



City Council Meeting Agenda

Tuesday, December 18, 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**

9:30 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

[18-1343](#) Closed Session Agenda

11:00 a.m.- Regular Session, Council Chambers, City Hall

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

- **Invocation**

Steve Pinkston, Maranatha Christian Center

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to honor and to recognize Aubrey Parrott for his 57 years of service to the City of San José and San José Police Department. (Rocha)

TO BE HEARD AT 1:30

1.2 Presentation of a commendation to recognize Dayana Salazar. (Peralez)

TO BE HEARD AT 1:30

1.3 Boys and Girls Program (Vice Mayor)

TO BE HEARD AT 1:30

1.4 Special presentation to the "Partners in Reading Literacy Program" (Mayor)
TO BE HEARD AT 1:30 P.M.

1.5 Presentation of a commendation to QueenHype founder, Latoya Fernandez, for her exemplary work and dedication to empowering the youth of San José through art and activism. (Rocha)
TO BE HEARD IN THE EVENING

1.6 Presentation of a commendation to Jalen Butcher for winning the San José Youth Entrepreneurship & Innovation Summit business competition. (Jimenez)
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.

[18-1761](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30193 - An Ordinance of the City of San José Dedicating as Public Right-of-Way Approximately 26,610 Square Feet of City Owned Property Located Along the Southern Property Line of Edenvale Gardens Park and Dedicating as a Public Parking Easement Approximately 2.658 Acres of City-Owned Property at the Southeast Corner of Edenvale Gardens Park.

(b) Ord No. 30194 - An Ordinance of the City of San José Amending Part 12 to Chapter 17.23 of Title 17 of the San José Municipal Code to Require Posting a Notice at the Premises Advising Tenants of the Tenant Protection Ordinance, to Provide for a Tenant's Right to Return to the Rental Unit if Acquitted or Dismissed from the Criminal Action, to Require Specific Language in the Notice of Termination that the Notice is Served in Good Faith and Refers Tenants to the Rent Stabilization Program for Information on Homeless Prevention, and to Include a Provision Stating that Nothing in Ordinance Shall Abrogate the Protections Under California and Federal Law to Survivors of Violence.

(c) Ord No. 30197 - An Ordinance of the City of San José Adding a New Chapter 17.85 to Title 17 of the San José Municipal Code for the San José Energy and Water Building Performance Ordinance, and Amending Section 1.08.020 of Chapter 1.08 of Title 1 to Make Technical and Clerical Corrections and to Add Violations of Chapter 17.85 to the List of Infractions.

(d) Ord No. 30198 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.01- Gross Acres Situated on the East Side of Camden Avenue Between Malpas Drive and Canna Lane (0 Camden Avenue) (Apn 567-26-014), from the A Agricultural Zoning District to the R-2 Two-Family Residence Zoning District.

Attachments

[\(b\) Ordinance](#)

[\(c\) Supplemental Memorandum, 12/12/2018](#)

[\(c\) Ordinance](#)

2.3 Approval of Council Committee Minutes.

(a) [18-1715](#) **Approval of Council Committee Minutes.**

Recommendation:

- (a) Regular Community and Economic Development Committee of March 26, 2018.
 - (b) Regular Community and Economic Development Committee of April 23, 2018.
 - (c) Regular Community and Economic Development Committee of May 21, 2018.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee of August 8, 2018.
 - (e) Regular Joint Meeting for the Rules and Open Government Committee of August 15, 2018.
 - (f) Regular Joint Meeting for the Rules and Open Government Committee of September 12, 2018.
 - (g) Regular Joint Meeting for the Rules and Open Government Committee of September 19, 2018.
 - (h) Regular Joint Meeting for the Rules and Open Government Committee of September 26, 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.

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 [18-1682](#) **Amendment to the Agreement with David J. Powers & Associates, Inc. for Airport Environmental Analysis Services.**

- Recommendation:**
- (a) Approve a First Amendment to the Master Consultant Agreement with David J. Powers & Associates, Inc. for Airport environmental analysis services, increasing maximum compensation from \$250,000 to \$1,250,000 with no change in the term of Agreement.
 - (b) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:
 - (1) Increase appropriation to the Airport Department for Advance Planning in the amount of \$570,000;
 - (2) Decrease for the Unrestricted Ending Fund Balance in the amount of \$570,000.

CEQA: Not a Project, File No. PP17-002, Consultant Services for Design/Study/Research/Inspection. (Airport/City Manager)

Attachments [Memorandum Agreement](#)

2.8 [18-1683](#) **Actions Related to the Transfer of Council District Funds for Incoming Council Members During "Transition Years."**

- Recommendation:**
- Adopt the following 2018-2019 Appropriation Ordinance amendments in the General Fund:
- (a) Increase Council District #07 appropriation by \$421,550;
 - (b) Decrease Council District #07 (January - June) appropriation by \$421,550;
 - (c) Increase Council District #09 appropriation by \$448,055; and
 - (d) Decrease Council District #09 (January - June) appropriation by \$448,055.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Attachments [Memorandum](#)

