



# **City Council Meeting Amended Agenda**

**Tuesday, June 4, 2019**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
JOHNNY KHAMIS, DISTRICT 10



*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda

[19-415](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

1:30 p.m.- Regular Session, Council Chambers, City Hall

- Invocation (District 6)

Rainbow Women's Chorus

- Pledge of Allegiance

- Adjournment

*This meeting will be in memory of The Late Admiral TRAN Van Chon, who passed away on May 2, 2019, at the age of 100. Admiral TRAN was appointed by the Republic of Viet Nam Navy as Chief of Naval Operations with the rank of Commander in 1957, until his retirement in 1974. During this time, he had received several decorations for leadership and bravery, including the Purple Heart and Legion of Merit Awards from the governments of the Republic of Viet Nam and the United States. Admiral Tran Van Chon will be missed by many and remembered for his distinguished service to the Vietnamese community, devotion to his large and diverse family, continuing education, civility values, and faithful adherence to the tenets of his Cao Dai faith.*

- Orders of the Day

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- Closed Session Report

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a Proclamation declaring June 7, 2019 as Gun Safety Awareness Day in San José in recognition of the nationwide Wear Orange for Gun Safety event. (Mayor)

1.2 Presentation of a Proclamation recognizing June as LGBTQ+ Pride Month in San José. (Davis)

1.3 Presentation of a Commendation to Matias Verapinto and Certificates of Recognition to others for their competitive placement in the Future Chef's Challenge. (Peralez)

## **2. CONSENT CALENDAR**

**Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.**

**2.1 Approval of City Council Minutes.**

**2.2 Final Adoption of Ordinances.**

[19-393](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30270 - An Ordinance of the City of San José Rezoning Certain Real Property on an Approximately 9.26-Gross Acre Situated on the North Side of Fortune Drive, Approximately 500 Feet Westerly of Lundy Avenue (2001 Fortune Drive) from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

(b) Ord No. 30271 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.15- Gross Acre Situated on the East Side of South 11th Street, Approximately 170 Feet Southerly of East Santa Clara Street (12 South 11th Street) from the CG Commercial General Zoning District to the R-M Multiple Residence Zoning District.

(c) Ord No. 30272 - An Ordinance of the City of San José Rezoning Certain Real Properties of Approximately 9.3 Gross Acres Situated on the East Side of Capitol Avenue Approximately 500 Feet Southerly of Sierra Grande Way (333 South Capitol Avenue, 2601 Nuestra Castillo Court and 2605 La Hacienda Court) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

(d) Ord No. 30273 - An Ordinance of the City of San José Amending Chapter 4.66 Of Title 4 of the San José Municipal Code to Rename the Marijuana Business Tax the Cannabis Business Tax, to Make Other Technical Revisions to Change the Term “Marijuana” to “Cannabis” Throughout Chapter 4.66 and to Reduce the Cannabis Business Tax Rate for Persons Engaged in the Cultivation, Manufacturing, Distribution, or Laboratory Testing of Cannabis.

**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**    [19-413](#)            **City Attorney's Travel to Bloomington, MN.**

**Recommendation:**    Approve travel by the City Attorney, Richard Doyle, to Bloomington, MN, on June 12 - 14, 2019 to attend the International Municipal Lawyers Association (IMLA) 2019 Top 50 Conference. Source of Funds: City Attorney's Office Non Personal Services Appropriation and Professional Development Funds.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Attorney)

**Attachments**    [Memorandum](#)

**2.8**    [19-402](#)            **Amendment to Title 3 of the San José Municipal Code to Amend the Definition of Compensation to be Retroactive to January 1, 2013 for the Unclassified Management Defined Contribution 401(A) Plan (Tier 3).**

**Recommendation:**    Approve an ordinance to amend Chapter 3.49 of Title 3 of the San José Municipal Code to make the definition of compensation retroactive to January 1, 2013 for the unclassified management defined contribution 401(a) plan, known as Tier 3.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

