



# **City Council Meeting Synopsis**

**Tuesday, September 20, 2022**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/88957084529>**

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



**\* COVID-19 NOTICE \***

*Consistent with AB 361 and City of San José Resolution Nos. 80628 and 80659, Councilmembers may be teleconferencing from remote locations.*

- Call to Order and Roll Call

**9:30 a.m.- Closed Session. 22-1360**

**Councilmembers Absent: All present virtually.**

**1:30 p.m.- Regular Session.**

**Councilmembers Absent: All present virtually and in Council Chambers.**

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 8)**

Evergreen Islamic Center Board President, Faisal Yazadi offered the invocation.

- **Orders of the Day**

The Orders of the Day were approved.

Councilmember Raul Peralez stated the meeting is adjourned in memory of Joseph “Joe” T. Noonan.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Dev Davis presented a proclamation declaring September 2022 as National Preparedness Month to prepare for disasters or emergencies in their homes, businesses and communities. The proclamation was presented to Deputy Director, Office of Emergency Management, Ray Reardon.
- 1.2 Councilmember Maya Esparza presented the commendation to the San José Franklin McKinley Childrens Initiative (FMCI) Junior Giants Little League players, parents, coaches, and 45 volunteers in recognition of their exceptional work providing affordable and fun youth recreational sports to hundreds of children during our recovery from the impacts of the COVID-19 pandemic.

1.3 Councilmember Magdalena Carrasco presented the proclamation declaring September 2022 as Hispanic Heritage Month to celebrate the history, cultures, and contributions of the Hispanic Community. The proclamation was presented to members of the Comité de Fiestas Patrias de San José, California.

## **2. CONSENT CALENDAR**

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

None provided.

### **2.2 Final Adoption of Ordinances.**

None provided.

### **2.3 Approval of Council Committee Minutes.**

None provided.

### **2.4 Mayor and Council Excused Absence Requests.**

None provided.

### **2.5 City Council Travel Reports.**

None provided.

### **2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

### **2.7 [22-1362](#) **Amendment to Agreement with Hanson Bridgett LLP for Legal Services Relating to Implementation of the Alternative Pension Reform Settlement Framework.****

Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourteenth Amendment with Hanson Bridgett LLP for legal services in connection with the City's retirement plans and other benefit plans and programs to increase the hourly rates under the agreement, with no increase in total compensation. CEQA: Not a Project; File No. PP17-003, Agreements/ Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: **Resolution No. 80679** was adopted. (11-0.)

**2.8 22-1363 Amendment to the Purchase Order with HCI Systems, Inc. for Fire Alarm System Services.**

Adopt a resolution authorizing the City Manager to amend purchase order OP 58961 with HCI Systems, Inc. for fire alarm system monitoring, inspection, testing, and repair services, to increase the compensation by \$190,000 for a revised maximum compensation not-to-exceed \$380,000 and to retroactively extend the term from December 31, 2021 to December 31, 2022. 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. 80680** was adopted. (11-0.)

**2.9 22-1364 Amendment to the Purchase Order with Golden State Fire Apparatus, Inc. for Fire Apparatuses.**

Adopt a resolution authorizing the City Manager to amend purchase order PO 81810 with Golden State Fire Apparatus, Inc. (Sacramento, CA) for the purchase of fire apparatuses, to retroactively extend the purchase order from May 31, 2022 through December 31, 2023. 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. 80681** was adopted. (11-0.)

**2.10 22-1365 Amendment to the Agreement with Ernst & Young, LLP for COVID-19 Consulting Support.**

Adopt a resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Agreement with Ernst & Young, LLP (San José, California) for consulting support to assist the City in strategic management of COVID-19 funding sources and provide technical guidance related to a comprehensive disaster cost recovery model, to increase compensation by \$250,000 for a revised amount not-to-exceed \$1,240,000 and extend the contract term to January 31, 2023. 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. 80682** was adopted. (11-0.)

**2.11 22-1367 Fourth Quarter Financial Reports for Fiscal Year 2021-2022.**

As recommended by the Public Safety, Finance and Strategic Support Committee on August 18, 2022: Accept the Fourth Quarter (period ended June 30, 2022) Financial Reports for Fiscal Year 2021-2022 for the following programs: (a) Debt Management; (b) Investment Management; (c) Revenue Management; and (d) Purchasing and Risk Management. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance) [Public Safety, Finance and Strategic Support Committee referral 8/18/2022 - Item (d)1]

Action: The Fourth Quarter Financial Reports for Fiscal Year 2021-2022 were accepted. (11-0.)

