



City Council Meeting Amended Agenda

Tuesday, November 27, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, 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. 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

[18-1340](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

DUE TO THE HIGH VOLUME OF AGENDA ITEMS OR ANTICIPATED PUBLIC TESTIMONY, THIS MEETING MAY BE CONTINUED TO A LATER DATE.

- Invocation

Choir members from the Manna and Salwa Community of the Transfiguration Church in San José.

- Pledge of Allegiance

- Adjournment

This meeting is adjourned in memory of Anthony “Big Tony” Pietro Martino who passed away on September 25, 2018. Anthony moved his young family to the Strawberry Park Neighborhood in San José in 1974 and became an excellent resource to his neighbors. Anthony was President of the Italian Men's Club of San José where he worked with a number of charities in the community. Anthony was committed to his family, his community, and his country throughout his life and will be missed by many.

- 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.

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation to recognize November 2018 as Sikh American Awareness and Appreciation Month. (Arenas)

1.2 Presentation of a proclamation to recognize November 2018 as National Prematurity Awareness Month. (Arenas)

1.3 Presentation of a proclamation to recognize December 1, 2018 as Worlds AIDS Day in the City of San José. (Peralez)

1.4 Presentation of a commendation to the Ledesma School Safety Patrol student and parent volunteers for making Drop Off / Pick Up procedures significantly safer. (Jimenez)

TO BE HEARD IN THE EVENING

1.5 Presentation of a commendation to the San José Peace Ambassadors for their efforts in promoting nonviolent communication and crowd maintenance at local demonstrations and first amendment rights events. (Rocha)

TO BE HEARD IN THE EVENING

1.6 Presentation of a commendation for Mary Jimenez Fierros. (Carrasco)

TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

(a) [18-1533](#) Approval of City Council Minutes.

Recommendation: (a) Regular City Council Meeting Minutes of June 26, 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 [June 26, 2018 Minutes](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

(a) [18-1532](#) **Approval of Council Committee Minutes.**

Recommendation:

(a) Regular Public Safety, Finance & Strategic Support Committee Meeting Minutes of September 20, 2018.

(b) Regular Rules and Open Government Committee Meeting Minutes of October 10, 2018.

(c) Regular Neighborhood Services & Education Committee Meeting Minutes of October 11, 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 [\(a\) PSFSS Minutes - September 20, 2018](#)
[\(b\) ROGC Minutes, October 10, 2018](#)
[\(c\) NSE Minutes - October 11, 2018](#)

2.4 Mayor and Council Excused Absence Requests.

(a) [18-1534](#) **Mayor and Council Excused Absence Requests.**

Recommendation:

Request for an excused absence for Mayor Liccardo for the Regular Meeting of Rules and Open Government Committee Meeting on Wednesday, November 14, 2018 and Wednesday, November 28, 2018, due to authorized city business.

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

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-1547](#) **Appointment to the Fire Retiree Seat on the Board of Administration for the Police and Fire Retirement Plan.**

Recommendation: a. Appoint Richard Santos as the Fire Retiree Representative for a third term ending November 30, 2022 with the support of the Board of Administration for the Police and Fire Retirement Plan.
b. In the alternative, if the Council does not appoint and a vacancy remains, direct the City Clerk to continue recruitment efforts.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments [Memorandum](#)
 [Application - R. Santos](#)
 [Application - R. Seal](#)

2.8 [18-1548](#) **Amendment to the Ordinance Allowing the Employee Repayment of Tier 1 Rehire Amortization Costs.**

Recommendation: Approve an ordinance to amend various sections of Chapter 3.28 and Chapter 3.36 of Title 3, of the San José Municipal Code regarding Tier 1 Rehire Amortization Pension Costs to clarify certain provisions of the Alternative Pension Reform Settlement Framework Agreement with the City's employee bargaining unit.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

2.9 [18-1549](#) **Amendment to the Agreement with H.T. Harvey and Associates for Park and Trail Projects.**

Recommendation: Approve the First Amendment to the agreement between the City of San José and H.T. Harvey and Associates for a Master Consultant Agreement providing mitigation, monitoring, maintenance and reporting for park and trail projects. This amendment will extend the term of the agreement from December 31, 2023 to December 31, 2027, and increase the maximum total compensation by \$1,125,000 from \$2,000,000 to \$3,125,000.