2.9 [18-1684](#) **Actions Related to the Sale of Excess Power Products for the San José Clean Energy's Power Resources.**

Recommendation: Adopt a resolution authorizing the Director of Community Energy or her designee to sell excess power products in order to balance San José Clean Energy's portfolio of power resources.
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](#)
[Resolution](#)

2.10 [18-1685](#) **Actions Related to the Easement Agreement with the San José Water Company for Water Facilities Located at the Coleman Highline Project.**

Recommendation: Adopt a resolution authorizing the City Manager or his designee to:
(a) Negotiate and execute an Easement agreement with the San José Water Company for water facilities installation to support the construction of the Coleman Highline Project, a LEED Gold project located in San José; and
(b) Negotiate and execute all other documents and take further actions as are necessary to complete these transactions.
CEQA: Determination of Consistency with the FMC/Colman Avenue PD Rezoning Final EIR, File No. PDC98-104 (Resolution No. 71716) and Addenda thereto. Council District 3. (Economic Development)

Attachments [Memorandum](#)

2.11 [18-1686](#) **Agreement with Trussell Technologies for the South Bay Water Recycling Program at the Regional Wastewater Facility.**

Recommendation: Approve a Master Agreement with Trussell Technologies through January 31, 2021 and up to two one-year options to extend, for a maximum compensation of \$650,000 to provide conceptual engineering for sequential chlorination, and regulatory support for Title 22 compliance at the San José-Santa Clara Regional Wastewater Facility.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

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

2.12 [18-1687](#) **Actions Related to the Purchase Order with Corrpro Companies, Inc. for Cathodic Protection Systems Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Corrpro Companies, Inc. (Castro Valley, CA) for cathodic protection systems services for the Environmental Services Department for an initial twelve-month period, starting on or about December 19, 2018 and ending on or about December 18, 2019, for an amount not to exceed \$215,000; 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 December 18, 2023, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.13 [18-1688](#) **Actions Related to the Purchase Order with Capstone Fire Management, Inc. for Confined Space Rescue Team Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Capstone Fire Management, Inc. (Escondido, CA) for confined space rescue team services for the Environmental Service Department for an initial twelve-month period, starting on or about December 19, 2018 and ending on or about December 18, 2019, for an amount not to exceed \$300,000, subject to appropriation of funds; 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 December 18, 2023, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.14 [18-1689](#) **Actions Related to the Purchase Order with Patterson Veterinary Supply, Inc. for Veterinary Medicine and Medical Supplies for the Animal Care Center.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Patterson Veterinary Supply, Inc. (Greeley, CO) for veterinary medicine and medical supplies for stray animals at the Animal Care Center for an initial twelve-month period, starting on or about January 1, 2019 and ending on or about December 31, 2019, for an amount not-to-exceed \$425,000; and
- (b) Execute up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about December 31, 2023, subject to the annual appropriation of funds.

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

(Finance)

Attachments [Memorandum](#)

2.15 [18-1690](#) **Actions Related to the Request for Proposal for Landscape and Irrigation Services.**

Recommendation:

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Brightview Landscape Services (San José, CA) for the Department of Transportation for scheduled landscape management, maintenance, and irrigation services in Special Maintenance District 13 and Community Facilities District 16, including all labor, material, and equipment necessary to perform such services, for an initial twelve-month period beginning on or about December 19, 2018 and ending December 31, 2019 for a not-to-exceed amount of \$133,962, subject to the appropriation of funds;
- (b) Execute purchase orders with Bayscape Landscape Management, Inc. (Alviso, CA), Brightview Landscape Services (San José, CA), and Jensen Landscape Services (San José, CA) for as-needed landscape management and irrigation services, including all labor, material, and equipment necessary to perform such services, for the Departments of Environmental Services, Parks, Recreation, and Neighborhood Services, and Public Works for an initial twelve-month period beginning on or about December 19, 2018 and ending December 31, 2019 for a combined total not-to-exceed amount of \$755,000, subject to the appropriation of funds;
- (c) Negotiate and execute amendments and adjustments during the initial term for each purchase order as may be required in the event actual service requirements exceed estimates, for a combined total contingency amount not-to-exceed \$250,000, subject to the appropriation of funds; and
- (d) Exercise up to four additional one-year options for each purchase order to extend through December 31, 2023, subject to the appropriation of funds.

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

(Finance)

Attachments [Memorandum](#)

2.16 [18-1691](#) **Actions Related to the Purchase Order with Hi-Tech Emergency Vehicle Service, Inc. for Firefighting Vehicle Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Hi-Tech Emergency Vehicle Service, Inc. (Oakdale, CA) for firefighting vehicle parts, maintenance, and repair services for the Public Works Department for an initial twelve-month period, starting on or about December 19, 2018 and ending on or about December 18, 2019, for an amount not to exceed \$550,000; 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 December 18, 2023, subject to the appropriation of funds.

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

(Finance)

Attachments [Memorandum](#)

2.17 [18-1692](#) **Affordable Housing Impact Fee 2017-2018 Annual Report.**

Recommendation:

Accept the Fiscal Year 2017-2018 Annual Report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's Affordable Housing Impact Fee.