### **3. STRATEGIC SUPPORT**

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

None provided.

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

None provided.

#### **3.3 22-1368 Approval of Citywide Insurance Renewals.**

Adopt a resolution: (a) Repealing Resolution No. 60784 and authorizing the purchase of Government Fidelity/Crime insurance to meet the Official Bonds requirements found in Section 905 of the City Charter; and (b) Authorizing the Director of Finance to: (1) Select and purchase City property and liability insurance policies for the period of October 1, 2022 to October 1, 2023, at a total cost not to exceed \$3,457,493 as well as an 18.0% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers: (i) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage; (ii) Beazley Syndicate 2623/623 at Lloyd's for Terrorism Insurance; (iii) The Princeton Excess and Surplus Lines Insurance Company and Arch Specialty Insurance Company for \$15 million in excess flood insurance for locations in high and moderate hazard flood zones on a 50/50 quota share basis; (iv) Starr Indemnity & Liability Company for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile); (v) Starr Indemnity & Liability Company for Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage; (vi) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the Airport and Regional Wastewater Facility; (vii) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses; (viii) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability; (ix) Arch Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit; and (x) Great American Insurance Company for Government Fidelity/Crime Coverage. (2) Select and purchase Additional Liability Insurance for the period of October 22, 2022 to October 22, 2023 at cost ranging from \$250,000 to \$950,000, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: **Resolution No. 80683** was adopted. (11-0.)

#### **3.4 22-1369 Monterey Corridor Working Group Report.**

(a) Accept the Monterey Corridor Working Group Report. (b) Direct staff to return to City Council with an update on progress in six months. CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

*(Item Continued on the Next Page)*

### 3.4 (Cont'd.)

Action: (a) The Monterey Corridor Working Group Report was accepted and (b) staff were directed to return to City Council with an update on progress in six months. (11-0.)

### 3.5 22-1387

#### **Digital Privacy Program Update and Public Camera Use.**

(a) Accept the status report on the progress of the Digital Privacy Program. (b) Approve new and updated data usage cases in the Transportation and Parks, Recreation and Neighborhood Services departments. (c) Approve the Data Usage Protocol for Automated License Plate Readers to replace the Police Department's existing Data Usage Policy in Police Duty Manual L4207 and to supersede previously approved automated license plate reader related policies. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Information Technology/Police) [Smart Cities and Service Improvement Committee referral 2/3/2022 - Item (d)3] [Deferred from 9/13/2022 - Item 3.3 (22-1345)]

Action: (a) The status report on the progress of the Digital Privacy Program was accepted. (b) The new and updated data usage cases in the Transportation and Parks, Recreation, and Neighborhood Services departments and (c) the Data Usage Protocol for Automated License Plate Readers were approved.

Including acceptance of the memorandum from Mayor Sam Liccardo dated September 19, 2022, recommending: To direct the City Manager to: (1) Include as part of the Automated License Plate Reader (ALPR) Usage Protocol a policy for mitigating the potential privacy impact of ALPRs at or around highly sensitive locations such as Planned Parenthood clinics. (2) Reconsider the propriety of site-specific signage given that it is likely to: create a false impression that signage will always indicate where license plate surveillance is deployed, yet SJPD has deployed mobile ALPRs in police cars citywide for 16 years; incentivize undermining and destructive behavior, based on ample city experience, e.g., surveillance cameras being shot out in City parks, perpetrators covering their plates when burglarizing malls, etc.; compare unfavorably to broader, more accurate approaches to notification, such as posting signage on "city limits" signage at San Jose's borders, or in residents' mailers. Impose significant public cost with minimal benefit; (3) Provide as part of the "Evaluation and Follow Up": (a) San José-specific analysis should be provided to Council and Public regarding the efficacy of ALPRs, gunshot detection, or similar technology investments, in preventing harm, solving crimes, or yielding some other public benefit. Policy and purchasing decisions should be informed by this data. (b) Return to Council with a work plan for assessment of privacy risks of different technologies deployed (or planned) by the City, to focus the digital privacy program's work on those areas of highest importance to the community, and not merely to a small number of stakeholders. (11-0.)

