



City Council Meeting Amended Agenda

Tuesday, March 27, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, 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. 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

[18-392](#) See separate 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 3)

Reverend Dana Bainbridge of First Christian Church and Founder of Recovery Café

- Pledge of Allegiance

- Orders of the Day

ADJOURNMENT: This meeting is adjourned in memory of James Hartle. James passed away on February 9, 2018. James was a Navy man. At the age of 17 he enlisted and spent 4 years on active duty serving in the Marshall Islands, Gilbert Islands, Hong Kong, Vietnam and Korea along with many other locations. After the Navy, James went back to school and got his AA. James was an extremely hard worker. He eventually ended up working as an electrician for many companies including United Technologies testing rockets. During his career James had 2 to 3 jobs to provide for his six children. James believed that “All you need is self-confidence, you got to work, go get it and put it to use.” James was a wonderful man who will be missed by his family and friends.

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 [18-393](#) Presentation of a commendation to the Blue Tarp Project for showing us through portraits, the individuality of our unhoused residents, and reminding us that, they do not fit popular stereotypes, yet we all share a sense of hope. (Jimenez)
TO BE HEARD IN THE EVENING

- 1.2 [18-395](#) Presentation of a proclamation recognizing the month of March 2018 as Red Cross Month in the City of San José. (Mayor)
- 1.3 [18-409](#) Presentation of a commendation to the Silver Creek High School Key Club for their dedication and services to the community. (Arenas)
TO BE HEARD IN THE EVENING
- 1.4 [18-426](#) Presentation of a proclamation declaring the month of March 2018 as Youth Arts Month. (Carrasco)
- 1.5 [18-458](#) Presentation of a commendation to Deb Kramer for her dedication and commitment to keeping Coyote Creek clean, safe, and vibrant for the people of San Jose. (Nguyen)
- 1.6 [18-464](#) Presentation of a commendation for Girl Scouts Troop St. John Vianney. (Carrasco)
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.

[18-389](#) Approval of City Council Minutes.

Recommendation: Regular Council Meeting Minutes of October 3, 2017.
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 [Regular Council Meeting Minutes of October 3, 2017.](#)

2.2 Final Adoption of Ordinances.

[18-401](#)**Final Adoption of Ordinances.****Recommendation:**

(a) ORD. NO. 30078 - An ordinance of the City of San José rezoning certain real property of approximately 1.89-gross acres located on the northeast corner of East Santa Clara and North 17th Streets (Assessor's Parcel Numbers 467-13-001, 467-13-002), from the CG Commercial General Zoning District and LI Light Industrial Zoning District to the PQP Public/Quasi Public Zoning District

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-037- Council District 3

(b) ORD. NO. 30079 - An ordinance of the City of San José rezoning certain real property of approximately 1.2-gross acre site located northeast of the intersection of North 4th street and East Rosemary Street (1302 North 4th Street), from the LI Light Industrial Zoning District to the CIC Combined Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), and Supplemental EIR to Envision San José 2040 General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning Building and Code Enforcement)
C18-004- Council District 3

(c) ORD. NO. 30080 - An ordinance of the City of San José rezoning certain real property of approximately 0.3 acre portion of a 0.46 acre property located on the southeast corner of Lick Avenue and Goodyear Street (1102 Lick Avenue), from the LI Light Industrial Zoning District to the R-2 Two- Family Residence Neighborhood Zoning District.

CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to the San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Planning Commission recommends approval (6-0-1; Vora absent). (Planning, Building and Code Enforcement)

2.3 Approval of Council Committee Minutes.

[18-380](#) **Approval of Council Committee Minutes.**

Recommendation: (a) Rules and Open Government Committee Minutes of February 7, 2018. (Mayor)
 (b) Rules and Open Government Committee Minutes of February 14, 2018. (Mayor)
 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 [ROGC Minutes of February 7, 2018](#)
 [ROGC Minutes of February 14, 2018](#)

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 [18-382](#) **Actions Related to Vice Mayor Carrasco's Travel to Chicago, Illinois.**

Recommendation: Authorize travel for Vice Mayor Carrasco to Chicago, Illinois on April 10-April 13, 2018 for the Policy Link Equity Summit, and authorize and excused absence from the Rules and Open Government Committee on April 11, 2018. Source of Funds: District 5 Office Budget.
 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Carrasco)