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

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

2.10 [18-1550](#) **Amendment to a Master Agreement with URS Corporation Americas/AECOM Technical Services, Inc. for Professional Environmental Consulting Services for Various City Facility Projects.**

Recommendation: Approve the First Amendment of the Master Agreement with URS Corporation Americas (CPMS Contract No. 7467-3) to do the following:

- (a) Consent to the assignment of the Master Agreement to AECOM Technical Services, Inc., a California corporation (ATS) retroactive to October 17, 2014; and
- (b) Extend the term of the contract from December 31, 2018 to December 31, 2020, to allow ATS to complete work on the Watson Park Improvement Project.

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

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

2.11 [18-1551](#) **Amendment to a Master Agreement with David J. Powers & Associates, Inc. for Professional Environmental Consulting Services for Various City Facility Projects.**

Recommendation: Approve the First Amendment to the Master Agreement with David J. Powers & Associates, Inc. (CPMS Contract No. 7467-1) extending the term from December 31, 2018 to December 31, 2020 to allow the consultant to complete work on the Environmental Impact Report for the Saint James Park Capital Vision Project.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Public Works)

Attachments [Memorandum Agreement](#)

2.12 [18-1552](#) **Actions Related to the Transportation Fund for Clean Air Agreement with the Santa Clara Valley Transportation Authority.**

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to execute a Transportation Fund for Clean Air grant agreement with the Santa Clara Valley Transportation Authority in an amount not to exceed \$754,423.
(b) Adopt the following 2018-2019 Funding Source Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:
 (1) Increase the estimate for Revenue from Local Agencies by \$664,000; and
 (2) Establish the TFCA Signal Retiming appropriation to the Department of Transportation in the amount of \$664,000.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301 Existing Facilities, File No. PP18-029. (Transportation/City Manager)

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

2.13 [18-1570](#) **Retroactive Approval of Project Hope Program Kick-Off Event & Resources Fair 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 November 14, 2018:

(a) Retroactively approve the Project Hope Program Kick-Off Event & Resource Fair scheduled on October 27, 2018 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 11/14/18 - Item G.1.a]

Attachments [Memorandum](#)

2.14 [18-1571](#) **Retroactive Approval of South Bay Clean Creeks Coalition Team 222 Cleanup 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 November 14, 2018:

(a) Retroactively approve the South Bay Clean Creeks Coalition Team 222 Clean Up Event scheduled on November 10, 2018 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. (Mayor Liccardo)

[Rules Committee referral 11/14/18 - Item G.1.b]

Attachments [Memorandum](#)

2.15 [18-1572](#) **Retroactive Approval of the October 30, 2018 Interfaith Community Vigil and Gathering 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 November 14, 2018:
(a) Retroactively approve the Interfaith Community Vigil and Gathering scheduled on October 30, 2018 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. (Mayor Liccardo)
[Rules Committee referral 11/14/18 - Item G.1.c]

Attachments [Memorandum](#)

2.16 [18-1573](#) **Retroactive Approval of Veteran's Day Observance Sponsored by Council District 10 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 November 14, 2018:
(a) Retroactively approve the Veterans' Day Parade scheduled on November 11, 2018 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. (Khamis)
[Rules Committee referral 11/14/18 - Item G.1.d]

Attachments [Memorandum](#)

2.17 [18-1574](#) **Retroactive Approval of the POW! WOW! San José Flag Raising Sponsored by Council District 3 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 November 14, 2018:

(a) Retroactively approve the POW! WOW! San José Flag Raising scheduled on October 18, 2018 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. (Perez)

[Rules Committee referral 11/14/18 - Item G.1.e]

Attachments [Memorandum](#)

2.18 [18-1575](#) **Retroactive Approval of Trash Talk Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on November 14, 2018:

(a) Retroactively approve the Trash Talk scheduled on November 16, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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

[Rules Committee referral 11/14/18 - Item G.1.f]

Attachments [Memorandum](#)

2.19 [18-1576](#) **Retroactive Approval of District 6 Faith Leaders Luncheon Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on November 14, 2018:

- (a) Retroactively approve the District 6 Faith Leaders Luncheon scheduled on November 8, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 11/14/18 - Item G.1.g]

Attachments [Memorandum](#)

2.20 [18-1577](#) **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: As recommended by the Rules and Open Government Committee on November 14, 2018:

- (a) Approve the Fiesta Navidena Celebration scheduled on December 7, 2018 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. (Vice Mayor Carrasco)

[Rules Committee referral 11/14/18 - Item G.1.h]

Attachments [Memorandum](#)

