



# **City Council Meeting Amended Agenda**

**Tuesday, April 23, 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

[19-132](#) Closed Session Agenda

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

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

6:00 p.m.- Evening Session, Council Chambers, City Hall  
Will not begin until 6pm or until after all afternoon items are heard.

- Invocation (District 4)

Pastor Greg and Pastor Ron of Redemption Church

- Pledge of Allegiance

- Orders of the Day

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

- Closed Session Report

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a Commendation to Brian Grayson of the Preservation Action Council of San José.  
(Perales)

1.2 Presentation of a Commendation to Leslee Hamilton of the Guadalupe River Park Conservatory.  
(Perales/Foley)

1.3 Presentation of a Proclamation recognizing April 2019 as Child Abuse Awareness Month in the City of San José. (Arenas)

1.4 Presentation of a Commendation to Ms. Colleen Hudgen for 18 years of overseeing four specialized adult day care centers. (Esparza)

TO BE HEARD IN THE EVENING

1.5 Presentation of a Proclamation to Regional Hospital for Donate Life Month. (Carrasco)  
TO BE HEARD IN THE EVENING

## **2. CONSENT CALENDAR**

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

### **2.1 Approval of City Council Minutes.**

[19-252](#)      **Approval of City Council Minutes.**

**Recommendation:**      (a) Regular City Council Meeting Minutes of September 18, 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**      [\(a\) 9/18/18 Council Minutes](#)

### **2.2 Final Adoption of Ordinances.**

[19-255](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30253 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 2.0-Gross Acre Site Located at the Southeast Corner of Trade Zone Boulevard and Lundy Street (2222 Trade Zone Boulevard), from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

(b) Ord No. 30254 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Section 20.30.150 of Chapter 20.30 to Remove the Average Height Requirement for Secondary Units and Modify the Maximum Height Requirement for Two-Story Secondary Unites; Amend Section 20.50.100 of Chapter 20.50 to Allow Farmers' Markets as an Enumerated Use in the CIC Zoning District; and to Make Other Technical, Non-Substantive or Formatting Changes within those Sections of Title 20 of the San José Municipal Code.

(c) Ord No. 30255 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.47-Gross Acre Situated on the North Side of Hemlock Avenue, Approximately 120 Feet Easterly of South Baywood Avenue (2881 Hemlock Avenue and 376 South Baywood Avenue) from the CG General Commercial Zoning District to the CP(PD) Planned Development Zoning District.

**2.3 Approval of Council Committee Minutes.**[19-253](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Neighborhood Services and Education Minutes of March 14, 2019.

(b) Public Safety, Finance, and Support Services Committee Minutes of March 21, 2019.

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 Clerk)

**Attachments**

[\(a\) NSE 3/14/19 Minutes](#)

[\(b\) PSFSS 3/21/19 Minutes](#)

**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 [19-235](#) **Actions Related to the Purchase Order with Euro Style Management, Inc. for Clarifier Coating Rehabilitation Services at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Euro Style Management, Inc. (North Highlands, CA) for clarifier coating rehabilitation services at the San José-Santa Clara Regional Wastewater Facility for an initial twelve-month period, starting on or about May 1, 2019 and ending on or about April 30, 2020, for an amount not to exceed \$717,200; 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 April 30, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP16-033, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**Attachments** [Memorandum](#)  
[TPAC Supplemental Memorandum](#)

- 2.8 [19-236](#) **Actions Related to the Purchase Order with Jeffco Painting and Coating, Inc. for Sandblasting and Painting Services at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Jeffco Painting and Coating, Inc. (Vallejo, CA) for sandblasting and painting services at the San José-Santa Clara Regional Wastewater Facility for an initial twelve-month period, starting on or about May 1, 2019 and ending on or about April 30, 2020, for an amount not to exceed \$400,000; 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 April 30, 2024, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-021, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**Attachments** [Memorandum](#)  
[TPAC Supplemental Memorandum](#)

