



City Council Meeting Agenda

Tuesday, November 19, 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

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 10)**

Pastor, Victory Outreach San José

- **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 Proclamation to recognize National Prematurity Awareness Month. (Arenas)

1.2 Presentation of a Proclamation for National Alzheimer's Awareness Month. (Carrasco)

1.3 Presentation of Commendation to SJSU African American Studies Department. (Peralez)

1.4 Presentation of a Commendation to Mary and Robert Miller. (Jimenez)

TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

[19-1029](#)

Final Adoption of Ordinances.

Recommendation:

- (a) Ord No. 30330 - 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, and Detached Accessory Dwelling Units. [Passed for Publication on 10/29/19 - Item 2.10(a) (19-977)]
- (b) Ord No. 30334 - An Ordinance of the City of San José Amending Section 4.46.036 of Chapter 4.46 and Section 4.47.089 of Chapter 4.47 of Title 4 of The San José Municipal Code to Expand the Suspension Program for the Collection of a Portion of Construction Taxes on Downtown High Rise Developments. [Passed for Publication on 11/5/19 - Item 2.10(b) (19-988)]
- (c) Ord No. 30335 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.37- Gross Acre Situated on the Northeast Corner of East San Antonio and South 11th Streets (184 South 11th Street) (APN:467-26-095) From The A(PD) Planned Development Zoning District to the R-M Multiple Residence Zoning District. [Passed for Publication on 11/5/19 - Item 10.1(c) (19-998)]
- (d) Ord No. 30336 - 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 to Modify and add Clarifying Language for Current Secondary Unit (ADU) Provisions, to Omit the Minimum Unit Size Limitation for Two Bedrooms on any Lot Greater Than 9,000 Square Feet, Allow a New Detached Secondary Unit at a Minimum Distance of 45 Feet from the Front Property Line, to Allow Connecting Opening Between a Secondary Dwelling Unit and Attached Garage, and to Include Requirements for Unenclosed Overhanging Balconies, Stair Landings and Porches; Amend Section 20.30.280 to add Clarifying Language to Allow Rear Setback Exception for New Construction; Amend Section 20.40.230 to Include Maximum Height Exception Limitations; Amend Section 20.90.410 to add Clarifying Language to Offstreet Loading Provisions; Amend Section 20.100.910 to Modify Requirements for Lot Sizes for Exemption from a Planned Development Permit Amendment for Single-Family Residences; Amend Section 20.100.1300 to Delete Maximum Height Exception Limitations; Amend Section 20.200.1310 to add Clarifying Language to Utility Facility Definition; and to Make Other Technical, Non-Substantive, or Formatting Changes Within Those Sections of Title 20 of the San José Municipal Code. [Passed for Publication on 11/5/19 - Item 10.1(d) (19-999)]
- (e) Ord No. 30338 - An Ordinance of the City of San José Dissolving Community District No. 9 (Bailey/Highway 101) and Authorizing Other

Actions Related to its Dissolution. [Passed for Publication on 11/6/19 - Item 4.1(g) (19-1026)]

(f) Ord. No 30340 - An Ordinance of the City of San José Community District No. 5A (North Coyote Valley Facilities) and Authorizing Other Actions Related to its Dissolution. [Passed for Publication on 11/6/19 - Item 4.1(i) (19-1026)]

(g) Ord. No 30337 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 4.69 Gross Acres Situated on the West Side of Union Avenue, Approximately 260 Feet Northerly of Los Gatos Almaden Road (5175 Union Avenue) from the R-1-8 Single-Family Residence Zoning District to the CN Commercial Neighborhood Zoning District. [Passed for Publication on 11/5/19 - Item 10.2(b) (19-1000)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[19-1073](#)

Mayor and Council Excused Absence Requests.

Recommendation:

(a) Request for an excused absence for Councilmember Peralez, from the Special City Council Meeting of San José Police Department's Sexual Assault Response and Strategy report on November 12, 2019, due to authorized City business at the Association for Commuter Transit (ACT), in Seattle, WA.

(b) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of Rules and Open Government Committee on November 13, 2019, due to authorized City business at the Annual California Transit Association Meeting, in Monterey, CA.

(c) Retroactive request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Community and Economic Development Committee on October 28, 2019, due to illness.

