



# **City Council Meeting Amended Agenda**

**Tuesday, March 12, 2019**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
JOHNNY KHAMIS, DISTRICT 10



*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto: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

[18-1776](#) Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

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

- Invocation (District 3)

Dana Seeger, co-owner of the School of Visual Philosophy, will be creating a watercolor stamp.

- Pledge of Allegiance

- Adjournment

*We adjourn today's meeting in memory of Edwin "Ed" Mosher, who passed away on January 27, 2019 at the age of 89. A lifelong resident of San José, Ed was a dedicated and enthusiastic leader who volunteered countless hours of service to improve our community. He will be remembered as a well-respected local business owner, a committed supporter of San José State University, and as a devoted husband, father, grandfather, and friend.*

- Orders of the Day

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

- Closed Session Report

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a commendation to Romena Jonas for her work in providing educational opportunities to underprivileged groups in the community through her leadership of the Assyrians for Education Nonprofit. (Khamis)

1.2 Presentation of a commendation to Captain Johnson Fong, San José Police Department Southern Division Commander. (Jimenez)

1.3 Presentation of commendation to Mitchell Ellerd. (Davis)

1.4 Presentation of a proclamation of Mexica's (Aztec) New Year. (Carrasco)  
TO BE HEARD AT 6:00 P.M.

1.5 Presentation of a commendation to the College of Adaptive Arts for providing invaluable collegiate experiences to disabled adults in San José. (Mayor)  
TO BE HEARD AT 6:00 P.M.

## **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.**

[19-086](#)

**Final Adoption of Ordinances.**

**Recommendation:**

(a) Ord No. 30225 - An Ordinance of the City of San José Amending Section 3.36.757 of Chapter 3.36 of Title 3 of the San José Municipal Code to allow for the limited reemployment to retired Fire employees of the City of San José Police and Fire Department Retirement Plan.

(b) Ord No. 30226 - An Ordinance of the City of San José Amending Title 20, Chapter 20.80 of the San José Municipal Code to add Part 17.5, Sections 20.80.1660, 20.80.1665, 20.80.1670, 20.80.1675, 20.80.1680, 20.80.1685, and 20.80.1690 Adding Definitions of “Incidental Safe Parking” and “Safe Parking Area,” and to Create Safe Parking Provisions to Homeless People in Vehicles Parked on Existing City-Owned Sites and Sites Consisting of Legal Assembly Uses Constructed and Operating in Compliance with the San José Municipal Code; and to Make Other Technical, Formatting, or Non-Substantive Changes.

(c) Ord No. 30227 - An Ordinance of the City of San José Amending Section 20.70.100 of Chapter 20.70, Adding a New Part 3.75 of Chapter 20.80, Amending Section 20.90.060 of Chapter 20.90, and Adding Section 20.200.197 of Chapter 20.200 of Title 20 of the San José Municipal Code to add Co-Living Community as an Enumerated use in the Downtown, to Establish Rules and Regulations Related to Co-Living Communities, to Establish Parking Requirements for Co-Living Communities, to add a New Definition for Co-Living Community, and Making Other Technical, Non-Substantive or Formatting Changes.

(d) Ord No. 30228 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.27- Acre Situated on the South Side of Viewpoint Lane Approximately 400 Feet West of Almaden Road (10080 Viewpoint Lane) from the A Agricultural Zoning District to The R-1-5 Single-Family Residence Zoning District.

(e) Ord No. 30229 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.43- Gross Acre Situated on the Northwest Corner of the Intersection of Fox Avenue and North First Street (447 North First Street) (Apns:259- 20-016, 259-20-017, 259-20-014, And 259-20-015), from the CO Commercial Office and R-1-8 Singlefamily Residence Zoning District to the R-M Multiple Residence Zoning District.

(f) Ord No. 30230 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10 Gross Acres Situated on the South Side of Stevens Creek Boulevard Between Palace Drive and Kiely Boulevard (4300 - 4360 Stevens Creek Boulevard; Apns: 294-40-009, 296-38-014, and 296-38-013) from the CG Commercial General Zoning District to a CP(PD) Planned Development Zoning District.

