



City Council Meeting SYNOPSIS

Tuesday, November 2, 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**

9:31 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 9)**

Father Gerald "Jerry" T. Wade, Chancellor of Bellarmine College Preparatory offered the invocation.

- **Orders of the Day**

The Orders of the Day were approved.

- **Closed Session Report**

None presented.

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation declaring National Adoption Month. (Davis).

Councilmember Dev Davis introduced a representative from The Kinship Adoptive and Foster Parent Association (KAFPA) and spoke on the importance of this Proclamation. A commendation was issued to Program Director, Denise Marchu.

1.2 Presentation of a Proclamation recognizing Sikh American Awareness & Appreciation Month. (Arenas)

Councilmember Sylvia Arenas introduced representatives from Sikh Gurdwara Sahib of San José and spoke on the importance of this Proclamation. A commendation was issued to Sukhdev Singh Bainiwal and Surjit Singh Bains.

1.3 Presentation of a Commendation to Salvador (Chava) Bustamante for his lifelong dedication to East Side San José, through his services he has assisted many working families to achieve a better life through community empowerment, civic participation, and leadership development. (Carrasco)

Councilmember Magdalena Carrasco accompanied by Councilmember Maya Esparza introduced a representative from Latinos United for a New America (LUNA) and spoke on the importance of this Commendation. A commendation was issued to Salvador Bustamante “Chava”.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 21-2321 Final Adoption of Ordinances.

(a) Ordinance No. 30679 - An Ordinance of the City of San José Amending Section 11.04.040 Of Chapter 11.04 of Title 11 of the San José Municipal Code to Revise City Holidays [Passed for Publication on 10/19/2021 - Item 2.8 (b) (21-2229)]

Action: (a) **Ordinance No. 30679** was adopted. (10-0-1. Absent: Jimenez)

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.

2.7 21-2314 Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard.

(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

(Item Continued on the Next Page)

2.7 (Cont'd.)

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 Carlisle Street 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, which is the vested owners of the units of the Axis Condominium project, as tenants in common, through the Board of Directors, which property is managed by Axis Homeowners Association, a California nonprofit mutual benefit corporation, for the sale of approximately 707 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between Carlisle Street and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; subject to the rights of the vested owners of the Axis Condominium Unit No. 101 with respect to such portion of the transferred property that constitutes “Exclusive Use Common Area” as designated by, and in accordance with the terms and conditions of, the declaration for the Axis Condominium Project; 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), 9/14/2021 - Item 2.10 (21-1978), 9/21/2021 - Item 2.12 (21-2045), 9/28/2021 - Item 2.9 (21-2096) and 10/19/2021 - Item 2.9 (21-2214)]

Action: (a) **Resolution No. 80277** and (b) **Resolution No. 80278** were adopted. (10-0-1. Absent: Jimenez)

2.8 21-2295

Proposed Amendments to Chapter 9.10 of Title 9 of the San José Municipal Code (Solid Waste Management) and Administrative Citation Schedule of Fines.

(a) Approve an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to implement the requirements of SB 1383, California’s Short-Lived Climate Pollutant Reduction Strategy Regulations, and to more efficiently implement residential, commercial, and enforcement of solid waste programs. (b) Adopt a resolution amending the Administrative Citation Schedule of Fines to reduce fines for the placement of solid waste containers outside of side or rear yard and add fines for SB 1383 enforcement as required by law. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Environmental Services)

Action: (a) **Ordinance No. 30684** amending Title 9 of the San José Municipal Code was passed for publication and (b) **Resolution No. 80279** was adopted. (11-0.)

2.9 21-2315

Grant Application for California Department of Parks and Recreation Proposition 68: General Per Capita Program and Santa Clara Valley Open Space Authority for Park Development Located at the Southeast Corner of Midfield Avenue and Havana Way.

