



# **City Council Meeting SYNOPSIS**

**Tuesday, November 16, 2021**

**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, Call to Order.**  
**Councilmembers Absent: All present.**

**1:37 p.m. - Regular Session.**  
**Councilmembers Absent: Esparza.**  
**Councilmembers Present Virtually: Carrasco.**  
**Councilmembers Present at Council Chambers: Liccardo, Jones, Jimenez, Peralez, Cohen, Davis, Arenas, Foley, Mahan.**

- **Pledge of Allegiance**

Vice Mayor Chappie Jones led the Pledge of Allegiance.

- **Invocation (District 9)**

Reverend, of the Rector of The Episcopal Church in Almaden, Shelley Booth Denney 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 Commendation to the Lairon Food Pantry for their tireless work in supporting the Seven Trees community during the unprecedented crisis caused by COVID-19. (Esparza)**

Councilmember Raul Peralez introduced representatives from the Lairon Food Pantry on behalf of Councilmember Maya Esparza and spoke on the importance of this Commendation. A commendation was issued to the coordinators and volunteers from the Lairon Food Pantry.

## **1.2 Presentation of a Proclamation recognizing United Against Hate Week. (Arenas)**

Councilmember Sylvia Arenas introduced representatives and members from United Against Hate Week and spoke on the importance of this Proclamation. A commendation was issued to members from United Against Hate Week.

## **1.3 Presentation of a Proclamation recognizing Saturday, November 27, 2021 as Small Business Saturday in the City of San José. (Jones)**

Vice Mayor Chappie Jones introduced representatives from the Latino Business Foundation of Silicon Valley, Small Business Development Center of Silicon Valley, and the Silicon Valley Minority Business Consortium and spoke on the importance of this Proclamation. A commendation was issued to Latino Business Foundation of Silicon Valley, President, Jose Flores; Small Business Development Center of Silicon Valley, Director, Dennis King; and representing the Silicon Valley Minority Business Consortium, Reginald Swilley.

# **2. CONSENT CALENDAR**

## **2.1 Approval of City Council Minutes.**

## **2.2 21-2416 Final Adoption of Ordinances.**

(a) Ordinance No. 30684 - An Ordinance of the City of San José 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 Regulation, and to More Efficiently Implement Residential, Commercial, and Enforcement of Solid Waste Programs. [Passed for Publication on 11/2/2021 – Item 2.8 (a) (21-2295)]

Action: (a) **Ordinance No. 30684** was adopted. (10-0-1. Absent: Esparza)

## **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 21-2373

**Amendment to the Ground Lease Agreement Between the City of San José and Our City Forest.**

(a) Approve the Second Amendment to the Ground Lease Agreement with Our City Forest to retroactively extend the term for one year, from May 1, 2021 through April 30, 2022. (b) Adopt a resolution authorizing the Director of Aviation to negotiate and execute up to five one-year options to extend the term of the Lease through April 30, 2027 on the same terms and conditions. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment (Airport)

Action: (a) The second amendment to the Ground Lease Agreement with Our City Forest was approved and (b) **Resolution No. 80288** was adopted. (10-0-1. Absent: Esparza)

2.8 21-2374

**Actions Related to the Agreements for Leased Premises of Ancillary and Office Support Space for Food and Beverage Concessionaires at the Norman Y. Mineta San José International Airport.**

(a) Approve the Lease of Airport Premises between the City of San José and SSP America SJC, LLC through June 30, 2035. (b) Adopt a resolution authorizing the Director of Aviation to: (1) Negotiate and execute Lease of Airport Premises with Food and Beverage Concessionaires, not to exceed the term of the Concession Agreements; (2) Negotiate and execute amendments to extend Lease of Airport Premises with Food and Beverage Concessionaires to align the term with the Concession Agreement; (3) Terminate the Lease of Airport Premises in the event of default of the Concession Agreement; and (4) Negotiate and execute amendments to the Food and Beverage Concession Agreements to incorporate leased premises into the Food and Beverage Concession Agreements under the rates and charges as established by Resolution 79296. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Action: The Lease of Airport Premises between the City of San José and SSP America SJC, LLC was approved and (b) **Resolution No. 80289** was adopted. (10-0-1. Absent: Esparza)

