



City Council Meeting Synopsis

Tuesday, May 7, 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: 36 a.m.- Closed Session, Call to Order in Council Chambers

Present: Arenas, Carrasco (10:20), Davis, Diep, Foley, Jimenez, Jones, Khamis, Peralez, Liccardo.

Absent: Esparza

1:34 p.m.- Regular Session, Council Chambers, City Hall

• Invocation

Ray Furata, Flute player, provided the Invocation.

• Pledge of Allegiance

Mayor Sam Liccardo and 5th Graders from Almaden Country Day School in San Jose, led the Pledge of Allegiance.

• Orders of the Day

The Orders of the Day and the Amended Agenda were approved with Item 4.1, San José Downtown Design Guidelines and Standards deferred.

(11-0.)

• Closed Session Report

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Liccardo and Councilmember Johnny Khamis presented a Proclamation recognizing May as Older Persons Month.
- 1.2 Mayor Liccardo and Councilmember Magdalena Carrasco presented a Proclamation for Affordable Housing Week.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with no changes. 11-0

2.1 Approval of City Council Minutes.

2.2 19-308 Final Adoption of Ordinances.

Recommendation: (a) Ord No. 30263 An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 0.46 Gross Acre Situated on the Northeastern Corner of North Bascom Avenue and Forest Avenue (206 North Bascom Avenue) from the CP Commercial Pedestrian and R-1-8 Single-Family Residence Zoning Districts to the CP Commercial Pedestrian Zoning District.
Adopted.

(b) Ord No. 30261 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 5.08- Gross Acres Situated on the Northeastern Corner of Hellyer Avenue and Piercy Road (459 And 469 Piercy Road) from the Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.
Adopted.

(c) Ord No. 30262 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 59- Gross Acre Situated on the Southwest Corner of West Trimble Road and Orchard Parkway (350 and 370 West Trimble Road) from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.
Adopted.

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 19-295 Actions Related to the Sale of City-Owned Property Located on Rebel Way.**Recommendation:**

Adopt a resolution:

(a) Approving the sale of a portion of the city-owned property at Rebel Way, Assessor's Parcel Number 569-46-001, to Linda Yamauchi, for the amount of \$11,445.44 (Parcel A); and

(b) Approving the sale of the remaining portion of the property to W. Scott and Sarah E. Gardner, for the amount of \$12,906.56 (Parcel B); and

(c) Authorizing the City Manager or his designee to execute the purchase and sale agreements, the deeds, and all other documents necessary to complete the transaction.

CEQA: Categorically Exempt, File No. PP19-029, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 9.

(Economic Development)

Resolution No. 79069 Adopted.

Approved as Recommended.

2.8 19-296 Amendment to the Agreement with Landrum & Brown Inc., for On-Call Airport Planning Services at the Airport.**Recommendation:**

Approve a First Amendment to the Master Consultant Services Agreement with Landrum & Brown, Inc. for On-Call Airport Planning Services at the Norman Y. Mineta San José International Airport, increasing maximum compensation from \$1,000,000 to \$2,000,000, with no change in term.

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

Approved as Recommended.

2.9 19-297 Actions Related to the Vacation of Setback Easements Within Tract No. 1010.**Recommendation:**

(a) Adopt a resolution of intention to vacate the 25-foot, 12.5-foot and 10-foot light and air easements located within Tract No. 1010.

(b) Set a Public Hearing on Tuesday, June 4, 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. PP19-025, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

Resolution No. 79070 Adopted.

2.10 19-298 Agreements with GHD, Inc. and RRM Design Group Engineering Design Services for Various City Trail Projects.**Recommendation:**

Approve Master Agreements with GHD, Inc. and RRM Design Group for engineering design services for various City trail projects from the date of execution through June 30, 2021, in an amount not to exceed \$2,500,000 for each master agreement, for a total award amount of \$5,000,000.

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

(Public Works)

Approved as Recommended.

2.11 19-307 Approval of Annual Senior and Older Adults Health Fair & Walk 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: As recommended by the Rules and Open Government Committee on April 24, 2019:
 (a) Approve the Annual Senior and Older Adults Health Fair & Walk scheduled on June 28, 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. (Carrasco)
 [Rules Committee referral 4/24/19 - Item G.1.b]
Approved as Recommended.

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-306 San José Downtown Design Guidelines and Standards.

Recommendation: Adopt a resolution amending the San José Downtown Design Guidelines and Standards to include Section, 4.4.2.b, relating to bird safety design.
 CEQA: Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. File Nos. GPT19-001 & PP19-018. Planning Commission recommends approval (6-0). Council Districts 3 and 6.
 (Planning, Building and Code Enforcement)
[CONTINUED FROM 4/23/19 - Item 10.2 (19-249)]
Deferred per Orders of the Day.

