



City Council Meeting SYNOPSIS

Tuesday, December 7, 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.

1:34 p.m. - Regular Session.
Councilmembers Absent: All Present.
Councilmembers Present Virtually: Arenas, Carrasco, Davis.
Councilmembers Present in Chambers: Liccardo, Jones, Cohen, Esparza, Foley, Jimenez, Mahan, Peralez.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 9)**

Dr. Tyrone Partee, Senior Pastor at Maranatha Christian Center offered the invocation.

- **Orders of the Day**

The Orders of the Day were approved.

- **Closed Session Report**

City Attorney, Nora Frimann addressed the settlement of a claim involving an airport vehicle brought by Geico Insurance.

1. CEREMONIAL ITEMS

- 1.1 **Presentation of a Commendation to the Santee Project Hope Youth Ambassadors for successful completion of the ambassador program and their contributions to the Santee Neighborhood. (Esparza)**

(Item Continued on the Next Page)

1.1 (Cont'd.)

Councilmember Maya Esparza introduced representatives from the Santee Project Hope Youth Ambassadors Group and spoke on the importance of this Proclamation. A commendation was issued to Luis Martinez, a high school student from Mount Pleasant High School and Rebecca Gomez, a high school student from Ace Charter School.

1.2 **Presentation of a commendation to Sunday Friends for their continued support of creating opportunities of positive development in children who live in low income communities throughout San Jose. (Peralez)**

Councilmember Raul Peralez introduced representatives from Sunday Friends Foundation and spoke on the importance of this Proclamation. A commendation was issued to Executive Director, James McCaskill.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 **21-2532 Mayor and Council Excused Absence Requests.**

(a) Request for an excused absence for Councilmember Peralez from the Regular Meeting of the Community and Economic Development Committee on November 22, 2021 due to illness. (b) Request for an excused absence for Councilmember Cohen from the Regular Meeting of Smart Cities and Service Improvements Committee on December 2, 2021 due to authorized City Business at the League of California Cities Board Meeting in Monterey. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Peralez and Cohen)

Action: The Mayor and Council excused absence requests were approved. (10-0-1. Absent: Jimenez)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 **21-2511 Amendment to the Agreement with Opengov, Inc. for Data and Transparency Portal Software.**

Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement for Data and Transparency Portal with OpenGov, Inc. (Redwood City, CA) to add up to five one-year options to extend the agreement through December 31, 2026 for ongoing subscriptions, support, and maintenance services with a

(Item Continued on the Next Page)

2.7 (Cont'd.)

maximum compensation of \$59,000 for the first option beginning January 1, 2022 through December 31, 2022, subject to the annual 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: **Resolution No. 80312** was adopted. (10-0-1. Absent: Jimenez)

2.8 21-2512

Amend Purchase Orders with SC Anderson Group International for Mold and Fungi Abatement and Disposal Services.

Adopt a resolution authorizing the City Manager to amend purchase orders OP 57966 and OP 57714 with SC Anderson Group International (Bakersfield, CA) for the purchase of mold and fungi abatement and disposal services, to extend the term of the purchase orders from December 31, 2021 through June 30, 2022 and to increase compensation by a cumulative amount of \$301,000, for a revised maximum compensation not-to-exceed \$780,000. 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. 80313** was adopted. (10-0-1. Absent: Jimenez)

2.9 21-2513

Report on Request for Proposal for a Project Management Information System for the Airport.

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to: (a) Negotiate and execute an agreement with PMWeb, Inc. (Wakefield, MA) to provide a project management information system for the Airport Department, including related professional services such as implementation, training, maintenance, and support, for a maximum compensation not to exceed \$300,170 during the initial one-year term beginning on or about December 8, 2021 through November 30, 2022, subject to the appropriation of funds; (b) Negotiate and execute amendments and change orders as required for any unanticipated changes such as additional software subscriptions, optional modules, integrations, and related professional services for a contingency amount not to exceed \$30,000 during the initial term, subject to the appropriation of funds; (c) Exercise up to four one-year options to extend the term of the agreement through November 30, 2026, subject to the appropriation of funds; and (d) Negotiate and execute additional agreements with PMWeb, Inc. leveraging the same Request for Proposal to provide project management information systems, including related professional services such as implementation, training, maintenance, and support, for other City departments as requested, subject to substantially the same material terms and conditions as the agreement for the Airport Department and 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: The report on the Request for Proposal for a Project Management Information System for the Airport was accepted, and **Resolution No. 80314** was adopted. (10-0-1. Absent: Jimenez)

2.10 21-2514

Authorization to Negotiate and Execute Grant Agreements with County of Santa Clara and Law Foundation of Silicon Valley for Eviction Prevention Legal Services and Outreach.