2.9 21-2351

**Settlement of Jean-Marie White, et. al. v. Santa Clara Valley Water District (SCVWD) and City of San José.**

Approve a settlement in the case of Jean-Marie White, et.al. v. Santa Clara Valley Water District (SCVWD) and the City of San José (the 2017 Flood Cases) in the amount of \$750,000 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 Jean-Marie White, et.al. v. Santa Clara Valley Water District (SCVWD) and the City of San José was approved. (10-0-1. Absent: Esparza)

**2.10 21-2209**

**Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through December 16, 2021 During Governor’s Proclaimed COVID State of Emergency.**

Adopt a resolution of the Council of the City of San José finding the continued existence of the need to extend AB 361 implementation and amending the City’s Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor’s proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor’s Executive Orders regarding the Brown Act into the City’s open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Action: **Resolution No. 80290** was adopted. (10-0-1. Absent: Esparza)

**2.11 21-2375**

**Retroactive Approval of "Free Use" of City Hall Rotunda for a Community Vaccination Event.**

Adopt a resolution authorizing retroactive “Free Use” of City Hall Rotunda for a community vaccination event held on Saturday, October 30, 2021. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates and Fares without changes to or expansion of services and Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. 80291** was adopted. (10-0-1. Absent: Esparza)

**2.12 21-2376**

**Actions Related to the Purchase Orders for Radio Communication System Upgrades at the Airport and Regional Wastewater Facility.**

Adopt a resolution authorizing the City Manager to: (a) Amend the open purchase order with Motorola Solutions, Inc. (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority dated June 26, 2020, for radio communications system upgrade and related equipment and services for the Regional Wastewater Facility, to retroactively continue and extend the term of the purchase order from September 9, 2021 through March 30, 2023 and to increase compensation by a cumulative not-to-exceed amount of \$41,434, for a revised maximum compensation not to exceed \$1,603,375; (b) Execute a purchase order with Motorola Solutions, Inc. (Chicago, IL) under the Agreement between Motorola and the Silicon Valley Regional Interoperability Authority dated June 26, 2020, for radio communications system upgrade and related equipment and services for the Airport in the amount not to exceed \$1,016,889 through March 30, 2023; and (c) Amend purchase orders as required for unanticipated changes in requirements, quantities and sales tax for a contingency amount not-to-exceed \$262,026, subject to the appropriation of funds. CEQA: Determination of Consistency with the Norman Y. Mineta San José International

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**2.12 (Cont'd.)**

Airport Master Plan Update Project Environmental Impact Report and Addenda thereto (Resolution Nos. 67380 and 71451), and the San José-Santa Clara Water Pollution Control Plan Master Plan Project Environmental Impact Report and Addenda thereto (Resolution No. 76858), File No. ER21-275. (Finance)

Action: **Resolution No. 80292** was adopted. (10-0-1. Absent: Esparza)

**2.13 21-2380**

**Actions Related to the Purchase Order with DFC, Inc. for Inspection, Maintenance and Repair Services for Police Helicopter.**

(a) Adopt a resolution resuming the practice of placing items related to the Police Department on the consent calendar using the Administration's standard criteria of cost, significance, and public interest to determine whether an item is appropriate for the consent calendar and ending the practice of agendaing all Police Department items for the regular agenda instead of the consent calendar as directed by the City Council on June 12, 2020. (b) Adopt a resolution authorizing the City Manager to: (1) Execute a purchase order with DFC, Inc. dba Advanced Helicopter Services (Woodland, CA) for inspection, maintenance, and repair services for the Police Department's helicopter for a twelve-month term starting on or about November 17, 2021 and ending on or about November 16, 2022, in an amount not-to-exceed \$400,000; and (2) Execute additional purchase orders for ongoing services as necessary, 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)

Action: (a) **Resolution No. 80293** and (b) **Resolution No. 80294** were adopted. (10-0-1. Absent: Esparza)