**Attachments**    [Memorandum](#)  
[Ordinance](#)

**2.9**    [19-419](#)            **Request for Travel and Excused Absence.**

**Recommendation:**    Authorize travel for Councilmember Lan Diep to Boston, MA from June 25 - June 28, 2019, to join a delegation representing San José at Harvard Business School's Young American Leaders Program, and excuse absence from the June 25, 2019 Council Meeting. Source of Funds: Knight Foundation (Travel and accommodations) District 4 Office Budget (Incidentals).  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Diep)

**Attachments**    [Memorandum](#)

**2.10**   [19-414](#)      **Settlement of LaBlanc v. City of San José.****Recommendation:**

Approve a settlement in the amount of \$100,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of LaBlanc v. City of San José.  
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

**Attachments**   [Memorandum](#)  
[Agreements](#)

**2.11**   [19-395](#)      **Actions Related to the Purchase Order 56650 with Folsom Lake Ford for Ford Police Interceptor Sport Utility Vehicles.****Recommendation:**

Adopt a resolution authorizing the City Manager to amend Purchase Order 56650 with Folsom Lake Ford (Folsom, CA) to increase amount of total compensation by \$1,100,000 to purchase 25 additional new Ford police interceptor sport utility vehicles, for a revised total amount not to exceed \$2,000,000 for the remainder of the current term ending on or about November 30, 2019.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

**Attachments**   [Memorandum](#)



**2.12** [19-422](#) **Third Quarter Financial Reports for Fiscal Year 2018-2019.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on May 16, 2019:

(a) Accept the Third Quarter (period ending March 31, 2019) Financial Reports for Fiscal Year 2018-2019 for the following programs:

- (1) Debt Management
- (2) Investment Management
- (3) Revenue Collection

(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$556,731.95.

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 5/16/19 - Item (c)1]

**Attachments**

[Memorandum](#)

[Resolution \(b\)](#)

[PSFSS Attachment A, 5/16/2019](#)

[PSFSS Attachment B, 5/16/2019](#)

[PSFSS Investment Report, 5/16/2019](#)

[PSFSS Investment Report Section A, 5/16/2019](#)

**2.13** [19-420](#) **Request for Travel for Mayor's Staff.****Recommendation:**

(a) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as the City representative to attend the Knight Foundation Public Space Forum and the Harvard Young American Leaders Program in Philadelphia, PA from June 21, 2019 and June 25- June 28, 2019. Source of Funds: Knight Foundation.

(b) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Khanh Russo, as the City representative to attend the Summit on Citizen Engagement in Bologna, Italy from June 29, 2019 to July 3, 2019. Source of Funds: Cities of Service.

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

**Attachments**

[Memorandum](#)

**2.14**    [19-396](#)            **Actions Related to the Vacation of Setback Easements Located within Tract No. 1693.**

**Recommendation:**    (a) Adopt a resolution of intention to vacate the 25-foot and 12.5-foot light and air easements located within Tract No. 1693.  
                                  (b) Set a Public Hearing on Tuesday, June 25, 2019 at 1:30 p.m., for consideration of the vacation.  
                                  (c) Direct the City Clerk to file the vacation map and advertise said public hearing.  
                                  CEQA: Categorically Exempt, File No. 3-24857, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 1. (Public Works)

**Attachments**    [Memorandum](#)  
                                  [Resolution](#)

**2.15**    [19-397](#)            **Actions Related to the Vacation of Setback Easements Located within Tract No. 6285.**

**Recommendation:**    (a) Adopt a resolution of intention to vacate the 25-foot and 12.5-foot light and air easements located within Tract No. 6285.  
                                  (b) Set a Public Hearing on Tuesday, June 25, 2019 at 1:30 p.m., for consideration of the vacation.  
                                  (c) Direct the City Clerk to file the vacation map and advertise said public hearing.  
                                  CEQA: Categorically Exempt, File No. 3-24873, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 9. (Public Works)

**Attachments**    [Memorandum](#)  
                                  [Resolution](#)

**2.16**    [19-398](#)            **Actions Related to the Agreements for Architectural and Engineering Design Services: RFQ-9030 City Essential Facilities Projects and RFQ-9031 Non-Essential City Facilities Projects.**

**Recommendation:**    Approve master agreements for architectural and engineering design services, effective from the date of execution through December 31, 2024, with each of the following entities with each agreement not to exceed \$3,000,000:

(a) The three top ranked consultants from the City Essential Facilities Projects procurement (RFQ 9030):

- (1) Rob Wellington Quigley, FAIA, Inc.;
- (2) Ten Over Studio, Inc.; and
- (3) Shah Kawasaki Architects, Inc.

