021 - Item G.2.3 and G.2.4]

Action: The Pedestrian Safety Pilot at Monterey Road and Curtner Avenue was accepted. (10-0-1. Absent: Davis.)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-2055 Fiscal Year 2020-2021 Consolidated Annual Performance Evaluation Report.

(a) Conduct a final public hearing on the FY 2020-2021 Consolidated Annual Performance Evaluation Report.

(b) Accept the report on the progress towards achieving the housing and community development goals identified in the City's five-year Consolidated Plan (2020-2025) and the FY 2020-2021 Annual Action Plan regarding the use of federal funds from the U.S. Department of Housing and Urban Development for submittal by the September 28, 2021 deadline.

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)

Action: The final public hearing was held, and the Fiscal Year 2020-2021 Consolidated Annual Performance Evaluation Report was accepted. (10-0-1. Absent: Davis.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None provided.

OPEN FORUM

In person:

Wanda Hendrix and Diana Hunter urged immediate remediation regarding a neighbor that has introduced unhealthy, hazardous blight on Tolbert Court in San José, making for an untenable situation. Councilmember Maya Esparza asked the speakers to remain after the meeting to discuss resolution.

Via Zoom:

- Krishna spoke to lack of oversight and safety concerns at the homeless encampments in his neighborhood.
- Caller '5140' spoke to perceived apathy by city workers and addressed the previous speakers' comments saying people should not have to live next door to squalor.
- Tessa Woodmansee talked about the status of her neighborhood and having no input into the General Plan, diesel emissions and lack of response from the City.
- Paul Soto spoke to the 'smoking mirror' theory and need to see ourselves reflected.

- Speaking to the effects of a homeless encampment in their neighborhood at Vista Montaña were Thomas Doherty, Alma, Hoda, Ofelia Hernandez, Raj, Srinath and Bharat. They complained that the City including their Councilmember David Cohen are not responsive to their plight, complaining of a creation of a toxic waste site, fire hazards and drug/alcohol use and endangerment of their children.
- Blair Beekman spoke on COVID testing and need for subsidy programs.
- Roland spoke on access to VTA meetings, indicating there should be an option to attend virtually. He also noted the violation of a federal code by not having closed captioning available.

ADJOURNMENT

The Council of the City of San José adjourned at 6:35 p.m.