**2.9**     [19-237](#)            **Actions Related to the Purchase Order with Wattis Construction Company, Inc. for Asphalt Paving Maintenance & Repair Services.**

**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Wattis Construction Company, Inc. (San José, CA) for asphalt paving maintenance and repair services for the Public Works Department for an initial twelve-month period, starting on or about April 24, 2019 and ending on or about April 23, 2020, for an amount not to exceed \$290,000, subject to the 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 April 23, 2024, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP18 029, CEQA Guidelines Section 15301(c), Existing Facilities. (Finance)

**Attachments**     [Memorandum](#)

**2.10**     [19-238](#)            **Report on Request for Proposal for Library Discovery Layer Services.**

**Recommendation:**

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

(a) Execute an agreement with BiblioCommons Inc. (Toronto, ON) for the purchase and implementation of a Library Discovery Layer, including software subscriptions and professional services for implementation, configuration, project management, training, and ongoing support and maintenance for an initial two-year term beginning on or about May 1, 2019 and ending April 30, 2021, with a maximum compensation not to exceed \$243,734 during the initial two-year term and subject to the appropriation of funds;

(b) Negotiate and execute amendments and change orders as may be required for any unanticipated changes to the City's requirements for a contingency amount not to exceed \$60,000 during the initial two-year term, subject to the appropriation of funds; and

(c) Exercise up to five additional one-year options to extend the agreement through April 30, 2026 for ongoing software subscriptions, 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](#)

[Agreement](#)

**2.11 [19-260](#) Retroactive Approval of Meadow Fair 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 April 10, 2019:

1. Retroactively approve the Meadow Fair Community Meeting scheduled on April 3, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
2. 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 4/10/19 - Item G.1.b]

**Attachments** [Memorandum](#)

**2.12 [19-289](#) Public Member Appointment to the Board of Administration for Police and Fire Retirement Plan.**

**Recommendation:** Appoint Drew Lanza as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2023.

CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)  
RENUMBERED FROM ITEM 3.4 (19-251)

**Attachments** [Memorandum](#)  
[Memorandum from Police & Fire Retirement Board](#)

**2.13 [19-290](#) Retroactive Approval of the Spring Cleaning Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** (a) Retroactively approve the Spring Cleaning Event scheduled on April 13, 2019 as a City Council sponsored Special Event and approve the expenditure of funds;

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

(c) Approve the use of District Funds to purchase \$25 gift cards for volunteers.

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

**Attachments** [Memorandum](#)

### **3. STRATEGIC SUPPORT**

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

#### **3.2 Labor Negotiations Update.**

#### **3.3 [19-239](#) Audit of Development Noticing: Ensuring Outreach Policies Meet Community Expectations.**

**Recommendation:** Accept the report on Development Noticing: Ensuring Outreach Policies Meet Community Expectations.  
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 Auditor)  
[Community and Economic Development Committee referral 3/25/19 - Item (d)5]

**Attachments** [Memorandum Presentation](#)  
[Supplemental Memorandum, 4/17/2019](#)  
[Supplemental Memorandum, 4/18/2019](#)  
[Memorandum from Jimenez, 4/22/2019](#)  
[Memorandum from Mayor, 4/23/19](#)  
[Letters from the Public](#)

#### **3.4 [19-251](#) Public Member Appointment to the Board of Administration for Police and Fire Retirement Plan.**

**Recommendation:** Appoint Drew Lanza as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2023.  
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)  
RENUMBERED TO ITEM 2.12 (19-289)

### **4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1**     [19-240](#)                    **Actions Related to the Summary Vacation of Granite Rock Way.****Recommendation:**

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of approximately 400 feet of Granite Rock Way with the reservation of a public service easement over the area being vacated;
  - (b) Summarily vacating approximately 400 feet of Granite Rock Way which is a cul-de-sac that has been determined to no longer be necessary for public street purposes and reserving a public service easement over the area being vacated; and
  - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Categorically Exempt, File No. AT17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 7. (Public Works)

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

**4.2**     [19-241](#)                    **Actions Related to the Summary Vacation of North 4th Street.****Recommendation:**

