



City Council Meeting Amended Agenda

Tuesday, September 10, 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

[19-672](#) Closed Session Agenda

Attachments [Closed Session 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 8)

Priest Director Joseph Van Thu (Linh Mục Giám đốc Giu-se Nguyễn Văn Thư) from the Trung Tâm Công Giáo Việt Nam, Vietnamese Catholic Center.

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to Ashvin Maheshwar to recognize his efforts in bringing inclusion to the STEM field for K-12 students in underrepresented communities. (Jones)
TO BE HEARD IN THE EVENING SESSION

1.2 Presentation of a Proclamation to recognize September as National Falls Prevention Month. (Khamis)

1.3 Presentation of a Commendation to Victor Jaquez for his impressive athletic accomplishments.
(Carrasco)

TO BE HEARD AT 1:30 P.M.

1.4 Presentation of a Proclamation to recognize Emergency Preparedness Month. (Davis)

TO BE HEARD IN THE EVENING SESSION AT 6:00 P.M.

1.5 Presentation of a Commendation for the Cambrian Park Little League All-Star Team with a commendation for spectacular sportsmanship in the 2019 Northern California championship. (Foley)

TO BE HEARD IN THE EVENING SESSION

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.

[19-775](#)

Approval of City Council Minutes.

Recommendation:

(a) Regular City Council Meeting Minutes of January 30, 2018.

(b) The City Council Elected and Appointed Officials Emergency Management Training Special Minutes of December 10, 2018.

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

Attachments

[1-30-18 CC Minutes](#)

[12-10-18 CC Special Minutes](#)

2.2 Final Adoption of Ordinances.

[19-752](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord. No. 30305 - An Ordinance of the City of San José Adding Chapter 14.35 to Title 14 of the San José Municipal Code in Order to Adopt a New Diridon Station Area Basic Infrastructure Impact Fee Associated with Implementation of the Diridon Station Area Plan.

ITEM 2.2 (a) - RECOMMEND DEFERRAL TO 9/17/19 PER ADMINISTRATION

(b) Ord. No. 30306 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add a New Part Related to the Establishment of the Diridon Station Area Impact Fee Fund.

(c) Ord. No. 30307 - An Ordinance of the City of San José rezoning a 0.04-acre portion of certain real property of approximately 0.22-gross acre situated on the west side of North 5th Street, approximately 150 feet northerly of Washington Street (APN: 249-45-047) (419 north 5th street), from the Li Light industrial zoning district to the R-M multiple residence zoning district.

2.3 Approval of Council Committee Minutes.

19-753**Approval of Council Committee Minutes.****Recommendation:**

- (a) Public Safety, Finance and Strategic Support Committee Minutes of December 13, 2018.
 - (b) AD-HOC Committee on Development Services Minutes of January 24, 2019.
 - (c) Community & Economic Development Committee Minutes of January 28, 2019.
 - (d) Public Safety, Finance and Strategic Support Committee Minutes of February 21, 2019.
 - (e) Community & Economic Development Committee Minutes of February 25, 2019
 - (f) Rules and Open Government Committee Minutes of March 20, 2019.
 - (g) Community & Economic Development Committee Minutes of March 25, 2019.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [\(a\) 12/13/2018 PSFSSC Minutes](#)
- [\(b\) 1/24/2019 AD-HOC Minutes](#)
- [\(c\) 1/28/2019 C&E Minutes](#)
- [\(d\) 2/21/2019 PSFSSC Minutes](#)
- [\(e\) 2/25/2019 C&E Minutes](#)
- [\(f\) 3/20/2019 ROGC Minutes](#)
- [\(g\) 3/25/2019 C&E Minutes](#)

2.4 Mayor and Council Excused Absence Requests.**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.**

- 2.7 [19-754](#) Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to *Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.*

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$500,000, for a total amount not to exceed \$1,400,000.

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

[Deferred from 8/27/19 - Item 2.7 (19-668)]

Attachments [Memorandum](#)

- 2.8 [19-756](#) Fourth Quarter Financial Reports for Fiscal Year 2018-2019.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2019, accept the Fourth Quarter (period ended June 30, 2019) Financial Reports for Fiscal Year 2018-2019 for the following programs:

- (a) Debt Management;
- (b) Investment Management; and
- (c) Revenue Management.