Attachments [Memorandum](#)

2.8 [18-383](#) **Actions Related to Councilmember Diep's Travel to Okayama, Japan.****Recommendation:**

- (a) Authorize international travel for Councilmember Lan Diep to Okayama, Japan from April 7-12, 2018 to join San José's Sister Cities delegation;
- (b) Approve the receipt of gifts received in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.040(c);
- (c) Excuse Councilmember Diep from the City Council meeting on April 10, 2018 and from the Treatment Plant Advisory Committee on April 12, 2018. Source of Funds: District 4 Office Budget (Personal travel after April 12, 2018 will be paid for using personal funds).
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Diep)

Attachments [Memorandum](#)

2.9 [18-384](#) **Actions Related to Councilmember Diep's Travel to Seattle, Washington.****Recommendation:**

- Authorize Councilmember Lan Diep's travel to Seattle, Washington from May 23-24, 2018 for the City Age Conference. Source of Funds: District 4 Office Budget (Personal travel after May 24, 2018 will be paid for with personal funds).
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Diep)

Attachments [Memorandum](#)

2.10 [18-402](#) **Approval of Vista Park Neighborhood 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 March 14, 2018:
- (a) Approve the Vista Park Neighborhood Beautification Day scheduled on April 28, 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. (Khamis)
[Rules Committee referral 3/14/18 - Item G.1.a]

Attachments [Memorandum](#)

2.11 [18-404](#) **Approval of the Scottish Flag Raising 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 March 14, 2018:
(a) Approve the Scottish Flag Raising scheduled on April 6, 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. (Khamis)
[Rules Committee referral 3/14/18 - Item G.1.b]

Attachments [Memorandum](#)

2.12 [18-405](#) **Retroactive Approval of Faith Leaders Panel 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 March 14, 2018:
(a) Retroactively approve the Faith Leaders Panel scheduled on March 9, 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. (Arenas)
[Rules Committee referral 3/14/18 - Item G.1. c]

Attachments [Memorandum](#)

2.13 [18-406](#) **Retroactive Approval of Sound the Alarm 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 March 14, 2018:
(a) Retroactively approve the Sound the Alarm scheduled on February 24, 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. (Arenas)
[Rules Committee referral 3/14/18 - Item G.1.d]

Attachments [Memorandum](#)

2.14 [18-407](#) **Retroactive Approval of Children's Dental Health Fair 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 March 14, 2018:
(a) Retroactively approve the Children's Dental Health Fair scheduled on February 21, 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. (Arenas)
[Rules Committee referral 3/14/18 - Item G.1.e]

Attachments [Memorandum](#)

2.15 [18-410](#) **Actions Related to Councilmember Arenas's Travel to Okayama, Japan.****Recommendation:**

Authorize travel for Councilmember Arenas to Okayama, Japan on April 4, 2018 to April 13, 2018 for the Okayama Sister Cities delegation trip and excuse her absence from the regular meeting of City Council on April 10, 2018, and her absence for the Neighborhood Services and Education Committee Meeting on April 12, 2018. Source of Funds: District 8 Office Funds and Personal Funds (personal travel or activities on April 5-7, 2018 will be paid for using personal funds).

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

Attachments [Memorandum](#)

2.16 [18-435](#) **Approval of District 9 Grant to Branham High School to Support Student Programs and Activities.****Recommendation:**

As recommended by the Rules and Open Government Committee on March 7, 2018, approve a grant to Branham High School for their Sports Booster Club in the amount of \$1,500.00 to support student programs and activities to be paid by Council District 9's Office Appropriation.

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

[Rules Committee referral 3/7/18 - Item G.3]

Attachments [Memorandum](#)

2.17 [18-443](#) **AB 3171 (Ting) Homeless Persons Services Block Grant and SB 912 (Beall and Skinner) Housing.****Recommendation:**

As recommended by the Rules and Open Government Committee on March 21, 2018, adopt a position of support for AB 3171 (Ting) and SB 912 (Beall and Skinner).