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a portion of North 4th Street with the reservation of a 10 square foot public service easement within the area being vacated;
  - (b) Summarily vacating a portion of North 4th Street which has been determined to be excess and reserving a 10 square foot public service easement within the area being vacated; and
  - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Categorically Exempt, File No. PP19-027, CEQA Guidelines Sections 15303, New Construction or Conversion of Small Structures, and 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)

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

4.3 [19-254](#) **Actions Related to the Lease Extension and Naming Rights for the San José Municipal Stadium. [RECOMMEND DEFERRAL TO 4/30/19]**

**Recommendation:**

(a) Conduct a Public Hearing in accordance with City Council Policy 7-5 on the renaming of the San José Municipal Stadium in exchange for a 3-year sponsorship and naming rights agreement with Excite Credit Union in the amount of \$275,000 to the City of San José.

(b) Adopt a resolution:

(1) Authorizing the City Manager to negotiate and execute an amendment to the Amended and Restated Lease between the City of San José and the San José Giants, dba., Baseball Acquisition Company, Inc. (BAC), regarding the San José Municipal Stadium located at 588 E. Alma Avenue, in order extend the existing lease for three (3) years, with a new expiration date of December 31, 2021, update parking use and management, and include the terms of the agreement with Excite Credit Union and Baseball Acquisition, Inc., for the sponsorship and naming rights at the San José Municipal Stadium, for a period of 3 years resulting in a contribution of \$275,000 with these funds specifically dedicated to the San José Municipal Stadium for capital needs to support the activation and long-term use of the facility; and

(2) Approving the renaming of the San José Municipal Stadium to Excite Ballpark Home of the San José Giants.

(c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the San José Municipal Stadium Capital Fund:

(1) Establish an estimate for Other Revenue in the amount of \$65,000; and

(2) Increase the Capital Enhancements appropriation to the Office of Economic Development Department by \$65,000.

CEQA: Exempt, File No. PP07-217. Council District 7. (Economic Development/City Manager)

RECOMMEND DEFERRAL TO 4/30/19 PER ADMINISTRATION

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

4.4 [19-256](#) **Ellis Act Ordinance Recontrol Provisions. [RECOMMEND DEFERRAL TO 5/7/19]**

**Recommendation:** Accept the verbal staff report on research on the Ellis Act Ordinance's recontrol provisions including conversations with developers and lenders, potential alternatives for meeting recontrol requirements accept the ancillary staff report, and direct staff to take action related to recontrol and/or recontrol alternatives. 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) (Deferred from 3/26/19 - Item 4.2; 4/9/19 - Item 4.2)  
RECOMMEND DEFERRAL TO 5/7/19 PER ADMINISTRATION

**Attachments** [Memorandum](#)  
[Supplemental Memorandum, 4/19/2019](#)  
[Supplemental Memorandum 2, 4/19/2019](#)  
[Memorandum from Mayor, 4/19/19](#)  
[Memorandum from Jimenez, 4/22/2019](#)  
[Letter from Housing and Community Development Commission](#)  
[Letters from the Public](#)

## **5. NEIGHBORHOOD SERVICES**

**5.1**    [19-243](#)            **Actions Related to the 7620-Arcadia Softball Facility Project.****Recommendation:**

(a) Approve an increase in the project construction contingency from 5 percent of the construction contract amount to 10 percent, resulting in a new contingency of \$1,680,000.

(b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders for the Project in excess of \$100,000 up to the new contingency amount of \$1,680,000.

(c) Adopt the following Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund: City-wide Parks Purposes:

(1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility project by \$91,000; and

(2) Decrease the Ending Fund Balance by \$91,000.

(d) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

(1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility Maintenance Yard project by \$50,000; and

(2) Decrease the Ending Fund Balance by \$50,000.

(e) Adopt the following Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund:

(1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility project by \$759,000; and

(2) Decrease the Parks and Recreation Bond Projects Contingency Reserve by \$759,000.

