



City Council Meeting Amended Agenda

Tuesday, February 26, 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 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

9:00 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

[18-1774](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- Invocation (District 2)

The South Bay Trombone Choir performing “Fanfare” by Andrew C. Fox.

- Pledge of Allegiance

- 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 to recognize March 2, 2019 as National Play Outside Day. (Perez)

1.2 Presentation of a commendation to recognize the San José State University’s Technology Education Satellite Program. (Perez)

1.3 Presentation of a proclamation to recognize February as American Heart Month. (Davis)

1.4 Presentation of a commendation for Synopsys Science Fair. (Carrasco)
TO BE HEARD IN THE EVENING

1.5 Presentation of a commendation to the selected authors from the Litter-ature Poetry Contest for contributing their creativity, poetry, and vision to beautify the landscape of San José. (Mayor)
TO BE HEARD IN THE EVENING

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.

2.3 Approval of Council Committee Minutes.

[18-1951](#)

Approval of Council Committee Minutes.

Recommendation:

- (a) Regular Rules and Open Government Committee Meeting Minutes of June 21, 2017.
 - (b) Regular Rules and Open Government Committee Meeting Minutes of November 29, 2017.
 - (c) Regular Transportation and Environment Committee Meeting Minutes of April 2, 2018.
 - (d) Regular Transportation and Environment Committee Meeting Minutes of August 13, 2018.
 - (e) Regular Transportation and Environment Committee Meeting Minutes of September 10, 2018.
 - (f) Regular Neighborhood Services and Education Committee Meeting Minutes of September 13, 2018.
 - (g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of September 6, 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.

Attachments

- [\(a\) ROGC Jun. 21, 2017 Minutes](#)
- [\(b\) ROGC Nov. 29, 2017 Minutes](#)
- [\(c\) T&E Apr. 2, 2018 Minutes](#)
- [\(d\) T&E Aug. 13, 2018 Minutes](#)
- [\(e\) T&E Sept. 10, 2018](#)
- [\(f\) NSE Sept. 13, 2018 Minutes](#)
- [\(g\) Smart Cities Sept. 6, 2018 Minutes](#)

2.4 Mayor and Council Excused Absence Requests.

[18-1950](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Request for an excused absence for Councilmember Jimenez, from the Regular Meeting of Public Safety, Finance & Strategic Support Committee on February 21, 2019, due to authorized City business at the League of California Cities - Board of Directors meeting in Grass Valley, CA.

(b) Request for an excused absence for Councilmember Carrasco, from the City Council meeting on June 18, 2019, due to City business at the Third Annual National Symposium of Solutions to End Youth Homelessness, in New York, NY.

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

Attachments [Memorandum from Jimenez](#)
[Memorandum from Carrasco](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [18-1919](#)**Retroactive Approval of State of the District Sponsored by Council District 6 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 February 6, 2019:

(a) Retroactively approve the State of the District scheduled on January 30, 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. (Davis)

[Rules Committee referral 2/6/19 - Item G.1.c]

Attachments [Memorandum](#)

2.8 [18-1921](#) **Approval of an Additional General Plan Hearing for Affordable Housing Projects.**

Recommendation: As recommended by the Rules and Open Government Committee on February 6, 2019, hold an additional General Plan Amendment Hearing in the spring of each year to expedite the land use approval of 100% affordable housing communities.

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

[Rules Committee referral 2/6/19 - Item G.4]

Attachments [Memorandum](#)
[Letters from the Public](#)

2.9 [18-1930](#) **Amendment to the AMS-SJC JV Airport Retail Concession Agreement for the Hudson Grab and Go Concession at the Airport.**

Recommendation: Approve the Eighth Amendment to the AMS-SJC JV Airport Retail Concession Agreement to add a Hudson Grab and Go concession at the San José International Airport, and to establish the percentage fee paid as revenue to the Airport for this specific location.