- 2.21** [18-1578](#) **Approval of the World AIDS Day Flag Raising Ceremony Sponsored by Council District 3 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 November 14, 2018:
(a) Approve the Worlds AIDS Day Flag Raising Ceremony scheduled on November 29, 2018 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. (Peralez)
[Rules Committee referral 11/14/18 - Item G.1.i]

Attachments [Memorandum](#)

- 2.22** [18-1579](#) **Retroactive Approval of the Light Up the Night for Domestic Violence at City Hall 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: As recommended by the Rules and Open Government Committee on November 14, 2018:
(a) Retroactively approve of the Light Up the Night for Domestic Violence at City Hall scheduled on October 2, 2018 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. (Vice Mayor Carrasco)
[Rules Committee referral 11/14/18 - Item G.1.j]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 [18-1553](#) **Statement of Policy and Questions for the Prospective Director of Human Resources.**

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources as described in the memorandum to Council, in compliance with City Charter Section 411.1.

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

Attachments [Memorandum](#)

3.4 [18-1526](#) **Legal Definition of Sex Under Title IX.**

Recommendation: As recommended by the Rules and Open Government Committee on October 31, 2018:

(a) Direct the City Attorney to analyze the Department of Health and Human Services effort to establish a new legal definition of sex under Title IX; and to come back to Rules with a report of a potential federal policy change and the effect on the City of San José, our employees, and residents.

(b) Adopt a resolution opposing any policy change in Title IX that rolls back civil rights protections for the Transgender Community. Deliver a letter to the largest federal agencies that enforce some part of Title IX: Secretary of Health and Human Services Alex Azar, Secretary of Education Betsy DeVos, Secretary of Labor Alex Acosta, Attorney General Jeff Sessions, and Roger Severino, Director of the Office for Civil Rights at the U.S. Department of Health and Human Services.

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

[Rules Committee referral 10/31/18 - Item G.1.c]

Attachments [Memorandum](#)

[Resolution](#)

[Letters from the Public](#)

[Letter of Support from Assemblymember Low, 11/27/2018](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-1554](#) **AB932 - Authority for City of San José.****Recommendation:**

Direct the Administration to include within the Council's 2019 Legislative Program the pursuit of state legislation to streamline building and zoning approval processes and other applicable standards and laws to allow the City of San José to establish and operate sanctioned encampments, consistent with the authority granted to other California jurisdictions through AB 932.

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

[Rules & Open Government Committee referral 9/19/18 - Item G.2]

Attachments

[Memorandum](#)

[Memorandum from Rocha to ROGC](#)

[Memorandum from Peralez, 9/18/2018](#)

4.2 [18-1555](#) **Small Project Inclusionary Housing. - DEFERRED****Recommendation:**

As recommended by the Community and Economic Development Committee on September 24, 2018, provide recommendations on the design of the structure of an inclusionary housing program imposed on new developments with three to nineteen homes.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action, and File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Housing)

[Community and Economic Development Committee referral 9/24/18 - Item (d)4]

DEFERRED TO EARLY 2019 PER RULES AND OPEN GOVERNMENT

Attachments

[Memorandum](#)

[Attachment A](#)

4.3 [18-1556](#) **Audit of Homeless Assistance Program and Annual Report on Homeless Programs and New Funding Opportunities.**

Recommendation:

As recommended by the Neighborhood Services & Education Committee on November 8, 2018:

(a) Accept the audit of homeless assistance programs.

(b) Accept the annual homeless report and discuss the proposed community wide funding priorities and expenditure plan for the Homeless Emergency Aid Program (SB850).

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

[Neighborhood Services & Education Committee referral 11/8/18 - Items (d)1 and (d)2]

TO BE HEARD AT 3:00 P.M.

Attachments

[Memorandum A](#)

[Memorandum B](#)

[Memorandum B Attachment A](#)

[Memorandum B Attachment B](#)

[\(a\) Presentation - Auditor](#)

[\(a\) Presentation - Manager](#)

[\(b\) Presentation - Housing](#)

[Presentation, 11/08/2018, NSE](#)

[Supplemental Memorandum, 11/21/2018](#)

[Memorandum from Peralez, 11/08/2018](#)

[Memorandum from Mayor Liccardo, Jones, and Davis 4.3\(b\), 11/](#)

[Memorandum from Mayor Liccardo, Jimenez, Peralez, and Roch](#)

[Memorandum from Vice Mayor Carrasco and Peralez 4.3\(a\), 11/](#)