**2.14 21-2377**

**Grant Agreement with San José Public Library Foundation for Library Programs.**

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and the San José Public Library Foundation in an amount not to exceed \$1,848,000 for the fiscal administration of San José Learns funds (\$1,500,000), fiscal administration of the San José Aspires (SJ Aspires) funds (\$298,000), and for fundraising activities to support Library programs (\$50,000). CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Library)

Action: **Resolution No. 80295** was adopted. (10-0-1. Absent: Esparza)

**2.15 21-2378**

**2021 Santa Clara County Multi-Jurisdictional Program for Public Information.**

Adopt a resolution approving the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information under the Community Rating System of the Federal Emergency Management Agency's National Flood Insurance Program. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works)

Action: **Resolution No. 80296** was adopted. (10-0-1. Absent: Esparza)

- 2.16 21-2384** **Amendment to Title 27 of the San José Municipal Code Related to the Issuance of Public Works Change Orders.**  
Approve a clean-up ordinance amending Section 27.30.080 of Chapter 27.30 of Title 27 of the San José Municipal Code to streamline the authority that the Directors of Public Works, Environmental Services, and Transportation must negotiate, execute, and issue change orders. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works)

Action: **Ordinance No. 30686** was passed for publication. (10-0-1. Absent: Esparza)

- 2.17 21-2407** **Actions Related to the Construction Contract for 9700 - Police E-Lot Fencing Project Re-Bid at the Southwest Corner of West Mission Street and North San Pedro Street for the Police Department.**  
(a) Retroactively approve the Director of Public Works establishing a 15 percent construction contingency in the amount of \$34,953 for the 9700 - Police E-Lot Fencing Re-bid Project; and (b) Approve a \$55,260 increase to the contract contingency for a revised contingency amount of \$90,213, to pay for additional work completed by the Contractor for a total revised contract amount of \$323,232. CEQA: Exempt, File No. PP19-014, CEQA Guidelines 15301, Existing Facilities. (Public Works) [Deferred from 11/9/2021 - Item 2.7 (21-2342)]

**DEFERRED TO 11/30/2021 PER ADMINISTRATION**

- 2.18 21-2442** **Retroactive Approval of Safe Neighbor Community Safety Training 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 November 10, 2021: (a) Retroactively approve the Safe Neighbor Community Safety Training event scheduled on November 13, 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 11/10/2021 - Item G.1.a]

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

### **3. STRATEGIC SUPPORT**

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

None presented.

#### **3.2 Labor Negotiations Update.**

### 3.3 21-2406

#### **Municipal Water Billing and Customer Service Audit Report.**

As recommended by the Transportation and Environment Committee on November 1, 2021, accept the report on the Municipal Water Billing and Customer Service Audit. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor) [Transportation and Environment Committee referral 11/1/2021 - Item (d)3]

Action: The report on the Municipal Water Billing and Customer Service Audit was accepted.