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

Attachments [Memorandum](#)
[Agreement](#)

2.10 [18-1931](#) **Amendment to the Airport Advertising Concession Agreement with Clear Channel Outdoor, Inc.**

Recommendation:

Adopt a resolution authorizing the City Manager to negotiate and execute a Sixth Amendment to the Airport Advertising Concession Agreement (“Agreement”) between the City of San José and Clear Channel Outdoor, Inc. (“Clear Channel”) to:

- (a) Extend the term of the agreement for an additional seven years from June 30, 2020 through June 30, 2027;
- (b) Effective July 1, 2020, adjust the Minimum Annual Guarantee (“MAG”) to increase annually by 2.5%, for a total MAG of \$15,472,232 to the City over the additional seven-year term;
- (c) Require a minimum capital investment of \$6.5 million by Clear Channel for its advertising facilities at the Airport, which converts currently approved static advertising sites to digital where practicable;
- (d) Effective nine (9) months from the execution of the Sixth Amendment, modify the percentage fees payable by Clear Channel for Options I (Fixed Display In-Terminal Advertising), II (Outdoor Advertising), and III (Transit/Bus Shelter Advertising) from 65% of Gross Revenues for Options I and II and 50% of Gross Revenues for Option III to 55% of Gross Revenues for each Option;
- (e) Add an additional advertising package “New Digital Program” at a percentage fee of 55% of Gross Revenues; and
- (f) Delegate authority to the Director to revise the media types and exhibit locations of all advertising packages.

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

Attachments [Memorandum](#)

2.11 [18-1932](#) **Amendment to the Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. for Consultant Services. - DEFERRED**

Recommendation:

Adopt a resolution authorizing the City Manager to execute the Continuation and First Amendment to the Agreement for Consultant Services between the City of San José and Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3) through December 31, 2020 and an increase in compensation of up to \$381,500 for a total amount not to exceed \$1,000,000.

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

DEFERRED TO 3/5/19 PER ADMINISTRATION

- 2.12 [18-1933](#) **Ordinance Amending Chapter 3.36 of Title 3 of the San José Municipal Code to Allow Limited Reemployment of Retired Fire Employees of the City of San José's Police and Fire Department Retirement Plan.**

Recommendation: Approve an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to allow for the limited reemployment of retired Fire employees of the City of San José's Police and Fire Department Retirement Plan.

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

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

- 2.13 [18-1934](#) **Amendment to the Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc. for Construction Management and Inspection Services for the San José -Santa Clara Regional Wastewater Facility Capital Improvement Program.**

Recommendation: Approve the First Amendments to the Master Consultant Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, to allow for overtime pay, as may be required by the City, with no extension to the term or increase to the maximum total compensation.

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

Attachments [Memorandum](#)
[Supplemental Memorandum, 2/26/2019](#)
[Agreement Kennedy Jenks](#)
[Agreement MNS](#)

2.14 [18-1935](#) **Actions Related to the Purchase Order for Digester Dome Coating Rehabilitation Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with National Coating & Lining Company (Murrieta, CA) for digester dome coating rehabilitation services for the Environmental Services Department at the San José-Santa Clara Regional Wastewater Facility for an initial twelve-month period, starting on or about April 1, 2019 and ending on or about March 31, 2020, for an amount not to exceed \$240,000; 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 March 31, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-015, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Attachments [Memorandum](#)
[Supplemental Memorandum, 2/26/2019](#)

2.15 [19-005](#) **Retroactive Approval of Project Hope Litter Pick-up and Dumpster Day at Roundtable Drive and Welch Park Co-Sponsored by the Mayor's Office and The Parks, Recreation, and Neighborhood Service's Project Hope 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 February 13, 2019:

(a) Retroactively approve the Project Hope Litter Pick-up and Dumpster Day at Roundtable Drive (D2) and Welch Park (D8) scheduled on February 23, 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)

[Rules Committee referral 2/13/19 - Item G.1.a]

Attachments [Memorandum](#)

2.16 [19-006](#) **Approval of the San José Earthquakes Flag Raising Sponsored by Council District 3 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 February 13, 2019:

- (a) Approve the San José Earthquakes Flag Raising scheduled on February 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. (Perez)
[Rules Committee referral 2/13/19 - Item G.1.b]

Attachments [Memorandum](#)

2.17 [19-007](#) **Approval of the Cesar E. Chavez Day Flag Raising Sponsored by Council District 3 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 February 13, 2019:

- (a) Approve the Cesar E. Chavez Day Flag Raising scheduled on Wednesday, March 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. (Perez)
[Rules Committee referral 2/13/19 - Item G.1.c]

Attachments [Memorandum](#)

2.18 [19-008](#) **Retroactive Approval of the I Love ESSJ Leadership Reception Sponsored by Council District 5 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 February 13, 2019:

- (a) Retroactively approve the I Love ESSJ Leadership Reception scheduled on February 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. (Carrasco)
[Rules Committee referral 2/13/19 - Item G.1.d]

Attachments [Memorandum](#)

2.19 [19-009](#) **Retroactive Approval of the Gridley/Golf Public Safety Meeting Sponsored by Council District 5 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 February 13, 2019:

- (a) Retroactively approve the Gridley/Golf Public Safety Meeting scheduled on February 6, 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 2/13/18 - Item G.1.e]

Attachments [Memorandum](#)

2.20 [19-010](#) **Retroactively Approve the Dumpster Day Event 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 February 13, 2019:

- (a) Retroactively approve the Dumpster Day event scheduled on February 23, 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 2/13/19 - Item A.1.a]

Attachments [Memorandum](#)

2.21 [19-027](#) **Approval of Creek Cleanup Support as a City Council Sponsored Special Event Series 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 February 20, 2019:

- (a) Approve the Creek Partners events 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)
[Rules Committee referral 2/20/19 - Item G.1.a]

Attachments [Memorandum](#)

2.22 [19-028](#) **Retroactive Approval of Celebration and Ceremonial Oath of Office at the Camden Community Center Sponsored by Council District 9 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 February 20, 2019:

- (a) Retroactively approve the Celebration and Ceremonial Oath of Office at the Camden Community Center scheduled on Wednesday, February 6, 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. (Foley)
[Rules Committee referral 2/20/19 - Item G.1.b]

Attachments [Memorandum](#)

2.23 [19-029](#) **VEBA Advisory Committee Appointment.**

Recommendation: As recommended by the Rules and Open Government Committee on February 20, 2019, approve the appointment of Laura Almaguer, nominated by the Federated Unions, to the Voluntary Employees' Beneficiary Association (VEBA) Advisory Committee to a term ending May 31, 2022.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 2/20/19 - Item F.1]

Attachments [Memorandum](#)

2.24 [19-030](#) **Retroactive Approval of Councilmember Carrasco’s Swearing in Celebration by Council District 5 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 February 20, 2019:

- (a) Retroactively approve Councilmember Carrasco’s Swearing-in celebration scheduled on December 26, 2018 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 2/20/19 - Item A.1.a]

Attachments [Memorandum](#)

2.25 [19-031](#) **Retroactive Approval of the Ribbon Cutting of Marten Avenue Crosswalk by Council District 5 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 February 20, 2019:

- (a) Retroactively approve the Ribbon Cutting of the Marten Avenue Crosswalk scheduled on January 11, 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 2/20/19 - Item A.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 [18-1936](#) **Status Report on Deferred Maintenance and Infrastructure Backlog. -
DEFERRED**

Recommendation: As recommended by the Transportation & Environment Committee on February 4, 2019, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog.

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)

[Transportation & Environment Committee referral 2/4/19 - Item d(1)]
DEFERRED TO 3/12/19 PER ADMINISTRATION

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1937](#) **PP18-092 - Amendment to Title 20 (The Zoning Ordinance) of the San José Municipal Code to Add Safe Parking as a New Enumerated Use.**

Recommendation:

(a) Adopt a resolution adopting the Incidental Safe Parking Municipal Code Amendment Negative Declaration, for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

(b) Approve an ordinance of the City of San José amending and adding sections to Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code (the Zoning Code) to allow Safe Parking as a new use to provide shelter to homeless people in vehicles on existing City-owned sites and sites consisting of legal assembly uses constructed and operating in compliance with the San José Municipal Code; adding the definitions of "Incidental Safe Parking" and "Safe Parking Area" to Chapter 20.80; and making other technical, formatting or non-substantive changes within the Zoning Code.

CEQA: Initial Study/Negative Declaration for the Incidental Safe Parking Municipal Code Amendment. File No. PP18-092. Planning Commission recommends approval (4-2, Vora and Yesney oppose). (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[Presentation](#)

[Supplemental Memorandum, 2/21/2019](#)

[Resolution](#)

[Ordinance](#)

[Memorandum from Mayor, Jones, Davis and Arenas, 2/22/2019](#)

[Memorandum from Esparza, 2/25/2019](#)

4.2 [18-1938](#) **PP18-101 - Amendment to Title 20 (The Zoning Ordinance) of the San José Municipal Code to Add Co-Living Facilities as a New Use in the Downtown.**

Recommendation: Approve an ordinance of the City of San José adding Part 15.5 to Chapter 20.80 of Title 20 to establish rules and regulations related to Co-Living Facilities, to add Co-Living Facility as a newly enumerated use in the Downtown, adding the definition to Co-Living Facility to Chapter 20.200, and making other technical, non-substantive, or formatting changes related to this new use in Title 20.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental Program Environmental Impact Report (Resolution No. 77617) and Addenda thereto. File No. PP18-101. Planning Commission recommends approval (6-0). Council District 3. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Presentation](#)
[Supplemental Memorandum, 2/21/2019](#)
[Ordinance](#)
[Memorandum from Mayor, Jones, Peralez, Carrasco, 2/22/2019](#)
[Letters from the Public](#)

