



City Council Meeting Amended Agenda

Tuesday, December 3, 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

[19-681](#) 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 (Mayor)
- Pledge of Allegiance
- Orders of the Day

To be heard after Ceremonial Items

Item 4.2 to be heard immediately after Item 10 Land Use Consent.

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 to the Branham High Royal Alliance Band and Color Guard for their extraordinary achievements during the 2019 Marching Band Season. (Foley)

TO BE HEARD AT 6:00 P.M.

1.2 Presentation of a Proclamation recognizing December 3, 2019 as World Aids Day. (Peralez)

1.3 Presentation of a Commendation to the Cost of Courage Foundation for their support of the educational and personal needs of active duty and military veterans in our community. (Diep)

1.4 Presentation of a Commendation to Bill Hubka former President of Almaden Senior Association for his commitment to Senior issues. (Khamis)

1.5 Presentation of a Proclamation declaring November 23, 2019 as Pastor Mock Day in recognition of his life, service, and legacy. (Mayor)

TO BE HEARD AT 6:00 P.M.

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

[19-1194](#) **Approval of City Council Minutes.**

Recommendation:

- (a) City Council Meeting Minutes of March 26, 2019.
- (b) Special City Council Meeting Minutes of November 6, 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 [\(a\) 3-26-19 CC Minutes](#)
[\(b\) 11-6-19 CC Special Minutes](#)

2.2 Final Adoption of Ordinances.

[19-1147](#)**Final Adoption of Ordinances.****Recommendation:**

- (a) Ord No. 30344 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 0.15-Gross Acre Site Situated on the West Side of South 21st Street Approximately 110 feet Southerly of East Santa Clara Street (19 South 21st Street) from the R-M Multiple Residence Zoning District and CG Commercial General Zoning District to the R-M Multiple Residence Zoning District. [Passed for Publication on 11/19/19 - Item 10.1(a) (19-1069)]
- (b) Ord No. 30345 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.10-Gross Acres Situated on the Southeast Corner of Moorpark Avenue and Leigh Avenue Intersection (1710 Moorpark Avenue) (apn:282-44-027) from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 11/19/19 - Item 10.1(b) (19-1070)]
- (c) Ord No. 30346- An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.71-Gross Acre Located on the West Side of South Winchester Boulevard, Approximately 200 Feet Southerly of Stevens Creek Boulevard (335 South Winchester Boulevard) from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District. [Passed for Publication on 11/19/19 - Item 10.2(b) (19-1071)]

2.3 Approval of Council Committee Minutes.

[19-1193](#) **Approval of Council Committee Minutes.**

Recommendation:

- (a) Rules and Open Government Committee Minutes of October 23, 2019
 - (b) Rules and Open Government Committee Minutes of November 6, 2019
 - (c) Neighborhood Services and Education Committee Minutes of November 14, 2019.
 - (d) Rules and Open Government Committee Minutes of November 20, 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

- [\(a\) 10-23-19 ROGC MINUTES](#)
- [\(b\) 11-6-19 ROGC MINUTES](#)
- [\(c\) 11-14-19 NSE MINUTES](#)
- [\(d\) 11-20-19 ROGC MINUTES](#)

2.4 Mayor and Council Excused Absence Requests.

[19-1094](#) **Mayor and Council Excused Absence Requests.**

Recommendation:

- (a) Request for an excused absence for Councilmember Davis, from the Regular Meeting of the City Council on November 19, 2019, due to illness.
 - (b) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of Rules and Open Government Committee on November 20, 2019, due to authorized City business at the National League of Cities City Summit, in San Antonio, Texas.
 - (c) Request for an excused absence for Vice Mayor Jones, from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on November 21, 2019, due to authorized City business at the National League of Cities City Summit, in San Antonio, Texas.
- CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Davis and Jones)

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 [19-1103](#) Airport Improvement Grant Program Application for the Airport Pavement Management Study.**

Recommendation: Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, a grant from the Federal Aviation Administration for the Airport Pavement Management Study at the Norman Y. Mineta San José International Airport in a total amount not to exceed \$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. (Airport)

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

2.8 [19-1104](#) Amendment to Agreement for Airport Bus Service Between the City of San José and the Santa Clara Valley Transportation Authority.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an Amendment to the Agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority, modifying the current bus route and changing the line designation from Route 10 to Route 60, and the no fare portion of the agreement in an amount not to exceed \$790,130 per year subject to adjustments for compensation and appropriation of funds as set forth in the Agreement.