CEQA: Addendum to the Evergreen East Hills Vision Strategy Environmental Impact Report and Supplemental Environmental Impact Report (Resolution No. 74742), File No. PP14-088. (Public Works/Park, Recreation and Neighborhood Service/City Manager)

**Attachments**    [Memorandum](#)

**5.2**    [19-242](#)            **Project Hope Update.****Recommendation:**

As recommended by the Neighborhood Services & Education Committee on March 14, 2019, accept the Project Hope Program Annual 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. (Parks, Recreation and Neighborhood Services)  
[Neighborhood Services & Education Committee referral 3/14/19 - Item d(4)]

**Attachments**

[Memorandum](#)

[Presentation](#)

[Supplemental Memorandum, 4/22/2019](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Presentation](#)

**6. TRANSPORTATION & AVIATION SERVICES**

**6.1**     [19-244](#)     **Active Transportation Program Grant Acceptance for Willow-Keyes Complete Streets Improvements and Better Bikeway SJ-San Fernando Corridor Projects.**

**Recommendation:**     Approve the following actions to receive grant funds from the Metropolitan Transportation Commission and California Transportation Commission for the Active Transportation Program Cycle 4:

(a) Willow - Keyes Complete Streets Improvements:

    (1) Adopt a resolution to:

        (a) Authorize the City Manager or designee to retroactively submit the grant application and negotiate and execute all documents necessary to receive the \$12,926,000 grant for the Willow - Keyes Complete Streets Improvements project, with an in-kind local match of \$3,111,000;

        (b) Make the certifications and assurances required under the grant program; and

        (c) Commit to providing an in-kind local match of \$3,111,000.

(b) Better Bikeway SJ - San Fernando Corridor:

    (1) Adopt a resolution to:

        (a) Authorize the City Manager or designee to negotiate and execute all documents necessary to receive the \$9,992,000 grant for the Better Bikeway SJ - San Fernando Corridor project, with an in-kind local match of \$1,927,000; and

        (b) Commit to providing an in-kind local match of \$1,927,000.

CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Environmental Impact Report (City Council Resolution No. 76041), Supplemental Program Environmental Impact Report (City Council Resolution No. 77617), and addenda thereto. File No. PP19-019. Council Districts 3, 6, & 7. (Transportation)

**Attachments**     [Memorandum](#)  
                          [Presentation](#)  
                          [Resolution \(a\)](#)  
                          [Resolution \(b\)](#)

**6.2**    [19-245](#)            **Actions Related to the 2019 Major Streets Resurfacing Project #2.**

- Recommendation:**    (a) Approve award of a construction contract for the 2019 Major Streets Resurfacing Project #2, to the low bidder, MCK Services Inc. in the amount of \$8,782,160.
- (b) Approve a five percent contingency in the amount of \$439,108.  
                                      CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**Attachments**    [Memorandum](#)

**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.**

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

**10. LAND USE**

**Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.**

**10.1 Land Use on Consent Calendar**

- (a) [19-246](#) **C18-029 - Conventional Rezoning for Real Property Located at 459 and 469 Piercy Road.**

**Recommendation:** (1) Adopt a resolution adopting the 459 and 469 Piercy Road Hotel Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.

(2) Approve an ordinance rezoning certain real property of approximately 5.08-gross acres, situated on the northeastern side of Hellyer Avenue and Piercy Road (459 and 469 Piercy Road), from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Mitigated Negative Declaration for the 459 and 469 Piercy Road Hotel Projects. File No. C18-029, H18-016, H18-029. Planning Commission recommends approval (6-0). Council District 2. (Planning, Building and Code Enforcement)

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

- (b) [19-247](#) **C18-042 - Conventional Rezoning for Real Property Located at 370 West Trimble Road.**

**Recommendation:** Approve an ordinance rezoning certain real property of approximately 59-gross acres, situated on the southwest corner of West Trimble Road and Orchard Parkway (350 and 370 West Trimble Road), from the IP(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Determination of Consistency with the North San José Development Policies Updated Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617), and Addenda thereto. File No. C18-042. Planning Commission recommends approval (6-0). Council District 4. (Planning, Building and Code Enforcement)