4.3 [18-1940](#) **Agreement with the Santa Clara Valley Water District for Encampment Abatement and Revised Encampment Abatement Procedures.**

Recommendation: (a) Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Agreement with the Santa Clara Valley Water District for Homeless Encampment Abatement within City boundaries.
(b) Accept the revised Homeless Encampment Abatement Procedures.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

Attachments [Replacement Memorandum, 2/21/2019](#)
[Presentation](#)
[Amended Memo from Mayor, Jones, Carrasco, Davis and Esparz](#)

5. NEIGHBORHOOD SERVICES

5.1 [18-1941](#) **Annual BeautifySJ Report. - DEFERRED****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 (d)1]

DEFERRED TO 3/26/19 PER RULES AND OPEN GOVERNMENT

Attachments

[Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Presentation](#)

5.2 [19-026](#) **Report on Office of Immigrant Affairs Activities. - DEFERRED****Recommendation:**

As recommended by the Neighborhood Services & Education Committee on February 14, 2019, accept the Administration's report on accomplishments as it relates to the Welcoming SJ Plan and highlight significant 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. (City Manager)

[Neighborhood Services & Education Committee referral - 2/14/19 (d)1]

DEFERRED TO 3/12/19 PER RULES AND OPEN GOVERNMENT

Attachments

[Memorandum](#)

[Presentation](#)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-1942](#) **Public Hearing on the Air Service Support Program.**

- Recommendation:**
- (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration, to Southwest and Alaska Airlines.
 - (b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined below:

Southwest and Alaska Airlines Routes

Airline: Southwest
Market: Nashville
Airport: BNA
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Honolulu
Airport: HNL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Maui
Airport: OGG
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Kona
Airport: KOA
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Lihue
Airport: LIH
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Alaska
Market: Dallas
Airport: DAL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$89,416)
Marketing Funds: (-\$25,000)

For each route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

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

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

6.2 [18-1944](#) **Actions Related to the Downtown Airspace and Development Capacity Study.**

Recommendation:

As recommended by the Rules and Open Government on February 20, 2019, review and discuss, with no Council action:

(a) Accept a completed Downtown Airspace and Development Capacity Study, with selection of Scenario 4, which would affirm the City's development policy to use Federal Aviation Administration (FAA) obstruction evaluation determinations on a project-by-project basis as maximum building height limits in the Downtown Core and Diridon Station Area.

(b) Direct the Administration and City Attorney's Office to explore, and report back to Council on, the feasibility of establishing a "Community Air Service Support Fund" to financially mitigate air service impacts that might arise from implementation of Scenario 4 of the Downtown Airspace and Development Capacity Study.

(c) Direct the Administration to consider potential refinements to the development review process for projects subject to an FAA obstruction evaluation determination including:

(1) Requiring applicants to have the technical data on the FAA submittal forms be prepared by a licensed civil engineer and that the forms identify the location and elevation of the highest points of the proposed building, including any mechanical rooms, screens, antennas, or other accessory structure.

(2) Requiring applicants to also identify the location and elevation of the highest points of the proposed building and accessory extensions thereof, on their City development permit application plans, including any mechanical rooms, screens, antennas, or other accessory structure.

(3) Requiring that when the FAA requires a completed construction survey as part of an obstruction evaluation determination, that such survey be prepared by a licensed civil engineer for the highest-points of the structure, including accessory extensions thereof, and be completed prior to City issuance of an occupancy certification.

(4) Requiring a development permit amendment application for any proposed modification or addition to an existing or approved building that would create a new and/or relocated roof-top high point.

(5) Developing a construction crane policy in the Downtown Core and Diridon Station area to minimize impacts on airline service during construction.