Including the memorandum from Mayor Sam Liccardo, dated November 15, 2021 recommending: (A) Accept the recommendations of the Audit, with particular prioritization of: (1) Recommendation #1 (providing consistent and timely leak notification to customers), with additional recommendations that: (a) After Muni Water completes its pilot of three Advanced Metering Infrastructure (AMI) technologies in Q1 2022, return to Council through the budget process with a recommendation for a plan to integrate funding AMI build-out in the City's five-year capital plan, and to deploy AMI to all 26,000 service connections. (b) Until every customer has AMI, prioritize the incorporation of technology-based solutions to ensure that 100% of Muni Water customers with a suspected leak receive a leak notification through email, text message, and/or other low-cost means. Explore with the City's Business Process Automation team how and whether other City or utility databases—such as from San Jose Clean Energy, waste and recycling, 311 service response, and, if lawful, registered voter or property taxpayer files from the County—can feed email and mobile phone numbers to Muni Water's database for low-cost notifications. (c) Discuss with San Jose Water Company and Great Oaks Water Company whether the City should mandate that every retailer in the City provide notification to 100% of customers whose meters detect constant flow over a 24 hour (or similar) period. (d) Explore with the Mayor's Office of Technology and Innovation the use of low cost technology tools for leak detection, notification, and field inspection that utilizing a LoRaWAN network currently undergoing citywide build-out. (2) Recommendation #8 (easing application process for low-income and medically vulnerable residents), with additional recommendation that forms be available in Spanish and Vietnamese. (3) Recommendation #13 (enabling rapid distribution of federal and state aid for low-income residents with delinquent bills), with the additional recommendation that: (a) Staff provide Council and Council staff with the best available information about local, state and federal assistance programs that they can share with their constituents through our outreach and engagement efforts. (b) As the State's youth workforce funding becomes available to the City, consider engaging Resilience Corps to conduct multi-lingual outreach, to low-income residents about financial assistance programs. (B) Adopt the recommendations contained in the memorandum from Councilmembers Arenas and Peralez, with the following qualifications: (a) For any recommendations that can be accomplished with funding from the federal Low Income Household Water Assistance Program (LIHWAP) or state grant programs, expedite implementation to ensure eligibility of City residents for those programs as soon as the dollars become available (and, in particular, before they're exhausted by statewide demand); (b) For any recommendations that must be accomplished with funding from rate revenues in San Jose Muni Water's budget, return to Council with recommendations for implementation accompanied by assessments of budgetary trade-offs and rate impact; (c) For those recommendations that state law or other regulations require the use of General Fund dollars, return to Council through the budgetary process, with estimates of the cost of enabling Muni Water's customers and the more than 90% of San Jose's low-income residents who live outside of Muni Water's service area to benefit from eligibility from the same program. (10-0-1. Absent: Esparza)



**3.4 21-2331**

**Appeals Hearing Board Interview**

Interview applicant for appointment to the Appeals Hearing Board: (a) Appoint Brett Williamson to the Public Member Seat on the Appeals Hearing Board for a full term from January 1, 2022 to December 31, 2025; (b) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days. 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 Appeals Hearing Board Interview was conducted. (10-0-1. Absent: Esparza)

**3.5 21-2420**

**An Ordinance to Amend San José Municipal Code Chapter 12.06 Related to Disclosures on Campaign Advertisements.**

Approve an ordinance amending Chapter 12.06 of Title 12 of the San José Municipal Code to: (a) Align the City’s disclaimer requirements for campaign advertisements with State law, but with stricter requirements for the disclosures of “top contributors”; (b) Require campaign committees making independent expenditures to file any printed campaign advertisements, with a distribution of 200 or more, with the City Clerk; and (c) Make other technical changes, including aligning the definition and use of Surplus Funds in the Municipal Code with the meaning under State law. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

Action: **Ordinance No. 30687** was passed for publication with the following amendments; to include a lower contribution limit, adding the submittal of ads distributed through the internet to be a part of the submission requirement, and include collaborative discussions with the Mayor’s Office of Technology and Innovation and the City Clerk’s Office regarding the submittal of digital electronic advertisements, staffing needs, and the timeline of implementation. The timing of implementation is dependent on the resources available. The amendments were accepted to come back to the full council in January or February.

Including the joint memorandum from Vice Mayor Chappie Jones, Councilmember Sergio Jimenez, Councilmember David Cohen, Councilmember Sylvia Arenas, and Councilmember Pam Foley, dated November 12, 2021 recommending: Approve the staff recommendations with the exception that the cumulative contribution threshold for “top contributors” shall be reduced from five thousand dollars (\$5,000) to two thousand five hundred dollars (\$2,500). (10-0-1. Absent: Esparza)

**3.6 21-2421**

**Options for Campaign Finance Regulations Related to Public Financing, Foreign Influence in Elections, and Other Limits on Corporations and Other Entities.**

(a) Accept the memorandum to Council discussing options for regulations related to public campaign financing, prohibitions on campaign contributions from foreign-influenced business entities, and other limits on corporations and entities with conflicts of interest donating to candidates for office. (b) Provide direction to staff to further develop or implement the options discussed in the memorandum to Council. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)

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### 3.6 (Cont'd.)