**Attachments** [\(c\) Supplemental Memorandum, 3/5/2019](#)  
[Ordinance A](#)  
[Ordinance B](#)

### 2.3 Approval of Council Committee Minutes.

[19-064](#) **Approval of Council Committee Minutes.**

**Recommendation:** (a) Regular Rules and Open Government Committee Meeting Minutes of June 21, 2017.  
(b) Regular Rules and Open Government Committee Meeting Minutes of November 29, 2017.  
(c) Regular Transportation and Environment Committee Meeting Minutes of April 2, 2018.  
(d) Regular Transportation and Environment Committee Meeting Minutes of August 13, 2018.  
(e) Regular Transportation and Environment Committee Meeting Minutes of September 10, 2018.  
(f) Regular Neighborhood Services and Education Committee Meeting Minutes of September 13, 2018.  
(g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of September 6, 2018.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

**Attachments** [\(a\) ROGC June 21, 2017 Minutes](#)  
[\(b\) ROGC November 29, 2017 Minutes](#)  
[\(c\) T&E April 2, 2018 Minutes](#)  
[\(d\) T&E August 13, 2018 Minutes](#)  
[\(e\) T&E September 10, 2018 Minutes](#)  
[\(f\) NSE September 13, 2018 Minutes](#)  
[\(g\) Smart Cities September 6, 2018 Minutes](#)

### 2.4 Mayor and Council Excused Absence Requests.



[19-093](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Transportation and Environment Committee on March 4, 2019, due to illness.

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

**Attachments** [Memorandum](#)

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [19-036](#)**Amendment to the Lease Agreement with MAC Cargo Handling SJC, LLC, for Cargo Operations at the Airport.****Recommendation:**

Approve the Second Amendment to the Lease Agreement between the City of San José and MAC Cargo Handling SJC, LLC, for cargo operations at the Airport, to extend the term for three years to expire on April 17, 2022 and to reduce the leased sq. ft. from 9,600 to 5,388 sq. ft.

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

**Attachments** [Memorandum](#)  
[Agreements](#)

**2.8**     [19-037](#)            **Actions Related to Purchase Order 54811 with Twysoft LLC for Fair Labor Standards Act Compliance Technical Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Amend Purchase Order 54811 with Twysoft LLC (Morgantown, WV) to increase the amount of total compensation by \$120,000 for a revised maximum compensation not to exceed \$370,000 and to extend the term of the purchase order through December 31, 2019 for technical and professional services as required to ensure ongoing Fair Labor Standards Act compliance; and

(b) Negotiate and execute amendments as required to ensure continuous Fair Labor Standards Act compliance for a not-to-exceed contingency amount of \$65,000.

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

(Finance)

**Attachments**     [Memorandum](#)

**2.9**     [19-038](#)            **Agreement with Community Design + Architecture for Planning and Design Services for the Senter Road Multimodal Safety Study.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a contract with Community Design + Architecture for planning and design consulting services to develop the Senter Road Multimodal Safety Study in an amount not to exceed \$425,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 2 & 7. (Transportation)

**Attachments**     [Memorandum](#)

**2.10**     [19-039](#)            **Approval of City Hall Free Use on Saturday by District 6 Office for the 2019 South Bay Trans Day of Visibility on March 30, 2019.**

**Recommendation:**

Adopt a resolution authorizing “Free Use” for events and activities held at City Hall on Saturday, March 30, 2019 for the 2019 South Bay Trans Day of Visibility co-hosted by the Council District 6 Office and Billy DeFrank LGBTQ Community Center.

CEQA: Not a Project, File No. PP17-011, Temporary Special Event resulting in no changes to the physical environment. (Davis)

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

**2.11**    [19-048](#)            **National Register of Historic Places Nomination for Fairglen Additions Historic District.**

**Recommendation:**    Consider the comments of the Historic Landmarks Commission and provide comments to the State of California regarding the proposed resident-initiated nomination of the Fairglen Additions (Historic District) in the Willow Glen neighborhood for listing on the National Register of Historic Places.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 9. (Planning, Building and Code Enforcement)

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

**2.12**    [19-056](#)            **Retroactive Approval of Vice Mayor Celebration Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:**    As recommended by the Rules and Open Government Committee on February 27, 2019:

(a) Retroactively approve the Vice Mayor Celebration scheduled on February 15, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

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

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)  
[Rules Committee referral 2/27/19 - Item G.1.a]

**Attachments**    [Memorandum](#)

**2.13**    [19-104](#)            **Retroactive Approval of 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 6, 2019:  
(a) Retroactively approve the Dental Health Fair scheduled on March 1, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)  
[Rules Committee referral 3/6/19 - Item G.1.a]

**Attachments**    [Replacement Memorandum, 3/4/2019](#)

**2.14**    [19-105](#)            **Retroactive Approval of Meadowfair Cafecito 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 6, 2019:  
(a) Retroactively approve the Meadowfair Cafecito scheduled on March 9, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)  
[Rules Committee referral 3/6/19 - Item G.1.b]

**Attachments**    [Memorandum](#)

### **3. STRATEGIC SUPPORT**

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

**3.2 Labor Negotiations Update.**

**3.3**     [19-040](#)            **Statement of Policy and City Council Questions for the Prospective Parks, Recreation and Neighborhood Services Department Director.**

**Recommendation:**     Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Parks, Recreation and Neighborhood Services Department Director as described in the memorandum to Council, in compliance with City Charter Section 411.1.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