Adopt resolutions authorizing the City Manager to: (a) Submit a grant application and, if awarded, negotiate and execute a grant agreement, amendments and related documents with the California Department of Parks and Recreation for the Proposition 68: General Per Capita Grant Program for an amount up to \$177,952, for park development at the southeast corner of Midfield Avenue and Havana Way; and (b) Submit a grant application and, if awarded, negotiate and execute grant agreements with Santa Clara Valley Open Space Authority for an amount up to \$550,000, for park development at the southeast corner of Midfield Avenue and Havana Way. CEQA: Categorically Exempt, File No. ER20-200, CEQA Guidelines Section 15332, Infill Development Projects. Council District 7. (Parks, Recreation and Neighborhood Services)

Action: (a) **Resolution No. 80280** and (b) **Resolution No. 80281** were adopted. (11-0.)

2.10 21-2296

Amendment to Chapter 4.10 of the San José Municipal Code Related to the Debarment of Contractors.

(a) Approve an ordinance amending Chapter 4.10 of Title 4 of the San José Municipal Code to consolidate, streamline, update and clarify the manner in which the City will conduct contractor debarments. (b) Adopt a resolution repealing Resolution No. 70592, which established procedures for administrative debarment hearings that have been incorporated into Chapter 4.10, as amended, and are therefore no longer needed. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works/Finance) [Deferred from 10/5/2021 - Item 2.10 (21-2133) and 10/19/2021 - Item 2.14 (21-2264)]

DROPPED.

2.11 21-2305

Approval of the World AIDS Day Tower and Rotunda 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 October 20, 2021: (a) Approve the World AIDS Day Tower and Rotunda Lighting scheduled from November 30 to December 6, 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. (Peralez) [Rules Committee referral 10/20/2021 - Item G.1.b]

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

2.12 21-2330

Request for Travel and Excused Absence.

Authorize travel for Councilmember Sergio Jimenez to the Sister Cities International 2021 Fall Leadership Meeting, in Washington DC on November 2-5, 2021, and excuse absence from the Special Meeting of Neighborhood Services and Education Committee on November 4, 2021 and the Special Meeting of the Public Safety, Finance and Strategic, Support Committee on November 5, 2021. Source of Funds: District 2 Funds. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez) [Rules Committee referral 10/27/2021 - Item A.1.a]

Action: The request for Travel and Excused Absence was approved. (11-0.)

2.13 21-2349

Boards and Commissions Appointment.

Approve the following Neighborhoods Commission appointment: (a) District 9 Seat: Appoint Brad Loos to a term ending June 30, 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 10/27/2021 - Item A.1.a]

Action: The Board and Commissions Appointment was approved. (11-0.)

2.14 21-2358

Retroactive Approval of Drive and Treat Resource Fair 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 October 27, 2021: (a) Retroactively approve the Drive and Treat Resource Fair at Meyer Elementary School scheduled on October 29, 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 10/27/2021 - Item G.1.a]

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

2.15 21-2362

Approval of the Music in the Valley Festival Sponsored by Council District 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 October 27, 2021: (a) Approve the Music in the Valley Festival scheduled on May 1, 2022 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. (Foley) [Rules Committee referral 10/27/2021 - Item G.1.b]

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

- 2.16 21-2370 Redistricting Commission Appointment.**
Appoint the following Commissioner to the Redistricting Commission: (a) Citywide and Chair: Fred Buzo CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Action: The Redistricting Commission Appointment was approved. (11-0.)

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire offered the Verbal Report and officially kicked off the City of San Jose's 2021 Annual Combined Giving Campaign. This year's theme is, "Give a little to help a lot". She recognized San José Fire Department, Fire Chief, Robert Sapien Jr. and the SJFD team members for coordinating this year's Campaign. City Manager, Jennifer Maguire also recognized the following four foundations: United Way Bay Area, Creating Healthier Communities (CHC), America's Best Local Charities, and "EarthShare" California.

3.2 Labor Negotiations Update.

3.3 21-2297 COVID-19 Pandemic Response and Community and Economic Recovery Budget Adjustments.

(a) Accept the report on recommended adjustments to the City's COVID-19 pandemic response and community and economic recovery budget. (b) Approve the position additions for various City Departments in support of pandemic response and recovery efforts as described in Attachment B to the staff memorandum. (c) Adopt 2021-2022 Appropriation Ordinance and Funding Sources Resolution amendments in the American Rescue Plan Fund, the Emergency Reserve Fund, and the General Fund as described in Attachment C to the staff memorandum. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

DEFERRED.