## **4. PUBLIC SAFETY SERVICES**

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

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1 22-1370**

**Actions Related to the Acquisition and Conversion of Pavilion Inn to a HomeKey Project.**

(a) Adopt a resolution to: (1) Approve a grant agreement of up to \$2,776,283 from Homeless Housing, Assistance, and Prevention Program - Round 3 and Measure E Funds as gap funding to Jamboree Housing Corporation, for the Pavilion Inn, located at 1280 North 4th Street, which is being acquired and converted by the Santa Clara County Housing Authority and ground leased to Jamboree to provide 42 supportive housing apartments plus one unrestricted manager’s apartment; and (2) Authorize the Director of Housing to negotiate and execute agreements, including any amendments thereto, related to the gap funding.

(b) Adopt the following Appropriation Ordinance Amendments in the Homeless Housing, Assistance, and Prevention Fund: (1) Decrease the Ending Fund Balance by \$2,200,000; and (2) Establish a Housing Loans and Grants appropriation to the Housing Department in the amount of \$2,200,000.

(c) Adopt the following Appropriation Ordinance Amendments in the General Fund: (1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$576,283; and (2) Establish the Measure E- Pavilion Inn Conversion (40% ELI) appropriation to the Housing Department in the amount of \$576,283. CEQA: Not a discretionary project subject to CEQA pursuant to Health & Safety Code section 50675.1.4(a); Exempt per Public Resources Code 21080(b)(1) and CEQA Guidelines Section 15369 Ministerial Project pursuant to Government Code Section 65913.4, File No. ER21-159. Council District 6. (Housing/City Manager)

Action: (a) **Resolution No.80684**, (b) Appropriation **Ordinance No.30816**, and (c) Appropriation **Ordinance No. 30817** were adopted. (11-0.)

**8.2 22-1371**

**Actions Related to the Fiscal Year 2021-2022 Consolidated Annual Performance and Evaluation Report.**

(a) Conduct a final public hearing on the Fiscal Year 2021-2022 Consolidated Annual Performance and Evaluation Report. (b) Accept the report on the progress towards achieving the housing and community development goals identified in the City of San José’s 2020-2025 Consolidated Plan and the Fiscal Year 2021-2022 Annual Action Plan regarding the use of federal funds from the U.S. Department of Housing and Urban Development for submittal by the September 28, 2022 deadline. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Action: (a) The final public hearing on the Fiscal Year 2021 2022 Consolidated Annual Performance and Evaluation Report was conducted. (b) The report on the progress towards achieving the housing and community development goals identified in the City of San José’s 2020-2025 Consolidated Plan and the Fiscal Year 2021-2022 Annual Action Plan was accepted. (11-0.)

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

**10. LAND USE**

**10.1 Land Use on Consent Calendar**

**C22-089, C22-090, C22-091, C22-092, C22-093, C22-094, C22-095, C22-096, C22-097, C22-098 - City-Initiated Rezoning of 521 Parcels to Align a Property's Zoning Designation to its General Plan Land Use Designation in Response to Senate Bill 1333.**