(b) The four top ranked consultants from the Non-Essential City Facilities Projects procurement (RFQ 9031):

- (1) Anderson Brule Architects, Inc.;
- (2) Studio G Architects, Inc.;
- (3) Group 4 Architecture, Research, and Planning, Inc.; and
- (4) ELS Architecture and Urban Design, Inc.

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

**Attachments**    [Memorandum](#)

[Agreement \(a.1\)](#)

[Agreement \(a.2\)](#)

[Agreement \(a.3\)](#)

[Agreement \(b.1\)](#)

[Agreement \(b.2\)](#)

[Agreement \(b.3\)](#)

[Agreement \(b.4\)](#)

**2.17**    [19-399](#)            **Actions Related to Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program, Approval of the Program Workplan, Rule 20B (In Lieu Fee) Undergrounding Master Plan and Pacific Gas and Electric Company’s Electric Form 79-1127 Agreement.**

- Recommendation:**
- (a) Approve the proposed Fiscal Year 2018/19- 2023/24 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
  - (b) Approve the Fiscal Year 2017-2018 Rule 20B (In-Lieu Fee) Undergrounding Master Plan.
  - (c) Adopt a resolution authorizing the City Manager to execute Pacific Gas and Electric Company’s “Electric Form 79-1127 Agreement to Perform Tariff Schedule Related Work, Rule 20A General Conditions” on a project-by-project basis.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

**Attachments**    [Memorandum Agreement \(c\)](#)

**2.18**    [19-400](#)            **Actions Related to Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning.**

- Recommendation:**
- Adopt a resolution to:
- (a) Support the development of A Complete Streets and Near Term Transit Implementation Plan for the Stevens Creek Boulevard corridor to be prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the Cities of Santa Clara, Cupertino and San José; and High Capacity Transit Service along the Stevens Creek Boulevard corridor currently being planned and investigated in VTA’s High Capacity Transit Study and San José’s joint Request for Information for an Airport-Diridon-Stevens Creek Transit Connection; and
  - (b) Authorize the City Manager to assess resources needed to develop these projects.
- CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. Council District 1. (Transportation)  
[Deferred from 5/21/19 - Item 2.19 (19-360)]

**Attachments**    [Memorandum Resolution](#)

**2.19**    [19-424](#)            **Approval of the Evergreen Village Square Summertime Evening Events and Movie Nights as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on May 22, 2019:

(a) Approve the Evergreen Village Square event series, ranging from June to September of 2019, 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. (Mayor and Arenas)

[Rules Committee referral 05/22/2019 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.20**    [19-425](#)            **Approval of Montevideo Beautification Day Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on May 22, 2019:

(a) Approve the Montevideo Neighborhood Beautification Day scheduled on June 15, 2019 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. (Khamis)

[Rules Committee referral 5/22/19 - Item G.1.b]

**Attachments**    [Memorandum](#)

- 2.21 [19-426](#) **Retroactive Approval of Oak Hill Memorial Day Observance Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** As recommended by the Rules and Open Government Committee on May 22, 2019:

(a) Retroactively approve the Oak Hill Memorial Day Observance scheduled on May 27, 2019 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. (Khamis)

[Rules Committee referral 5/22/19 - Item G.1.c]

**Attachments** [Memorandum](#)

- 2.22 [19-462](#) **Approval of the Philippine Flag Raising 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.**

**Recommendation:** (a) Approve the Philippine Flag Raising Event scheduled on June 12, 2019 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)

**Attachments** [Memorandum](#)

- 2.23 [19-470](#) **Retroactive Approval of the District 4 Transportation Forum 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.**

**Recommendation:** (a) Retroactively approve the District 4 Transportation Forum scheduled on May 22, 2019 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. (Diep)

