



City Council Meeting Amended Agenda

Tuesday, October 29, 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

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

- **Invocation (District 9)**

Ida Price Middle School Clarinet Quartet

- **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

[19-678](#)

Closed Session Agenda

Attachments

[Closed Session Agenda](#)

[Closed Session - SARA Agenda](#)

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation declaring Filipino American History Month. (Arenas)

1.2 Presentation of a Commendation to John Mendez for his efforts in working with Senior Veterans.
(Jones)

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.

[19-1004](#) **Approval of City Council Minutes.**

Recommendation: (a) Regular City Council Meeting Minutes of February 5, 2019.
 (b) Regular City Council Meeting Minutes of March 5, 2019.
 (c) Regular City Council Meeting Minutes of March 19, 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 [\(a\) 2-5-19 CC MINUTES](#)
 [\(b\) 3-5-19 CC MINUTES](#)
 [\(c\) 3-19-19 CC MINUTES](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[19-1005](#) **Approval of Council Committee Minutes.**

Recommendation: (a) Public Safety, Finance and Strategic Support Committee Minutes of
 September 19, 2019.
 (b) Neighborhood Services and Education Committee Minutes of
 October 10, 2019.
 (c) Rules and Open Government Committee Minutes of October 16,
 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 [\(a\) 9-19-19 PSFSS MINUTES](#)
 [\(b\) 10-10-19 NSE MINutes](#)
 [\(c\) 10-16-19 ROGC MINUTES](#)

2.4 Mayor and Council Excused Absence Requests.

[19-1007](#) **Request for an Excused Absence for Councilmember Arenas.**

Recommendation: Request for an excused absence from the Regular Meeting of City Council on October 22, 2019 due to Illness. (Arenas)

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [19-959](#) **Amendment to the Lease of Airport Premises Agreement with Jett Pro Line Maintenance, Inc.**

Recommendation: Approve the Sixth Amendment to Lease of Airport Premises between the City of San José and Jett Pro Line Maintenance, Inc. to extend the term for three years to expire on November 30, 2022, with total revenue to the City in the amount of \$426,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

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

2.8 [19-960](#) **Amendment to the Airport Concession Agreement 10467-CA-12 and 10612-CA-17, with ALD Development Corp for Shared Use Lounge Services.**

Recommendation: (a) Approve the Fourth Amendment to the Airport Concession Agreement 10467-CA-12 between the City of San José and ALD Development, Inc. dba The Club at SJC to retroactively and temporarily increase the Gross Revenue percentage fee payable to the City from 13% to 15%, from July 1, 2019 through July 31, 2020, and revise the Joint Marketing Fund to increase the scope of service.
(b) Approve the First Amendment to the Airport Concession Agreement 10612-CA-17 between the City and ALD to temporarily increase the Gross Revenue percentage fee payable to the City from 13% to 15%, from the Commencement Date through July 31, 2020, provide for a onetime payment of \$31,150 from ALD to the City, and revise the Joint Marketing Fund to increase the scope of service.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

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

2.9 [19-961](#) Actions Related to the Pat Dando Monument.**Recommendation:**

(a) Accept the gift of a Pat Dando Monument, with an estimated total value of up to \$250,000, to be installed at the Almaden Library and Community Center and \$25,000 to cover annual maintenance of the Monument for 25 years;

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:

 (1) Establish the estimate for Other Revenue in the amount of \$25,000; and

 (2) Establish a Dando Artwork Maintenance appropriation to the Office of Economic Development in the amount of \$25,000.

CEQA: Categorically Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Economic Development/Library/Public Works/City Manager)

Attachments [Memorandum](#)

2.10 [19-977](#) Amendment to Title 17 and Council Policy 7-15 for Prohibiting Natural Gas Infrastructure.**Recommendation:**

(a) Approve an ordinance of the City of San José adding a new Chapter 17.845 to Title 17 of the San José Municipal Code to Prohibit Natural Gas Infrastructure in New Single-Family, Low-Rise Residential Buildings (three stories and under), and Detached Accessory Dwelling Units.

(b) Adopt a resolution to approve a new Council Policy Number 7-15, entitled, “Policy Prohibiting Natural Gas Infrastructure in Municipal Buildings.”