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

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

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 [19-1076](#) Boards and Commissions Appointments.**

Recommendation: Approve the following Boards and Commissions appointments:
(a) Downtown Parking Board: Appoint Henry Cord 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](#)
[Conflicts Review Memo](#)

2.8 [19-1054](#) Amendments to the Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc. for Construction Management and Inspection Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

Recommendation: Approve the Second Amendments to the Master Consultant Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, to clarify authorized travel expenses and provisions governing onsite and offsite employees, and align the consulting contracts with the Capital Improvement Program standards, with no extension to the term or increase to the maximum total compensation.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Environmental Services/Public Works)

Attachments [Memorandum](#)
[Kennedy/Jenks Consultants Agreement](#)
[MNS Engineers Agreement](#)

- 2.9 [19-1055](#) **Actions Related to 9192-Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for various City Facility Projects.**

Recommendation: Approve Master Agreements with Callander Associates Landscape Architects, Inc., Royston Hanamoto Alley and Abey, and Meyer Studio Land Architects, and RRM Design Group for landscape architectural services for various City projects from the date of execution through December 31, 2022, in an amount not to exceed \$750,000 for each master agreement.

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)
Deferred from 10/22/19 - Item 2.12 (19-935)

Attachments [Memorandum](#)
[CALA Agreement](#)
[MSLA Agreement](#)
[RHA&A Agreement](#)
[RRM Agreement](#)

- 2.10 [19-1056](#) **Amendment to the Master Agreement with Placeworks for Landscape Architectural Design Services for Various City Facility Projects.**

Recommendation: Approve the Second Amendment to the Master Agreement with Placeworks (CPMS Contract No. 8069) extending the term from December 31, 2019 to December 31, 2020 for the sole purpose of allowing the consultant to continue providing design consulting services through completion of Watson Park Renovation and Kelley Park Master Plan Update Projects.

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

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

2.11 [19-1057](#) **Agreement with Caltrans for the US 101/Blossom Hill Road Interchange Project.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Maintenance Agreement between the State of California, Department of Transportation (Caltrans) and the City of San José for the US 101/Blossom Hill Road Interchange.
CEQA: Categorically Exempt, File No. PP18-053, CEQA Guidelines Section, 15301 Existing Facilities. Council District 2. (Transportation)

Attachments [Memorandum](#)

2.12 [19-1058](#) **Downtown San José Property-Based Improvement District Annual Financial Report.**

Recommendation: Approve the Downtown San José Property-Based Improvement District Annual Financial Report 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. Council District 3. (Transportation)

Attachments [Memorandum](#)

2.13 [19-1059](#) **Transportation Fund for Clean Air 2019-2020 Grant Funding Agreement for Downtown Signal Retiming.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager or designee to execute a Transportation Fund for Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority in an amount not to exceed \$679,800 for reimbursement of work that occurs on or after July 1, 2019.

(b) Adopt the following 2019-2020 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

(1) Decrease Ending Fund Balance by \$500,000;

(2) Decrease Transportation Grant Reserve by \$320,200;

(3) Increase the estimate for Revenue from Local Agencies by \$679,800; and

(4) Establish the TFCA 2019-2020 Downtown Signal Retiming appropriation to the Department of Transportation in the amount of \$1,500,000.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guideline Section 15301(c) Existing Facilities. Council District 3.

(Transportation/City Manager)

Attachments [Memorandum](#)

2.14 [19-1074](#) **Retroactive Approval of D6 Faith Leaders Breakfast and Luncheon Sponsored by Council District 6 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 D6 Faith Leaders Breakfast and Luncheon held on September 6, 2018 and the D6 Faith Leaders Breakfast held on October 31, 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. (Davis)

Attachments [Memorandum](#)

2.15 [19-1075](#) **Retroactive Approval of Trash Talks Sponsored by Council District 6 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 Trash Talks held on August 23, 2019, September 27, 2019 and October 11, 2019, and approve the Trash Talk scheduled on November 8, 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. (Davis)

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 [19-1060](#) **Update on the Polling Results on the Potential March 2020 Ballot Measures.**

Recommendation: (a) Accept the staff report regarding the outcome of recent public opinion polling around potential 2020 ballot measures; and
(b) Direct the City Manager and City Attorney to return with a potential real property transfer tax measure on December 3, 2019 with a proposed ballot question, ordinance, resolution, and other required items for the City Council to call an election to place the tax measure on the March 3, 2020 ballot.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)

3.4 [19-1061](#) Public Hearing on Community Facilities District No. 8 (Communications Hill).**Recommendation:**

(a) Conduct a Public Hearing regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill).