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

Attachments [Memorandum](#)

2.18 [18-1693](#) **Amendment to the City Pay Plan for Various Classifications.****Recommendation:**

(a) Adopt a resolution to amend the City of San José Pay Plan effective December 30, 2018, to:

(1) Create following classifications:

(a) Equipment Maintenance Supervisor II (3330) with a salary range of \$88,379.20 - \$107,827.20 annually;

(b) Power Resources Specialist I/II (5250/5251) with a salary range of \$78,104.00 - \$95,180.80 (I) and \$84,988.80 - \$103,542.40 (II) annually;

(c) Senior Power Resources Specialist (5253) with a salary range of \$106,121.60 - \$130,000.00 annually; and

(d) Principal Power Resources Specialist (5254) with a salary range of \$126,125.56 - \$157,655.91 annually.

(2) Retitle the following classifications:

(a) Equipment Maintenance Supervisor I (3327) (formerly Equipment Maintenance Supervisor) with a salary range of \$81,265.60 - \$99,091.20.

(b) Approve the following position changes to the Department of Community Energy:

(1) Delete 2.0 Senior Analyst positions;

(2) Add 1.0 Principal Power Resources Specialist; and

(3) Add 1.0 Power Resources Specialist I/II.

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

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

2.19 [18-1718](#) **Naming of the San José Public Library Bridge Branch Located at 3411 Rocky Mountain Drive.****Recommendation:**

As recommended by the Library and Early Education Commission on November 14, 2018, consider naming the San José Public Library bridge branch located at 3411 Rocky Mountain Drive, San José, CA 95127 in the Mt. Pleasant School District as the Mount Pleasant Neighborhood Library (Biblioteca de la Comunidad Mount Pleasant). CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Library)

Attachments [Memorandum](#)

2.20 [18-1694](#) **Action Related to the Agreement with the Sharks Foundation and the San José Parks Foundation for the Roosevelt Roller Hockey Rink Legacy Project.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Sharks Foundation and the San José Parks Foundation, as a fiscal agent, to sponsor the Roosevelt Roller Hockey Rink improvements, hockey-related recreation programming, and hockey equipment. The sponsorship is part of the National Hockey League San José Sharks Foundation Legacy Project.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendment in the Gift Trust Fund:

 (1) Increase the estimate for Other Revenue by \$500,000; and

 (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Roosevelt Roller Hockey Rink Legacy Project 2018-2019 in the amount of \$500,000.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(a), Existing Facilities, File No. PP18-102. (Parks, Recreation and Neighborhood Services/City Manager)

Attachments [Memorandum](#)

2.21 [18-1695](#) **Actions Related to the Agreement with S.J. Sierra Group, LLC and BGT Development, LLC, for Turnkey Parks within the Flea Market North Project Site.**

Recommendation:

(a) Approve a Turnkey Park Improvement and Excess Credit Agreement for Tentative Maps No. PT15-067 and PT15-068 with S.J. Sierra Group, LLC, and BGT Development, LLC, (“Developer”) to construct turnkey improvements at two park sites previously dedicated to the City as part of the Flea Market North Project:

(1) Master Plans for the two park sites;

(2) Turnkey Park Improvement Plans for the two park sites.

(b) Approve "Mercado park" for the name of the park site located near the intersection of Mercado Way and Sierra Road, located approximately 450 feet north of Berryessa Road, and along the east side of Coyote Creek.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund:

(1) Increase the estimate for Developer Contribution by \$595,000;

(2) Establish the Mercado Park Design Review and Inspection appropriation in the Parks, Recreation and Neighborhood Services Department in the amount of \$297,500;

(3) Establish the Bruzzone Way Park Design Review and Inspection appropriation in the Parks, Recreation and Neighborhood Services Department in the amount of \$297,500

CEQA: San José Flea Market General Plan Amendment & Planned Development Rezoning Final Environmental Impact Report (Resolution No. 73956) and Addenda thereto, File Nos. GP06-04-01 and PDC03-108. (Parks, Recreation and Neighborhood Services/City Manager)

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

2.22 [18-1696](#) **Amendment to the Agreement with AECOM Technical Services, Inc. for the Design-Build for Fourth Street 84-Inch Interceptor Phase VI-A Project.**

Recommendation: Approve the Fourth Amendment to the Consultant Agreement with AECOM Technical Services, Inc. by extending the term of the Agreement from December 31, 2018 to June 30, 2021, which will allow AECOM Technical Services, Inc. to continue providing technical services and further support the delivery of the Fourth Street 84-Inch Interceptor Project with no additional compensation.
CEQA: Mitigated Negative Declaration for the Sewer Interceptor Phase VI-A Project, File No. PP10-160. Council Districts 3 & 4. (Public Works)

Attachments [Memorandum Agreement](#)

2.23 [18-1697](#) **Actions Related to the 8794 - 31st and Alum Rock Park Phase 2B Project.**

