



City Council Meeting Amended Agenda

Tuesday, August 13, 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 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

[19-709](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

The previously scheduled evening session has been cancelled.

- Invocation (District 7)

Pastor Tony Williams of the 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 for Tiffany and Tyler Roth in recognition of their resourcefulness, courage, and heroism in saving a young child's life. (Jimenez)

1.2 Presentation of a Commendation to Rishik Gandhasri in recognition of his academic excellence and display of extraordinary literacy and spelling potential as co-championship of the 2019 Scripps National Spelling Bee. (Arenas)

1.3 Presentation of a Proclamation for Comic Con Week in the City of San José. (Davis)

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.

[19-648](#) **Approval of City Council Minutes.**

Recommendation: Regular City Council Meeting Minutes of January 9, 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 [1/9/2018 CC Minutes](#)

2.2 Final Adoption of Ordinances.

[19-593](#) **Final Adoption of Ordinances.**

Recommendation: (a) Ord No. 30288 - Amending the San José Municipal Code to add a New Chapter 14.10 to Title 14 Setting Forth Additional Prevailing Wage Requirements for Certain Private Construction Projects. - DROP

2.3 Approval of Council Committee Minutes.

19-649**Approval of Council Committee Minutes.****Recommendation:**

- (a) Transportation and Environment Committee Minutes of December 3, 2018.
 - (b) Rules and Open Government Committee Minutes of December 12, 2018.
 - (c) Smart Cities and Service Improvements Committee Minutes of December 6, 2018.
 - (d) Smart Cities and Service Improvements Committee Minutes of February 7, 2019.
 - (e) Smart Cities and Service Improvements Committee Minutes of March 7, 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.

Attachments

- [\(a\) 12/3/18 T&E Minutes](#)
- [\(b\) 12/12/18 ROGC Minutes](#)
- [\(c\) 12/6/18 Smart Cities Minutes](#)
- [\(d\) 2/7/2019 Smart Cities Minutes](#)
- [\(e\) 3/7/2019 Smart Cities 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 [19-630](#) **Master Agreements for Air Service Consultant Services at the Airport.**

Recommendation: Approve Master Agreements with AviaSolutions, Inc. and ASM North America/UBMi Princeton LLC to provide on-call air service development consultant services for the Norman Y. Mineta San José International Airport, each in an amount not to exceed \$975,000, with a combined total budget for both agreements not to exceed \$975,000, and each for a term of five years from the date of Council approval.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

Attachments [Memorandum](#)
 [Agreement - AviaSolutions, Inc](#)
 [Agreement - ASM North America/UBMi Princeton LLC](#)

2.8 [19-580](#) **Actions Related to the Airport Department Staffing Changes.**

Recommendation: Approve the following position changes in the Airport Department, effective September 1, 2019:
(a) Add 1.0 FTE Airport Operations Supervisor I/II/III (3524/7/8) position; and
(b) Eliminate 1.0 FTE Staff Specialist (1622) vacant position.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Airport/City Manager)

Attachments [Memorandum](#)

2.9 [19-612](#) **Boards and Commissions Appointments.****Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Library and Early Education Commission:

(1) District 6 Seat: Appoint Hilary Thorsen to a term ending June 30, 2023;

(2) District 10 Seat: Thomas Trudell to a term ending June 30, 2023;

(b) Youth Commission:

(1) District 7 Seat: Appoint Daniel Monroy to a term ending May 31, 2021;

(c) Housing and Community Development Commission:

(1) District 7 Seat: Victoria Partida to an unexpired term ending June 30, 2021;

(2) District 10 Seat: Roberta Moore to a term ending June 30, 2023.

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

Attachments

[Memorandum](#)

[Application and Conflict of Interest Library](#)

[Application Youth Commission](#)

[Application Application and Conflict of Interest HCDC](#)

2.10 [19-581](#)**Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2019-2020 for Completion of Projects.****Recommendation:**

Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Sewer Service and Use Charge Capital Improvement Fund:

(a) Increase the Beginning Fund Balance by \$260,000; and

(b) Increase the Public Art appropriation to the Office of Economic Development by \$260,000.