CEQA: Not a Project, File No. PP17-011, City Organization & Administrative Activities resulting in no changes to the physical environment. (Housing)

[Rules Committee referral 3/21/18 - Item G.3.]

Attachments [Memorandum](#)
[Letter\(s\) from the Public](#)

2.18 [18-444](#) **SB 918 (Wiener/Rubio): Homeless Youth Act of 2018.**

Recommendation: As recommended by the Rules and Open Government Committee on March 21, 2018, adopt a position of Support for SB 918 (Wiener/Rubio) Homeless Youth Act of 2018.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Housing)
[Rules Committee referral 3/21/18 - Item G.4.]

Attachments [Memorandum](#)
[Letter\(s\) from the Public](#)

2.19 [18-445](#) **November 2018 Ballot Measure: Veterans and Affordable Housing Bond.**

Recommendation: As recommended by the Rules and Open Government Committee on March 21, 2018, adopt a position of support for the Veterans and Affordable Housing Bond on the November 2018 statewide ballot.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Housing)
[Rules Committee referral 3/21/18 - Item G.5.]

Attachments [Memorandum](#)
[Letter\(s\) from the Public](#)

2.20 [18-446](#) **Approval of District 10 Grant to Kiwanis Club of Almaden to Support Turnaround Scholarships.**

Recommendation: As recommended by the Rules and Open Government Committee on March 21, 2018, approve a grant to Kiwanis Club of Almaden for their Turnaround Scholarships in the amount of \$1,000.00 to be paid by Council District 10's SAP Center Community Fund City-Wide appropriation.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 3/21/18 - Item G.6.]

Attachments [Memorandum](#)

2.21 [18-442](#) **AB 2562 (Mullin), Housing and Community Development Authority (HCD) to Adjust Interest Rates.**

Recommendation: As recommended by the Rules and Open Government Committee on March 21, 2018, adopt a position of Support for AB 2562 (Mullin), HCD Authority to Adjust Interest Rates.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Housing)
[Rules Committee referral 3/21/18 - Item G.2]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 [18-379](#) **Status of Open Audit Recommendations as of December 31, 2017.****Recommendation:**

(a) Accept the Status of Open Audit Recommendations as of December 31, 2017, and either affirm or drop the recommendation from the City Council-accepted 2012 Audit of Environmental Services to eliminate the public art requirement for underground ratepayer-funded capital projects. (City Auditor)

(b) Close out the City Auditor’s recommendation that the City Council amend the public art ordinance to eliminate the public art requirement for “The Administration should consider recommending that certain ratepayer-funded capital projects, including those related to underground utilities or the wastewater treatment process.” (City Manager)

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

[Memorandum A](#)

[Memorandum B](#)

[Supplemental Memorandum B](#)

[Memorandum from Vice Mayor Carrasco & CMs Rocha & Peral](#)

[Memorandum from Councilmember Diep](#)

[Memorandum from Mayor Liccardo](#)

[Presentation A](#)

[Presentation B](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-361](#) **Reaffirming Existing Bond Issuance and Approving Post-Issuance Compliance Policies for Multifamily Housing Revenue Bonds.**

Recommendation:

Adopt a resolution to:

- (a) Reaffirm the previously adopted Council Policy Number 1-16 entitled: “Issuance of Multifamily Housing Revenue Bonds”;
- (b) Approve Post-Issuance Compliance Policies for Tax Exempt Multifamily Bonds in order to comply with the California Debt Limit Allocation Committee (“CDLAC”) Regulation 5031(c) and authorize the Directors of Housing and Finance to submit updates to the Guidelines to CDLAC without additional Council action; and
- (c) Authorize the Director of Housing and Director of Finance, or respective designees, to take any and all necessary actions to execute, amend (including administrative procedures as needed from time to time), and deliver all documents relating to the issuance, reporting, and compliance monitoring of new and existing Multifamily Housing Revenue Bonds issued by the City of San José, to remain in compliance with CDLAC or other appropriate regulatory agencies.