Recommendation: Adopt a resolution authorizing the Director of Public Works to:
(a) Award a construction contract for the 8794 - 31st and Alum Rock Park Phase 2B Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,100,000;
(b) Approve a contingency of up to, but not to exceed, 5% of the amount of the construction contract awarded by the Director; and
(c) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive and responsible bidder, or reject all bids and re-bid the Project;
CEQA: Addendum to the S. 31st Street & Alum Rock Avenue Park Mitigated Negative Declaration (Resolution No. 77979), File No. PP18-042. Council District 5. (Public Works)

Attachments [Memorandum Resolution](#)

2.24 [18-1705](#) **Actions Related to the Agreements with Santa Clara Valley Transportation Authority for BART Extension to Berryessa.**

Recommendation:

(a) Approve the proposed Second Amendment to Master Agreement with the Santa Clara Valley Transportation Authority to extend the term of the agreement to December 31, 2019.

(b) Approve the proposed Third Amendment to Cooperative Agreement #6 with the Santa Clara Valley Transportation Authority to: 1) extend the term of the agreement to December 31, 2019, and 2) increase the maximum cost reimbursement for City of San José project management services to an amount not to exceed \$1,200,000 for the period of January 1, 2012, through December 31, 2019.

(c) Approve the proposed Third Amendment to Cooperative Agreement #7 with the Santa Clara Valley Transportation Authority to: 1) extend the term of the agreement to December 31, 2019, and 2) increase the maximum cost reimbursement for City of San José encroachment permit services to an amount not to exceed \$4,100,000 for the period of January 1, 2012, through December 31, 2019.

CEQA: Determination of Consistency with the BART Extension to Milpitas, San José, and Santa Clara Final EIR, BART Extension to Milpitas, San José, and Santa Clara Final Supplemental EIR, and BART Silicon Valley Phase 1 - Berryessa Extension Final 2nd Supplemental EIR, and Addenda thereto, Resolution No. 76126. Council District 4.
(Public Works)

Attachments [Memorandum](#)
[Agreement \(a\)](#)
[Agreement \(b\)](#)
[Agreement \(c\)](#)

2.25 [18-1698](#) **Agreement with Caltrans for the Operation and Maintenance for Changeable Message Signs.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to execute the Project Specific Maintenance Agreement with the State of California Department of Transportation (Caltrans) for the operations and maintenance of four Changeable Message Signs to be installed by the City along State Route 87 (SR 87) within Downtown San José.
CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction, File No. PP17-086.
(Transportation)

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

2.26 [18-1699](#) **Memorandum of Agreement with the Santa Clara Valley Water District for Encampment Clean Up, Trash Removal, and Prevention. -DROP**

Recommendation: Adopt a resolution authorizing the Director of Housing to execute an amendment extending the term of the Memorandum of Agreement between the Santa Clara Valley Water District and the City of San José through March 31, 2019.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)
DROP

2.27 [18-1726](#) **Implementation of State Law Concerning Taxicab Business Permitting.**

Recommendation: Adopt a resolution implementing State law concerning the permitting of taxicab businesses substantially located within the City of San José.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney)

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

2.28 [18-1731](#) **Retroactive Approval of Brahms Dumpster Day 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 December 5, 2018:

(a) Retroactively approve the Brahms Dumpster Day scheduled on December 1, 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 12/5/18 - Item G.1.a]

Attachments [Memorandum](#)

2.29 [18-1732](#) **Retroactive Approval of Millbrook Dumpster Day 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 December 5, 2018:

(a) Retroactively approve the Millbrook Dumpster Day scheduled on December 1, 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 12/5/18 - Item G.1.b]

Attachments [Memorandum](#)

2.30 [18-1733](#) **Retroactive Approval of Home Burglary Community Meeting 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 December 5, 2018:

(a) Retroactively approve the Home Burglary Community Meeting scheduled on December 5, 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 12/5/18 - Item G.1.c]

Attachments [Memorandum](#)

2.31 [18-1734](#) **Council Travel Policy: Per Diem Meal Reimbursement.**

Recommendation: As recommended by the Rules and Open Government Committee on December 5, 2018, adopt a resolution approving a revised City Council Policy No. 9-5, “Travel by Elected and Appointed City Officials”.

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

[Rules Committee referral 12/5/18 - Item G(2)]

Attachments [Memorandum](#)
[Memorandum from ROGC, 12/05/18](#)
[Resolution](#)

2.32 [18-1737](#) **Independent Police Auditor Compensation Package/Employment Agreement.**

Recommendation: Adopt a resolution appointing Shivaun Nurre for services as Independent Police Auditor consistent with the terms in the memorandum.

CEQA: File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)

2.33 [18-1740](#) **Amendment to the Agreement with H.T. Harvey and Associates for Park and Trail Projects.**

Recommendation: Approve the First Amendment to the agreement between the City of San José and H.T. Harvey and Associates for a Master Consultant Agreement providing mitigation, monitoring, maintenance and reporting for park and trail projects. This amendment will extend the term of the agreement from December 31, 2023 to December 31, 2027, and increase the maximum total compensation by \$1,125,000 from \$2,000,000 to \$3,125,000.

