



# CITY COUNCIL AGENDA

**MARCH 8, 2018**

**ADJOURNED REGULAR MEETING,  
&  
SPECIAL MEETING**

**8:30 a.m.  
COUNCIL CHAMBERS**

CHAPPIE JONES  
SERGIO JIMENEZ  
RAUL PERALEZ  
LAN DIEP  
MAGDALENA CARRASCO  
VICE MAYOR

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
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. If you wish to speak to the City Council, please refer to the following guidelines:

- **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.
- 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.
- 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.
- 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=5322>. 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 14<sup>th</sup> 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 [City.Clerk@sanjoseca.gov](mailto:City.Clerk@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**

8:30 a.m. Adjourned Closed Session, and Special Closed Session,  
Call to Order in Council Chambers  
Adjourn to Closed Session Council Chambers Conference Room, W133  
[18-342](#) See Separate Agenda

9:00 a.m. Adjourned Regular Meeting, and Special Meeting,  
Council Chambers, City Hall

- **Pledge of Allegiance**

- **Orders of the Day**

Special Meeting will occur if needed. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE ACTION IN FEWER THAN FOUR (4) CALENDAR DAYS. Open Government and Ethics Resolution No. 77135, Section 2.3.2.5.C.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

### 3. STRATEGIC SUPPORT

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#### 3.1 [18-344](#) Potential June 5, 2018 Ballot Measure(s).

**Recommendation:**

(a) Consider a Council-sponsored charter amendment or other measure(s) for the June 5, 2018 general **election** to specify requirements for the conversion of employment land to residential use, including review of the associated environmental and fiscal impacts; urban sprawl mitigation; and other related potential measures.

(b) If Council wishes to proceed with a charter amendment or other measure(s), adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 5, 2018, to submit a charter amendment or other measure(s) to the electors of the City of San José;

(c) Council discussion and consideration of whether the full text of the proposed City measure should be printed in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

(d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;

(e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;

(f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and

(g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, Special Municipal Election, if needed.

CEQA: Not a project (CEQA sec. 21065), and CEQA Guidelines sec. 15061(b)(3) exemption (no potential significant environmental effects).

(Mayor)

[City Council 3/6/18 - Item 3.7]

- **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.
- 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.

**ORDER OF ADJOURNMENT**

**CITY COUNCIL OF THE CITY OF SAN JOSE**

The City of San José City Council held their Regular meeting of Tuesday March 6, 2018 in the City Council Chambers, at City Hall 200 E Santa Clara Street, San José, CA 95113, to consider, deliberate, discuss, and take action on the items listed on the posted agenda for that meeting.

NOTICE IS HEREBY GIVEN that said meeting was adjourned to **Thursday March 8, 2018** at the hour of **8:30 a.m.** in City Council Chambers, at City Hall 200 E Santa Clara Street, San José, CA 95113.

The following items have been continued to Thursday, March 8, 2018:

- Closed Session.            **A.      CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**  
Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government Code:  
Number of matter(s) to be discussed: 1
- Regular Session.            **3.7      Potential June 5, 2018 Ballot Measure(s), including all actions as listed in full on the March 6, 2018 City Council Agenda.**

Said continuance was passed by the following vote:

Ayes:                    Arenas, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha  
Councilmembers; Liccardo, Mayor  
Noes:                    None  
Abstain:                None  
Absent:                 Carrasco, Vice Mayor  
Date:                    6 March 2018

Toni J. Taber, CMC  
City Clerk

**AFFIDAVIT OF POSTING OF ORDER OF ADJOURNMENT**

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA) SS: CITY OF  
SAN JOSÉ

AFFIDAVIT OF POSTING ORDER OF  
ADJOURNMENT

I, Toni J. Taber, declare as follows:

That I am the City Clerk of the City of San José; that at a Regular meeting of the City Council of the City of San José held on 6 March 2018, the members present authorized adjournment of said meeting to 8 March 2018, at the hour of 8:30 a.m. in City of San José Council Chambers at City Hall located at 200 E. Santa Clara Street, San José, CA 95113; and that a copy of said order was posted at a conspicuous place on the door of the room at which said meeting was held and posted online at <http://sanjoseca.gov/index.aspx?NID=5897>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6 March 2018 at 6:00 p.m. at San José, California.

Toni J. Taber, CMC  
City Clerk