(b) Adopt a resolution calling a special election regarding proposed Alteration No. 1A and Alteration No. 1B of Community Facilities District No. 8 (Communications Hill).

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council District 7. (Public Works)

TO BE HEARD IN THE EVENING

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

4. COMMUNITY & ECONOMIC DEVELOPMENT**4.1 [19-1078](#) Disposition and Development Agreement with Museum Place Owner, LLC and Amended and Restated Tech Interactive Lease Agreement.****Recommendation:**

(a) Adopt a resolution adopting the Addendum to the Museum Place Mixed-Use Project Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Adopt a resolution:

(1) Approving the Amended and Restated Disposition and Development Agreement (“DDA”) with Museum Place Owner LLC for the construction of a mixed-use project consisting of office space, retail space, expansion space for the Tech Museum, and a garage (“Project”);

(2) Authorizing the City Manager to (i) negotiate and execute all ancillary documents referenced in the DDA for the Project, and (ii) accept for transfer and transfer property required for the Project to Museum Place Owner LLC; and

(3) Approving the Amended and Restated Lease Agreement with the Tech Museum of Innovation related to the construction and operation of expansion space for the Tech Museum.

CEQA: Museum Place II Mixed-Use Project Addendum (File No. SP17-031-07). Council District 3. (Economic Development)

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

4.2 [19-1080](#) **Conditional Summary Vacation and Sale of Portion of Park Avenue along the 200 Park Avenue Frontage.**

Recommendation:

- (a) Conduct a Public Hearing and adopt a resolution:
- (1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of a portion of Park Avenue along the 200 Park Avenue frontage (Subject Portion);
 - (2) Conditionally vacating the Subject Portion, which after the satisfaction of the condition, will be superseded by relocation;
 - (3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and
 - (4) Declaring the Subject Portion consisting of approximately 13,204 square feet of conditionally vacated portion of Park Avenue between Almaden Avenue and Almaden Boulevard surplus to the needs of the City.
- (b) Approve a Purchase and Sale Agreement with SJ Park Almaden LLC, a Delaware limited liability company for the sale of approximately 13,204 square feet of conditionally vacated City-owned property on a portion of Park Avenue, along the 200 Park Avenue frontage, in the amount of \$4,750,000.
- (c) Adopt a resolution authorizing the City Manager or his designee to execute the quitclaim deed and all other documents necessary to complete the transaction.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) for 200 Park Avenue, File No. H18-045. Council District 3. (Economic Development)

Attachments [Memorandum](#)
[\(a.1\) Resolution](#)
[\(b\) Agreement](#)

4.3 [19-1062](#) **Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of Proceeds Thereof for the Financing of Quetzal Gardens Apartments.**

Recommendation:

(a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José, California Multifamily Housing Revenue Note (Quetzal Gardens Apartments), Series 2019E” (the 2019 Note) in a principal amount not to exceed \$32,207,500;

(2) Approving the loan of 2019 Note proceeds to Quetzal Gardens, L.P., a California limited partnership created by Resources for Community Development., a California nonprofit public benefit corporation, to finance the construction of a 71-unit multifamily development known as Quetzal Gardens Apartments located at 1695 Alum Rock Avenue, in San José (the Development);

(3) Approving in substantially final form the Funding Loan Agreement, the Construction and Permanent Loan Agreement (Multifamily Housing Back to Back Loan Program), and Regulatory Agreement and Declaration of Restrictive Covenants (collectively, the 2019 Note Documents); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, and Debt Administrator, or their designees, to execute and deliver the 2019 Note Documents together with any documents ancillary to the 2019 Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low income) for new tenants in the event of foreclosure or expiration of subsidy contracts to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds; and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to this action.

CEQA: Categorically Exempt, CEQA Guideline Section 15332, In-fill Development Projects, File No. CP17-009. Council District 5.
(Finance/Housing)

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[Construction and Permanent Loan Agreement](#)
[Funding Loan Agreement](#)
[Regulatory Agreement](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [19-1063](#) **Agreement with ARUP for the Access & Mobility Plan.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with ARUP for planning and design consulting services to develop the Access & Mobility Plan in an amount not to exceed \$1,364,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [19-1079](#) **Actions Related to the Energy Resilience Resource Plan.****Recommendation:**