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](#)

2.11 [19-582](#) **City Manager's Travel to Nashville, Tennessee.****Recommendation:**

Authorize travel for City Manager David Sykes to Nashville, Tennessee on September 3-6, 2019 to participate in the Silicon Valley Organization 2019 Annual Study Mission. Source of Fund: Non-Personal Appropriation.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)

2.12 [19-591](#) **Purchase Order for Fire and Burglar Alarm Systems Monitoring, Inspection, Maintenance and Repair Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to:
(a) Execute a purchase order with Security Alert Systems of California, Inc. (Gilroy, CA) for Fire and Burglar Alarm Systems Monitoring, Inspection, Maintenance, and Repair Services for the Department of Public Works for an initial twelve-month period, starting on or about August 14, 2019 and ending on or about August 13, 2020 for a total cumulative compensation not-to exceed \$500,000; and
(b) Exercise up to one-year option to extend the term of the purchase orders with the last option year ending on or about August 13, 2021, 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 [19-617](#) **Purchase Order for Fire Life Safety Systems Inspections, Testing, Maintenance, and Repair Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with The BGR Group, LLC (Santa Clara, CA) for Fire and Life Safety Systems, Inspections, Testing, Maintenance, and Repair Services at the Norman Y. Mineta San José International Airport for an initial twelve-month period, starting on or about September 1, 2019 and ending on or about August 31, 2020, for an amount not to exceed \$305,000; and

(b) Exercise up to four one-year options to extend the term of the agreement through August 31, 2024, 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 [19-618](#) **Purchase Orders for Non-Native Invasive Plant Removal and Control and Seeding Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Ecological Concerns, Inc. (Santa Cruz, CA) for non-native invasive plant removal and control and seeding services for the Department of Public Works on properties owned by the City of San José along Coyote Creek between Oakland Road and Berryessa Road, for an initial twelve-month period, starting on or about August 20, 2019 and ending on or about August 19, 2020 for an amount not to exceed \$140,000; 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 August 19, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-052, CEQA Guidelines Section 15333, Small Habitat Restoration Projects. (Finance)

Attachments [Memorandum](#)

2.15 [19-619](#) **Amendment to the Agreement with David Paul Rosen & Associates for Consultant Services Pertaining to Affordable Housing Development.**

Recommendation: Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Consultant Agreement with David Paul Rosen & Associates for consultant services pertaining to development of affordable housing, increasing the maximum total amount of compensation by \$80,000 from \$320,000 to \$400,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Housing)

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

2.16 [19-620](#) **Amendment to Title 21 of the San José Municipal Code for Environmental Review Revisions.**

Recommendation: Approve an ordinance deleting Section 21.07.080 of Chapter 21.07 of Title 21 of the Municipal Code (Environmental Review) relating to the request for reconsideration of certification of Environmental Impact Reports.
CEQA: Not a Project, File No. PP17-008 General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (5-0-1; Oliverio absent). (Planning, Building and Code Enforcement)

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

2.17 [19-621](#) **9047 - Master Agreements with Perkins+Will and Thornton Tomasetti, Inc., TRC Solutions, Inc., and Sloan Security Group for Various City Facility Projects. - DEFERRED**

Recommendation: Approve Master Agreements with Perkins+Will and Thornton Tomasetti, Inc., TRC Solutions, Inc., and Sloan Security Group for security analysis and design services from the date of execution through July 31, 2022 in an amount not to exceed \$1,000,000 for each agreement.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)
DEFERRED TO 8/20/19 PER ADMINISTRATION

2.18 [19-633](#) **Request for Travel for Mayor's Staff.****Recommendation:**

(a) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Carolyn Wu, as the City representative to attend the Technology and Entrepreneurship Center at Harvard (TECH) Foundations of City Innovation: Strategy, Leadership, & Practice 2-day Educational Program in Cambridge, Massachusetts from August 20 - August 22, 2019. Source of Funds: Technology and Entrepreneurship Center at Harvard (TECH); City of San José.

(b) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Khanh Russo and Candace Le, as the City's representatives to attend the 2019 Children's Funding Institute in Denver, Colorado from September 4 - September 6, 2019. Source of Funds: Children's Funding Project.