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

[Public Safety, Finance and Strategic Support Committee referral 8/15/19 - Item (d)2]

Attachments [Memorandum](#)
[Attachment A - Presentation](#)
[Investment Report](#)
[Investment Report Section A](#)

2.9 [19-757](#) **Consideration to Alter Community Facilities District No. 8.****Recommendation:**

- (a) Adopt resolutions of consideration to:
- (1) Alter Community Facilities District No. 8 as proposed in Alteration No. 1A; and set a Public Hearing regarding this matter for November 5, 2019 at 6:00 p.m.
 - (2) Alter Community Facilities District No. 8 as proposed in Alteration No. 1B; and set a Public Hearing regarding this matter for November 5, 2019 at 6:00 p.m.
- (b) Approve an agreement between Community Facilities District No. 8 Communications Hill (“CFD 8”) and the City to reimburse the City for funds it advances to conduct proceedings to change CFD 8, in an amount not to exceed \$30,000.
- CEQA: Not a Project, File No. PP17-001, Feasibility, and Planning Studies with no commitment to future actions. Council District 7.
(Public Works)

Attachments [Memorandum](#)
[\(a.1\) Resolution](#)
[\(a.2\) Resolution](#)
[\(b\) Agreements](#)

2.10 [19-758](#) **2019 Alum Rock Falls Road Slope Repair District No. 4.****Recommendation:**

- (a) Approve award of a construction contract for the Alum Rock Falls Road Slope Repair project, to the low bidder, Granite Rock Company in the amount of \$222,575.
- (b) Approve a ten percent contingency in the amount of \$22,257.
- CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 4.
(Transportation)

Attachments [Memorandum](#)

- 2.11** [19-777](#) **Retroactive Approval of the Estates Neighborhood Block Party 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: As recommended by the Rules and Open Government Committee on August 28, 2019:
(a) Retroactively approve the Estates Neighborhood Block Party Community Event scheduled on August 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)
[Rules Committee referral 08/28/19 - Item G.1.a]

Attachments [Memorandum](#)

- 2.12** [19-778](#) **Retroactive Approval of the Beauty Spot's Annual School Supply Drive 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: As recommended by the Rules and Open Government Committee on August 28, 2019:
(a) Retroactively approve the Beauty Spot's Annual School Supply Drive Community Event scheduled on August 10, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 08/28/19 - Item G.1.b]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [19-755](#) **Form 700 Filings Audit Report.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2019, accept the Form 700 Filings Audit 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. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 8/15/19 - Item (d)4]

Attachments

[Memorandum](#)

[PSFSS Presentation, 8/15/19](#)

- 3.4 [19-759](#) **Amendment to Title 14 and Title 27 of the San José Municipal Code for Public Works Municipal Code Revisions.**

Recommendation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Deferred from 6/18/19 - Item 3.7 (19-495) and 8/13/19 - Item 3.5 (19-624) and 8/27/19 - Item 3.6 (19-717)]

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-760](#) **Vacation of Setback Easements Located within Tract No. 5027.**

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot, 20-foot, 15-foot, 10-foot, and 7.5-foot light and air easements located within Tract No. 5027.
- (b) Vacating the 25-foot, 20-foot, 15-foot, 10-foot, and 7.5-foot light and air easements within Tract No. 5027.
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Categorically Exempt, File No. PP19-053, CEQA Guideline Section 15301, Existing Facilities and 15302 Replacement or Reconstruction. Council District 10. (Public Works)

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

4.2 [19-761](#) **Actions Related to the Affordable Housing Option Agreements for Single-Family Homes Located at Williams Road/Saratoga Avenue (Panda Condos).**

Recommendation: Adopt a resolution to authorize the Director of Housing to negotiate and execute amendments to up to 16 Option Agreements for Panda Condos to add a new more flexible methodology to calculate homeowner maximum resale prices.

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

Council District 1. (Housing)

Attachments [Memorandum](#)

4.3 [19-762](#) **Actions Related to the Agreement with Housing Trust Silicon Valley for the Accessory Dwelling Unit Forgivable Loan Program.**

Recommendation:

(a) Accept the staff report and adopt a resolution:

(1) Authorizing the Director of Housing to negotiate and execute an agreement with the Housing Trust Silicon Valley to provide funding for forgivable loans to homeowners in the City of San José who build a legal accessory dwelling unit and agree to house an income eligible household for a period of five years; and

(2) Approving the award of up to \$1,250,000 in funding to the Housing Trust of Silicon Valley through June 30, 2020 with the option to extend the term of the agreement through June 30, 2024 and increase the agreement amount not to exceed \$5,000,000, subject to annual appropriation of funds.