Action: The memorandum to Council discussing options for regulations related Options for Campaign Finance Regulations Related to Public Financing, Foreign Influence in Elections, and Other Limits on Corporations and Other Entities was accepted with the following amendments; to accept a 30 day extension time at the beginning of the election and considering an idea of a cap for post-election fundraising.

Including *only recommendation 2 and 3 and defer recommendation 1 for 90 days* of the joint memorandum by Councilmember David Cohen, Councilmember Sergio Jimenez, and Councilmember Pam Foley, dated November 16, 2021 with the following amendments recommending: ~~(1) Direct staff to return to Council with a draft ordinance requiring that corporations certify that they are not foreign influenced before making independent expenditures or contributing to campaigns and independent expenditure committees. (a) Amend the municipal code to define foreign influenced corporations as any corporation in which at least one of the following conditions is true: (i) 1% or more of the total ownership interests of the corporation are held by a single foreign entity (ii) 5% or more of the total ownership interests of the corporation are held by two or more foreign entities in aggregate (iii) The corporation is owned by a foreign entity that directly or indirectly participates in decisions on the corporation's political activities in the United States. (2) Return to Council with a model for a public campaign financing program administered by the Board of Fair Campaign and Political Practices: (a) Consider the reimbursement model used in Oakland and the matching model used in San Francisco and Los Angeles, referenced in the staff memo, as examples when making recommendations for the San José program, with analysis of anticipated costs, challenges, and benefits. (b) Require that eligible candidates: (i) Receive a certain number of small donations from San José residents before qualifying to apply for public financing (ii) Agree to accept no loans from third parties (iii) Agree to loan or donate no more than \$5,000 of their own funds to their campaign (iv) Be opposed in their race by a candidate who has also met the criteria for public financing (v) Other requirements for eligibility that staff may recommend (c) Identify, or make recommendations for the establishment of, a reliable ongoing funding source for the program, subject to voter approval if necessary. (3) Amend Section 12.06.290 of the Municipal Code to extend the campaign contribution period for primary and general council and mayoral elections to sixty days after the primary and general election dates, respectively. Specify that funds raised during this period must be used to retire campaign debts and liabilities and may not be used for any other purpose, and that solicitation of funds during this period must indicate clearly that they will be used for this purpose. (7-3-1. Absent: Esparza Noes: Davis, Mahan, Liccardo)~~

### 3.7 21-2379

#### **City Roadmap First Quarter 2021 Update.**

Accept the quarterly status report on the implementation of the Fiscal Year 2021-2022 City Roadmap. CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (City Manager)

Action: The quarterly status report on the implementation of the Fiscal Year 2021-2022 City Roadmap was accepted. (10-0-1. Absent: Esparza)

### 3.8 21-2381

#### **Agreement with Standard Insurance Company for Group Basic Life and Accidental Death and Dismemberment, Supplemental Life, Dependent Life and Matching Accidental Death and Dismemberment Insurance.**

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Standard Insurance Company to provide

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### 3.8 (Cont'd.)

group basic life and accidental death and dismemberment insurance, supplemental life insurance, dependent life insurance, and matching accidental death and dismemberment insurance as applicable, to employees and retirees, extending the term of the Agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed Agreement amount from \$5,683,418 to a revised not to exceed amount of \$13,427,595, 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. 80297** was adopted. (10-0-1. Absent: Esparza)

### 3.9 21-2382

#### **Agreement with Standard Insurance Company for Long-Term Disability Insurance.**

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Standard Insurance Company to provide long-term disability insurance to employees, extending the term of the Agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed Agreement amount from \$10,689,928 to a revised not to exceed amount of \$21,141,181, 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. 80298** was adopted. (10-0-1. Absent: Esparza)

### 3.10 21-2383

#### **Agreement with New York Life Group Benefit Solutions for Accidental Death and Dismemberment Voluntary Insurance.**

Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the vendor agreement with New York Life Group Benefit Solutions, formerly Life Insurance Company of North America, an affiliated Cigna company, to provide voluntary accidental death and dismemberment insurance to employees and retirees extending the term of the agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed amount from \$4,185,000 to a revised not to exceed amount of \$7,100,000. 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. 80299** was adopted. (10-0-1. Absent: Esparza)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

- 5.1 21-2385**      **Actions Related to the Direct Lease Concession Loan Policy and Amendments to the Agreements with Elevate Gourmet Brands-SFO Group and WSE Group, Inc.**  
(a) Adopt a resolution approving the Direct Lease Concession Loan Policy. (b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the food and beverage concession agreement, to incorporate direct lease business loan terms into the agreement in accordance with the Direct Lease Concession Loan Policy, in an amount not to exceed \$3,000,000 per agreement with Elevate Gourmet Brands-SFO Group, and WSE Group, Inc. (c) Adopt the following 2021-2022 Appropriation Ordinance amendments in the Airport Revenue Fund: (1) Increase the Transfer to the Airport Maintenance and Operation Fund in the amount of \$6,000,000; and (2) Decrease the Airline Agreement Reserve in the amount of \$6,000,000. (d) Adopt the following 2021-2022 Funding Sources Resolution and Appropriation Ordinance amendments in the Airport Maintenance and Operation Fund: (1) Increase the estimate for Transfers and Reimbursements by \$6,000,000; and (2) Establish the Tenant Business Loan Program appropriation to the Airport Department in the amount of \$6,000,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport/City Manager)

**DEFERRED TO 11/30/2021 PER ADMINISTRATION**

## **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**

- 10.2**      **21-2386**      **CP19-031 & SP20-016 - Conforming Rezoning and Special Use Permit for Property Located at 1212 South Winchester Boulevard.**  
(a) Adopt a resolution adopting the 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA). (b) Approve an ordinance rezoning certain real property located on the east side of South Winchester Boulevard approximately 270 feet south of Fireside Drive from the R-1-8 Single-Family Residence Zoning on an approximately 0.69-gross acre site. (c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance-size) and to allow the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49% parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site. CEQA: Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project. (Planning, Building, and Code Enforcement) [Deferred from 10/26/2021 - Item 10.2 (21-2263)]

**DEFERRED PER ADMINISTRATION**

- 10.3**      **21-2387**      **GP21-012, GPT21-002, C21-031, PDC21-033, PP21-012 - Changes to the General Plan Land Use Transportation Diagram, Zoning Map and Municipal Code for properties within North, Mid- and South Coyote Valley associated with the Envision San José 2040 General Plan Four-Year Review.**  
(a) Adopt a resolution adopting an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto in conformance with CEQA; (b) Adopt a resolution amending the Envision San José 2040 General Plan pursuant to Title 18 of the San José Municipal Code to modify the General Plan Land Use/Transportation Diagram Amendment for properties within North, Mid- and South Coyote Valley and make text revisions to the General Plan Four-Year Review. (c) Approve an ordinance rezoning 63 certain real properties from the R-1-5 Single Family Residence Zoning District to the A Agricultural Zoning District; 33 certain real properties from the R-1-1 Single Family Residence Zoning District to the A Agriculture Zoning District; 60 certain real properties from the R-1-5 Single Family Zoning District to the A Agriculture Zoning District; 11 certain real properties from the R-MH Mobilehome Park Zoning District to the A Agriculture Zoning District; 2 certain real properties from the HI Heavy Industrial Zoning District to the A Agriculture Zoning District; 2 certain real properties from the A Agriculture Zoning District to the OS Open Space Zoning District; 22 certain real properties from the A(PD) Planned Development Zoning District to the OS Open Space Zoning District; 1 certain real property from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District; 1 certain real property from the R-1-5 Single Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District; 1 certain real property from