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

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

2.19 [19-690](#) **Retroactive Approval of Mescalero Drive Beautification Day Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on August 7, 2019:

(a) Retroactively approve the Mescalero Drive Beautification Day scheduled on August 10, 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. (Khamis)
[Rules Committee referral 8/7/19 - Item G.1.b]

Attachments [Memorandum](#)

2.20 [19-692](#) **Retroactive Approval of Garden at the Flea 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: As recommended by the Rules and Open Government Committee on August 7, 2019

(a) Retroactively approve the Garden at the Flea scheduled on April 25, 2019 as a City Council sponsored Special Event and approve the expenditure of funds;

(b) Approve use of District 4 office funds in the amount of \$3,000 to help Public Space Authority cover the costs of organizing this free event for San José residents on April 25, 2019; 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. (Diep)
[Rules Committee referral 8/7/19 - Item G.1.c]

Attachments [Memorandum](#)

2.21 [19-693](#) **Retroactive Approval of Berryessa Creek Park Dumpster Day 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: As recommended by the Rules and Open Government Committee on August 7, 2019:

(a) Retroactively approve the Berryessa Creek Park Dumpster Day event scheduled on June 29, 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. (Diep)
[Rules Committee referral 8/7/19 - Item G.1.d]

Attachments [Memorandum](#)

- 2.22** [19-694](#) **Retroactive Approval of Project Hope Neighborhood Association Retreat 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 August 7, 2019:
(a) Retroactively approve the Project Hope Neighborhood Association Retreat scheduled on July 20, 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. (Jimenez)
[Rules Committee referral 8/7/19 - Item G.1.e]

Attachments [Memorandum](#)

- 2.23** [19-695](#) **Approval of the Village Fest 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 August 7, 2019:
(a) Approve the District 2 Village Fest scheduled on September 7, 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. (Jimenez)
[Rules Committee referral 8/7/19 - Item G.1.f]

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 9:30 A.M.

3.3 [19-622](#) **Privacy Policy Update. - DEFERRED****Recommendation:**

As recommended by the Smart Cities and Service Improvements Committee on June 6, 2019:

(a) Accept the report on the City's approach to digital privacy policy and citywide privacy principles.

(b) Adopt a resolution approving the City-wide Privacy Principles and approving the City's approach for privacy policy development.

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)

[Smart Cities and Service Improvements Committee referral 6/6/19 - Item (d)2]

DEFERRED TO 9/17/19 PER ADMINISTRATION

Attachments [Smart Cities Presentation, 6/6/19](#)

3.4 [19-623](#)**Actions Related to the Business Tax and Business Improvement District Assessments Amnesty Programs and Amendment to Title 4 of the San José Municipal Code for Business Tax Financial Hardship Exemptions.****Recommendation:**

- (a) Approve an ordinance authorizing the Director of Finance to administer a Business Tax Amnesty Program which forgives taxpayers who pay certain past due business taxes from liability for the remaining past due business taxes, interest, and penalties.
- (b) Approve an ordinance authorizing an Amnesty Program for the Downtown and Japantown Business Improvement District Assessments, to run concurrently with the Business Tax Amnesty Program.
- (c) Approve an ordinance amending Sections 4.76.115 and 4.76.120 of Chapter 4.76 of Title 4 of the San José Municipal Code to broaden the definitions of small business and small business owner in order to expand the eligibility requirements for the Business Tax Financial Hardship Exemptions to include trusts under certain circumstances. 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](#)[Presentation](#)[\(a\) Ordinance](#)[\(b\) Ordinance](#)[\(c\) Ordinance](#)[Memorandum from Foley, 8/13/2019](#)[Memorandum from Jones, 8/13/2019](#)

- 3.5 [19-624](#) **Amendment to Title 14 and Title 27 of the San José Municipal Code for Public Works Municipal Code Revisions. - DEFERRED**

Recommendation:

(a) Approve an ordinance amending the San José Municipal Code as follows:

(1) Add a new Title 27, titled “Procurement and Administration of Public Works,” that incorporates recent City Charter changes modernizing the construction contract procurement process, makes changes conforming the Code to current City practices, and otherwise updates, streamlines, clarifies and modernizes requirements for the procurement and administration of public works projects;

(2) Repeal Chapters 14.04, titled “Public Works,” 14.06, titled “Dispute Avoidance and Dispute Resolution Policy,” and 14.07, titled “Design-Build Contracts,” of Title 14, all of which are replaced by the new Title 27;

(3) Repeal Chapter 14.08 of Title 14, titled “Encumbrance of Funds for Construction Contracts,” which is outdated and no longer needed;

(4) Amend Sections 4.12.055, titled “Services,” of Chapter 4.12 of Title 4 to reflect recent City Charter changes clarifying that maintenance services can include repairs, construction, erection, improvement or demolition incidental to such maintenance;

(5) Amend Chapter 4.84, entitled “Insurance Requirements for Certain Public Works Contracts and Use or Occupancy of City-Owner Real Property,” of Title 4 to eliminate outdated insurance requirements and to allow the Risk Manager to set such requirements; and

(6) Amend Section 2.04.1420 of Chapter 2.04 of Title 2, Section 4.08.030 of Chapter 4.08 of Title 4, Section 5.06.390 of Chapter 5.06 of Title 5, Section 11.08.010 of Chapter 11.08 of Title 11, Section 15.26.120 of Chapter 15.26 of Title 15, and Section 19.32.120 of Chapter 19.32 of Title 19 to change references from Chapter 14.04 to Title 27.”

