



City Council Meeting Amended Agenda

Tuesday, January 7, 2020

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

Councilmember Carrasco will be participating in the meeting from an off-site location: 45 Old Castle St, Spitalfields, London E1 7NY, UK

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[20-011](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

Councilmember Carrasco will be participating in the meeting from an off-site location: 45 Old Castle St, Spitalfields, London E1 7NY, UK

- Invocation (District 1)

JianSheng Shi, Abbess of Chung Tai Zen Center of Sunnyvale.

- Pledge of Allegiance

- Orders of the Day

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

SEE ITEM: 6.1 “Submit Letter to VTA In Affirmation and Preservation of Funding for Planned Highway and Streets Projects with Committed VTA Measure B Tax Dollars.”

REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION.

Council's Rules of Conduct, Resolution No. 78145, Rule 3(d) (8 votes required).

- Closed Session Report

1. CEREMONIAL ITEMS

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.

[20-056](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ord No. 30352 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 3.71 Gross Acre Site Situated on the Southeast Corner of Oakland Road and Corie Court (1510 & 1530 Oakland Road) from the LI(PD) Light Industrial Planned Development Zoning District to the CIC Combined Industrial/ Commercial Zoning District. [Passed for Publication on 12/17/19 - Item 10.1(b) (19-1212)]

(b) Ord No. 30353 - 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 20.30.100, Amend Section 20.30.110, Repeal Section 20.30.150, Amend Section 20.30.310, and add Part 4.5 to Chapter 20.30 of Title 20; Amend Section 20.80.160 of Chapter 20.80 of Title 20; Amend Section 20.90.220 of Chapter 20.90 of Title 20; add Section 20.200.324 and Amend Section 20.200.325 of Chapter 20.200 of Title 20 to Modify Current Accessory Dwelling Unit (ADU) Provisions to, Among Other Changes, Omit Minimum Lot Size and Lot Coverage Requirements, 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 12/17/19 - Item 10.3(a) (19-1258)]

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

[20-005](#) **Mayor and Council Excused Absence Requests.**

Recommendation: Request for an excused absence for Councilmember Jimenez, from the Neighborhood Services and Education Committee on December 12, 2019, due to illness.

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

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [20-006](#) **Amendment to the Agreement with Cruz Strategies, LLC for State Legislative Advocacy Services.**

Recommendation: Adopt a resolution authorizing the City Manager to execute the First Amendment to the Agreement for Consultant Services with Cruz Strategies, LLC that includes:

(a) Additional lobbying services obligations for Cruz Strategies, LLC including lobbying services relating to Public Safety Power Shutoff events and advancing energy resiliency;

(b) Increase the total compensation paid for state legislative advocacy services from \$480,000 to \$570,000 for the period of July 1, 2019 to June 30, 2021 (an additional \$5,000 per month for the remaining 18 months of the contract), subject to the appropriation of funds; and

(c) Increase the contract amount for the one-year option to extend the Agreement from July 1, 2021 to June 30, 2022 to provide ongoing services from \$240,000 to \$300,000 (an additional \$5,000 per month), subject to the appropriation of funds.

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

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

2.8 [20-007](#) **Retroactive Approval of Eastridge Fall Fiesta 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 Fall Fiesta Event that took place on Thursday, October 25, 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](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 [20-008](#) **Community Wi-Fi Strategy Update. - DEFERRED**

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on November 7, 2019, accept the report on the Citywide approach for the implementation of wi-fi that will help support economic development, City infrastructure, and minimize the digital divide.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)
[Smart Cities and Service Improvements Committee referral - 11/7/19 - Item (d)3]
DEFERRED TO 1/28/20 PER ADMINISTRATION

Attachments [Smart Cities and Service Improvements Committee Presentation](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [20-002](#) **City Council Priority #7: Accessory Dwelling Unit (ADU) Amnesty Program.****Recommendation:**

(a) Accept the staff analysis and recommendation to establish an Amnesty Program for unpermitted accessory dwelling units;
(b) Determine that the City Council Policy Priority #7 is completed and will be removed from the Council Policy Priority list at the next priority-setting session in 2020.

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

(Planning, Building and Code Enforcement)

[Deferred from 12/17/19 - Item 4.4 (19-1207)]

Attachments

[Memorandum](#)

[Presentation](#)

[Memorandum from Mayor, 1/7/2020](#)

[Letters from the Public](#)

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****6.1** [20-003](#) **Submit Letter to VTA In Affirmation and Preservation of Funding for Planned Highway and Streets Projects with Committed VTA Measure B Tax Dollars.****Recommendation:**

Adopt a position of support for the preservation of existing VTA Measure B highway and streets funding commitments against efforts to divert & redirect the voter-approved funding to nonhighway/streets purposes, and submit a letter to the VTA Board of Directors calling for implementation of Measure B's funding program as passed by voters in 2016, in advance of their January 9, 2020 Board meeting.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones, Foley, Davis, Khamis)

Attachments

[Memorandum](#)

[Memorandum from Mayor, 1/6/2020](#)

[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.

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.

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.