**Attachments** [Ordinance](#)  
[Memoranudm](#)

- (c) [19-248](#)      **C19-002 - Conforming Rezoning of the Real Property Located at the Northeast Corner of North Bascom Avenue and Forest Avenue.**

**Recommendation:**      Approve an ordinance rezoning an approximately 0.46-gross acre site, located at the northeast corner of North Bascom Avenue and Forest Avenue, from a split zoned site in the R-1-8 Single-Family Residence and CP Commercial Pedestrian Zoning Districts to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C19-002. Council District 6. (Planning, Building and Code Enforcement)

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

**END OF CONSENT CALENDAR**

## **10 Land Use - Regular Agenda**

**10.2**    [19-249](#)

**GPT19-001 & PP19-018 - City-initiated General Plan Text Amendment and San José Downtown Design Guidelines and Standards.**

**Recommendation:**

(a) Planning Commission recommendation:

(1) Adopt a resolution approving a City-initiated general plan text amendment to delete certain design guidelines relating to site planning, access and circulation, building form, and open space from “Chapter 3. Final Plan Design Guidelines” of the 2014 Diridon Station Area Plan and amend the introductory text under “Section 3.2, Built Form, Guidelines for Site Planning” of the 2014 Diridon Station Area Plan.

(2) Adopt a resolution (i) approving a new “San José Downtown Design Guidelines and Standards” document to replace the existing “2004 Downtown Design Guidelines” for projects generally located in the Downtown area; and (ii) delegating the authority to the Director of Planning, Building, and Code Enforcement to make minor clarifications, corrections, or technical changes to the text and diagrams of the San José Downtown Design Guidelines and Standards to be published on the Planning, Building, and Code Enforcement webpage, with the following Planning Commission recommended revisions:

(a) Section 1.1, map on page 3, change the label of Downtown core (2011 General Plan) on the map to "General Plan Downtown Growth Area."

(b) Define "historic building" in Section 2.3, 1c on page 13, and in Section 4.2.4., Applicability, item c on page 38.

(c) Section, 4.4.2.b, "City of San José Voluntary Bird-Friendly Building Design Fact Sheet" shall be mandatory for projects located in the design guidelines boundary.

OR

(b) Staff recommendation:

(1) Approve the Planning Commission recommendations including Planning Commission recommended revisions (a) and (b) above with the following changes:

(a) Changes to Section 4.4.2.b:

(i) Make item #1, “Reduce large areas of transparent or reflective glass” applicable only to projects within 100 feet of a riparian corridor.

(ii) Make item #2, Strategically place landscaping:

(a) Locate water features and other bird habitat away from building exteriors to reduce reflection.

(b) Reduce or eliminate the visibility of landscaped areas behind glass” applicable only to projects within 100 feet of a riparian corridor.

(iii) Make item #3, Reduce or eliminate spotlights on buildings” applicable only to projects within 100 feet of a riparian

corridor.

(iv) Make item #4, “Turn non-emergency lighting off at night except during June, July, December and January due to bird migration” applicable only to projects within 100 feet of a riparian corridor and change “at night” to “between 2:00 A.M. and 5:00 A.M.”

(b) Additional definitions added to Section A.0, Glossary.

(c) One addition to the “Exceptions to the Standards,” in Chapter 1, Introduction, Section 1.4.

(d) Several editorial changes throughout the document to provide enhanced readability.

CEQA: Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. File Nos. GPT19-001 & PP19-018. Planning Commission recommends approval (6-0). Council Districts 3 and 6. (Planning, Building and Code Enforcement)

**Attachments** [Memorandum](#)  
[Presentation](#)  
[Supplemental Memorandum, 4/19/2019](#)  
[Attachment](#)  
[Resolution \(1\)](#)  
[Resolution \(2\)](#)  
[Memorandum from Peralez, 4/19/2019](#)  
[Letters from the Public](#)

- **Open Forum**

**Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.**

- **Adjournment**

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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.