Adopt a resolution authorizing the City Manager to: (a) Negotiate and execute a contract with the Law Foundation of Silicon Valley, in an amount not to exceed \$1,400,000 for a term retroactive from September 13, 2021 through June 30, 2023 to provide outreach and education to low income San José residents on the eviction moratorium protections and provide in person and virtual legal services at the Eviction Prevention Help Centers; and (b) Negotiate and execute a Cost Sharing Agreement with the County of Santa Clara for up to \$1,250,000 for its Community Health and Business Engagement Team to provide outreach to tenants and landlords on the eviction moratorium, CA COVID-19 Rental Assistance program, and provide application assistance to Santa Clara County residents for a term retroactive from October 1, 2021 through June 30, 2022. CEQA: Not a Project, File No. PP17-003, Agreement/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing)

Action: **Resolution No. 80315** was adopted. (10-0-1. Absent: Jimenez)

2.11 21-2531

Update on Eviction Prevention Help Center and Expansion of Legal Support and Services.

(a) Accept the report on the Housing Department's efforts to provide rental assistance, legal services, education and support to vulnerable households in the City of San José at Eviction Prevention Help Centers; (b) Adopt the following Appropriation Ordinance Amendments in the General Fund: (1) Decrease the Measure E - 10% Homelessness Prevention Reserve by \$575,000; and (2) Establish a Measure E - Homeless Legal Services appropriation to the Housing Department in the amount of \$575,000. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/City Manager)

Action: (a) The report on the Housing Department's efforts to provide rental assistance, legal services, education and support to vulnerable households in the City of San José at Eviction Prevention Help Centers was accepted and (b) Appropriation **Ordinance No. 30697** was adopted. (10-0-1. Absent: Jimenez)

2.12 21-2515

Affordable Housing Impact Fee Fiscal Year 2020-2021 Annual and Five-Year Report.

Accept the Fiscal Year 2020-2021 Annual and Five-Year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's Affordable Housing Impact Fee. 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 Affordable Housing Impact Fee Fiscal Year 2020-2021 Annual and Five-Year Report was accepted. (10-0-1. Absent: Jimenez)

2.13 21-2516

Extension of the City of San José’s Bridge Housing Ordinance Under Title 5 Chapter 5.09 of the San José Municipal Code.

Approve an ordinance to extend the Bridge Housing Ordinance set to expire January 1, 2022 to January 1, 2025 in accordance with authority under Assembly Bill 1745. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

Action: **Ordinance No. 30698** was passed for publication. (10-0-1. Absent: Jimenez)

2.14 21-2517

Actions Related to Food Distribution Agreements.

Adopt a resolution authorizing the City Manager to negotiate and execute: (a) Amendment to an agreement with Bateman Community Living, LLC for supplemental Senior Nutrition Program services at San José community centers to increase maximum compensation by \$643,500 from January 1, 2022, through June 30, 2022, for an aggregate compensation of \$1,423,500; (b) Amendment to an agreement for food and necessities services with Catholic Charities of Santa Clara County, to increase maximum compensation by \$576,000 from January 1, 2022, through June 30, 2022, for an aggregate compensation of \$2,586,169; (c) Amendment to an agreement for food and necessities services with Loaves and Fishes to increase maximum compensation by \$1,125,129 from January 1, 2022, through June 30, 2022, for an aggregate compensation of \$3,639,908; (d) Amendment to an agreement for food and necessities services with San José Conservation Corps to increase maximum compensation by \$4,500,000 from January 1, 2022, through June 30, 2022, for an aggregate compensation of \$10,900,000; (e) Amendment to an agreement with the Silicon Valley Center for Nonprofits for volunteer services to extend the term from January 1, 2022, through June 30, 2022, with no change in compensation; (f) Amendment to an agreement for meal preparation and delivery services to temporary shelters with Team San José to increase maximum compensation by \$1,440,000 from January 1, 2022, through June 30, 2022, for an aggregate compensation of \$4,204,000; (g) Amendment to an agreement for meal and grocery delivery services to individual homes with The Health Trust to increase maximum compensation by \$693,000 from January 1, 2022, through June 30, 2022, for an aggregate compensation of \$2,541,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Parks, Recreation and Neighborhood Services)

