



City Council Meeting Synopsis

Tuesday, August 13, 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



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

Call to Order and Roll Call

9: 33 a.m.- Closed Session, Call to Order in Council Chambers

Present: Arenas, Carrasco (10:06), Davis, Diep, Esparza (10:32), Foley, Jimenez, Jones, Khamis, Peralez, Liccardo

1:31 p.m.- Regular Session, Council Chambers, City Hall

- **Invocation (District 7)**

Pastor Tony Williams of the Maranatha Christian Center provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with no changes. (11-0)

- **Closed Session Report**

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a Commendation for Tiffany and Tyler Roth in recognition of their resourcefulness, courage, and heroism in saving a young child's life.
- 1.2 Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a Commendation to Rishik Gandhasri in recognition of his academic excellence and display of extraordinary literacy and spelling potential as co-championship of the 2019 Scripps National Spelling Bee.
- 1.3 Mayor Sam Liccardo and Councilmember Dev Davis presented a Proclamation for Comic Con Week in the City of San José.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Item 2.9 (b) withdrawn, and the below listed actions taken as indicated. (11-0)

2.1 19-648 Approval of City Council Minutes.

Recommendation: Regular City Council Meeting Minutes of January 9, 2018.
CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
Approved.

2.2 19-649 Final Adoption of Ordinances.

Recommendation: (a) Ord No. 30288 - Amending the San José Municipal Code to add a New Chapter 14.10 to Title 14 Setting Forth Additional Prevailing Wage Requirements for Certain Private Construction Projects.
Dropped.

2.3 19-562 Approval of Council Committee Minutes.

Recommendation: (a) Transportation and Environment Committee Minutes of December 3, 2018.
(b) Rules and Open Government Committee Minutes of December 12, 2018.
(c) Smart Cities and Service Improvements Committee Minutes of December 6, 2018.
(d) Smart Cities and Service Improvements Committee Minutes of February 7, 2019.
(e) Smart Cities and Service Improvements Committee Minutes of March 7, 2019.
CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
Approved.

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 19-630**Master Agreements for Air Service Consultant Services at the Airport.****Recommendation:**

Approve Master Agreements with Avia Solutions, Inc. and ASM North America/UBMi Princeton LLC to provide on call air service development consultant services for the Norman Y. Mineta San José International Airport, each in an amount not to exceed \$975,000, with a combined total budget for both agreements not to exceed \$975,000, and each for a term of five years from the date of Council approval.

CEQA: Not a Project, File No. PP17 003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

Approved as Recommended.

2.8 19-580**Actions Related to the Airport Department Staffing Changes.****Recommendation:**

Approve the following position changes in the Airport Department, effective September 1, 2019:

- (a) Add 1.0 FTE Airport Operations Supervisor I/II/III (3524/7/8) position; and
- b) Eliminate 1.0 FTE Staff Specialist (1622) vacant position.

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

Approved as Recommended.

2.9 19-612**Boards and Commissions Appointments.****Recommendation:**

Approve the following Boards and Commissions appointments:

- (a) Library and Early Education Commission:

(1) District 6 Seat: Appoint Hilary Thorsen to a term ending June 30, 2023;

(2) District 10 Seat: Thomas Trudell to a term ending June 30, 2023;

- (b) Youth Commission: **(Withdrawn)**

(1) District 7 Seat: Appoint Daniel Monroy to a term ending May 31, 2021;

- (c) Housing and Community Development Commission:

(1) District 7 Seat: Victoria Partida to an unexpired term ending June 30, 2021;

(2) District 10 Seat: Roberta Moore to a term ending June 30, 2023.

CEQA: Not a Project, File No. PP17-010, City Administrative

Activities, resulting in no changes to the physical environment. (City Clerk)

Approved as Recommended.

11-0

2.10 19-581**Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2019-2020 for Completion of Projects.****Recommendation:**

Adopt the 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Sewer Service and Use Charge Capital Improvement Fund:

- (a) Increase the Beginning Fund Balance by \$260,000; and

(b) Increase the Public Art appropriation to the Office of Economic Development by \$260,000.

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. (City Manager)

Ordinance No. 30293 Adopted.

Resolution No. 79211 Adopted.