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

[Deferred from City Council meeting 11/27/18 - Item 2.9 (18-1549); 12/4/18 - Item 2.10 (18-1661)]

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

2.34 [18-1764](#) **Approval of K Smith Elementary Holiday Celebration 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 December 12, 2018:
(a) Approve the K Smith Elementary Holiday Celebration scheduled on December 19, 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 12/12/18 - Item A.1.a]

Attachments [Memorandum](#)

2.35 [18-1765](#) **Approval of Community Events Sponsored By Council District 7 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 December 12, 2018:

(a) Retroactively approve the following District 7 event as a City Council sponsored Special Event and approve the expenditure of funds:

 (1) SevenTrees Neighborhood Association Holiday Potluck on Wednesday, December 5, 2018 at the Seven Trees Community Center; and

(b) Approve of the following District 7 event as a City Council sponsored Special Event and approve the expenditure of funds:

 (1) RockSprings Neighborhood Association Christmas Celebration on Thursday, December 20, 2018 at Paseo Center Community Room; and

(c) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Nguyen)
[Rules Committee referral 12/12/18 - Item G.1.b]

Attachments [Memorandum](#)

2.36 [18-1766](#) **Retroactive Approval of Gun Buy Back 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 December 12, 2018:

(a) Retroactively approve the Gun Buy Back held on December 1, 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. (Liccardo)
[Rules Committee referral 12/12/18 - Item G.1.c]

Attachments [Memorandum](#)

- 2.37** [18-1767](#) **Approval of District 2 Holiday Appreciation Party at Southside Community Center Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on December 12, 2018:
(a) Approve the District 2 Holiday Appreciation Party at Southside Community Center scheduled on December 15, 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. (Jimenez)
[Rules Committee referral 12/12/18 - Item G.1.d]

Attachments [Memorandum](#)

- 2.38** [18-1758](#) **Retroactive Approval of Cookies, Coats and Cans 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 December 12, 2018:
(a) Retroactively approve the Cookies, Coats and Cans event scheduled on December 15, 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 12/12/18 - Item A.1a]

Attachments [Memorandum](#)

2.39 [18-1759](#) **Retroactive Approval of Beautility Art Celebration 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 December 12, 2018:
(a) Retroactively approve the Beautility Art Celebration scheduled on December 8, 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. (Councilmembers last name)
[Rules Committee referral 12/12/18 - Item A.1.a]

Attachments [Memorandum](#)

2.40 [18-1762](#) **Agreement with Pham Radio Communication, LLC for City-Owned Property Located Near Remillard Drive at Coyote Creek Park Chain.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a License Agreement between the City of San Jose and Pham Radio Communication, LLC for the use of certain portions of the City-owned property located near Remillard Drive at Coyote Creek Park Chain (APN 472-11-009) to construct, operate and maintain radio transmission equipment and related facilities for a period of ten years, with two 5-year renewal options, for a total of \$60,122.16 per year with a 3% annual escalation after the first year.
CEQA: Not a Project, File No. PP17-003, Agreement/Contracts resulting in no physical changes to the environment. (Economic Development)

2.41 [18-1763](#) **Human Resources Department/Office of Employee Relations Single Leadership Model Implementation.**

Recommendation:

- (a) Approve the following position changes to the City Manager’s Office (Office of Employee Relations):
- (1) Delete 0.5 Employee Relations Director position;
 - (2) Delete 1.0 Senior Executive Analyst position; and
 - (3) Add 1.0 Deputy Director position.
- (b) Approve the following position changes to the Human Resources Department:
- (1) Delete 0.5 Human Resources Director position;
 - (2) Add 1.0 Senior Analyst position; and
 - (3) Add 1.0 Analyst position.
- CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Human Resources/City Manager)

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:00 A.M.

3.3 [18-1700](#) **Actions Related to the Recording of Liens for Cost of Sidewalk Repairs.****Recommendation:**

- (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.
 - (b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.
 - (c) Direct the recording of liens and the placement of charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.
- CEQA: Not a Project, File No PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

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

3.4 [18-1701](#) **Actions Related to the Request for Proposal for Information Technology Infrastructure Refresh Project.****Recommendation:**

- Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:
- (a) Negotiate and execute an agreement with SHI International Corp. (Somerset, NJ) for all hardware, software, licensing, and associated professional services required to complete, support, and maintain the City's Information Technology Infrastructure Refresh Project for an initial five-year term beginning on or about January 7, 2019 and ending December 31, 2023 for a maximum compensation not to exceed \$2,146,830;
 - (b) Negotiate and execute amendments and change orders as may be required for any unanticipated changes for a contingency amount not to exceed \$415,000 during the initial five-year term, subject to the appropriation of funds; and
 - (c) Exercise up to five one-year options to extend the term of the agreement through December 31, 2028 to maintain current and purchase new software subscriptions, technical support, maintenance, and related professional services, subject to the appropriation of funds.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Attachments [Memorandum](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1702](#) History San José Operations and Maintenance Agreement.