- (a) Accept a status report on the workload assessment, workplan development, and resources required to implement City Council direction related to the principles to guide advocacy on restructuring California's electric power system and ensuring San José Clean Energy's operational and financial stability, the Study Session on energy resiliency, and the Rules and Open Government Committee direction related to Making San José Grid-Resilient.
- (b) Approve the following additions to the City of San José Community Energy Department staffing in 2019-2020:
- (1) Public Information Manager (1.0 FTE)
 - (2) Senior Power Resources Specialist (Regulatory and Legislative Policy) (1.0 FTE)
 - (3) Power Resources Specialist I/II (Regulatory and Legislative Policy) (1.0 FTE)
 - (4) Deputy City Attorney III (1.0 FTE)
- (c) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance amendments in the Community Energy Fund:
- (1) Increase the Personal Services appropriation to the Community Energy Department in the amount of \$479,000;
 - (2) Increase the Personal Services appropriation to the City Attorney's Office in the amount of \$180,000;
 - (3) Increase Non-personal Services appropriation to the Community Energy Department in the amount of \$200,000 and
 - (4) Decrease the Unrestricted Ending Fund Balance in the amount of \$859,000.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Community Energy/City Manager)

Attachments [Memorandum](#)
[Early Consideration Response Form](#)

7.2 [19-1064](#) **Climate Smart San José.****Recommendation:**

As recommended by the Transportation and Environment Committee on October 7, 2019, accept the status report on the implementation of the Climate Smart San José Plan, including a response to City Council direction on various Climate Smart activities outlined in the approved May 17, 2019 memorandum from the Mayor and four Councilmembers.

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

[Transportation and Environment Committee referral 10/7/19 - Item (d)3]

Attachments

[Memorandum](#)

[Attachment, T&E Meeting 10/7/2019](#)

[Presentation ESD, T&E Meeting 10/7/2019](#)

[Video, T&E Meeting 10/7/2019](#)

[Presentation DOT, T&E Meeting 10/7/2019](#)

7.3 [19-1065](#) **Master Service Agreements with Environmental Science Associates and Ascent Environmental, Inc. for Environmental Consulting Services for Various City Projects.****Recommendation:**

Approve master agreements with the following firms for environmental review and permitting services for the San José-Santa Clara Regional Wastewater Facility and Integrated Waste Management projects and programs:

(a) Environmental Science Associates from the date of execution through June 30, 2024 in an amount not to exceed \$1,000,000; and

(b) Ascent Environmental, Inc. from the date of execution through June 30, 2024 in an amount not to exceed \$500,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) Resulting in No Physical Changes to the Environment. (Environmental Services)

Attachments

[Memorandum](#)

[\(a\) Agreement](#)

[\(b\) Agreement](#)

7.4 [19-1066](#) **Contract Work Authorization Change Order with Pacific Gas and Electric Company for the Silicon Valley Energy Watch Program.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager to execute the Contract Work Authorization Change Order with Pacific Gas and Electric Company for the Silicon Valley Energy Watch program extending the term through July 25, 2020 and increasing funding in the amount of \$196,000, from \$436,064 to \$632,064.

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

(1) Increase the City-Wide appropriation to the Environmental Services Department for Silicon Valley Energy Watch 2019 in the amount of \$196,000, from \$218,032 to \$414,032; and

(2) Increase the Estimate for Other Revenue by \$196,000.

(c) Extend the term limit date for 2.0 Environmental Service Specialist positions assigned to the Environmental Services Department from January 25, 2020 through June 30, 2020.

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

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

7.5 [19-1067](#) **Report on Bids and Award of Construction Contract for 9002 - 96-Inch and 87-Inch Settled Sewage Pipe Rehabilitation Project at the San José - Santa Clara Regional Wastewater Facility.**

Recommendation:

Report on bids and award of construction contract to the low bidder, Michels Corporation DBA Michels Pipeline Construction, in the amount of \$4,796,571, for the 9002 - 96-inch and 87-inch Settled Sewage Pipe Rehabilitation Project and approve a fifteen percent construction contingency in the amount of \$719,486.

CEQA: Statutorily Exempt, File No. ER19-027, CEQA Guidelines Section 15269(b), Emergency Projects. (Environmental Services/Public Works)

Attachments [Memorandum](#)

- 7.6 [19-1068](#) **Report on Bids and Award of Contract for the 8746 - Miscellaneous Sanitary Sewer Repairs Fiscal Year 2017-2018 (Package I).**

Recommendation: Report on bids and award of contract for the 8746- Miscellaneous Sanitary Sewer Repairs Fiscal Year 2017-2018 (Package I) to the low bidder, Casey Construction, Inc., for the base bid and Add Alternate No. 1, in the amount of \$1,997,797, and approve a contingency in the amount of \$199,779.