CEQA: Categorically Exempt, File No. PP19-067, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building, and Code Enforcement)

Attachments [Memorandum](#)
 [Ordinance](#)
 [Resolution](#)
 [Letters from the Public](#)
 [Letters from the Public 2](#)

2.11 [19-962](#)**Actions Related to the Purchase Orders for Sidewalk Grinding Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute purchase orders with CB Concrete Construction (Los Gatos, CA) and Duran Construction Group (San José, CA) for sidewalk grinding services for the Department of Transportation for an initial twelve-month period, starting on or about October 29, 2019 and ending on or about October 28, 2020 for a total cumulative compensation not-to-exceed \$200,000; and

(b) Exercise up to four one-year options to extend the term of the purchase orders with the last option year ending on or about October 28, 2024, subject to the appropriation of funds.

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

Attachments [Memorandum](#)

2.12 [19-963](#) Ice Centre Revenue Fund Appropriation Adjustments.**Recommendation:**

Adopt of the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Ice Centre Revenue Fund:

- (a) Increase the Revenue from the Use of Money/Property by \$188,486;
 - (b) Increase the Repairs - Electrical appropriation to the Finance Department by \$318,015;
 - (c) Increase the Repairs - Mechanical appropriation to the Finance Department by \$560,038;
 - (d) Increase the Repairs - Miscellaneous appropriation to the Finance Department by \$7,389;
 - (e) Increase the Repairs - Structures appropriation to the Finance Department by \$704,283;
 - (f) Increase the Repairs - Unanticipated/Emergency appropriation to the Finance Department by \$40,656;
 - (g) Increase the Transfer to the General Fund - Ice Centre Insurance Expenses by \$831;
 - (h) Decrease the Previously Approved Repairs Reserve by \$444,532; and
 - (i) Decrease the Unrestricted Ending Fund Balance by \$998,194.
- 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/City Manager)

Attachments [Memorandum](#)

2.13 [19-964](#) Affordable Housing Impact Fee Fund Annual Report for Fiscal Year 2018-2019.**Recommendation:**

Accept the Fiscal Year 2018-2019 Annual Report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's Affordable Housing Impact Fee.

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

Attachments [Memorandum](#)

2.14 [19-852](#) Extension of the Master Agreement with SWA Group for Landscape Architecture, Architecture, Environmental, and Engineering Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a first amendment to the Master Agreement with SWA for landscape architecture, architecture, environmental, and engineering consultant services, in order to increase the overall compensation from \$750,000 to \$1,500,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future actions. Council District 3. (Parks, Recreation and Neighborhood Services)

Attachments [Replacement Memorandum, 10/22/2019](#)

2.15 [19-965](#) Citywide Capital Improvement Program for Fiscal Year 2018-2019. - RENUMBERED TO ITEM 3.5

Recommendation: Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2018-2019.

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

RENUMBERED TO ITEM 3.5 (19-1001)

Attachments [Memorandum](#)

2.16 [19-966](#) Master Agreements with AECOM, Inc., Environmental Science Associates, Inc., and David J. Powers & Associates, Inc., for Various City Facility Capital Improvement Projects.

Recommendation: Approve Master Agreements with AECOM, Inc., Environmental Science Associates, Inc., and David J. Powers & Associates, Inc. for environmental consulting services from the date of execution through December 31, 2024, with each agreement not to exceed \$1,000,000.

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

Attachments [Memorandum](#)
[Agreement-AECOM](#)
[Agreement-DJP](#)
[Agreement-ESA](#)

**2.17 [19-967](#) Actions Related to the Alteration of Community Facilities District No. 8
(Communications Hill).**

Recommendation: Adopt resolutions of consideration to:
 (a) Alter Community Facilities District No. 8 as proposed in Alteration
 No. 1A, repeal Resolution No. 79227 and set a Public Hearing regarding
 this matter for November 19, 2019 at 6:00 p.m.
 (b) Alter Community Facilities District No. 8 as proposed in Alteration
 No. 1B, repeal Resolution No. 79228 and set a Public Hearing regarding
 this matter for November 19, 2019 at 6:00 p.m.
 CEQA: Not a Project, File No. PP17-001, Feasibility and Planning
 Studies with no commitment to future actions. Council District 7.
 (Public Works)

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

**2.18 [19-968](#) Signature Authority for Caltrans Agreements for Federal or State Funded
Programs/Projects.**

Recommendation: Adopt a resolution authorizing the City Manager or Designee to
 negotiate and execute Program Supplement Agreements, Fund
 Exchange Agreements, or Fund Transfer Agreements, and any
 amendments thereto, with Caltrans for Federal or State Funded
 Transportation Programs/Projects enabling the City to receive funds for
 qualifying programs/projects.
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New
 or Amended) resulting in no physical changes to the environment.
 (Transportation)