Councilmember Raul Peralez recused himself from recommendation G due to his wife’s connection to “The Health Trust.”

Split Motion: To include recommendations A through F and exclude recommendation G, with direction to the City Manager to come back to the full council the second week of February with a cohesive plan. (9-0-1-1. Absent: Jimenez Recused: Peralez.)

Action: **Resolution No. 80316** was adopted. (10-0-1. Absent: Jimenez)

2.15 21-2518 Willow Glen Community Benefit Improvement District Financial Report Fiscal Year 2020-2021.

Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2020-2021, which provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)

Action: The Willow Glen Community Benefit and Improvement District Financial Report for FY 2020-2021 was accepted. (10-0-1. Absent: Jimenez)

2.16 21-2519 Fiscal Year 2021 Traffic Impact Fee Report.

Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)

Action: The Fiscal Year 2021 Traffic Impact Fee Report was accepted.

Including the joint memorandum from Mayor Sam Liccardo, Councilmember Raul Peralez, and Councilmember David Cohen, dated December 3, 2021, recommending: (1) To accept the staff report (2) In the event that Charcot Avenue extension project does not move forward, direct the City Manager to work with the city's Valley Transportation Authority (VTA) Staff and Board to ensure the reallocation of any unspent Measure B dollars (approximately \$27.5 million) to either the Mabury Road/ Berryessa/101 or Zanker Road/101 overpass project. (10-0-1. Absent: Jimenez)

2.17 21-2551 First Quarter Financial Reports for Fiscal Year 2021-2022.

As recommended by the Public Safety, Finance and Strategic Support Committee on November 18, 2021: (a) Accept the First Quarter (period ended September 30, 2021) Financial Reports for Fiscal Year 2021-2022 for the following programs: (1) Debt Management; (2) Investment Management; (3) Revenue Management; and (4) Purchasing and Risk Management. (b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$641,761.52. 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 11/18/2021 - Item (c)1]

Action: (a) The First Quarter Financial Reports for Fiscal Year 2021-2022 was accepted and (b) **Resolution No. 80317** was adopted. (10-0-1. Absent: Jimenez)

2.18 21-2588 Boards and Commissions Appointment.

Approve the following Boards and Commissions appointments: (a) Clean Energy Community Advisory Commission: (1) Reappoint Anthony Strawa to a term of January

(Item Continued on the Next Page)

2.18 (Cont'd.)

1, 2022 to December 31, 2025. (2) Reappoint Ruth Merino to a term of January 1, 2022 to December 31, 2025. (3) Appoint Victor Niemeyer to a term of January 1, 2022 to December 31, 2025. (4) Appoint Glen Garfunkel to a term of January 1, 2022 to December 31, 2025. 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 12/1/2021 - Item A.1.a]

Action: The Boards and Commissions appointments were approved. (10-0-1. Absent: Jimenez)

2.19 21-2592

Approval of Holiday 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 December 1, 2021: (a) Approve the Montgomery Elementary School Holiday Resource Fair scheduled on December 17, 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 12/1/2021 - Item G.1.a]

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

2.20 21-2599

Retroactive Approval of Poco Way Fall Festival 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 December 1, 2021: (a) Retroactively approve the Poco Way Fall Festival Event scheduled on November 20, 2021 as a City Council sponsored Special Event and approve the expenditure of funds; and (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco) [Rules Committee referral 12/1/2021 - Item G.1.b]

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

2.21 21-2603

Retroactive Approval of Blossom Valley Dumpster Day and Greystone Park Neighbor Day Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

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

3. STRATEGIC SUPPORT

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

City Manager, Jennifer Maguire offered the Verbal Report and gave a Capital Improvement Program (CIP) Safety Update. She thanked the support staff, the Environmental Services Department staff, the Public Works Department staff, all the CIP engineers, inspectors, safety staff, the Wastewater Facility operators, and the maintenance workers.