**Attachments** [Memorandum](#)

### **3. STRATEGIC SUPPORT**

### 3.1 Report of the City Manager, David Sykes (Verbal Report)

### 3.2 Labor Negotiations Update.

### 3.3 [19-401](#) Mayor's Gang Prevention Task Force Audit Report.

**Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on May 16, 2019, accept the Mayor's Gang Prevention Task Force 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)  
[Public Safety, Finance and Strategic Support Committee referral 5/16/19 - Item (d)4]

**Attachments**

[Memorandum  
Presentation  
Presentation, PSFSS 5/16/2019  
2018-2020 Strategic Workplan  
Memorandum from Jones and Arenas, 5/31/2019  
Memorandum from Jimenez and Carrasco, 5/31/2019](#)

### 3.4 [19-403](#) Intergovernmental Relations Quarterly Report.

**Recommendation:**

(a) Accept the report from Intergovernmental Relations and reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.  
(b) Approve the Intergovernmental Relations Program 2.0 action items.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

**Attachments**

[Memorandum  
Presentation  
Memorandum from Mayor, 5/31/2019](#)

**3.5**    [19-423](#)            **Potential 2020 Ballot Measures - Affordable Housing and Homelessness.**

**Recommendation:**    (a) Accept the staff report on potential 2020 ballot measures that could help provide affordable housing and address homelessness.  
(b) Direct the City Manager to conduct additional survey research regarding potential 2020 ballot measures and to return to Council in August 2019 with an update.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Housing/City Manager)

**Attachments**    [Memorandum](#)  
[Presentation](#)  
[Memorandum from Khamis & Jimenez, 5/31/2019](#)  
[Memorandum from Councilmember Jimenez, 6/3/2019](#)  
[Letters from the Public](#)

**4. COMMUNITY & ECONOMIC DEVELOPMENT****4.1**    [19-404](#)            **Public Hearing on the Levy of the Proposed Downtown Business Improvement District Assessments for Fiscal Year 2019-2020.**

**Recommendation:**    Adopt a resolution approving the Downtown Business Improvement District budget report for Fiscal Year 2019-2020, as filed or modified by Council, to levy the Downtown Business Improvement District assessments for Fiscal Year 2019-2020, and to suspend collection of the Downtown Business Improvement District assessments for the businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance.  
CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

**Attachments**    [Memorandum](#)  
[Resolution](#)



4.2 [19-405](#) **Public Hearing on the Levy of the Proposed Japantown Business Improvement District Assessments for Fiscal Year 2019-2020.**

**Recommendation:** Adopt a resolution approving the Japantown Business Improvement District budget report for Fiscal Year 2019-2020, as filed or as modified by the Council, and to levy the Japantown Business Improvement District assessments for Fiscal Year 2019-2020.  
CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b), Review for Exemption. Council District 3. (Economic Development)

**Attachments** [Memorandum](#)  
[Resolution](#)

4.3 [19-406](#) **Public Hearing on the Setback Easements Located within Tract No. 1010**

**Recommendation:** Conduct a Public Hearing and adopt a resolution:  
(a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot, 12.5-foot and 10-foot light and air easements located within Tract No. 1010.  
(b) Vacating the 25-foot, 12.5-foot, and 10-foot light and air easements located within Tract No. 1010.  
(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.  
CEQA: Categorically Exempt, File No. PP19-025, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

**Attachments** [Memorandum](#)  
[Resolution](#)

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

6.1 [19-407](#) **San José Diridon Integrated Station Concept Plan.**

**Recommendation:** Accept the report on progress to date on the San José Diridon Integrated Station Concept Plan.  
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 Districts 3 & 6. (Transportation)

**Attachments** [Memorandum](#)  
[Presentation](#)

**6.2**    [19-408](#)            **Rail Corridor Plan for San José and Inter-Agency Agreement.**

**Recommendation:**    Direct the City Manager to develop an agreement between the City of San José, the Peninsula Corridor Joint Powers Board, the Santa Clara Valley Transportation Authority, and the California High-Speed Rail Authority that will provide for development of a Rail Corridor Plan for San José.