[Memorandum from Diep, 11/26/2018](#)

[Memorandum from Jimenez 4.3\(b\), 11/26/2018](#)

[Memorandum from Vice Mayor Carrasco, 11/26/18](#)

[Memorandum from Arenas, 11/27/2018](#)

[Memorandum from Rocha, 11/27/2018](#)

[Letter from the Public](#)

4.4 [18-1558](#) **Declaration of a Continued Shelter Crisis, Designating Facilities for Overnight Warming Center Activation, and Funding Award to HomeFirst Services of Santa Clara County for Overnight Warming Location Activation.**

Recommendation:

(a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to, and in accordance with, the provisions of California Government Code section 8698 et seq. and designating the following four city-owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:

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

(2) Leininger Community Center, 1300 Senter Road, San José, CA 95112;

(3) Alum Rock Library, 3090 Alum Rock Ave, San José, CA 95127;
and

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

(b) Adopt a resolution authorizing the Director of Housing to negotiate and execute an Agreement with HomeFirst Services of Santa Clara County in the amount of up to \$350,000 to operate the Overnight Warming Locations during inclement weather in the 2018-2019 cold weather season.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301 Existing Facilities, File No. PP18-093. Council Districts 3, 5, 6 & 7. (Housing)
TO BE HEARD IMMEDIATELY AFTER ITEM 4.3

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

4.5 [18-1559](#) **Actions Related to the Ground Leasing of 934-949 Locust Street to County of Santa Clara for Affordable Housing Purposes and Approval of the Proposed Rehabilitation of the Existing Facilities.**

Recommendation: Hold a Public Hearing, accept the staff report, and adopt a resolution:

(a) Accepting the summary of costs and findings of the Summary Report Pursuant to Section 33433 of the California Health and Safety Code for the disposition of a property located at 934-949 Locust Street with existing affordable housing to the County of Santa Clara under the terms and conditions of the proposed Ground Lease for a term of up to 15 years and approving the Ground Lease in substantially final form; and

(b) Authorizing the Director of Housing or her designee, to set the specific business terms and negotiate and execute documents and document amendments related to the Ground Lease, the County of Santa Clara project, and the City CDBG-funded \$1,200,000 rehabilitation of the existing housing.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-074. (Housing)

Attachments [Memorandum](#)
[Resolution](#)
[Memorandum from Vice Mayor Carrasco, 11/26/2018](#)
[Memorandum from Peralez, 11/27/2018](#)
[Letter of Support from Assemblymember Low, 11/27/2018](#)

- 4.6 [18-1569](#) **Actions Related to the Property Exchange Agreement with the County of Santa Clara to Facilitate Roadway Improvements on Branham Lane and Snell Avenue to Improve Bicycle, Pedestrian and Vehicular Safety Adjacent to Marshall Cottle Park.**

Recommendation: Adopt a resolution to authorize the City Manager to negotiate and execute a Property Exchange Agreement with the County of Santa Clara, whereby the County will grant to the City easement rights on approximately 8.78-acres of County property around Martial Cottle Park to be used for roadway improvements along Branham Lane and Snell Avenue in exchange for approximately 12.38-acres of City-owned land along Hellyer Avenue, which City-owned land shall be subject to a deed restriction for park and open space and shall allow for a City maintained retention pond.
CEQA: Not a Project, File No. PP17-033, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 10. (Transportation/Economic Development)

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

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 [18-1560](#) **Shared Micro-Mobility. - DEFERRED**

Recommendation: As recommended by the Transportation and Environmental Committee on August 13, 2018, accept the background information report from City staff on shared micro - mobility - dockless bikes, electric-assist bikes, and electric scooters - in and around Downtown San José, and provide feedback to staff on a proposed regulatory framework.
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)
[Transportation and Environmental Committee referral 8/13/18 - Item D.1]
[Deferred from 9/25/18 - Item 6.3 (18-1273); 10/16/18 - Item 6.1 (18-1377)]
RECOMMEND DEFERRAL TO 12/18/18 PER ADMINISTRATION

Attachments [Memorandum](#)
[Presentation, 8/13/2018 T&E](#)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