**Attachments**     [Memorandum](#)

**3.4**     [19-041](#)            **Statement of Policy and City Council Questions for the Prospective Department of Transportation Director.**

**Recommendation:**     Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Department of Transportation Director as described in the memorandum to Council, in compliance with City Charter Section 411.1.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

**Attachments**     [Memorandum](#)

**3.5**    [19-042](#)                    **Second Quarter Financial Reports for Fiscal Year 2018-2019. - DEFERRED****Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee on February 21, 2019:

(a) Accept the following Second Quarter (period ending December 31, 2018) Financial Reports

for Fiscal Year 2018-2019 for the following programs:

- (1) Debt Management
- (2) Investment Management
- (3) Revenue Management

(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$2,230,723.30.

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

[Public Safety, Finance, & Strategic Support Committee referral  
2/21/19 - Item d(4)]

DEFERRED TO 3/19/19 PER ADMINISTRATION

**Attachments**

[Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[\(b\) Resolution](#)

[Investment Management Memo](#)

**3.6**    [19-043](#)                    **City of San José Investment Policy. - DEFERRED****Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee, adopt a resolution to approve the proposed revisions to Council Policy 1-12, "City of San José Investment Policy."

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

[Public Safety, Finance, & Strategic Support Committee referral  
2/21/19 - Item d(5)]

DEFERRED TO 3/19/19 PER ADMINISTRATION

**Attachments**

[Memorandum](#)

[Attachment](#)

[Resolution](#)

**3.7**    [19-044](#)                    **Status Report on Deferred Maintenance and Infrastructure Backlog.****Recommendation:**

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

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

[Transportation & Environment Committee referral 2/4/19 - Item d(1)]

[Deferred from 2/26/19 - Item 3.3 (18-1936)]

TO BE HEARD CONCURRENTLY WITH ITEM 3.8 (19-053)

**Attachments**

[Memorandum](#)

[Presentation](#)

[2/4/19 T&E Presentation](#)

**3.8**    [19-053](#)                    **Report on Pavement Maintenance Conditions, Funding, and Program Delivery Strategy.****Recommendation:**

Pending recommendation from Transportation & Environment Committee on March 4, 2019, accept report on Citywide Pavement Conditions, Funding, and the planned Program Delivery Strategy with the infusion of funds from Senate Bill 1, VTA Measure B, and City Measure T.

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 & Environment Committee referral 3/4/19 - Item d(2)]

TO BE HEARD CONCURRENTLY WITH ITEM 3.7 (19-044)

**Attachments**

[Memorandum](#)

[Presentation](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Memorandum from Mayor, Peralez, Davis, 3/8/2019](#)

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1**     [19-045](#)                    **Citywide Retail Opportunity Analysis and Recommendations.****Recommendation:**

As recommended by the Community and Economic Development Committee on November 26, 2018, accept staff's report on strategies to increase overall citywide retail activity in San José.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 11/26/18 - Item d(3)]

TO BE HEARD IMMEDIATELY FOLLOWING CONSENT

**Attachments**

[Memorandum](#)

[Presentation](#)

[Supplemental Memorandum, 3/11/2019](#)

[San Jose Citywide Retail Strategy](#)

[Presentation](#)

[Memorandum from Carrasco and Jones, 3/8/2019](#)

[Memorandum from Councilmember Arenas, 3/11/2019](#)

**4.2**     [19-046](#)                    **Downtown Retail Strategy.****Recommendation:**

As recommended by the Community and Economic Development Committee on February 25, 2019, accept the Downtown San José Retail Strategy report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Economic Development/Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 2/25/19 - Item d(5)]

TO BE HEARD IMMEDIATELY FOLLOWING CONSENT

**Attachments**

[Memorandum](#)

[Presentation](#)

[Downtown Retail Strategy](#)

[Letters from the Public](#)



**4.3**     [19-047](#)            **Council Policy Priority # 12: Commercial Linkage Fee Scope and Timeline.****Recommendation:**

Direct the City Manager to procure a consultant in an amount not to exceed \$150,000 to conduct a nexus study and a feasibility study for a Commercial Linkage Fee and return to the City Council to present the results of those studies and provide a recommendation to the Council on the establishment of a Commercial Linkage Fee.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

(Housing/Economic Development/City Manager)

NOT TO BE HEARD BEFORE 4:00 P.M.