*(Item Continued on the Next Page)*

### 10.3 (Cont'd.)

the R-1-5 Single Family Residence Zoning District to the CIC Combined Industrial/Commercial Zoning District; 1 certain real property from the CP Commercial Pedestrian Zoning District to the A Agriculture Zoning District; 4 certain real properties from the A Agriculture Zoning District to the IP Industrial Park Zoning District; and 1 certain real property from the A(PD) Planned Development Zoning District to the A Agriculture Zoning District, all located within the North, Mid- and South Coyote Valley in the City of San José. (d) Approve an ordinance of the City of San José rezoning certain real property of approximately 214.5 gross acres situated on the east side of Monterey Road between Metcalf Road and 1,400 feet south of Palm Avenue from the A Agriculture Zoning District to the A(P)D Planned Development Zoning District. (e) Approve an ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance) to revise Table 20-40 in Section 20.20.200 OS Open Space and An Agriculture Zoning District Development Standards to be consistent with the General Plan Coyote Valley Agriculture Overlay. CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR and Supplemental EIR to the Envision San José General Plan Final Program EIR. Planning Director recommends approval. Planning Commission recommends denial (5-4-1-1; Caballero, Cantrell, Lardinois, and Torrens opposed; Montañez absent; Ornelas-Wise abstained). (Planning, Building and Code Enforcement)

Action: (a) **Resolution No. 80300**, (b) **Resolution No. 80301** were adopted; and (c) **Ordinance No. 30688**, (d) **Ordinance No. 30689**, and (e) **Ordinance No. 30690** were passed for publication. The item was referred to the Transportation & Environment Committee to come back for further discussion in 6 months with a report on funding opportunities to purchase the land and include a study on the wildlife connection.

Including the joint memorandum from Mayor Sam Liccardo, Councilmember Sergio Jimenez, Councilmember Raul Peralez, Councilmember Pam Foley, and Councilmember David Cohen, dated November 12, 2021 recommending: Approve the staff recommendations along with the following clarifications and direction for further action: 1. Return to the City Council by February 2022 with a budget, potential sources of funding, and an expeditious timeline to conduct a study of expanded recreational and commercial uses for properties east of Monterey Road. In all cases, we expect that new uses will be compatible with broader environmental objectives to equitably preserve Coyote Valley for San José's diverse community. a. Additional "ag tourism" uses could potentially include: i. Wineries and Beer Gardens ii. Lodging / Small Eco-Hotels (i.e. Bed & Breakfasts, etc.) iii. Restaurants iv. Farmer's Markets / Food Stands v. Agricultural Exhibits and Education Uses including 4-H, FAA, and others that honor farmworkers, tribal culture, and our valley's history vi. Affordable Farmworker Housing, consistent with AB1783 vii. Outdoor Special Event Areas viii. Demonstration Areas for Sustainable Infrastructure (e.g. water, agriculture) b. Clarify that the Planned Development overlay zoning (A(PD)) serves as a placeholder for parcels east of Monterey Road until the Council adopts a new zoning ordinance to allow for additional uses that complement an agricultural orientation. Also clarify that this study will apply to all parcels within the City of San José, within a designated depth, on the East Side of Monterey Road regardless of current proposed zoning. 2. Agendize a discussion with the Transportation and Environment Committee and Councilmember Jimenez's office to provide feedback on various policies that interrelate with Coyote Valley, such as the draft "Natural & Working Lands Program," the Climate Resilience Credits Program, and other relevant conservation/acquisition strategies (e.g. state programs for mitigation banking). (10-0-1. Absent: Esparza)

- **Open Forum**

1. Blair Beekman spoke to equity ideas and the digital divide.
2. Krishan spoke to the importance of neighborhood engagement.
3. Paul Soto spoke to use and effects of redlining maps.
4. Jill Borders thanked the staff for adjourning the meeting in honor of Kent Greathouse.
5. Caller ‘Agoldcha’ spoke to her concerns with the 71 Vista Montana unhoused encampment site.
6. Caller ‘User\_1’ spoke to the work and efforts the Council is doing.

- **Adjournment**

The Council of the City of San José adjourned at 10:00 p.m. in memory of Kent Greathouse who served as a strong voice and pillar of strength for the residents of the Winchester Ranch Mobile Home Park in District 1. He leaves behind a community that is grateful and better due to his tireless efforts.