8.1 [18-1561](#) **Actions Related to the Grant Funding Received from the U.S. Department of Justice.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement for grant awards received from the U.S. Department of Justice in the amount of \$2,571,825.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the estimate for Revenue from Federal Government by \$2,571,825;
 - (2) Establish a OVW Improving Criminal Justice Response Program City-wide appropriation to the Police Department in the amount of \$810,272;
 - (3) Establish a NCS-X Implementation Program City-wide appropriation to the Police Department in the amount of \$168,156;
 - (4) Establish a Justice and Mental Health Collaboration Program City-wide appropriation to the Police Department in the amount of \$750,000;
 - (5) Establish an Internet Crimes Against Children Task Force - Forensic Analyst Capacity Hiring Program City-wide appropriation to the Police Department in the amount of \$200,000;
 - (6) Establish a Bulletproof Vest Partnership City-wide appropriation to the Police Department in the amount of \$193,704; and
 - (7) Increase the City-wide Internet Crimes Against Children Task Force Invited Awards appropriation in the amount of \$449,693.
- CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application; 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. (Police/City Manager)

Attachments [Memorandum](#)

8.2 [18-1562](#) **Actions Related to the Spending Plan for the Supplemental Law Enforcement Services Fund.**

Recommendation:

- (a) Approve the proposed 2018-2020 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,597,819 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the staff memorandum to Council and in the event State Supplemental Law Enforcement Services Grant payments are less or more than expected.
- (b) Approve the revised 2017-2019 Spending Plan for the Supplemental Law Enforcement Services Grant in the amount of \$2,380,698.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the estimate for Revenue from State of California by \$928,756;

(2) Increase the appropriation to the Police Department for the SLES Grant 2017-2019 in the amount of \$780,192; and

(3) Establish an appropriation to the Police Department for the SLES Grant 2018-2020 in the amount of \$148,564.

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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

Attachments [Memorandum](#)

8.3 [18-1563](#) **Actions Related to the Agreement with the City and County of San Francisco for Allocation of the 2018 Urban Areas Security Initiative Grant Funds.**

Recommendation:

(a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2018 Bay Area Urban Areas Security Initiative grant allocation in the amount of \$1,455,716, and to negotiate and execute additional amendments and related documents without further City Council action.

(b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

 (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2018 in the amount of \$295,000;

 (2) Establish a City-Wide Expenses appropriation to the City Manager's Office/Office of Emergency Management (OEM) for the Urban Areas Security Initiative Grant - OEM 2018 in the amount of \$465,122;

 (3) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2018 in the amount of \$62,000; and

 (4) Increase the estimate for Revenue from Federal Government by \$822,122.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/Fire/Emergency Services/City Manager)

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

8.4 [18-1580](#) **General Obligation Bond (Measure T, Public Safety and Infrastructure Bond).****Recommendation:**

As recommended by the Rules and Open Government Committee on November 14, 2018:

Direct the City Manager to:

1. Revise Proposed General Obligation Bond Project Categories (included as Attachment A to the City Manager’s September 11, 2018 Memorandum) to read as follows:

- Preserve “Build Fire Station 37” as a priority project
- Supplant “Rebuild/relocate or build two Fire Stations, including property acquisition” with:
 - “Build at least two new fire stations, including property acquisition, or conversion of existing City land,” and
 - “Rebuild/ relocate fire stations 8 and 23, including property acquisition or conversion of existing City land.”
- Supplant “Public Safety Headquarters Infrastructure Needs” with “Police Headquarters Infrastructure Needs”

2. Pursuant to the 2015 SJFD Strategic Business Plan, accelerate the development of a Facilities Master Plan that addresses fire station location, along with staffing and budget impacts, within 12 months (Goal #2, 9.4 Infrastructure and Support). The Facilities Master Plan should include specific timelines for the construction and rehabilitation of each of the new and rehabilitated fire stations called for under Measure T.

3. Within 60 days of the certification of the election results, return to Council with:

i. A timeline for the implementation and funding of staffing/operations of Fire Station 37, with commencement of construction within 18 months.

ii. Timeline of construction of the next new fire station, with the purchase of land for the next new fire station within 24 months, and design and construction thereafter.