**Attachments**

[Memorandum](#)

[Presentation](#)

[Memorandum from Peralez, Jimenez, Carrasco, 3/8/2019](#)

[Memorandum from Mayor, 3/12/2019](#)

[Letters from the Public](#)

**5. NEIGHBORHOOD SERVICES****5.1**     [19-054](#)            **Report on Office of Immigrant Affairs Activities. - DEFERRED****Recommendation:**

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

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

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

[Deferred from 2/26/19 - Item 5.2 (19-026)]

DEFERRED TO 3/19/19 PER ADMINISTRATION

**Attachments**

[Memorandum](#)

[Presentation](#)

**5.2**    [19-049](#)            **Actions Related to the San José Light Tower Monument.****Recommendation:**

(a) Accept Guadalupe River Park at Arena Green as the highest-ranking location from the site selection analysis completed for the San José Light Tower Corporation in coordination with the Department of Parks, Recreation and Neighborhood Services, Public Works, and Office of Economic Development/Office of Cultural Affairs.

(b) Endorse the San José Light Tower Corporation's plan to proceed with an International Ideas Competition to solicit concepts for a world-class iconic landmark at Guadalupe River Park at Arena Green. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 3. (Parks, Recreation and Neighborhood Services)

**Attachments**

[Memorandum](#)

[Presentation](#)

[San José Light Tower Site Selection Report](#)

[Memorandum from Councilmember Peralez, 3/11/2018](#)

[Letters from the Public 1](#)

[Letters from the Public 2](#)

[Letters from the Public 3](#)

[Letters from the Public 4](#)

[Letters from the Public 5](#)

**6. TRANSPORTATION & AVIATION SERVICES****6.1**    [19-050](#)            **Agreement with the Santa Clara Valley Transportation Authority for the 2016 VTA Measure B Programs.****Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute agreements with the Santa Clara Valley Transportation Authority (VTA) for the receipt of funds and administration of 2016 VTA Measure B sales tax programs.

CEQA: Not a Project, File No. PP17 003, Agreements and Contracts (New or Amended), that involve no physical changes to the environment. (Transportation)

**Attachments**

[Memorandum](#)

6.2 [19-055](#) **Actions Related to the Downtown Airspace and Development Capacity Study.**

**Recommendation:**

As recommended by the Community and Economic Development Committee on January 28, 2019:

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

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

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

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

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

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

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

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

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

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment and File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Airport)  
[Community and Economic Development Committee referral 1/28/19 - Item (d)5]  
[Continued from 2/26/19 - Item 6.2 (18-1944)]

**Attachments**[Memorandum](#)[Presentation](#)[Supplemental Memorandum, 3/8/2019](#)[3/6/19 Real Estate Impacts Assessment Summary](#)[Presentation](#)[Memorandum from Mayor, Jones, Peralez, Carrasco, 3/8/2019](#)[Memorandum from Councilmember Jimenez, 3/11/2019](#)[2/19/19 Airport Case Studies Memo](#)[2/19/19 Existing Conditions Assessment Memo](#)[2/19/19 Project Steering Committee Presentations](#)[2/19/19 Airspace Scenarios and Aircraft Performance Assessmen](#)[1/28/19 CED Presentation](#)[CED Supplemental Memorandum, 1/28/2019](#)[Letters from the Public 1](#)[Letters from the Public 2](#)[Letters from the Public 3](#)[Letters from the Public 4](#)**7. ENVIRONMENTAL & UTILITY SERVICES****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.

**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) [19-051](#) C18-031/CP18-036 - Conforming Rezoning and Conditional Use Permit for Real Property Located at 2222 Trade Zone Boulevard.

### **Recommendation:**

(1) Adopt a resolution adopting the 2222 Trade Zone Boulevard Project Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report, Envision San José 2040 General Plan Final Supplemental Environmental Impact Report, and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended.

(2) Approve an ordinance of the City of San José rezoning an approximately 2.0 gross acre site located at 2222 Trade Zone Boulevard from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

(3) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow a church to occupy 18,480-square foot area of an existing 29,193-gross square foot office building with an alternating use parking arrangement.

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto, File Nos. C18-031 and CP18-036. Director of Planning, Building and Code Enforcement recommends approval. Council District 4. (Planning, Building and Code Enforcement)

TO BE HEARD AT 1:30 P.M. IMMEDIATELY FOLLOWING  
REGULAR CONSENT CALENDAR

RECOMMEND DEFERRAL TO 3/19/19 PER ADMINISTRATION

**Attachments** [Memorandum](#)

[\(1\) Resolution](#)

[\(2\) Ordinance](#)

[\(3\) Resolution](#)

**END OF CONSENT CALENDAR**

## • 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**

*We adjourn today's meeting in memory of Edwin "Ed" Mosher, who passed away on January 27, 2019 at the age of 89. A lifelong resident of San José, Ed was a dedicated and enthusiastic leader who volunteered countless hours of service to improve our community. He will be remembered as a well-respected local business owner, a committed supporter of San José State University, and as a devoted husband, father, grandfather, and friend.*

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**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.



**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.