Attachments [Memorandum](#)

- 2.19 [19-1003](#) Retroactive Approval of the Evergreen Community Center Halloween Spooktacular 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: (a) Retroactively approve the Evergreen Community Center Halloween Spooktacular scheduled on Saturday, October 19, 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)

Attachments [Memorandum](#)

- 2.20 [19-1006](#) Retroactive Approval of the Evergreen Community Center Diwali Celebration Community Event 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: (a) Retroactively approve the Evergreen Community Center Diwali Celebration Community scheduled on October 18, 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)

Attachments [Memorandum](#)

2.21 [19-1008](#) Boards and Commissions Appointments.**Recommendation:**

Approve the following Boards and Commissions appointments:

1. Library and Early Education Commission:

a. District 4 Seat: Appoint Pravir Ramtekkar to a term ending June 30, 2023;

2. Human Services Commission:

a. Citywide Seat: Appoint Mohua Chatterjee to a term ending December 30, 2022.

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

Attachments

[Memorandum](#)

[BCC Pravir Library](#)

[Conflicts Review Library](#)

[Applications Human Services](#)

[Conflicts Review Human Services](#)

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 [19-969](#)

Audit Report on Street and Utility In-Lieu Fees.

Recommendation:

As recommended by the Transportation and Environment Committee on October 7, 2019, accept the Audit Report on Street and Utility In-Lieu Fees.

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)

[Transportation and Environment Committee referral - 10/7/19 Item (d)1]

Attachments

[Memorandum](#)

[Presentation](#)

3.4 [19-970](#) **Report on Request for Proposal for Parking Garage and Surface Lot Management Services at the Norman Y. Mineta San José International Airport.**

Recommendation: Accept the report on the Request for Proposal for Parking Garage and Surface Lot Maintenance Services at San José International Airport and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with SP Plus Corporation (Chicago, IL) for an initial two-year term beginning on or about December 1, 2019 and ending on or about November 30, 2021 for management services at parking garages and surface lots (collectively, the “parking facilities”), including operations, janitorial services, minor repairs, and supplemental services, for a maximum compensation not to exceed \$8,784,576 for the two-year initial term, subject to the appropriation of funds.
- (b) Negotiate and execute amendments and/or change orders not to exceed \$1,700,700 for a contingency related to unanticipated changes such as changes to the list of parking facilities, service levels, and in-scope augmentations to the service offerings, subject to the appropriation of funds.
- (c) Exercise three options to extend the term of the Agreement through January 31, 2025, with the first option having a duration of fourteen months followed by two one-year options, 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](#)

3.5 [19-1001](#) **Citywide Capital Improvement Program for Fiscal Year 2018-2019.**

Recommendation: Accept the annual report on the Citywide Capital Improvement Program for Fiscal Year 2018-2019.

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

RENUMBERED FROM ITEM 2.15 (19-965)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-971](#) Actions Related to the Lease Agreements for Office Space Occupied by the Independent Police Auditor.

Recommendation: (a) Approve an Amendment to the existing Lease Agreement with 152 North Third Street, LLC (Owner) for the office space located at 152 N Third Street, Suite 602, San José, CA to terminate the Agreement and provide for the landlord's reimbursement of costs (up to \$15,000) associated with moving from the current office space to the new proposed space located at 96 N Third Street.

(b) Approve a five-year lease with 96 North Third Street, LLC for the use of approximately 2,298 square feet of office space located at 96 N Third Street, Suite 150, San José, CA at a rental rate of \$96,516 for the first year of the lease, \$99,549.36 for the second year, \$102,306.96 for the third year, \$105,616.08 for the fourth year, and \$108,649.44 for the fifth year, with total rent for the five-year term in the amount of \$512,637.84.

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

Council District 3. (Economic Development)

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

4.2 [19-972](#) CSL Study for Convention Center/South Hall Site.

Recommendation: As recommended by the Community and Economic Development Committee on September 23, 2019, accept the report on the work completed to date on the Convention Center Expansion Strategic Plan.
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)
[Community and Economic Development Committee referral 9/23/19 - Item (d)3]

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

4.3 [19-975](#) Status of the Lease Negotiations with Caltrans for a Bridge Housing Community. - DEFERRED

Recommendation:

(a) Accept the staff report on the status of the lease agreement with Caltrans for the proposed Bridge Housing Communities located at the South West Quadrant of State Highways 101 and 680 adjacent to Felipe Ave; and

(b) Direct the Administration to seek an alternative site for the second Bridge Housing Community originally approved by City Council for the Caltrans parcel adjacent to Felipe Avenue.