(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Homeless Rapid Rehousing City-Wide appropriation to the Housing Department by \$1,250,000; and

(2) Establish an ADU Forgivable Loan Program City-Wide appropriation to the Housing Department in the amount of \$1,250,000.

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

(1) Decrease the City Housing Authority Reserve appropriation by \$1,250,000;

(2) Increase the Bridge Housing appropriation to the Housing Department by \$670,000; and

(3) Increase the Homeless Rapid Rehousing appropriation to the Housing Department by \$580,000.

(d) Direct the Administration to work with the City Attorney's Office to return to Council for consideration of an ordinance or resolution suspending or waiving the collection of the annual business tax and park impact in-lieu fees for certain qualifying accessory dwelling units and the landlords thereof as further described in the memorandum to Council during the five year compliance period.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment. (Housing/Planning, Building and Code Enforcement/City Manager)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Resolution](#)
[Memorandum from Mayor, Carrasco, Arenas, & Foley, 9/6/19](#)
[Letters from the Public](#)

4.4 [19-763](#) **Amendment to the Agreement with Project WeHope for the Dignity On Wheels Program.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute a Fifth Amendment to the grant agreement with Project WeHope increasing the maximum total amount of compensation by \$671,350 from \$594,000 to \$1,265,350 to continue to implement the Dignity on Wheels Program 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, and 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. (Housing)

Attachments [Memorandum](#)

4.5 [19-764](#) **Amendment to the Agreement with People Assisting the Homeless (PATH) for the Outreach For Unhoused Individuals And Families Program.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute a Second Amendment to the grant agreement with People Assisting the Homeless (PATH) increasing the maximum total amount of compensation by \$935,000 from \$829,494 to \$1,764,494 to continue to implement the Outreach for Unhoused Individuals and Families Program 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, and 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. (Housing)

Attachments [Memorandum](#)

4.6 [19-765](#) **Amendment to the Agreement with Bill Wilson Center for the Rapid Rehousing Program and the Transition In Place Housing Program for Homeless Young Adults.**

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute a Second Amendment to the grant agreement with Bill Wilson Center increasing the maximum amount of compensation by \$1,560,000 from \$1,120,000 to \$2,680,000 to continue implementing the Rapid Rehousing for Youth and Families Program and adding the Transition In Place Housing Program For Young Adults Program.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and 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. (Housing)

Attachments [Memorandum](#)

4.7 [19-766](#) **Agreement with LifeMoves for the Motel Voucher Program.**

Recommendation: Approve an Agreement with LifeMoves in the amount of \$1,950,000 to implement the Motel Voucher Program for vulnerable homeless households through December 31, 2020.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and 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. (Housing)

Attachments [Memorandum](#)
 [Agreements](#)

5. NEIGHBORHOOD SERVICES

5.1 [19-767](#) **Update on the Safe Parking Pilot Program.****Recommendation:**

- (a) As recommended by the Neighborhood Service and Education Committee on June 13, 2019, consider the report on the progress and status of the safe parking pilot program for families at Seven Trees Community Center and Library.
- (b) Accept the supplemental memorandum from the Housing Department regarding alternatives to the Safe Parking Pilot Program at Seven Trees Community Center.
- (c) Provide direction to the Administration regarding alternatives to the safe parking pilot program at Seven Trees Community Center, including a potential recommendation to discontinue the Safe Parking Pilot Program for families at Seven Trees Community Center and Library and transition the families into the new Motel Voucher Program to be administered by LifeMoves.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and 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. (Housing) [Neighborhood Services and Education Committee referral 6/13/19 - Item (d)2]

[Deferred from 8/13/19 - Item 5.1 (19-528) and 8/27/19 - Item 5.1 (19-719)]

TO BE HEARD IN THE EVENING SESSION

Attachments

[Memorandum](#)

[Presentation](#)

[Supplemental Memorandum, 9/9/19](#)

[Attachment](#)

[NSE Presentation, 6/13/19](#)

[Memo from Esparza, 9/6/19](#)

[Memorandum from Jimenez & Peralez, 9/6/19](#)

[Memorandum from Arenas, 9-10-19](#)

[Letters from Public](#)

6. TRANSPORTATION & AVIATION SERVICES

6.1 [19-768](#) **Response to the Santa Clara County Civil Grand Jury Report Entitled “Inquiry Into Governance Of The Valley Transportation Authority.”**

Recommendation: Accept staff’s response to the June 18, 2019, Santa Clara Civil Grand Jury Report entitled “Inquiry into Governance of the Valley Transportation Authority.”
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [19-769](#) **Green Stormwater Infrastructure Plan for the Regional Water Quality Control Board.**

