

RULES COMMITTEE: 10-30-19
ITEM: B(a)



City Council Special Meeting Agenda

Wednesday, November 6, 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 Speakers 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 Clerks 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 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

2:00 p.m. - Special Meeting, Call to Order in Council Chambers

- Orders of the Day

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Purchase and Sale of the Brandenburg and Sobrato North Coyote Properties.

Recommendation:

- (a) Approve a Purchase and Sale Agreement and Escrow Instructions between the Brandenburg entities as Seller, the City as Buyer, and the Peninsula Open Space Trust (“POST”) for the purchase of approximately 572 acres of real property located in the Coyote Valley (“Brandenburg Property”) for a purchase price of \$37,500,000, less a credit of \$398,800 for relocation and demolition costs, with a contribution by the City in the amount of \$32,441,200 (funded with Measure T bond proceeds) and the remaining \$4,660,000 paid by POST (“Brandenburg PSA”).
- (b) Approve a Purchase and Sale Agreement and Escrow Instructions between SI 5 LLC (i.e. a Sobrato entity) as Seller, the City as Buyer, and POST for the purchase of approximately 100 acres of real property located in the Coyote Valley (the “Sobrato North Property”) for a purchase price of \$21,500,000 paid by post, with no monetary contribution by the City (“Sobrato PSA”).
- (c) Approve the Coyote Valley Master Transfer and Conservation Agreement (“MTA”) by and among POST, the City, and the Santa Clara Valley Open Space Authority (“OSA”), specifying:
 - (1) The rights and obligations of the parties related to the acquisition of the Brandenburg and Sobrato North Properties;
 - (2) The City’s transfer of approximately 276 acres of the Brandenburg Property (the “Brandenburg West Property”) to POST;
 - (3) The City’s transfer of the Sobrato North Property to POST; POST’s transfer of approximately 30 acres of property in the Coyote Valley known as “Fisher Flats” to the City (purchase price) at a cost to City in the amount of \$5,860,000 (funded with Measure T bond proceeds);
 - (4) The possible future transfer of approximately 14.5 acres of property in the Coyote Valley known as the “Weyhe East Property” by POST to the City (provided POST acquires the property under an option being assigned to it by the Brandenburg entities) with no monetary contribution by the City; and
 - (5) Various obligations related to the termination of existing agreements and entitlements associated with the Brandenburg and Sobrato North Properties that should no longer be in effect (such as the Bailey Extension Cooperation Agreement, Development Agreement for the Coyote Valley Research Park and related agreements and permits for that defunct development) and the dissolution of Community Facilities District No. 9 (Bailey/Highway 101) and Community Facilities District No. 5A (North Coyote Valley Facilities).

- (d) Adopt a resolution authorizing the City Manager to:
 - (1) Execute the Conservation Easement in favor of OSA over the real property in Coyote Valley that will remain under City ownership in the form attached as an exhibit to the Master Transfer and Conservation Easement and negotiate and approve the Interim Maintenance and Operation Plan for the property covered by such easement; and
 - (2) Take various other actions related to the purchase of the Brandenburg and Sobrato Properties as contemplated by the Brandenburg PSA and Sobrato PSA, and take other actions related to the transactions contemplated by the Coyote Valley Master Transfer Conservation Agreement, (“MTA”), including without limitation, executing deed acceptance certificates.
- (e) Adopt a resolution:
 - (1) Approving the report setting forth the facts justifying the summary vacation of the offer of dedication of Arroyo de Fuego Court (“Offer of Dedication”);
 - (2) Summarily vacating the Offer of Dedication; and
 - (3) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- (f) Adopt a resolution directing and authorizing various actions related to Community Facilities District No. 9 (Bailey/Highway 101).
- (g) Approve an ordinance dissolving Community Facilities District No. 9 (Bailey/Highway 101) and authorizing other actions related to its dissolution, including retirement of the City Advance that will result in a payment to the Building and Structure Construction Tax Fund in the amount of approximately \$5 million.
- (h) Adopt an ordinance repealing Ordinance No. 26420 levying special taxes within Community Facilities District No. 5A (North Coyote Valley Facilities).
- (i) Approve an ordinance dissolving Community Facilities District No. 5A (North Coyote Valley Facilities) and authorizing other actions related to its dissolution.

CEQA: Categorically Exempt, File ER19-064, CEQA Guidelines 15307 Actions by Regulatory Agencies for Protection of Natural Resources and 15308 Actions by Regulatory Agencies for Protection of the Environment. District 2. (Economic Development)

- **Open Forum**
- **Adjournment**

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.