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

Council Districts 2, 3, 4, 6, 7, & 10. (Transportation)

**Attachments**    [Memorandum](#)

[Presentation](#)

[Memorandum from Mayor, Jimenez, Peralez, Davis, Esparza, 5/3](#)

**6.3**    [19-409](#)            **Award of Construction Contract for the 2019 Local Streets Resurfacing South Project.**

**Recommendation:**    (a) Award a construction contract for the 2019 Local Streets Resurfacing South Project to the low bidder, Granite Construction Company in the amount of \$7,617,373.

(b) Approve a five percent contingency in the amount of \$380,868.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities.

Council Districts 1, 2, 6, 7, 8, 9, & 10. (Transportation)

**Attachments**    [Memorandum](#)

**6.4**    [19-410](#)            **Award of Construction Contract for the 2019 Local Streets Microsurfacing Project.**

**Recommendation:**    (a) Award a construction contract for the 2019 Local Streets Microsurfacing Project to the low bidder, Graham Contractors, Inc. in the amount of \$8,384,650.

(b) Approve a five percent contingency in the amount of \$419,233.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District: Citywide.

(Transportation)

**Attachments**    [Memorandum](#)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

7.1 [19-411](#) **Actions Related to the 2019 and 2020 Power Supply Procurement, Long-Term Renewable Contracts, and Medium-Term and Long-Term Resource Adequacy Contracts.**

**Recommendation:**

Adopt a resolution:

- (a) Increasing the authority granted to the Director of Community Energy or her designee for the procurement of power supply products by \$19,000,000 from \$226,000,000 to an amount not to exceed \$245,000,000 in aggregate through Calendar Year 2019; and by \$80,000,000 from \$222,000,000 to an amount not to exceed \$302,000,000 in aggregate through Calendar Year 2020, subject to the Energy Risk Management Policy and the appropriation of funds.
- (b) Authorizing the Director of Community Energy or her designee to negotiate and execute long-term Power Purchase Agreement for renewable projects, which will include the key terms listed in Attachment 1 to the staff's memorandum, with modifications, as appropriate, in consultation with the City Attorney and approval of the final agreements by the Risk Oversight Committee, in an amount not to exceed \$50,000,000 annually and \$1,080,000,000 in aggregate from 2020 through 2043, subject to the Energy Risk Management Policy and the appropriation of funds.
- (c) Authorizing the Director of Community Energy or her designee to negotiate and execute medium- to long-term contracts using the Edison Electric Institute Agreement or the Western Systems Power Pool Agreement with modifications, as appropriate, in consultation with the City Attorney, for a term of up to twenty years to procure Resource Adequacy products from different technologies, including battery storage, in an amount not to exceed \$451,800,000 in aggregate over twenty years, subject to the Energy Risk Management Policy, Risk Oversight Committee approval, 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.
- (Community Energy)

**Attachments** [Memorandum](#)  
[Presentation](#)  
[Resolution](#)

**7.2 [19-412](#) San José Municipal Water System 2019-2020 Water Rates and Charges.**

**Recommendation:** (a) Hold a Public Hearing on proposed San José Municipal Water System 2019-2020 potable and recycled water rates and charges.  
(b) Adopt resolutions updating San José Municipal Water System potable and recycled water rates and charges, effective July 1, 2019. CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. Council Districts 2, 4, 7 & 8. (Environmental Services)

**Attachments** [Memorandum](#)  
[Supplemental Memorandum, 5/31/2019](#)  
[Resolution \(b1\)](#)  
[Resolution \(b2\)](#)

**8. PUBLIC SAFETY****9. REDEVELOPMENT – SUCCESSOR AGENCY****10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

**10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda****• Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

**• Adjournment**

*This meeting will be in memory of The Late Admiral TRAN Van Chon, who passed away on May 2, 2019, at the age of 100. Admiral TRAN was appointed by the Republic of Viet Nam Navy as Chief of Naval Operations with the rank of Commander in 1957, until his retirement in 1974. During this time, he had received several decorations for leadership and bravery, including the Purple Heart and Legion of Merit Awards from the governments of the Republic of Viet Nam and the United States. Admiral Tran Van Chon will be missed by many and remembered for his distinguished service to the Vietnamese community, devotion to his large and diverse family, continuing education, civility values, and faithful adherence to the tenets of his Cao Dai faith.*

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## CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### 1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### 2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.