3.2 Labor Negotiations Update.

- 3.3 21-2533 City of San José Council District Redistricting Public Hearing. - HEARD LAST**
(a) Conduct a Public Hearing for City of San José Council District Redistricting. (b) Approve an ordinance to establish and declare boundaries of the City Council Districts using the 2020 federal Census data. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Clerk)

The following was discussed and voted on at the *December 8, 2021 continued council meeting*:

Motion: Councilmember Dev Davis made a motion to move Council Proposals A through F except for Proposal C, and come back with an analysis next week of both maps to vote on. The motion was seconded by Councilmember Matt Mahan. No vote was taken on this motion.

Substitute Motion: Upon motion by Councilmember David Cohen, seconded by Councilmember Maya Esparza, the previous motion was bifurcated to defer the discussion to next week, to approve Council Proposals A through F presented by the Council, excluding the changes Councilmember Matt Mahan made to District 2 and District 10, and bring back an analysis on the comparisons of both maps. (8-0-3. Noes: Davis, Jimenez, Mahan)

Action: On a call for question, Councilmember Maya Esparza made a motion to defer Item 3.3 to the December 14, 2021 Council Meeting, with staff to come back with further study and analysis on the comparisons of both maps, council proposals, and vote on the item next week. The motion was seconded by Councilmember David Cohen. (11-0.)

- 3.4 21-2520 Annual Comprehensive Financial Report for Fiscal Year Ended June 20, 2021. – HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1**
Accept the Fiscal Year 2020-2021 Annual Comprehensive Financial Report for the City of San José. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

Action: The Fiscal Year 2020-2021 Annual Comprehensive Financial Report was accepted. (10-0-1. Absent: Jimenez)

- 3.5 21-2521 External Auditor’s Report: Report to Those Charged with Governance for Fiscal Year Ended June 30, 2021. - HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1**
 Accept the Report to Those Charged with Governance for the fiscal year ended June 30, 2021 as issued by Macias Gini & O’Connell LLP, the City of San José external auditor. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)
- Action: The External Auditor’s Report to those charged with governance for the fiscal year ended June 30, 2021 was accepted. (10-0-1. Absent: Jimenez)
- 3.6 21-2522 Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2021.**
 Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2020-2021. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)
- Action: The Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2020-2021 was accepted. (9-0-2. Absent: Esparza, Jimenez)
- 3.7 21-2527 Approval of the Issuance of Multifamily Housing Revenue Notes and the Loan of the Proceeds thereof and Approving Related Documents for Vitalia (formerly The Bascom Apartments) Project.**
 Adopt a resolution: (a) Authorizing the issuance of a multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Vitalia), Series 2021F-1” (the “2021F-1 Note”) and a multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Vitalia), Series 2021F-2” in an aggregate principal amount not to exceed \$35,672,716 (the “2021F-2 Note”) (together with the 2021F-1 Note, the “2021F Notes”); (b) Approving the loan of 2021F Notes proceeds to Bascom Affordable Housing, LP, a California limited partnership, to finance the construction and development of a 79-unit multifamily development known as Vitalia, formerly known as Bascom Apartments located at 3090 South Bascom Avenue in San José (the “Development”); (c) Approving in substantially final form the Funding Loan Agreement, the Project Loan Agreement, the Regulatory Agreement and Declaration of Restrictive Covenants, and related documents (collectively, the “2021F Note Documents”); and (d) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director, Debt and Treasury Management or their designees, to execute and deliver the 2021F Note Documents together with any documents ancillary to the 2021F Note Documents. CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109. Council District 9. (Finance/Housing)
- Action: **Resolution No. 80318** was adopted. (9-0-2. Absent: Carrasco, Jimenez)

3.8 21-2523

Declaration of Surplus Construction Funds and Authorization of Funds Transfer to Redemption Fund to Redeem Bonds City of San José Limited Obligation Improvement Bonds Improvement District No. 99-218SJ (Hellyer-Piercy) Bond Series 24Q.