2.11 19-582 City Manager's Travel to Nashville, Tennessee.**Recommendation:**

Authorize travel for City Manager David Sykes to Nashville, Tennessee on September 3-6, 2019 to participate in the Silicon Valley Organization 2019 Annual Study Mission. Source of Fund: Non-Personal Appropriation.

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

Approved as Recommended.

2.12 19-591 Purchase Order for Fire and Burglar Alarm Systems Monitoring, Inspection, Maintenance and Repair Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Security Alert Systems of California, Inc. (Gilroy, CA) for Fire and Burglar Alarm Systems Monitoring, Inspection, Maintenance, and Repair Services for the Department of Public Works for an initial twelve-month period, starting on or about August 14, 2019 and ending on or about August 13, 2020 for a total cumulative compensation not-to exceed \$500,000; and

(b) Exercise up to one-year option to extend the term of the purchase orders with the last option year ending on or about August 13, 2021, 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)

Resolution No. 79212 Adopted.

2.13 19-617 Purchase Order for Fire Life Safety Systems Inspections, Testing, Maintenance, and Repair Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with The BGR Group, LLC (Santa Clara, CA) for Fire and Life Safety Systems, Inspections, Testing, Maintenance, and Repair Services at the Norman Y. Mineta San José International Airport for an initial twelve-month period, starting on or about September 1, 2019 and ending on or about August 31, 2020, for an amount not to exceed \$305,000; and

(b) Exercise up to four one-year options to extend the term of the agreement through August 31, 2024, 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)

Resolution No. 79216 Adopted.

2.14 19-618

Purchase Orders for Non-Native Invasive Plant Removal and Control and Seeding Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Ecological Concerns, Inc. (Santa Cruz, CA) for non-native invasive plant removal and control and seeding services for the Department of Public Works on properties owned by the City of San José along Coyote Creek between Oakland Road and Berryessa Road, for an initial twelve-month period, starting on or about August 20, 2019 and ending on or about August 19, 2020 for an amount not to exceed \$140,000; and

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about August 19, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-052, CEQA Guidelines Section 15333, Small Habitat Restoration Projects. (Finance)

Resolution No. 79214 Adopted.

2.15 19-619

Amendment to the Agreement with David Paul Rosen & Associates for Consultant Services Pertaining to Affordable Housing Development.**Recommendation:**

Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Consultant Agreement with David Paul Rosen & Associates for consultant services pertaining to development of affordable housing, increasing the maximum total amount of compensation by \$80,000 from \$320,000 to \$400,000.

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

Resolution No. 79215 Adopted.

2.16 19-620

Amendment to Title 21 of the San José Municipal Code for Environmental Review Revisions.**Recommendation:**

Approve an ordinance deleting Section 21.07.080 of Chapter 21.07 of Title 21 of the Municipal Code (Environmental Review) relating to the request for reconsideration of certification of Environmental Impact Reports.

CEQA: Not a Project, File No. PP17-008 General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (5-0-1; Oliverio absent). (Planning, Building and Code Enforcement)

Ordinance No. 30294 Adopted.

2.17 19-621

9047 - Master Agreements with Perkins+Will and Thornton Tomasetti, Inc., TRC Solutions, Inc., and Sloan Security Group for Various City Facility Projects.**Recommendation:**

Approve Master Agreements with Perkins+Will and Thornton Tomasetti, Inc., TRC Solutions, Inc., and Sloan Security Group for security analysis and design services from the date of execution through July 31, 2022 in an amount not to exceed \$1,000,000 for each agreement.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Deferred to 8/20/19 per Administration.

2.18 19-633 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, Carolyn Wu, as the City representative to attend the Technology and Entrepreneurship Center at Harvard (TECH) Foundations of City Innovation: Strategy, Leadership, & Practice 2-day Educational Program in Cambridge, Massachusetts from August 20 - August 22, 2019. Source of Funds: Technology and Entrepreneurship Center at Harvard (TECH); City of San José.

(b) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Khanh Russo and Candace Le, as the City's representatives to attend the 2019 Children's Funding Institute in Denver, Colorado from September 4 - September 6, 2019. Source of Funds: Children's Funding Project.