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

Attachments [Memorandum](#)

2.9 [19-1105](#) **Actions Related to the Purchase Order for Modular Video Detection Systems.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Iteris (Santa Ana, CA) for the purchase of Modular Video Detection Systems, including hardware, software, and maintenance for a twelve-month period, starting on or about December 4, 2019 and ending on December 3, 2020, with maximum compensation not to exceed \$720,000; and
- (b) Exercise up to four additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 3, 2024, to purchase additional systems and provide ongoing maintenance and support, subject to the appropriation of funds.

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(d), New Construction of Small Structures. (Finance)

RECOMMEND DEFERRAL TO 12/10/19 PER ADMINISTRATION

Attachments [Memorandum](#)

2.10 [19-1124](#) **Name a Future Public Park “Bruzzone Park.”****Recommendation:**

Adopt the name “Bruzzone Park” for a future public park located near the intersection of Mercado Way and Bruzzone Way in San José.

CEQA: Not a Project, File No. PP 17-008, General Procedure & Policy Making results in no changes to the physical environment. Council District 4. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

[Letter from P&R Commission, 11/25/19](#)

2.11 [19-1082](#) **Retroactive Approval of the Eastridge Tree Lighting Ceremony 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 Eastridge Tree Lighting Ceremony Community Event held on November 15, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

Attachments [Memorandum](#)

2.12 [19-1083](#) **Approval of the Breakfast with Santa 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) Approve the Breakfast with Santa scheduled on Saturday, December 7, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

Attachments [Memorandum](#)

2.13 [19-1137](#) **Approval of the Holiday Festivities Community Event at the Evergreen Village Square Library 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) Approve the Holiday Festivities at Evergreen Village Square Library scheduled on Saturday, December 7, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

Attachments [Memorandum](#)

2.14 [19-1138](#) **Retroactive Approval of the District 8 Public Safety Workshop Series 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 District 8 Public Safety Workshop Series Community Event scheduled on November 14, 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](#)

2.15 [19-1095](#) **Approval of the Purchase of Fiesta Navidena Materials Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Approve the Fiesta Navidena Celebration scheduled on December 6, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)

Attachments [Memorandum](#)

2.16 [19-1084](#) **Retroactive Approval of the Dumpster Day Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Retroactively approve the Dumpster Day Event scheduled on October 12, 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)

Attachments [Memorandum](#)

2.17 [19-1085](#) **Retroactive Approval of the Berryessa Library Halloween Extravaganza Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Retroactively approve the Berryessa Library Halloween Extravaganza event scheduled on October 26, 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)

Attachments [Memorandum](#)

2.18 [19-1086](#) **Retroactive Approval of the Dumpster Day Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Retroactively approve the Dumpster Day Event scheduled on November 9, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
(c) Approve the expenditure of District funds for \$25 gift cards for volunteers.

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

Attachments [Memorandum](#)

2.19 [19-1087](#) **Retroactive Approval of the Public Safety Forum Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Retroactively approve the Public Safety Forum Event scheduled on November 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. (Diep)

Attachments [Memorandum](#)

2.20 [19-1146](#) **Settlement of Jacob Flores v. City of San José.**

Recommendation: Approve a settlement in the amount of \$60,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Jacob Flores v. City of San José.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

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

2.21 [19-1098](#) Regional Countywide Planning Collaborative Resolution.**Recommendation:**

As recommended by the Rules and Open Government Committee on November 20, 2019:

Adopt a resolution:

(a) Approving the City's participation in a County-wide Planning Collaborative among the cities within the County of Santa Clara and the County of Santa Clara, to be facilitated by the Cities Association of Santa Clara County; and

(b) Authorizing the City Manager to negotiate and execute an agreement with the agencies specified above to:

(1) Outline how the collaborative planning effort will work; and

(2) Authorize the City of San José's share of the cost of the collaborative, including the cost of hiring a consultant to provide planning-related services for the Planning Collaborative, in an amount not to exceed \$3,150 if all agencies join the collaborative, or not to exceed \$5,000 if 10 or more agencies join the collaborative.

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

(Mayor and Jones)

[Rules Committee referral 11/20/2019- Item G.1(a)]

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

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 [19-1142](#) **Public Member Appointment to the Board of Administration for Federated City Employees' Retirement System.**

Recommendation:

- (a) Interview applicant for appointment to the Public Member Seat; and
- (b) Appoint one applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020.

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

Attachments

[Memorandum](#)
[Conflict of Interest Memorandum](#)
[Application](#)

3.4 [19-1106](#) **Actions Related to the Annual Intergovernmental Relations Report.**

Recommendation:

- (a) Accept the Annual Intergovernmental Relations Report;
- (b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log; and
- (c) Adopt updated Intergovernmental Relations Council reporting schedule.

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)

[Deferred from 10/8/19 - Item 3.8 (19-888)]

Attachments

[Replacement Memorandum](#)
[Presentation](#)

3.5 [19-1107](#) **2020 Legislative Program and Top Legislative Priorities.**

Recommendation:

Adopt the 2020 Legislative Program and the top legislative priorities for 2020.

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)

[Deferred from 10/8/19 - Item 3.8 (19-888)]

Attachments

[Replacement Memorandum](#)
[Presentation](#)
[Memorandum from Jones, 12/3/19](#)

3.6 [19-1108](#) **Potential March 2020 Real Property Transfer Tax Ballot Measure.****Recommendation:**

Consider, discuss, and adopt a resolution of the City Council:

(a) Calling and giving notice, on its own motion, for a Special Municipal Election to be consolidated with the statewide primary election occurring in the County of Santa Clara held on March 3, 2020, to submit to the electors of the City of San José a measure to enact a real property transfer tax with the following statement of the measure to be printed in the ballot:

To fund general City of San José services, including providing affordable housing for seniors, veterans, disabled, and low-income families and helping homeless residents move into shelters/permanent housing, shall an ordinance be adopted enacting a real property transfer tax including unrecorded transfers at these rates: transfers valued up to \$2,000,000 EXEMPT, \$2,000,000.01 to \$5,000,000 at 0.75%, \$5,000,000.01 to \$10,000,000 at 1.0%, and over \$10,000,000 at 1.5%; generating approximately \$70,000,000 annually, until repealed, with all money staying local?

(b) Directing the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San Jose Mercury News, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;

(c) Authorizing the Mayor to submit a ballot argument in support of the measure, pursuant to Elections Code Section 9282;

(d) Authorizing the submittal of rebuttal arguments pursuant to Elections Code Section 9285;

(e) Directing the City Attorney to prepare an Impartial Analysis of the measure, where, as authorized under Elections Code Section 9280, the following statement will be printed in the Impartial Analysis to be prepared by the City Attorney: “If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?nid=5694> or call 408-535-1260 and a copy will be sent at no cost to you.”; and

(f) Directing the City Clerk to take all other actions necessary to place this measure on the March 3, 2020 ballot.

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](#)
[Supplemental Memorandum](#)
[Resolution](#)
[Memorandum from Mayor, Diep, Foley, 11/27/19](#)
[Memorandum from Jones, 12/3/19](#)
[Letters from the Public](#)

3.7 [19-1109](#) **Amendment to the Vendor Agreement with Vision Service Plan for Vision Care Benefits for City Employees, Retirees and their Dependents.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Vendor Agreement with Vision Service Plan for vision care benefits for City employees, retirees, and their dependents extending the term of the Agreement from December 31, 2019 to December 31, 2021, and increasing the not to exceed Agreement amount from \$4,360,000 to a revised not to exceed amount of \$7,671,477.