Recommendation:

As recommended by the Community and Economic Development Committee on November 26, 2018, accept the report and adopt a resolution authorizing the City Manager to negotiate and execute a five-year agreement with History San José, from July 1, 2019 to June 30, 2024, for the operations and maintenance of the City-owned historical facilities within History Park at Kelly Park and the Peralta Adobe - Fallon House Historic Site, as well as management of the City's historic collections for an annual amount of \$825,000 plus an annual adjustment according to the consumer price index, subject to annual appropriations as approved by City Council.

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

[Community and Economic Development Committee referral 11/26/18
- Item (d)4]

Attachments

[Memorandum](#)

[Memorandum from Peralez, 11/26/2018](#)

- 4.2 [18-1703](#) **Actions Related to the Amendment to Title 5 of the San José Municipal Code for Emergency Bridge Housing Communities.**

Recommendation:

- (a) Accept the staff report including the site recommendations.
- (b) Adopt the following resolutions:
 - (1) Approving the Initial Study/Negative Declaration for the Emergency Bridge Housing Ordinance described below and the development of the recommended sites listed below for Emergency Bridge Housing Communities.
 - (2) Declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 et seq. and designating the two recommended sites to be developed for and used as Emergency Bridge Housing Communities for homeless individuals during the crisis:
 - (a) Valley Transportation Authority staging site located at Mabury Road identified as Assessor Parcel Number 254-01-034; and
 - (b) Caltrans site located at the South West Quadrant of State Highways 101 and 680 adjacent to Felipe Avenue.
 - (3) Authorizing the City Manager to negotiate and execute the following:
 - (a) Documents and amendments with the Valley Transportation Authority and Caltrans for the leasing of the two sites recommended for Emergency Bridge Housing Communities through January 1, 2022;
 - (b) An agreement for the development and construction of two Emergency Bridge Housing Community sites and associated change orders with Habitat for Humanity East Bay/Silicon Valley, Inc. in an amount not to exceed \$4,300,000;
 - (i) Approve a contingency of up to \$860,000.
 - (c) A grant agreement for the operation and related services for the two Bridge Housing Community sites with HomeFirst Services of Santa Clara County in the amount not to exceed \$1,300,000 through June 30, 2019 with the option to extend the term of the agreement through June 30, 2020 and increase the agreement amount not to exceed \$2,600,000, subject to annual appropriation of funds.
 - (4) Finding the requirement that the Housing Department and Habitat for Humanity solicit bids and award a construction contract to the lowest responsible bidder for construction of emergency bridge housing communities would be an “Idle Act” pursuant to Section 1217(E)(6) of the City Charter.
 - (c) Approve an ordinance amending Title 5 of the San José Municipal Code to add a new Chapter 5.09 to adopt local standards for design, site development, and operation of Emergency Bridge Housing Communities and their structures and facilities in lieu of existing State

and local standards and to adopt local standards for Emergency Housing.

(d) Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

(1) Decrease the City Housing Authority Reserve in the amount of \$4,490,000; and

(2) Establish a Bridge Housing Communities appropriation to the Housing Department in the amount of \$4,490,000.

CEQA: Negative Declaration for the Bridge Housing Communities Project, File No. PP18 081. (Housing/City Manager)

Attachments [Memorandum](#)
[Resolution \(a\)](#)
[Resolution \(b\)](#)
[Resolution \(h\)](#)
[Ordinance \(c\)](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-1704](#) **Actions Related to the Shared Micro-Mobility Program and Regulatory Framework.**

Recommendation:

- (a) Approve an ordinance amending Chapter 92 of Title 11 of the San José Municipal Code to establish a new permit system and require shared dockless micro-mobility companies to obtain an operating permit and comply with permit requirements to operate a shared micro-mobility business within City rights-of-way.
- (b) Adopt a resolution amending the 2018-2019 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish a Shared Micro-Mobility Annual Permit and Program Monitoring Fee in the amount of \$124.00 per shared micro-mobility device, and an Annual Permit Application Fee in the amount of \$2,500.
- (c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the Department of Transportation's Personal Services appropriation by \$101,530;
 - (2) Increase the Department of Transportation's Non-Personal/Equipment appropriation by \$16,000; and
 - (3) Increase the Revenue Estimate for Fees, Rates, and Charges by \$117,530.
- (d) Approve the addition of 1.0 Transportation Specialist position in the Department of Transportation.
- (e) Adopt a resolution amending the Administrative Citation Schedule of Fines to add fines for violations of Section 11.92.120 of Title 11 of the San José Municipal Code related to prohibited conduct for micro-mobility operators, and repealing Resolution 78478.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment; and 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. (Transportation/City Manager)
- [Transportation and Environmental Committee referral 8/13/18 - Item D.1]
- [Deferred from 9/25/18 - Item 6.3 (18-1273); 10/16/18 - Item 6.1 (18-1377); 11/27/18 - Item 6.1 (18-1560)]

Attachments [Memorandum](#)
[Memorandum from Liccardo, Peralez, Davis, 12-5-2018](#)
[8/13/18 T&E Memorandum](#)
[Ordinance \(a\)](#)
[Resolution \(b\)](#)
[Resolution \(e\)](#)
[Presentation, 8/13/2018 T&E](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [18-1706](#) **Actions Related to Negotiations of Recycle Plus Residential Solid Waste Agreements.**