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

Approved as Recommended.

2.19 19-690 Retroactive Approval of Mescalero Drive 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 August 7, 2019:

(a) Retroactively approve the Mescalero Drive Beautification Day scheduled on August 10, 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 8/7/19 - Item G.1.b]

Approved as Recommended.

2.20 19-692 Retroactive Approval of Garden at the Flea 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:**

As recommended by the Rules and Open Government Committee on August 7, 2019

(a) Retroactively approve the Garden at the Flea scheduled on April 25, 2019 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve use of District 4 office funds in the amount of \$3,000 to help Public Space Authority cover the costs of organizing this free event for San José residents on April 25, 2019; and

(c) 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)

[Rules Committee referral 8/7/19 - Item G.1.c]

Approved as Recommended.

2.21 19-693 Retroactive Approval of Berryessa Creek Park Dumpster Day 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: As recommended by the Rules and Open Government Committee on August 7, 2019:
(a) Retroactively approve the Berryessa Creek Park Dumpster Day event scheduled on June 29, 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)
[Rules Committee referral 8/7/19 - Item G.1.d]
Approved as Recommended.

2.22 19-694 Retroactive Approval of Project Hope Neighborhood Association Retreat Sponsored by Council District 2 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 August 7, 2019:
(a) Retroactively approve the Project Hope Neighborhood Association Retreat scheduled on July 20, 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. (Jimenez)
[Rules Committee referral 8/7/19 - Item G.1.e]
Approved as Recommended.

2.23 19-695 Approval of the Village Fest Sponsored by Council District 2 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 August 7, 2019:
(a) Approve the District 2 Village Fest scheduled on September 7, 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. (Jimenez)
[Rules Committee referral 8/7/19 - Item G.1.f]
Approved as Recommended.

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 19-622 Privacy Policy Update.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on June 6, 2019:
(a) Accept the report on the City’s approach to digital privacy policy and citywide privacy principles.
(b) Adopt a resolution approving the City-wide Privacy Principles and approving the City’s approach for privacy policy development.
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 Manager) [Smart Cities and Service Improvements Committee referral 6/6/19 - Item (d)2]
Deferred to 9/17/19 per Administration

3.4 19-623 Actions Related to the Business Tax and Business Improvement District Assessments Amnesty Programs and Amendment to Title 4 of the San José Municipal Code for Business Tax Financial Hardship Exemptions.

Recommendation: (a) Approve an ordinance authorizing the Director of Finance to administer a Business Tax Amnesty Program which forgives taxpayers who pay certain past due business taxes from liability for the remaining past due business taxes, interest, and penalties.
Ordinance No. 30295 passed for Publication, including approval of clarifying directions to:
1. Consult with San Jose's Small Business Advisory Task Force in the development of a robust outreach plan that includes targeted and appropriate communication to small businesses, immigrant-owned businesses, and businesses that self-define themselves as deficient in English.
2. Provide information to Council Offices so that they can promote the amnesty program in their newsletters.
11-0

(b) Approve an ordinance authorizing an Amnesty Program for the Downtown and Japantown Business Improvement District Assessments, to run concurrently with the Business Tax Amnesty Program.
Ordinance No. 30296 passed for Publication.
11-0

(c) Approve an ordinance amending Sections 4.76.115 and 4.76.120 of Chapter 4.76 of Title 4 of the San José Municipal Code to broaden the definitions of small business and small business owner in order to expand the eligibility requirements for the Business Tax Financial Hardship Exemptions to include trusts under certain circumstances.
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. (Finance)
Ordinance No. 30297 passed for Publication.
11-0

3.5 19-624

Amendment to Title 14 and Title 27 of the San José Municipal Code for Public Works Municipal Code Revisions.**Recommendation:**

(a) Approve an ordinance amending the San José Municipal Code as follows:

(1) Add a new Title 27, titled “Procurement and Administration of Public Works,” that incorporates recent City Charter changes modernizing the construction contract procurement process, makes changes conforming the Code to current City practices, and otherwise updates, streamlines, clarifies and modernizes requirements for the procurement and administration of public works projects;