Adopt a resolution to determine surplus and order the disposition of funds remaining in the Improvement Fund, Redemption Fund and Reserve Fund for the Hellyer-Piercy Improvement District, Number 99-218SJ to: (a) Authorize from the Improvement Fund: a credit to the owner(s) that have fully prepaid the assessment, transfer an amount to the City for costs incurred to determine surplus and redeem bonds, transfer an amount to the Redemption Fund to be applied to the redemption of outstanding bonds on March 2, 2022, and apply any remaining balance to the costs of projects authorized to be financed in accordance with the Resolution of Intention; (b) Authorize all amounts representing collected assessments and in the Reserve Fund be transferred to the Redemption Fund for the redemption of bonds on March 2, 2022; and (c) Authorize the City Manager, the Director of Finance, the Assistant Director of Finance, or the Deputy Director of Finance responsible for managing the City’s debt program, for and in the name and on behalf of the City, to execute and deliver refunding instructions to the Fiscal Agent, in such form as may be approved; and to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the actions, including without limitation (i) determining the amounts to be transferred to the Redemption Fund and applied to the redemption of the bonds, and the amount to be applied to authorized project costs, and (ii) executing all certificates, instructions, and other document proposed to be delivered in connection with these actions. 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. Council District 2. (Finance/Public Works)

Action: **Resolution No. 80319** was adopted. (9-0-2. Absent: Carrasco, Jimenez)

3.9 21-2524

Amendment to the Vendor Agreement with Vision Services Plan for Employees and Retirees.

Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Vision Service Plan for vision care benefits for City employees, retirees, and their dependents extending the term of the Agreement from December 31, 2021 to December 31, 2025, and increasing the not to exceed Agreement amount from \$7,671,477 to a revised not to exceed amount of \$13,745,682, 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. 80320** was adopted. (10-0-1. Absent: Jimenez)

3.10 21-2525

BART Silicon Valley Phase II Extension Project Update.

Accept Santa Clara Valley Transportation Authority staff’s update on the Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension Project and provide feedback

(Item Continued on the Next Page)

3.10 (Cont'd.)

to the Project team. CEQA: Santa Clara Valley Transportation Authority's BART Silicon Valley Phase II Extension Project Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report, File No. ER21-065 (City Council Resolution 80060) (February 16, 2018). Council Districts 3, 4, 6. (Public Works/Transportation)

Action: The Santa Clara Valley Transportation Authority staff's update on the Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension Project was accepted.

Including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Chappie Jones, Councilmember Raul Peralez, Councilmember David Cohen, and Councilmember Dev Davis, dated December 3, 2021, recommending: To accept update from staff on the BART Silicon Valley II (BSV) project with the following direction to the City Manager to clearly communicate to VTA Staff and Board: (1) As the construction package for stations proceeds, design must be refined to prioritize a passenger-centric approach that maximizes ridership by ensuring seamless connections and intuitive access for the public, particularly at Diridon Station. (a) This effort must include active collaboration with development partners, like Downtown West/Google and the other public agencies working toward the Diridon Integrated Station Concept (b) VTA must evaluate the most design flexible construction method, such as progressive-design-build, as an alternative contracting mechanism for construction package #4 to allow the best possible opportunity to integrate design changes necessary to achieve high-quality TOD and stations in the downtown. If VTA chooses not to adopt this approach, the City and the Public must be informed in a public hearing with a clear explanation. (2) City and VTA staff should continue to coordinate with the Sharks and SAP Arena after the award of the tunnel work in construction package #2 to mitigate and minimize construction impacts, and to support adequate circulation and access to the arena to the extent feasible consistent with the needs of the project; (3) With respect to any entrance to the Downtown station on the south side of Santa Clara Street, VTA staff should enlist a third party to review cost estimates and design options to identify a more financially feasible portal. Whether this is integrated within the BART SV Phase II project or separately identified as a stand-alone project, the City and community deserve to see more financially realistic options than the roughly \$200 million cost previously proposed; (4) City and VTA staff must coordinate on all construction signage and art banners/fencing to ensure easy navigation for pedestrians, celebrate local institutions and/or artists, and maintain consistent design and "feel" within each station area. In the Diridon area, this should include integrating BSV, Downtown West and other significant construction projects that will be concurrently underway; (5) The City and VTA must collaborate on a framework for a business interruption fund (BIF) prior to the commencement of heavy construction of the three station areas, including a clear articulation of the conditions under which impacts to small businesses will trigger compensation by the BIF. After a full funding grant agreement (FFGA) has been entered into by USDOT and VTA for the BSV project, City and VTA staff should evaluate funding options for the BIF, and ensure adequate funding as a condition of the issuance of City permits; (6) The City and VTA should work collaboratively on a strategy to ensure integration of public art in the three Downtown stations – including identifying funding sources for public art, as well as exploring a VTA requirement for a percentage for public art on large public works projects similar to the City of San José and BART; (7) The City Manager should provide an information memo on the Administration's strategy for Downtown construction coordination with respect to BSV, and the various Downtown developments in the future – including staffing, and communications plan. The communications plan should be coordinated with the Mayor's Office and relevant Council offices. (10-0-1. Absent: Jimenez)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