(b) Adopt a resolution to repeal the following resolutions, all of which address policies incorporated into the new Title 27:

(1) Resolution No. 71816, which sets forth the City’s prequalification policy;

(2) Resolution No. 71319, which sets forth the City’s contingency policy; and

(3) Resolution Nos. 72943, 75230 and 73532, which address the authority of the Director of Public Works to award and execute certain public works contracts for \$1,000,000 or less and establish the contingency for such contracts.

(c) Adopt a resolution to amend Council Policy No. 1-18, entitled “Operating Budget and Capital Improvement Program Policy,” to change sections 1.i and 1.j under the Capital Improvement Program

portion of the Policy to refer to the appropriate new sections of Title 27.

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

[Deferred from 6/18/19 - Item 3.7 (19-495)]

DEFERRED TO 8/27/19 PER ADMINISTRATION

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-589](#) Agreement with Zamboom, LLC for Artwork Sonic Runway at City Hall.

Recommendation:

(a) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an Agreement with Zamboom, LLC to fabricate and install a long-term version of the artwork Sonic Runway at City Hall for an amount not to exceed \$500,000.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Source Resolution amendments in the General Fund:

(1) Increase the estimate for Revenue from Federal Government by \$30,000; and

(2) Establish the National Endowment of the Arts - Sonic Runway appropriation to the Office of Economic Development in the amount of \$30,000.

(c) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

(1) Increase the Beginning Fund Balance by \$81,000; and

(2) Increase the Public Art appropriation to the Office of Economic Development Department by \$81,000.

CEQA: Categorically Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Economic Development/City Manager)

Attachments [Memorandum](#)

[Presentation](#)

[Memorandum from Davis, 8/12/2019](#)

4.2 [19-625](#) **Public Hearing on the Vacation of the Setback Easements Within Tract No. 1693. - DROP**

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 vacation of the 25-foot and 12.5-foot light and air easements (“Setback Easements”) located within Tract No. 1693;
 - (b) Vacating the 25-foot and 12.5-foot light and air easements located within Tract No. 1693; 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. 3-24857, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 1. (Public Works)

[Deferred from 6/25/19 - Item 4.4 (19-545)]

DROP

4.3 [19-626](#) **Issuance of Tax-Exempt Multifamily Housing Revenue Bonds and Loan of Bond Proceeds Thereof for the Lenzen Square Apartments Project.**

Recommendation:

Adopt a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Lenzen Square Apartments), Series 2019A-1” (the “2019A-1 Bonds”), and the “City of San José Multifamily Housing Revenue Bonds (Lenzen Square Apartments) Series 2019A-2” (the “2019A-2 Bonds”) in an aggregate principal amount not to exceed \$23,000,000;
 - (b) Approving the loan of the proceeds of the Bonds to Lenzen Square Community Partners, LP, a California limited partnership created by Community Preservation Partners, LLC, a California limited liability corporation, to finance the acquisition and rehabilitation of an existing 88-unit rental housing project known as the Lenzen Square Apartments located at 790 Lenzen Avenue, in San José;
 - (c) Approving in substantially final form the Indenture, Borrower Loan Agreements and Regulatory Agreement and Declaration of Restrictive Covenants (the “2019A-1 Bond Documents” and “2019A-2 Bond Documents”); and
 - (d) Authorizing and directing the City Manager, Director of Housing, Director of Finance or the Assistant Director of Finance, or their designees, to execute and deliver the 2019A Bond Documents together with any other documents required in connection with this transaction, including any documents ancillary to the 2019A Bond Documents.
- CEQA: Categorically Exempt, File No. PP19-054, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Housing/Finance)
TO BE HEARD IMMEDIATELY FOLLOWING LAND USE
CONSENT CALENDAR

Attachments [Memorandum](#)
[Bond Purchase Agreement Series A1](#)
[Bond Purchase Agreement Series A2](#)
[Indenture of Trust](#)
[Loan Agreement](#)
[Regulatory Agreement](#)
[Resolution](#)

4.4 [19-627](#) **Actions Related to Title 5 of the San José Municipal Code for the Housing Payment Equality Ordinance.**

Recommendation:

- (a) Approve an ordinance amending Title 5 of the San José Municipal Code to add a new Chapter 5.10 related to a Housing Payment Equality Ordinance.
- (b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:
- (1) Increase the appropriation to the Housing Department for Personal Services by \$84,000; and
 - (2) Decrease the City Housing Authority Reserve by \$84,000.
- 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/City Manager)
NOT TO BE HEARD BEFORE 2:00 P.M.