(d) Direct the Administration to initiate amendments, as determined applicable, to the General Plan and other key policy documents to incorporate the above recommendations and conduct outreach with the downtown development community to provide information and guidance on development height restrictions.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment and File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Airport)
[Community and Economic Development Committee referral 1/28/19 - Item (d)5]

Attachments [Memorandum](#)

[Presentation](#)

[2/19/19 Airport Case Studies Memo](#)

[2/19/19 Existing Conditions Assessment Memo](#)

[2/19/19 Project Steering Committee Presentations](#)

[2/19/19 Airspace Scenarios and Aircraft Performance Assessmen](#)

[1/28/19 CED Presentation](#)

[CED Supplemental Memorandum, 1/28/2019](#)

[Letters from the Public 1](#)

[Letters from the Public 2](#)

6.3 [18-1945](#) **Actions Related to the 2019 Major Streets Concrete & ADA Ramps Project.**

Recommendation:

- (a) Approve award of a construction contract for the 2019 Major Streets Concrete & ADA Ramps Project #1, to the low bidder, Rosas Brothers Construction, Inc. in the amount of \$2,010,800.
- (b) Approve a ten percent contingency in the amount of \$201,080.
- CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 3, 4, 5, & 6. (Transportation)

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-1946](#) **Memorandum of Understanding with the Natural Resources Defense Council, Inc. for the American Cities Climate Challenge.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Memorandum of Understanding with the Natural Resources Defense Council, Inc. in support of the American Cities Climate Challenge, establishing the terms and conditions for a working agreement and the City of San José's American Cities Climate Challenge work plan, and further authorizing any amendments to the Memorandum of Understanding provided the value of the support to the City does not decrease.

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

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

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 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.

- Council will recess until 6:00 p.m.

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

10.1 [18-1947](#)**C18-020 - Conforming Rezoning for Real Property Located at 10080 Viewpoint Lane.****(a)****Recommendation:**

Approve an ordinance rezoning an approximately 0.27-gross acre site, located on the South Side of Viewpoint Lane approximately 400 feet west of Almaden Road (10080 Viewpoint Lane) from the A Agriculture Zoning District to the R-1-5 Single-Family Residence Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C18-020. Council District 10. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)
[Presentation](#)
[Ordinance](#)

10.1 [18-1948](#)**C18-035 - Conforming Rezoning for Real Property Located at the Northwest Corner of Fox Avenue and North First Street.****(b)****Recommendation:**

Approve an ordinance rezoning an approximately 0.43-gross acre site, located at the northwest corner at the intersection of Fox Avenue and First Street, from the CO Commercial Office and the R-1-8 Single-Family Residence Zoning District to the R-M Multiple Residence Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Program Environmental Impact Report (EIR) (Resolution No. 76041) the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C18-035. Council District 3. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)
[Presentation](#)
[Ordinance](#)
[Memorandum from Peralez, 2/25/2019](#)

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

10.2 [18-1949](#)**PDC16-036/PD17-014/PT17-023 - Planned Development Zoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 4300, 4320, 4340 and 4360 Stevens Creek Boulevard.****Recommendation:**

- (a) Adopt a resolution certifying the 4300 Stevens Creek Boulevard Mixed-Use Project Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended (CEQA);
- (b) Adopt an ordinance of the City of San José rezoning (File No. PDC16-036) an approximately 10-gross acre site generally located on the south side of Stevens Creek Boulevard, roughly between Kiely Boulevard and Palace Drive (4300-4360 Stevens Creek Boulevard; APNs: 294-40-009, 296-38-014, and 296-38-013) from the CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District;
- (c) Adopt a resolution approving a Vesting Tentative Map (File No. PT17-023), subject to conditions, to allow the subdivision of three existing parcels into four parcels and seven common parcels;
- (d) Adopt a resolution approving a Planned Development Permit (File No. PD17-014), subject to conditions, to allow the demolition of five buildings totaling approximately 105,980 square feet, the removal of 68 ordinance size trees and to construct a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight story mixed-use building containing approximately 10,000 square feet of ground floor commercial and up to 289 residential units, and an eight-story residential building containing up to 293 residential units, and approximately 88 affordable residential units will be dispersed throughout the mixed-use and residential building; with four added Conditions of Approval related to FAA review, the privately-owned and maintained, but publicly accessible open space, the storefront modification, and the offsetting transportation improvements; and one modified Condition of Approval related to the fair share contribution towards the VTA Voluntary Mitigation Program.
- CEQA: 4300 Stevens Creek Boulevard Mixed-Use Project Environmental Impact Report (EIR). File Nos. PDC16-036, PD17-014, and PT17-023. Planning Commission recommends approval (5-0-1, Ballard absent). Council District 1. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Presentation](#)
[Supplemental Memorandum, 2/21/2019](#)
[Resolution \(a\)](#)
[Ordinance \(b\)](#)
[Resolution \(c\)](#)
[Resolution \(d\)](#)
[Memorandum from Mayor Liccardo and Jones, 2/22/2019](#)
[Letters from the Public](#)

- 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

**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.