(2) Repeal Chapters 14.04, titled “Public Works,” 14.06, titled “Dispute Avoidance and Dispute Resolution Policy,” and 14.07, titled “Design-Build Contracts,” of Title 14, all of which are replaced by the new Title 27;

(3) Repeal Chapter 14.08 of Title 14, titled “Encumbrance of Funds for Construction Contracts,” which is outdated and no longer needed;

(4) Amend Sections 4.12.055, titled “Services,” of Chapter 4.12 of Title 4 to reflect recent City Charter changes clarifying that maintenance services can include repairs, construction, erection, improvement or demolition incidental to such maintenance;

(5) Amend Chapter 4.84, entitled “Insurance Requirements for Certain Public Works Contracts and Use or Occupancy of City-Owner Real Property,” of Title 4 to eliminate outdated insurance requirements and to allow the Risk Manager to set such requirements; and

(6) Amend Section 2.04.1420 of Chapter 2.04 of Title 2, Section 4.08.030 of Chapter 4.08 of Title 4, Section 5.06.390 of Chapter 5.06 of Title 5, Section 11.08.010 of Chapter 11.08 of Title 11, Section 15.26.120 of Chapter 15.26 of Title 15, and Section 19.32.120 of Chapter 19.32 of Title 19 to change references from Chapter 14.04 to Title 27.”

(b) Adopt a resolution to repeal the following resolutions, all of which address policies incorporated into the new Title 27:

(1) Resolution No. 71816, which sets forth the City’s prequalification policy;

(2) Resolution No. 71319, which sets forth the City’s contingency policy; and

(3) Resolution Nos. 72943, 75230 and 73532, which address the authority of the Director of Public Works to award and execute certain public works contracts for \$1,000,000 or less and establish the contingency for such contracts.

(c) Adopt a resolution to amend Council Policy No. 1-18, entitled “Operating Budget and Capital Improvement Program Policy,” to change sections 1.i and 1.j under the Capital Improvement Program portion of the Policy to refer to the appropriate new sections of Title 27.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Public Works)

[Deferred from 6/18/19 - Item 3.7 (19-495)]

Deferred to 8/27/19 per Administration

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-589 Agreement with Zamboom, LLC for Artwork Sonic Runway at City Hall.

Recommendation:

(a) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an Agreement with Zamboom, LLC to fabricate and install a long-term version of the artwork Sonic Runway at City Hall for an amount not to exceed \$500,000.

Resolution No. 79216 Adopted, including approval of Memorandum from Councilmember Davis to:

1. Support the staff s recommendations for a long-term installation of the very popular, interactive artwork — Sonic Runway — at City Hall.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue from Federal Government by \$30,000; and

(2) Establish the National Endowment of the Arts - Sonic Runway appropriation to the Office of Economic Development in the amount of \$30,000.

Ordinance No. 30298 Adopted.

Resolution No. 79217 Adopted.

11-0

(c) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

(1) Increase the Beginning Fund Balance by \$81,000; and

(2) Increase the Public Art appropriation to the Office of Economic Development Department by \$81,000.

CEQA: Categorically Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Economic Development/City Manager)

Ordinance No. 30299 Adopted.

Resolution No. 79218 Adopted.

11-0

4.2 19-625 Public Hearing on the Vacation of the Setback Easements Within Tract No. 1693.

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 and 12.5-foot light and air easements (“Setback Easements”) located within Tract No. 1693;

(b) Vacating the 25-foot and 12.5-foot light and air easements located within Tract No. 1693; and

(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. 3-24857, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 1. (Public Works)

[Deferred from 6/25/19 - Item 4.4 (19-545)]

Dropped

4.3 19-626

Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and Loan of Bond Proceeds Thereof for the Lenzen Square Apartments Project.**Recommendation:**