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. (Housing/Finance)

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

5. NEIGHBORHOOD SERVICES

5.1 [18-364](#) **Actions Related to Grant Agreements with Santa Clara County for the All-Inclusive Grant Playground Program.**

Recommendation:

Adopt a resolution to:

(a) Authorize the City Manager, or designee, to submit a grant application in an aggregate amount up to \$1,000,000 to Santa Clara County for the All-Inclusive Playground Grant for Alum Rock Park; and

(b) Authorize the City Manager, or designee, to submit, negotiate and execute agreements with Santa Clara County for All-Inclusive Playground Grants for Emma Prusch Farm Park in an amount not to exceed \$2,000,000, Lincoln Glen Park in an amount not to exceed \$1,000,000, and Alum Rock Park in an amount not to exceed \$1,000,000.

CEQA: Exempt, File No. PP18-022 and PP18-023, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 5 and 6. (Parks, Recreation and Neighborhood Services)

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

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-385](#) **San José Complete Streets Design Guidelines.****Recommendation:**

As recommended by the Transportation and Environment Committee on February 5, 2018:

Accept the report on San José's Complete Streets Design Guidelines and adopt a resolution to:

- (a) Adopt the San José Complete Streets Design Guidelines that will serve as the official street design guide to be used by staff in the design of San José streets for all roadway users;
- (b) Adopt Complete Streets principles, implementation methods, and exceptions as required by the Valley Transportation Authority (VTA) to be eligible to receive VTA 2016 Measure B funding; and
- (c) Endorse the National Association of City Transportation Officials' (NACTO) Design Guidance, which serves as a model for the City's Complete Streets Guidelines.

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

[Transportation and Environment Committee referral 2/5/18 - Item (d)1]

DEFERRED FROM 3/27/18 ITEM 6.1 TO 5/1/18 PER ADMINISTRATION

Attachments [2/5/18 T & E Memorandum](#)
[2/5/18 T& E Attachment](#)
[2/5/18 T & E Presentation](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-349](#) Professional Services Agreement with Northern California Power Authority for Wholesale Energy Services.

Recommendation: Approve the Professional Services Agreement for Wholesale Energy Services with Northern California Power Authority for San José Clean Energy for a period of two years and five months from the date of execution in an amount not to exceed \$1,400,000 and up to two one-year agreement extension options, each for an additional \$655,452 and \$668,561 in the third and fourth year respectively for a total contract amount not to exceed \$2,725,000 subject to appropriation of funds in 2018-2019 and subsequent fiscal years.

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

Attachments [Memorandum Agreement 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

- (a) [18-363](#) **Planned Development Zoning for Real Property Located at 375 and 383 South Baywood Avenue.**

Recommendation:

Consideration of an ordinance of the City of San José rezoning an approximately 0.3-gross acre site located at 375 and 383 South Baywood Avenue from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C18-001 - Council District 6

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

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

10.2 [18-362](#) **Planned Development Zoning for Real Property Located at 237-253 Race Street & 216-280 Grand Avenue.**

Recommendation:

- (a) Adopt a resolution adopting the Race Street and Grand Avenue Residential Development Project Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended (CEQA), and adopting a related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance of the City of San José rezoning an approximately 2.3-gross acre site located between Race Street and Grand Avenue, 300 feet southerly of Park Avenue (237-253 Race Street & 216-280 Grand Avenue) from the A(PD) Planned Development to the R-M(PD) Planned Development Zoning District to allow up to 206 dwelling units located in one six-story multi-family residential building and one five-story multi-family residential building (Race Street Investments LLC, Owner).

CEQA: Initial Study/Mitigated Negative Declaration and Environmental Assessment for the Race and Grand Residential Project. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)
PDC17-019 - Council District 6

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Memorandum from CM Davis](#)
[Resolution](#)
[Ordinance](#)
[Presentation](#)
[Letter\(s\) 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**

This meeting is adjourned in memory of James Hartle. James passed away on February 9, 2018. James was a Navy man. At the age of 17 he enlisted and spent 4 years on active duty serving in the Marshall Islands, Gilbert Islands, Hong Kong, Vietnam and Korea along with many other locations. After the Navy, James went back to school and got his AA. James was an extremely hard worker. He eventually ended up working as an electrician for many companies including United Technologies testing rockets. During his career James had 2 to 3 jobs to provide for his six children. James believed that “All you need is self-confidence, you got to work, go get it and put it to use.” James was a wonderful man who will be missed by his family and friends.

**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.
- 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.