CEQA: Categorically Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities, and 15302, Replacement or Reconstruction. Council District 1. (Public Works)

Attachments [Memorandum](#)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

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

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

10. LAND USE

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

10.1 Land Use on Consent Calendar

- (a) [19-1069](#) **C19-015 - Conventional Rezoning of Certain Real Property Located at 19 South 21st Street.**

Recommendation: (1) Adopt a resolution adopting an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report) certified by the City Council on November 1, 2011 (Resolution No. 76041) and the Final Supplemental Environmental Impact Report, certified by the City Council on December 15, 2015 (Resolution No. 77617) and Addenda thereto, all in accordance with the California Environmental Quality Act (CEQA), as amended.

(2) Approve an ordinance rezoning an approximately 0.15-gross acre site located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street (19 South 21st Street) from the CG Commercial General Zoning District and R-M Multiple Residence Zoning District, to the R-M Multiple Residence Zoning District. CEQA: 21st Street Rezoning Project Addendum File No. C19-015. Council District 3. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

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

- (b) [19-1070](#) **C19-034 - Conforming Rezoning of Certain Real Property Located at the Southeast Corner of Moorpark Avenue and Leigh Avenue.**

Recommendation: Approve an ordinance rezoning an approximately 1.10-gross acre site, located at the southeast corner of Moorpark Avenue and Leigh Avenue, from A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C19-034. Council District 6. (Planning, Building and Code Enforcement)

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [19-1071](#) **C18-043/SP18-049 - Conforming Rezoning, Special Use Permit and Site Development Permit of Certain Real Property Located at 335 South Winchester Boulevard.**

Recommendation: (a) Adopt a resolution adopting the 335 South Winchester Boulevard Office Mitigated Negative Declaration, for which an initial study was prepared, and adopting the associated Mitigation Monitoring and Reporting Plan, all in accordance with the CEQA, as amended.

 (b) Approve an ordinance rezoning an approximately 0.71-gross acre site generally located on the west side of South Winchester Boulevard, approximately 200 feet southerly of Stevens Creek Boulevard, from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District.

 (c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development to allow the demolition of an approximately 9,200-square foot restaurant, and the construction of a five-story, 93,736-square foot office building with an alternative parking design (parking stackers), and removal of eight ordinance-size trees and 20 non-ordinance size trees on an approximately 0.71-gross acre site. CEQA: Mitigated Negative Declaration for the 335 South Winchester Boulevard Office Project File Nos. C18-043 and SP19-049. Council District 1. (Planning, Building and Code Enforcement)

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

10.3 [19-1072](#) **SP18-001 and T18-001 - Special Use Permit and Vesting Tentative Map for Certain Real Property Located at Southeast Corner of South 1st Street and East Reed Street.**

Recommendation:

- (a) Adopt a resolution certifying the Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution 78942) and adopting the associated Mitigation Monitoring and Reporting Plan for the Garden Gate Tower Project, all in accordance with the CEQA, as amended.
- (b) Adopt a resolution adopting the Vesting Tentative Map to merge two parcels into one parcel and to re-subdivide the parcel pursuant to either of the following options: Option 1: One parcel re-subdivided into no more than 295 condominium units including a maximum of 290 residential condominium units and a maximum of five commercial condominium units; OR Option 2: One parcel re-subdivided into no more than six condominium units including one residential condominium unit and a maximum of five commercial condominium units.
- (c) Adopt a resolution adopting a Special Use Permit, subject to conditions, to allow the demolition of existing on-site buildings, the removal one non-ordinance size tree, and the construction of a 27-story, high-rise tower on an approximately 0.4-gross acre site located at the southeast corner of South 1st Street and East Reed Street, comprised of the following options: Option 1: A mixed-use development of no more than 295 condominium units including a maximum of 290 residential condominium units and a maximum of five commercial condominium units; or Option 2: A co-living facility of no more than six condominium units including a residential condominium unit for a Co-Living Facility with a maximum of 793 Bedrooms and a maximum of five commercial condominium units.
- CEQA: Garden Gate Tower Supplemental Environmental Impact Report. File Nos. SP18-001 and T18-001. Council District 3. Planning Commission recommends approval (4-2-1, Allen and Griswold opposing; Ballard absent). (Planning, Building and Code Enforcement)

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

• **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.