4.2 19-305 Ellis Act Ordinance Recontrol Provisions.

Recommendation: Accept the verbal staff report on research on the Ellis Act Ordinance's recontrol provisions including conversations with developers and lenders, potential alternatives for meeting recontrol requirements accept the ancillary staff report, and direct staff to take action related to recontrol and/or recontrol alternatives.
 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)
 [Deferred from 3/26/19 - Item 4.2; 4/9/19 - Item 4.2; and 4/23/19 - Item 4.4]
Dropped

5. NEIGHBORHOOD SERVICES

5.1 19-299 Annual BeautifySJ Report.

Recommendation:

As recommended by the Neighborhood Services & Education Committee on December 13, 2018, accept the BeautifySJ Annual report which includes updates pertaining to street landscape maintenance, illegal dumping, anti-graffiti, and anti-litter activities. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Environmental Services/Transportation [Neighborhood Services & Education Committee referral 12/13/18 - Item (d)1] [Deferred from 2/26/19 - Item 5.1 (18-1941) and 3/26/19 - Item 5.1 (19-121)])

Approved as recommended, with staff directed to return in the budget process. (10-0-1. Absent: Khamis)

5.2 19-301 Report on Citywide Expanded Learning Programs.

Recommendation:

As recommended by the Neighborhood Services & Education Committee on April 11, 2019:

- (a) Review and provide feedback on the application of the California Afterschool Network Quality Standards in all City-funded, operated, or endorsed Expanded Learning programs; and
- (b) Accept the Expanded Learning Quality Standards report and adopt a resolution adopting the California Afterschool Network Quality Standards for all City-funded, operated, or endorsed Expanded Learning programs;
- (c) Direct staff to return to the Neighborhood Services and Education Committee in Spring 2020 to report on progress implementing the California Afterschool Network Quality Standards, as well as plans for the 2020 Summer programs.

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

[Deferred from 4/30/19 - Item 5.1 (19-288)]

[Neighborhood Services & Education Committee referral 4/11/19 - Item (d)(1)]

Approved as Recommended.

Resolution No. 79071 Adopted.

(9-0-2. Absent: Esparza, Carrasco)

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-302 Actions Related to the Design-Build Contract for the 8963 - Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility - Fire Station No. 20 Project.

Recommendation:

Adopt a resolution:

(a) Approving the final ranking of the Design-Build (D-B) Entities that responded to the Request for Proposal for the 8963 - Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility - Fire Station No. 20 Project (Project);

(b) Authorizing the Director of Public Works to negotiate a D-B Contract for the Project, as follows:

(1) Begin negotiating with the highest ranked D-B Entity, C. Overaa & Company dba Overaa Construction;

(2) Begin negotiating with the next highest D-B Entity, if after having negotiated with highest ranked D-B Entity, the Director determines that the City’s interests are best served by beginning negotiations with the next highest ranked D-B Entity;

(3) Begin negotiating with the third ranked D-B Entity as the Director determines is appropriate;

(c) Authorizing the Director of Public Works to award and execute the D-B Contract for the Project in an amount not to exceed \$16,940,000, to the highest ranked D-B Entity that successfully completes D-B Contract negotiations with the City;

(d) Authorizing the Director of Public Works to negotiate and execute Task Orders up to the D-B Contract not to exceed amount as necessary to meet project completion;

(e) Approving a D-B contingency in the amount of ten percent of the negotiated D-B Contract not to exceed amount for City-approved changes to the design scope and construction services; and

(f) Authorizing the Director of Public Works to negotiate and execute any single and/or multiple contract change orders for the Project up to the contingency amount. CEQA: Addendum to the Final Environmental Impact Report for the San José International Airport Master Plan Update, as Supplemented, File No. PP18-075. (Airport/Public Works)

Resolution No. 79072 Adopted.

Approved as Recommended.

(10-0-1. Absent: Khamis).

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE**10.1 Land Use on Consent Calendar**

- (a) **19-303** **HL19-001 - Historic Landmark Designation for the "Chiechi House" Located at 1650 Senter Road at History Park.**

Recommendation: Adopt a resolution designating the Chiechi House located at 1650 Senter Road (History Park) as a City Landmark.
CEQA: Categorically Exempt, File No. PP18-097, CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. The Historic Landmarks Commission recommends approval (5-0-2, Hirst and Royer absent). Council District 7.
(Planning, Building, and Code Enforcement)
Heard at 1:30 P.M.
Heard immediately after regular Consent Calendar
Resolution No. 79073 Adopted.
(11-0.)

END OF CONSENT CALENDAR

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

Blair Beekman commented on BAUSI and emergency preparedness training in the Bay Area.

- Adjournment:** 4:55 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.

**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.