Recommendation:

- (a) Accept the staff report with the term sheets from Garden City Sanitation, GreenTeam of San José, and GreenWaste Recovery for future residential solid waste services;
- (b) Direct staff to develop agreements with Garden City Sanitation, GreenTeam of San José, and GreenWaste Recovery in accordance with the term sheets and return to Council in April 2019 with Recycle Plus agreements for residential solid waste services to begin July 1, 2019 and continue through June 30, 2036;
- (c) Direct staff to end negotiations with California Waste Solutions and issue a Request for Proposals to provide Recycle Plus services for single-family recyclables collection & processing in Service Districts A & C, with the same framework as future services in Service District B, for a contract term to begin July 1, 2021 through June 30, 2036;
- (d) Direct staff to exclude Junk Pickup services from future residential solid waste services and return to Council with an approach for delivering this service in the future; and
- (e) Direct staff to continue negotiations with GreenWaste Recovery for residential street sweeping services and return to Council with a recommendation.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services) [Deferred from 12/4/18 Item 7.1 (18-1607)]

Attachments [Memorandum](#)

7.2 [18-1707](#) **Actions Related to Recycle Plus Residential Solid Waste Agreements and China's Policy On Importing Recyclable Material.**

Recommendation: Adopt a resolution authorizing the City Manager to waive all or a portion of the contractor disincentives for not meeting the required diversion rates for calendar year 2018 if by March 1, 2019 the City Manager determines that the Recycle Plus contractors are unable to meet their required diversion rates because of China's "National Sword" policy on the import of recyclable materials.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Environmental Services) [Deferred from 12/4/18 Item 7.2 (18-1599)]

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

7.3 [18-1708](#) **Actions Related to Implementing Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts**

Recommendation: (a) Accept the staff report on:
(1) The proposed methodology to implement a Modified Living Wage for Recycle Plus Customer Service Representatives, Mechanics, and Materials Recovery Facility workers; and
(2) The updated labor peace plans from Recycle Plus contractors.
(b) Direct staff to negotiate the inclusion of a Modified Living Wage requirement, as approved by Council, in future residential garbage and recycling agreements for the Recycle Plus program.

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

[Deferred from 12/4/18 Item 7.3 (18-1600)]

Attachments [Memorandum](#)

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

CONTINUE GENERAL PLAN HEARING (FOURTH CYCLE) FROM DECEMBER 11, 2018

- (a) [18-1709](#) **GP17-017 - General Plan Amendment: Land Use/Transportation Diagram for Property Located at 214, 214D, 205 Dupont Street; 226 and 275 McEvoy Street.**

Recommendation:

(1) Adopt a resolution adopting the Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), the Envision San

José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto all in accordance to the California Environmental Quality Act (CEQA), as amended.

(2) Adopt a resolution amending the Envision San José 2040 General Plan to change the Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Transit Residential on a 4.25-gross acre site, located at 214. 214A, and 205 Dupont Street, and 226 and 275 McEvoy Street (Autumn LLC, owner).

CEQA: Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-1; Vora absent) (Planning, Building and Code Enforcement) GPT17 007 - Council District 6
[Deferred from 12/4/18 - Item 10.4 (18-1616)]

Attachments [Memorandum](#)
[Resolution \(1\)](#)
[Resolution \(2\)](#)

- (b) [18-1710](#) **C16-003 & SP18-053 - Conforming Rezoning and Special Use Permit for Real Property Located at 500 W San Carlos Street.**

Recommendation:

(1) Adopt a resolution approving the Addendum to the Diridon Station Area Plan Environmental Impact Report (Council Resolution No. 77096), San José Downtown Strategy 2000 Environmental Impact Report (Council Resolution No. 72767), Envision San José 2040 General Plan Environmental Impact Report (Council Resolution No. 76041), Envision San José 2040 General Plan Supplemental Environmental Impact Report (Council Resolution No. 77617), and Addenda thereto, all in accordance to the California Environmental Quality Act (CEQA), as amended.

(2) Consideration of an ordinance rezoning certain real property of an approximately 0.18 gross acre site located at 500 W San Carlos Street from the CP Commercial Pedestrian Zoning District to the DC Downtown Primary Commercial Zoning District. (Haghshenas Abbas et al, owners)

(3) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of an approximately 1,000 square foot building, the construction of a mixed-use project consisting of approximately 3,095 square feet of ground floor commercial, and up to 18 multi-family residential units, and to utilize an alternative parking arrangement (i.e. carlifts).

CEQA: Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), San José Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767), Envision San José 2040 General Plan Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval with the addition of a permit condition requiring that the permittee shall work with Planning staff to explore adding a rooftop element for architectural interest, prior to the issuance of any building permit (3-2-1; Allen, Griswold opposed; Ballard absent). (Planning, Building and Code Enforcement)

C16-003 & SP18-053 - Council District 3

Attachments [Memorandum](#)
[Resolution \(1\)](#)
[Ordinance \(2\)](#)
[Resolution \(3\)](#)

- (c) [18-1711](#) **GPT18-006 - General Plan Text Amendment: Envision San José 2040 General Plan Policy H-2.9 Revisions.**

Recommendation:

(1) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.