Adopt a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Lenzen Square Apartments), Series 2019A-1” (the “2019A-1 Bonds”), and the “City of San José Multifamily Housing Revenue Bonds (Lenzen Square Apartments) Series 2019A-2” (the “2019A-2 Bonds”) in an aggregate principal amount not to exceed \$23,000,000;
- (b) Approving the loan of the proceeds of the Bonds to Lenzen Square Community Partners, LP, a California limited partnership created by Community Preservation Partners, LLC, a California limited liability corporation, to finance the acquisition and rehabilitation of an existing 88-unit rental housing project known as the Lenzen Square Apartments located at 790 Lenzen Avenue, in San José;
- (c) Approving in substantially final form the Indenture, Borrower Loan Agreements and Regulatory Agreement and Declaration of Restrictive Covenants (the “2019A-1 Bond Documents” and “2019A-2 Bond Documents”); and
- (d) Authorizing and directing the City Manager, Director of Housing, Director of Finance or the Assistant Director of Finance, or their designees, to execute and deliver the 2019A Bond Documents together with any other documents required in connection with this transaction, including any documents ancillary to the 2019A Bond Documents. CEQA: Categorically Exempt, File No. PP19-054, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Housing/Finance)

Heard immediately following Land Use Consent Calendar

Resolution No. 79219 Adopted, including approval of Memorandum from Vice Mayor Jones to Accept staff recommendation and direct staff to consult with San Jose's Small Business Advisory Task Force in development of a robust outreach plan that includes targeted and appropriate communication to small businesses, immigrant-owned businesses, and businesses that self-define themselves as deficient in English.

11-0

4.4 19-627

Actions Related to Title 5 of the San José Municipal Code for the Housing Payment Equality Ordinance.**Recommendation:**

- (a) Approve an ordinance amending Title 5 of the San José Municipal Code to add a new Chapter 5.10 related to a Housing Payment Equality Ordinance.

Ordinance No. 30304 passed for Publication, including approval of Memorandum from Mayor Liccardo, Vice Mayor Jones, and Councilmembers Carrasco and Arenas to:

- 1. Accept staff recommendations.**
- 2. Direct the Housing Department to report back to the Council within six months of the Ordinance's adoption, specifically to provide progress and information on:**
 - a. The number of new unique landlords entering into Housing Assistance Payment contracts with the Santa Clara County Housing Authority (“Housing Authority”) since adoption of the Ordinance and the percentage increase from existing program participants.**

(Item Continued on the Next Page)

4.4 19-627

Actions Related to Title 5 of the San José Municipal Code for the Housing (Cont'd)

- b. Incentives, both existing and new, for new landlords becoming program participants.**
- c. Status of the Housing Authority's process improvement workplan, with specific, measurable objectives and results for the following metrics:

 - i. the average number of days required for unit inspection for eligibility for Housing Choice Vouchers ("Section 8" or "vouchers"), and the percentage of compliance with a specific duration standard;**
 - ii. the average number of weeks for initial rent payment(s) to new program participants, and the percentage of compliance with a specific duration standard.****
- d. City's enforcement process and results, including number of:

 - i. total unique landlord violators,**
 - ii. initial warnings issued and percentage of compliance following,**
 - iii. administrative citations issued following a warning, and**
 - iv. civil actions brought by City Attorney's Office for repeated violations, if any;****

This was amended with Item #1 of the Memorandum from Vice Mayor Jones to:
1) Modify the effective date of enforcement to be six months from the date the ordinance is effective, to allow for an adequate educational period.

Additional clarifying directions are:

- 1) The City may issue warnings for violations upon the effective date of the Ordinance, and**
- 2) The aggrieved person may bring a civil action in a court of competent jurisdiction, provided that the aggrieved person notifies the Housing Department of the alleged violation and may move forward when the Housing Department has determined that there is no ability to cure the alleged violation.**
(9-2. Noes: Jimenez, Peralez)

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Increase the appropriation to the Housing Department for Personal Services by \$84,000; and

(2) Decrease the City Housing Authority Reserve by \$84,000.

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/City Manager)

Not heard before 2:00 p.m.

Ordinance No. 30300 Adopted.

(9-2. Noes: Jimenez, Peralez)

5. NEIGHBORHOOD SERVICES

5.1 19-628 Update on Safe Parking Pilot Program.

Recommendation:

As recommended by the Neighborhood Service and Education Committee on June 13, 2019, accept the report on the progress and status of the safe parking pilot program for families at Seven Trees Community Center and Library.

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 7. (Housing)[Neighborhood Services and Education Committee referral 6/13/19 - Item (d)2]

Deferred to 8/27/19 per Administration

5.2 19-629 Actions Related to the 7538 - Watson Parks Renovation Project.