- 8.1 **21-2526** **Actions Related to Declarations Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and the San José Municipal Code.**
(a) Adopt a resolution amending the Declaration of the Director of Emergency Services of the City of San José issued June 4, 2020, to extend the term for outdoor operations on private property until January 31, 2022, and amending the Declaration of the Director of Emergency Services of the City of San José issued July 22, 2020 to extend the term for outdoor business operations on closed public streets until June 30, 2022. (b) Approve an ordinance allowing the continuation of outdoor business operations on private property from February 1, 2022 until December 31, 2022. CEQA: Categorically Exempt, File No. ER21-286, CEQA Guidelines Section 15304 Minor Alterations to Land. (Economic Development and Cultural Affairs)

Action: (a) **Resolution No. 80321** was adopted and (b) **Ordinance No. 30700** was passed for publication. (11-0.)

- 8.2 **21-2576** **Measure E Real Property Transfer Tax Refund Pilot Program for Qualifying Nonprofit Real Property Transfers.**
Approve an ordinance adding a new Section 4.59.230 to Chapter 4.59 of Title 4 of the San José Municipal Code to provide a refund under certain circumstances to: (a) Charitable organizations that: (1) Provide direct services or make grants in the areas of education, health, housing, or human and services serving extremely low-income San José residents; (2) Irrevocably use or endow the proceeds from the conveyance of real property subject to the real property transfer tax for a charitable community purpose; and (3) Within three years of the property sale, fund direct services or make grants in the areas of equal education, health, housing, or human services serving extremely low-income San José residents in an amount to three times (300%) of the Measure E tax paid and refunded. (b) Charitable organizations, or limited partnerships with a general partner charitable organization, who purchase a qualifying affordable housing site and satisfy certain other requirements. 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. (Housing) [Deferred from 11/30/2021 - Item 8.1 (21-2490)]

(Item Continued on the Next Page)

8.2 (Cont'd.)

Action: **Ordinance No. 30701** was passed for publication.

Including recommendations 1 and 3 and excluding recommendation 2 from the joint memorandum from Mayor Sam Liccardo and Councilmember Matt Mahan, dated December 3, 2021, recommending: (1) Accept staff recommendation to approve an ordinance creating a pilot program to refund the Measure E real property transfer tax in certain circumstances for real estate sales by qualifying nonprofit organizations and purchases by nonprofit affordable housing developers. (2) ~~Include in the Human Services definition “services provided in the City of San José for unhoused residents.”~~ (3) Direct City Manager to come back to City Council in June 2022 with a progress report on the pilot program including, but not limited to: a. How many Measure E transfer tax refunds have been requested and how many have been approved b. Analysis of and recommendation for including purchases by a qualifying nonprofit organization and the circumstances and conditions that should be met to be eligible to apply for a refund c. Any transactions that were executed or are planned that could qualify for a refund under a broader Human Services definition discussed with the Silicon Valley Council of Nonprofits. (11-0.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 **21-2528** **Successor Agency to the Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2021. - HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5**