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

DEFERRED TO 11/5/19 PER ADMINISTRATION

4.4 [19-976](#) Actions Related to an Amendment with the HomeFirst Services of Santa Clara County Grant Agreement to Use Housing Trust Fund and Homeless Emergency Aid Program Funding for Overnight Warming Locations During the Cold Weather Season.

Recommendation: (a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 et seq., and designating the following two city-owned facilities to be occupied as Overnight Warming Locations by homeless individuals during the cold weather season:

(1) Bascom Community Center and Library, 1000 S. Bascom Avenue, San José, CA 95128; and

(2) Roosevelt Community Center, 901 E. Santa Clara St, San José, CA 95116.

(b) Adopt a resolution authorizing the Director of Housing to negotiate and execute a First Amendment to the grant agreement with HomeFirst, retroactive to August 1, 2019, increasing the maximum total amount of compensation by \$1,134,180 from \$350,000 to \$1,484,180 to continue to implement the Overnight Warming Locations through June 30, 2020.

(c) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the Housing Trust Fund:

(1) Increase the Housing and Homeless Projects appropriation to the Housing Department in the amount of \$334,180; and

(2) Decrease Unrestricted Ending Fund Balance in the amount of \$334,180.

CEQA: Categorically Exempt, File No. PP18-093, CEQA Guidelines Sections 15301, Existing Facilities, and Section 15269, Emergency Projects. Council Districts 3 and 6. (Housing/Library/Parks, Recreation and Neighborhood Services/City Manager)

Attachments [Memorandum](#)
 [Presentation](#)
 [Resolution](#)
 [Memorandum from Mayor and Davis, 10/25/2019](#)
 [Memorandum from Peralez, 10/29/2019](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

8.1 [19-978](#) Fireworks Ordinance Workplan Status Report.

Recommendation:

As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2019, accept the status report on the implementation of the Fireworks Ordinance Workplan Post Fourth of July 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. (Fire)

[Public Safety, Finance and Strategic Support Committee referral 8/15/19 - Item (d)1]

[Deferred from 9/10/19 - Item 8.1 (19-771); 10/1/19 - Item 8.1 (19-866); and 10/8/19 - Item 8.1 (19-921)]

Attachments

[Memorandum](#)

[Presentation](#)

[Presentation, 10/1/2019](#)

[Supplemental Memorandum](#)

[Supplemental Memorandum, 9/24/2019](#)

[PSFSS Presentation, 8/15/2019](#)

[Attachment A - Illegal Fireworks Activities Timeline](#)

[Attachment B - Public Education and Outreach Campaign](#)

[Attachment C - Illegal Fireworks Reporting Summary](#)

[Letters from the Public](#)

[Memorandum from Mayor, Peralez, Diep, Arenas, Khamis, 10/24/19](#)

8.2 [19-979](#) **Report on Title 10 of the San José Municipal Code for the Implementation of the Spectator Ordinance.**

Recommendation: Accept the report on implementation of the Spectator Ordinance (Chapter 10.50 of the San José Municipal Code) which was enacted by the Council on April 30, 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. (Police)

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [19-1002](#) **Recognition of Successor Agency Arbitrage Rebate Liability.**

Recommendation: Adopt a resolution of the Successor Agency to the Redevelopment Agency Board:
(a) Recognizing the additional arbitrage rebate liability, penalties and interest (rebate liability) due with respect to the Redevelopment Agency of the City of San José Merged Area Tax Allocation Bonds Series 1999 (1999 Bonds) in the amount of \$171,593.84 plus penalties (\$85,796.92) plus interest, as calculated by the IRS, from March 9, 2018 to July 15, 2020 for a total estimated payment amount of approximately \$300,000;
(b) Proceeding with necessary approvals from the Oversight Board and California Department of Finance to have the arbitrage rebate liability recognized as an enforceable obligation; and
(c) Authorizing the Executive Officer, Chief Financial Officer and Successor Agency General Counsel to continue discussions with the IRS to resolve the matter and pay the amount of rebate liability, including execution of documents related to such payment.
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. (Successor Agency)
[Deferred from 10/22/19 - Item 9.1 (19-946)]

Attachments [Replacement Memorandum, 10/24/2019](#)

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

No Land Use items on Consent Calendar.

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.