Attachments

[Replacement Memorandum, 8/7/2019](#)
[Supplemental Memorandum, 8/13/2019](#)
[Presentation](#)
[Ordinance](#)
[Memorandum from Mayor Liccardo, Vice Mayor Jones, Council](#)
[Memorandum from Councilmembers Khamis, Foley, Davis and I](#)
[Memorandum from Jones, 8/13/19](#)
[Letters from the Public 1](#)
[Letters from the Public 2](#)

5. NEIGHBORHOOD SERVICES

5.1 [19-628](#) **Update on Safe Parking Pilot Program. - DEFERRED****Recommendation:**

As recommended by the Neighborhood Service and Education Committee on June 13, 2019, accept the report on the progress and status of the safe parking pilot program for families at Seven Trees Community Center and Library.
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 7. (Housing)
[Neighborhood Services and Education Committee referral 6/13/19 - Item (d)2]
DEFERRED TO 8/27/19 PER ADMINISTRATION

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

5.2 [19-629](#) **Actions Related to the 7538 - Watson Parks Renovation Project.****Recommendation:**

(a) Report on bids and award of construction contract for the 7538 - Watson Park Renovations project to the lowest responsive bidder, Suarez & Munoz Construction, Inc., in the base bid amount of \$1,605,000 and a 15% contingency in the amount of \$240,750.
(b) Adopt the following 2019-2020 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
 (1) Increase the Watson Park Improvements appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$969,350;
 (2) Decrease the future Watson Park Tayler Street Access Study Reserve by \$175,000; and
 (3) Decrease the Future PDO/PIO in Projects Reserve by \$794,350.
CEQA: Categorically Exempt, File No. PP18-035, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Public Works/Parks, Recreation, and Neighborhood Services/City Manager)

Attachments [Memorandum](#)

6. TRANSPORTATION & AVIATION SERVICES**7. ENVIRONMENTAL & UTILITY SERVICES****8. PUBLIC SAFETY**

8.1 [19-592](#) **Independent Police Auditor 2018 Year End Report.****Recommendation:**

Consider the 2018 Independent Police Auditor Year End 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. (Independent Police Auditor)
NOT BE HEARD BEFORE 3:00 P.M.

Attachments

[2018 IPA Year End Report](#)
[Supplemental Memorandum, Police Department Response to Year
Memorandum from Mayor, Jones, Peralez, 8/9/2019](#)
[Presentation](#)

8.2 [19-634](#) **San José Police Department Internal Affairs Unit 2018 Department Initiation
Investigations Report.****Recommendation:**

Accept the San José Police Department's Internal Affairs Unit report on
Department Initiated Investigations for calendar year 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. (Police)
NOT BE HEARD BEFORE 3:00 P.M.

Attachments

[Replacement Memorandum, 8/12/2019](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY**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) [19-631](#) C19-021 - Conforming Rezoning for Real Property Located at 397 Saratoga Avenue.

Recommendation: Approve an ordinance rezoning certain real property located at the west side of Saratoga Avenue, approximately 250 feet southerly of South Kiely Avenue (397 Saratoga Avenue), from the CP Commercial Pedestrian Zoning District to the CG Commercial General Zoning District on an approximately 0.90-gross acre site.

CEQA: Categorically Exempt, File No. C19-021, CEQA Guidelines Section 15301, Existing Facilities and Section 15061, Review for Exemption. Council District 1. (Planning, Building and Code Enforcement)

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

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

- (b) [19-632](#) C19-023 - Conforming Rezoning for Real Property Located at 399 South 24th Street.

Recommendation: Approve an ordinance rezoning certain real property located at the northwest corner of East William Street and South 24th Street (399 South 24th Street) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 0.28-gross acre site.

CEQA: Categorically Exempt, File No. C19-023, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Planning, Building and Code Enforcement)

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

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum

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

- Adjournment

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, 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.