Recommendation: Approve the Green Stormwater Infrastructure Plan in advance of its submission to the Regional Water Quality Control Board by the September 30, 2019 deadline.
CEQA: Categorically Exempt, File No. PP19-023, CEQA Guidelines Section 15308 Actions by Regulatory Agencies for Protection of the Environment. (Public Works/Environmental Services)

Attachments [Memorandum](#)
[Presentation](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Memorandum from Mayor, Peralez, & Davis, 9/6/19](#)
[Memorandum from Khamis, 9/10/19](#)
[Letters from the Public](#)

7.2 [19-770](#) **2018-2019 Stormwater Permit Annual Report.****Recommendation:**

Adopt a resolution authorizing certification and submittal of the Fiscal Year 2018-2019 Stormwater Permit Annual Report and submittal of the Green Stormwater Infrastructure Plan to the San Francisco Bay Regional Water Quality Control Board by September 30, 2019, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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)

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

8. PUBLIC SAFETY**8.1** [19-771](#) **Fireworks Ordinance Workplan Status Report. - DEFERRED****Recommendation:**

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

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

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

DEFERRED TO 10/1/2019 PER RULES AND OPEN GOVERNMENT COMMITTEE

Attachments [Memorandum](#)
[PSFSS Presentation, 8/15/19](#)
[Attachment A - Illegal Fireworks Activities Timeline](#)
[Attachment B - Public Education and Outreach Campaign](#)
[Attachment C - Illegal Fireworks Reporting Summary](#)
[Letters from the Public](#)

8.2 [19-772](#) **Response to the Santa Clara County Civil Grand Jury Report Entitled “Improving SJ Police Department’s 911/311 Call Answering Time.”**

Recommendation: Accept staff’s response to the June 18, 2019, Santa Clara Civil Grand Jury Report entitled “Improving SJ Police Department’s 911/311 Call Answering Time.”
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)

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

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) [19-773](#) **PDC19-001 & PD19-001 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 960 West Hedding Street.**

Recommendation:

(1) Adopt a resolution adopting an addendum to the Bellarmine College Preparatory Master Plan Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended (CEQA).

(2) Approve an ordinance rezoning an approximately 17.64-gross acre site from the A(PD) Planned Development Zoning District to the PQP(PD) Planned Development Zoning district.

(3) Adopt a resolution approving a Planned Development Permit, subject to conditions, to effectuate the Planned Development Zoning District and to allow four 65-foot tall ground-mounted field lights on an approximately 3.19-gross acre portion of the subject site.

CEQA: Bellarmine College Preparatory Soccer/Lacrosse Field Project Addendum to the Bellarmine College Preparatory Master Plan Mitigated Negative Declaration (Ordinance No.28337), File Nos. PDC19-001 and PD19-001. Planning Commission recommends approval (5, 0, 1; Allen absent). Council District 6. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Attachment 1](#)
[Attachment 2](#)
[Ordinance](#)
[\(1\) Resolution](#)
[\(3\) Resolution](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [19-774](#)**PDC17-047 & PD18-015 - Planned Development Zoning and Planned Development Permit for Real Property Located at 1330, 1388 and 1410 South Bascom Avenue.****Recommendation:**

(a) Adopt a resolution adopting the South Bascom Gateway Station Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended (CEQA).

(b) Approve an ordinance rezoning (File No. PDC17-047) an approximately 6.98-gross acre site generally located on the northeast corner of South Bascom Avenue and Southwest Expressway (1330, 1388, and 1410 South Bascom Avenue; APNs: 282-26-007, 282-26-011, and 282-26-012) from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District.

(c) Adopt a resolution approving a Planned Development Permit (File No. PD18-015), subject to conditions, to allow the demolition of approximately 76,894 square feet of existing commercial buildings, and the construction of an approximately 200,000-square foot commercial building, 590 residential units, an alternative parking arrangement (tandem parking), and the removal of 17 on-site ordinance size trees, one on-site non-ordinance size tree, and three ordinance size street trees.

CEQA: Mitigated Negative Declaration for the South Bascom Gateway Station Project, Files Nos. PDC17-047 and PD18-015. Planning Commission recommends approval (6-0-0). Council District 6. (Planning, Building and Code Enforcement)

Attachments[Memorandum](#)[Presentation](#)[Attachment](#)[Ordinance](#)[\(a\) Resolution](#)[\(c\) Resolution](#)[Letters from the Public redacted](#)[Letter from the Public-VTA](#)**• 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.