**HEARD IMMEDIATELY AFTER CONSENT.**

Approve an ordinance rezoning 86 properties from CP Commercial Pedestrian Zoning District to MUC Mixed-Use Commercial Zoning District, 44 properties from CO Commercial Office Zoning District to R-1-8 Single-Family Residence Zoning District, 42 properties from CN Commercial Neighborhood Zoning District to R-1-8 Single-Family Residence Zoning District, 40 properties from CG Commercial General Zoning District to R-1-8 Single-Family Residence Zoning District, 40 properties from CN Commercial Neighborhood Zoning District to MUC Mixed-Use Commercial Zoning District, 32 properties from LI Light Industrial Zoning District to R-1-8 Single-Family Residence Zoning District, 27 properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, 24 properties from LI Light Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District, 18 properties from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residence Zoning District, 18 properties from R-M Multifamily Residential Zoning District to MUN Mixed-Use Neighborhood Zoning District, 16 properties from R-M Multifamily Residential Zoning District to PQP Public/Quasi-Public Zoning District, 15 properties from IP Industrial Park Zoning District to LI Light Industrial Zoning District, 12 properties from LI Light Industrial Zoning District to MUC Mixed-Use Commercial Zoning District, 10 properties from R-2 Two-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, nine properties from R-M Multifamily Residential Zoning District to LI Light Industrial Zoning District, eight properties from R-M Multifamily Residential Zoning District to MUC Mixed-Use Commercial Zoning District, seven properties from R-2 Two-Family Residence Zoning District to CP Commercial Pedestrian Zoning District, six properties from CO Commercial Office Zoning District to MUC Mixed-Use Commercial Zoning District, six properties from CP Commercial Pedestrian Zoning District to LI Light Industrial Zoning District, five properties from CN Commercial Neighborhood Zoning District to CIC Combined Industrial/Commercial Zoning District, five properties from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, five properties from LI Light Industrial Zoning District to PQP Public/Quasi-Public Zoning District, five properties from R-1-8 Single-Family Residence Zoning District to OS Open Space Zoning District, five properties from R-1-8 Single-Family Residence Zoning District to PQP Public/Quasi-Public Zoning District, four properties from R-1-8 Single-Family Residence Zoning District to MUN Mixed-Use Neighborhood Zoning District, four properties from R-2 Two-Family Residence Zoning District to MUC Mixed-Use Commercial Zoning District, three properties from LI Light Industrial Zoning District to OS Open Space Zoning District, three properties from R-2 Two-Family Residence Zoning District to UR Urban Residential Zoning District, three properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, three properties from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District, two properties from R-1-8 Single-Family Residence Zoning District to LI Light Industrial Zoning District, two properties from CP Commercial Pedestrian Zoning District to MUN Mixed-Use Neighborhood Zoning District, two properties from A Agricultural Zoning District to

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## 10.1(a) (Cont'd.)

R-1-8 Single-Family Residence Zoning District, two properties from A Agricultural Zoning District to OS Open Space Zoning District, two properties R-M Multifamily Residential Zoning District to OS Open Space Zoning District, one property from CG Commercial General Zoning District to CIC Combined Industrial/Commercial Zoning District, one property from CG Commercial General Zoning District to MUC Mixed-Use Commercial Zoning District, one property from CG Commercial General Zoning District to OS Open Space Zoning District, one property from CO Commercial Office Zoning District to OS Open Space Zoning District, one property from CO Commercial Office Zoning District to PQP Public/Quasi-Public Zoning District, and one property from R-2 Two-Family Residence Zoning District to OS Open Space Zoning District, located in various locations on those certain real properties within the City of San José. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 3. (Planning, Building and Code Enforcement)

Councilmember Raul Peralez stated his office was contacted regarding the rezoning and alignment of land use designation for a property owner who purchased his home at 575 E Julian St.

Motion: Councilmember Raul Peralez made the motion to remove and exclude the property on 575 E Julian St. from the vote. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion passed unanimously to exclude the property on 575 E Julian St. from the vote and **Ordinance No. 30818** was passed for publication. (11-0.)

## END OF CONSENT CALENDAR

### 10 Land Use - Regular Agenda

#### • Open Forum

1. Terri Williams, a former City Employee, started working at the City at the age of 14. She expressed her concerns with Municipal Code Sections 3.281325 and 3.281330 that deal with the federated employee retirement system; and feels those two Muni Code sections are discriminatory against people that have a disability retirement.
2. Blair Beekman spoke to the United Nations Assembly in New York and ideas on peace.
3. Paul Soto honored the Chicano community in honor of National Hispanic Heritage Month.

#### • Adjournment

This meeting is adjourned at 4:42 p.m. in memory of Joseph T. Noonan who passed away on August 2, 2022 at the age of 48. Joe dedicated many years to lifting up Downtown San José and helping to make it the place it is today. He worked with Broadway San José, San José Downtown Association, Christmas in the Park, the Bay Area Furniture Bank and the City of San José's Placemaking Team and on projects such as Viva Calle, Viva Parks & San José Al Fresco. He also volunteered with One Step Closer Therapeutic Riding, Hunger at Home, and Perseverance Preparatory School. His friendship, optimism, and dedication to our city will be dearly missed by everyone who knew and worked with Joe.