Accept the Fiscal Year 2020-2021 Independent Auditor’s Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Finance)

Action: The Fiscal Year 2020-2021 Independent Auditor’s Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José was accepted. (10-0-1. Absent: Jimenez)

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 **21-2577** **GPT21-001/GPT21-005/GP21-013/GPT21-006/GPT21-007 - Changes to the Envision San José 2040 associated with the Envision San José 2040 General Plan Four-Year-Review and related to Urban Village Implementation and Policy Modifications (GPT21-005 & GP21-013), Residential Uses in Neighborhood**

(Item Continued on the Next Page)

10.2 (Cont'd.)

Business Districts (GPT21-001), Vehicle Miles Traveled (VMT) Policies (GPT21-006), Evergreen East Hills Development Policy (GPT21-007), and Planned Growth Capacity Shifts and Shared Capacity (GPT21-005).

Adopt a resolution approving the General Plan Text and Diagram Amendments Associated with the Envision San José 2040 General Plan Four-Year Review. 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 and addenda thereto (City Council Resolution No. 80300). Planning Director recommends approval of staff recommendation. Planning Commission recommends approval of Planning staff recommendation with the changes recommended by the Four-Year Review Task Force in those instances where they differ from the Planning staff's recommendations. (9-1-1: Oliverio opposed; Garcia absent). (Planning, Building and Code Enforcement) [Deferred from 11/30/2021 - Item 10.2 (21-2492)]

Action: **Resolution No. 80322** was adopted with the following amendments: to come back to the Community and Economic Development Committee (CED) in the Spring, with direction for staff to do an analysis and explore reducing the signature project threshold down to 1 acre with a 100 foot minimum frontage, an analysis to propose additional requirements that could allow signature projects down to .5 acres to move forward, recommend a policy that would exempt pending signature projects policies to be exempt from any changes if they're on file as of December 7, 2021, for staff to develop anti-displacement strategies, an exemption of grandfathering pre-approved signature project applications, and to defer Council Consideration of General Plan Policy IP 5.12 to next week on December 14, 2021.

Including the memorandum from Mayor Sam Liccardo, dated December 7, 2021, recommending: To accept all of the staff recommendations on this agenda item, but also: (A) Accept the General Plan Task Force recommendations to reduce minimum interior/ mid-block parcel size for Signature Projects to 1.5 acres without creating remnant parcels; (B) Accept the December 3, 2021 memorandum of Councilmembers Esparza and Carrasco; (C) Accept the memorandum from Councilmember Peralez; (D) Accept Recommendation 1 in the memorandum from Councilmember Davis, with the proposed clarification that (a) it applies specifically within the Neighborhood Business Districts, and (b) all commercial frontage must have a minimum depth of 60 feet, to better comport with market demand.

Also including the memorandum from Councilmember Matt Mahan, dated December 7, 2021, recommending: To direct the City Manager to return to Council through the FY21/22 budget process with a proposed resource allocation dedicated to the creation of priority urban village plans that have the potential to unlock near-term housing opportunities based on market demand. In assessing the necessary resources, staff should also identify opportunities to refine the Urban Village process and streamline its implementation. (11-0.)

- **Open Forum**

Mayor Liccardo instructed that Open Forum would be 30 seconds for each public comment due to the time constraints.

1. Roland addressed Caltrain issues.
2. Blair Beekman asked a procedural question regarding the council meeting continued to December 8, 2021.
3. Paul Soto thanked the council for their cooperation and understanding regarding the Redistricting Map.
4. David requested the Zoom link for the council meeting continued to December 8, 2021.
5. Brenda Zendejas thanked the staff and council for their efforts regarding the Redistricting Map.

- **Adjournment**

The Council of the City of San José ended the meeting at 12:08 a.m. and continued the meeting to December 8, 2021 at 9:00 a.m.

The actions taken on December 8, 2021 are captured on Item 3.3 of this Synopsis.