(2) Adopt a resolution approving the City-initiated General Plan Text Amendment to Envision San José 2040 General Plan Policy H-2.9 to make minor change to the criteria for applicable affordable housing projects.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-1; Ballard absent). (Planning, Building and Code Enforcement) GPT18-006 - Citywide

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

- (d) [18-1712](#) **GPT18-007 - General Plan Text Amendment: Envision San José 2040 General Plan Chapter 7 "Housing Growth Areas by Horizon" Map and Appendix 5 "Planned Job Capacity and Housing Growth Areas by Horizon" Table.**

Recommendation:

(1) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.

(2) Adopt a resolution approving the City-initiated General Plan Text Amendment to the Envision San José 2040 General Plan to modify the "Housing Growth Areas by Horizon" map in Chapter 7 and the "Planned Job Capacity and Housing Growth Areas by Horizon" table in Appendix 5 to shift specified Horizon 2 and 3 Urban Villages into Horizon 1 Growth Areas.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-1; Ballard absent). (Planning, Building and Code Enforcement)
GPT18-007 - Citywide

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

- (e) [18-1713](#) **GPT18-008 - General Plan Text Amendment: Amendment of the Alameda Urban Village Plan Chapter 5, Entitled "Urban Design and Historic Preservation," "Building Mass and Architecture" Guidelines.**

Recommendation:

(1) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.

(2) Adopt a resolution approving the City-initiated General Plan Text Amendment to add a new policy to the Chapter 5, entitled "Urban Design and Historic Preservation," Building Mass and Architecture" Guidelines of the Alameda Urban Village Plan relating to architectural projections and rooftop equipment.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-1; Ballard absent). (Planning, Building and Code Enforcement)
GPT18-008 - Council District 6

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [18-1714](#)

GP17-010/GPT17-002/PP15-102 - Proposed Downtown Strategy 2040 and related City-initiated General Plan Amendments.

Recommendation:

(a) Adopt a resolution certifying the Environmental Impact Report (EIR) for the Downtown Strategy 2040, including the Second Amendment as recommended by the Planning Commission, and making certain findings concerning significant impacts, avoidance measures, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations, all in accordance with the California Environmental Quality Act, as amended.

(b) Adopt a resolution amending the Envision San José 2040 General Plan to:

(1) Amend Appendix 5 (Planned Job Capacity and Housing Growth Areas by Horizon table) of the General Plan to increase the development capacity within the Downtown boundary through the transfer of 4,000 dwelling units and 10,000 jobs (approximately 3 million square feet) from other General Plan Growth Areas to Downtown;

(2) Establish a General Plan Land Use/Transportation Diagram Employment Priority Area Overlay to support Downtown San José's growth as a Regional Employment Center that will be applied to all parcels located within the overlay (within approximately one block of the future central Downtown BART Station generally including properties bounded by St. John Street to the north, 4th Street to the east, San Fernando Street to the south, and San Pedro Street to the west);

(3) Change the General Plan Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial to Downtown and Commercial Downtown, on approximately 10 acres to Downtown on approximately seven (7) acres and to Commercial Downtown on approximately three (3) acres on an approximately 10-acre site located at the intersection of Ryland Street and Santa Teresa Street between SR-87 and the Guadalupe River;

(4) Amend the Planned Growth Areas Diagram to expand the General Plan Downtown Growth Area boundary along the east side of North 4th Street between St. John and Julian Streets and remove the Downtown Transit Employment Center;

(5) Amend and clarify Vibration Policy EC-2.3 on types of sensitive historic structures, frequency of vibration, and minimum required distances for some types of construction equipment operations; and

(6) Text revisions related to the description of the Downtown Growth Boundary and transitions for projects located adjacent to existing neighborhoods planned for lower intensity development and other minor technical changes or clarifications.

(c) Adopt a resolution to replace the existing San José Downtown Strategy 2000 adopted by the City Council in 2005 with a new Downtown Strategy 2040.

CEQA: Environmental Impact Report (EIR) for the Downtown Strategy 2040. Planning Commission recommends approval (4-1-1; Leyba opposed; Ballard absent). (Planning, Building and Code Enforcement)

GP17-010/GPT17-002/PP15-102 - Council District 3 and 6

Attachments [Memorandum](#)
[Second Amendment to EIR](#)
[Resolution \(a\)](#)
[Resolution \(b\)](#)
[Resolution \(c\)](#)
[Letters from the Public](#)

CLOSE GENERAL PLAN HEARING (FOURTH CYCLE)

- **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**

Notice of City Engineer's Pending Decision on Final Maps

FOR APPROVAL:

Tract: 10449

Location: Southeast corner of Terraine Street and Devine Street

District: 3

Lots/Units: 4/14

Type: MFA

Proposed Decision: Approved

Developer: TM San Jose 78 LLC (Trumark Construction Services)

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.