3.4 21-2320 Federal Immigration Reform.

As recommended by the Rules and Open Government Committee on October 20, 2021, adopt a resolution calling on Congress to preserve funding for Pro-Immigrant Policies, including a path to citizenship, in the federal budget resolution, and urging Congress and the President to pass a path to citizenship policy. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Esparza) [Rules Committee referral 10/20/2021 - Item G.3]

Action: **Resolution No. 80282** was adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 21-2298

Actions Related to Temporary Financial Relief and Amendments to Agreements for Aeronautical and Non-Aeronautical Tenants at the Norman Y. Mineta San José International Airport.

Adopt a resolution to: (a) Authorize the City Manager or designee to negotiate and execute amendments to concessionaires, airlines, tenant leases, and permits at the Norman Y. Mineta San José International Airport to provide continued financial relief to the Airport’s aeronautical and non-aeronautical tenants due to the ongoing impacts of the COVID-19 pandemic using Coronavirus Response and Relief Supplemental Appropriation Act and American Rescue Plan Act Grant Funds or other grants or Airport funds through December 31, 2023, as deemed necessary. Use of funds and delegated authority may include but is not limited to: (1) Amend Minimum Annual Guarantee Abatement language; (2) Continued suspension of Minimum Annual Guarantee Rent, and charge only percentage rent; (3) Modify the Pricing Policies; (4) Offset invoices for tenants that are unable to pay rents and fees due to tenant operations that were suspended at SJC due to COVID; (5) Deferral of fixed rents; and (6) Adjust tenant improvement construction schedules. (b) Authorize the City Manager or designee to extend non-aeronautical tenant agreements by up to four years to offset revenue losses due to low enplanements, and increased labor and construction costs as a result of the COVID-19 pandemic. 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. 80283** was adopted. (10-0-1. Absent: Carrasco)

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

No Land Use items on the Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

• Open Forum

- 1. Bair Beekman spoke to Item 2.9, redistricting ideas, and community map adjustments.

(Item Continued on the Next Page)

Open Forum (Cont'd.)

2. Gail Anne Osmer requested that porta potties be provided at a specific unhoused encampment site and at all the sites in general to allow for privacy of the residents living there.
3. John Falkenburg, a high school senior spoke to ideas of aligning the mayoral election with the presidential election and stated the importance of having more voters for the mayoral election.
4. Tessa Woodmansee spoke to increasing CO2 emissions, climate concerns, and the unhoused community.
5. Paul Soto spoke to the allocation of funding for different policies, the need for improvements to public safety, and poverty concerns for low-income homes in San José.
6. Caller '5140' spoke to SJPD concerns, such as the lack of staff responding to his phone calls.
7. Roland spoke to the status of the DACA project, the allocation of funds for projects, the Caltrain Diridon Station, and Downtown San José.
8. Sheena M. spoke to her concerns with the 71 Vista Montana unhoused encampment site, the need for porta potties, the lack of security, and requested that staff relocate this site.
9. Aurelia Sanchez addressed the funding of the SJPD Parking Enforcement Division, stated the importance of increasing SJPD staffing, and spoke to concerns regarding the crime in her neighborhood.
10. Ofelia Hernandez addressed her concerns with 71 Vista Montana unhoused encampment site, their living conditions, funding, safety needs, and requested to have this site shut down and relocated.
11. Giyoung Yoon requested that the City Manager hold a community engagement meeting regarding the 71 Vista Montana unhoused encampment site and have the site removed and relocated.
12. Hoda spoke to her concerns with the 71 Vista Montana unhoused encampment site, its close proximity to a children's park, and requested it be relocated.
13. Scott Largent spoke to the importance of providing services to the unhoused communities and the crash zone location concerns.
14. Thomas Doherty stated that an unhoused encampment site should never be located near a children's park and addressed the environmental concerns of the site he lives next to.
15. Michelle Kalish spoke to the unhoused encampments in District 3 where she lives, not having parks near unhoused encampments, and the new Google Village.

• Adjournment

The Council of the City of San José adjourned at 4:03 p.m.