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

Attachments [Memorandum](#)

3.8 [19-1144](#) **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)

[Continued from 11/19/19 - Item 3.4 (19-1061)]

THIS ACTION REQUIRES 10 AFFIRMATIVE VOTES PER CITY CHARTER SECTION 1601(e).

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-1110](#) **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) Approve an 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 Interactive, and a garage (“Project”).

(c) Approve an Amended and Restated Lease Agreement with the Tech Interactive related to the Project construction of expansion space for the Tech Museum and its operation on completion.

(d) Adopt a resolution authorizing the City Manager to (i) negotiate and execute all ancillary documents and agreements referenced in or required under the DDA for the Project including the Reciprocal Easement Agreement, and (ii) approve for transfer and transfer property required for the Project to Museum Place Owner LLC.

CEQA: Addendum to the Museum Place II Mixed-Use Project Supplemental Environmental Impact Report to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto. (File No. SPA17-031-07). Council District 3.

(Economic Development)

[Deferred from 11/19/19 - Item 4.1 (19-1078)]

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Agreement](#)
[\(c\) Amended Agreement](#)
[\(d\) Resolution](#)
[Presentation](#)

4.2 [19-1145](#) **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 the expiration or termination of subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development; 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)

[Deferred from 11/19/19 - Item 4.3 (19-1062)]

TO BE HEARD IMMEDIATELY AFTER ITEM 10 LAND USE
CONSENT PENDING ORDER OF THE DAY

Attachments [Replacement Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[Construction and Permanent Loan Agreement](#)
[Funding Loan Agreement](#)
[Regulatory Agreement](#)
[Memorandum from Carrasco, 11/15/2019](#)

4.3 [19-1120](#) **Rent Registry Update.**

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on November 7, 2019, accept the staff report on the Rent Registry.
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)
[Smart Cities and Service Improvements Committee referral 11/7/19 - Item (d)2]

Attachments [Memorandum](#)
[Presentation](#)
[Presentation from SCSI Committee, 11/7/19](#)

4.4 [19-1111](#) **Amendments to the Administrative Citation Schedule of Fines for Violations of the Apartment Rent Ordinance, Tenant Protection Ordinance and Ellis Act Ordinance.**

Recommendation: Adopt a resolution amending the Administrative Citation Schedule of Fines for the Apartment Rent Ordinance, the Tenant Protection Ordinance, and the Ellis Act Ordinance.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Presentation](#)
[Resolution](#)
[Memorandum from Jones, 12/3/19](#)
[Letters from the Public](#)

4.5 [19-1121](#) **Envision San José 2040 General Plan Annual Performance Review.**

Recommendation: Accept the Envision San José 2040 General Plan 2019 Annual Performance Review 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. (Planning, Building, and Code Enforcement)

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

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****6.1** [19-1129](#) **Amendment to the Agreement with Taxi San José.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement with Taxi San José to provide compensation effective December 1, 2019 of \$10,000 per month, not to exceed \$140,000, to Taxi San José to maintain operational viability of the On-Demand Dispatch Services at the Norman Y. Mineta San José International Airport.
CEQA: Statutorily Exempt, CEQA Guidelines Section 15273, (PP17-005) Adjustment to Rates, Tolls, Fares, and Charges. (Airport)

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

6.2 [19-1130](#) **San José Diridon Station Integrated Concept Plan.**

Recommendation: Accept the staff recommendation of the Concept Layout for the San José Diridon Station, advance the project to the next phase of development, and commit to work to develop a design for the southern rail corridor that results in noise, vibration, and visual conditions that are no worse and ideally better than today, even with higher future train volumes.