Recommendation:

(a) Report on bids and award of construction contract for the 7538 - Watson Park Renovations project to the lowest responsive bidder, Suarez & Munoz Construction, Inc., in the base bid amount of \$1,605,000 and a 15% contingency in the amount of \$240,750.

Approved as Recommended.

(b) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the Watson Park Improvements appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$969,350;

(2) Decrease the future Watson Park Tayler Street Access Study Reserve by \$175,000; and

5.2 19-629 Actions Related to the 7538 - Watson Parks Renovation Project. (Cont'd)

(3) Decrease the Future PDO/PIO in Projects Reserve by \$794,350.

CEQA: Categorically Exempt, File No. PP18-035, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works/Parks, Recreation, and Neighborhood Services/City Manager)

Ordinance No. 30301 Adopted.

11-0

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

8.1 19-592 Independent Police Auditor 2018 Year End Report.

Recommendation:

Consider the 2018 Independent Police Auditor Year End Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

(Independent Police Auditor)

Not heard before 3:00 p.m.

Approved as Recommended, including approval of Memorandum from Mayor Liccardo, Vice Mayor Jones and Councilmember Peralez to:

Accept all five policy recommendations in the 2018 IPA Year End Report, and:

- 1) Direct the City Manager to publicly report incidents involving the pointing of the firearm, and to display this information within the SJPD “Use of Force Analysis” dashboard.**
- 2) Direct the City Manager to provide a progress report as part of the Public Safety Finance Strategic Services work plan before the May 2020 PSFSS meeting on the implementation of the recommendations in this memo, as well as of the expansion of the early intervention system.**

Also approved was the understanding that the IPA and Chief of Police explore the definition of Use of Force and return to PSFSS with an update.

This was added with clarifying directions to:

- 1. Publicly report incidents involving the pointing of the firearm, and to display this information within the SJPD. The name of the category and specific criteria to be updated by staff.**
- 2. Provide a progress report as part of the Public Safety Finance Strategic Services work plan before the May 2020 PSFSS meeting on the implementation of the recommendations in this memo, as well as of the expansion of the early intervention system.**

Additionally, this includes a public report/memo outlining what steps have been taken to implement each of the six UTEP recommendations.

11-0

8.2 19-634 San José Police Department Internal Affairs Unit 2018 Department Initiation Investigations Report.

Recommendation:

Accept the San José Police Department’s Internal Affairs Unit report on Department Initiated Investigations for calendar year 2018.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)

Not heard before 3:00 p.m.

Approved as Recommended.

11-0

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **19-631 C19-021 - Conforming Rezoning for Real Property Located at 397 Saratoga Avenue.**

Recommendation: Approve an ordinance rezoning certain real property located at the west side of Saratoga Avenue, approximately 250 feet southerly of South Kiely Avenue (397 Saratoga Avenue), from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District on an approximately 0.90-gross acre site.
 CEQA: Categorically Exempt, File No. C19-021, CEQA Guidelines Section 15301, Existing Facilities and Section 15061, Review for Exemption. Council District 1. (Planning, Building and Code Enforcement)
Heard at 1:30 p.m. immediately after Regular Consent Calendar
Ordinance No. 30302 passed for Publication.
11-0

- (b) **19-632 C19-023 - Conforming Rezoning for Real Property Located at 399 South 24th Street.**

Recommendation: Approve an ordinance rezoning certain real property located at the northwest corner of East William Street and South 24th Street (399 South 24th Street) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 0.28-gross acre site.
 CEQA: Categorically Exempt, File No. C19-023, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Planning, Building and Code Enforcement)
Heard at 1:30 p.m. immediately after Regular Consent Calendar
Ordinance No. 30303 passed for Publication.
11-0

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

• Open Forum

1. Mark Trout commented on President Trump, Jeffrey Epstein, Mayor Liccardo and City of San Jose
2. Kate Leehane, (Child Sex Abuse Advocate), questioned the Police’ credibility in investigating crimes.
3. Tim Gildersleeve commented on his opposition to the idea of Gun Control.

• Adjournment: 8:15 p.m.

**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.

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.