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 Districts 3 and 6. (Transportation)

Attachments [Memorandum Presentation](#)
[Memorandum from Mayor Liccardo, Peralez, & Davis, 11/27/19](#)
[Letters from the Public](#)

7. ENVIRONMENTAL & UTILITY SERVICES**8. PUBLIC SAFETY****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.

OPEN GENERAL PLAN HEARING (SECOND CYCLE)

10.1 Land Use on Consent Calendar

- (a) [19-1131](#) **GP18-008 & C18-019 - General Plan Amendment and Conforming Rezoning of Certain Real Property Located at 1131 Park Avenue and 15 and 17 Tillman Avenue.**

Recommendation:

(1) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue and from Residential Neighborhood to Neighborhood/Community Commercial for 15 and 17 Tillman Avenue on a 0.25 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 and 17 Tillman Avenue).

(2) Approve an ordinance rezoning an approximately 0.10 gross-acre site, located on the north side of Park Avenue, approximately 160 feet west of intersection of Tillman Avenue and Park Avenue (1131 Park Avenue) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.

CEQA: Categorical Exemption pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations (File Nos. GP18-008; C18-019) Planning Commission recommends approval (7-0). Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD AT 1:30 PM IMMEDIATELY AFTER REGULAR CONSENT CALENDAR

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

- (b) [19-1132](#) **GP18-010 - General Plan Amendment of Certain Real Property Located at the East Side of Diamond Heights Drive, Approximately 200 Feet Southerly of Senter Road. - DEFERRED**

Recommendation: (1) Adopt a resolution adopting the Valley Christian Schools Residential General Plan Amendment Negative Declaration in accordance with CEQA.
(2) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram to change the land use designation from Rural Residential to Residential Neighborhood on an approximately 2.6-gross acre site, located on the west side of Diamond Heights Drive, approximately 200 feet south of Senter Road.
CEQA: Initial Study/Negative Declaration for Valley Christian Schools Residential General Plan Amendment Project. File No. GP18-010.
Planning Commission recommends approval (5-2-0, Ballard and Allen opposing). Council District 2. (Planning, Building, and Code Enforcement)
DEFERRED TO 12/17/19 PER APPLICANT

- (c) [19-1133](#) **MA19-004 - Historical Property Contract (California Mills Act Contract) for Smith House. - DROP**

Recommendation: CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Planning, Building, and Code Enforcement)
DROP - TO BE RENOTICED AT A LATER DATE

- (d) [19-1134](#) **MA19-005 - Historical Property Contract (California Mills Act Contract) for “Bank of Italy” Located at 12 South First Street.**

Recommendation: Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owner, 12 South First Street LLC, for the “Bank of Italy” located at 12 South First Street (APN: 467-22-097), on a 0.4-gross acre site.
CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 3. (Planning, Building and Code Enforcement)
TO BE HEARD AT 1:30 PM IMMEDIATELY AFTER REGULAR CONSENT CALENDAR

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

- (e) [19-1135](#) **HL19-004 & MA19-002 - Historic Landmark Designation and Historical Property Contract (California Mills Act Contract) for the “Filice House” Located at 1651 Hanchett Avenue.**

Recommendation: (1) Adopt a resolution designating “The Filice House” located at 1651 Hanchett Avenue as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
(2) Adopt a resolution approving the Historical Property Contract (California Mills Act Contract) between the City of San José and property owners, Justin Buzzard and Taylor Buzzard, for “The Filice House” located at 1651 Hanchett Avenue (APN: 274-15-060), on a 0.15-gross acre site.
CEQA: Categorically Exempt pursuant to CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 6. (Planning, Building, Code Enforcement)
TO BE HEARD AT 1:30 PM IMMEDIATELY AFTER REGULAR CONSENT CALENDAR

Attachments [Memorandum](#)
[Resolution HL19-004](#)
[Resolution MA19-002](#)

END OF CONSENT CALENDAR

CONTINUE GENERAL PLAN HEARING (SECOND CYCLE) TO 12/17/19

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.