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. (Mayor Liccardo)

[Rules Committee referral 11/14/18 - Item G.3]

Attachments [Supplemental Memorandum](#)
[Memorandum to ROGC from Mayor Liccardo](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 [18-1564](#) **Purchase and Sale Agreement for the Jose Theatre Property Located at 62 South Second Street.**

Recommendation: Successor Agency Board approve a Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Monterey & Third Associates LLC, as buyer to allow the sale of 62 South 2nd Street for a purchase price of \$2,139,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
Council District 3. (Successor Agency)

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

- **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) [18-1565](#) **C17-012 - Conforming Rezoning for Real Property Located at 295 East Virginia Street.**

Recommendation: (a) Adopt a resolution adopting the Virginia Studios Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.
(b) Consideration of an ordinance of the City of San José rezoning a 1.72-gross acre site, located at 295 East Virginia Street from A(PD) Planned Development Zoning District to the R-M Multiple Residence Zoning District.
CEQA: Mitigated Negative Declaration for the Virginia Studios Project, File No. C17-012. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-012 - Council District 3

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

- (b) [18-1566](#) **PDC17-023 and PD17-017 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 330 South Winchester Boulevard. - DROP**

Recommendation: (a) Consideration of an ordinance of the City of San José rezoning Lot 3A, Lot 4, Lot 6A, and Lot 12 in Santana Row from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow late night use (12:00 a.m. - 6:00 a.m.).
(b) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow late night use between the hours of 12:00 a.m. and 2:00 a.m. for an existing restaurant (Roots and Rye).
CEQA: Addendum to the Final Environmental Impact Report for the Santana Row Planned Development Rezoning Project (Resolution No. 77532) and Addenda thereto, File Nos. PDC17-023 and PD17-017. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
PDC17-023 & PD17-017 - Council District 6
DROP - TO BE RENOTICED

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [18-1567](#)

PP18-086 - Amendment to Title 4 (Revenue, Finance and Business Tax) and Title 20 (Zoning Ordinance) of the San José Municipal Code.

Recommendation:

Consideration of an ordinance of the City of San José amending Title 4 (Revenue, Finance, and Business Taxes) and Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Section 4.88.100 of Chapter 4.88 to extend the expiration date of the Urban Agriculture Incentive Zone to January 1, 2029; amend San José Municipal Code Section 20.30.100 to add Secondary Units as a permitted use in the R-M Multiple Residence Zone; amend San José Municipal Code Section 20.30.200 to add a new Note 6 to Table 20-60 to cross-reference the existing Code section for side setback exceptions; amend San José Municipal Code Section 20.40.100 to add Child Day Care incidental to an existing school site, or a permitted on-site church/religious assembly use, involving no Building additions or changes, as a permitted use in the PQP Zoning District, and to amend Note 6 for Table 20-90, to add certain 100% affordable housing projects as a permitted use; amend San José Municipal Code Section 20.50.100, to substitute catering facility for caterer and outdoor storage for storage in Table 20-110; add a new section, 20.50.125 establishing incidental office use as a permitted use, in the LI and HI Zoning Districts and defining such incidental office use and establishing parking criteria for such; amend San José Municipal Code Section 20.55.300 to include the CIC and TEC zoning districts; amend San José Municipal Code Section 20.70.510 to clarify types of establishments included as retail commercial establishments and change an incorrectly referenced code section; amend San José Municipal Code Section 20.90.130 to correct the required single-family driveway length to 18 feet; amend San José Municipal Code Section 20.90.210 for clarity as to required parking for structures or uses existing as of November 10, 1965; and amend San José Municipal Code Section 20.100.1300 to allow exceptions to be granted for an increase of up to ten feet in the general zoning district maximum height limitations for elevator shafts and stairwells; and add new San José Municipal Code Sections 20.200.181 and 20.200.261 defining Catering Facility and Construction/Corporation Yard and to make other technical, non-substantive, or formatting changes within those sections.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto; Downtown Strategy 2000 FEIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies FEIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area

Plan FEIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)
PP18-086 - Citywide

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

10.3 [18-1568](#) **PP18-090 - Amendment to Title 23 of the San José Municipal Code (Sign Code).**

Recommendation:

Consideration of an ordinance of the City of San José amending Title 23 (Sign Code) (File No. PP18-090) to:

- (a) Amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, to add new section 23.04.036, “Business Center Signs,” to allow freeway facing on-site signs for sites located within the North San José Development Policy Signage Area, that are developed with destination entertainment or office uses; to add the definition of “Destination Entertainment Facility” and “Business Center” to Chapter 23.02; and
- (b) Make other non-substantive, ministerial, technical, or typographical changes to various Sections of said Chapters 23.02 and 23.04 of the Sign Code.

CEQA: Determination of Consistency with the Final Program EIR for the North San José Development Policies Update (Resolution No. 72768) and Addenda thereto, and the Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
PP18-090 - Citywide

Attachments

[Memorandum](#)

[Ordinance](#)

[Presentation](#)

[Memorandum from Diep, 11/21/2018](#)

[Memorandum from Peralez, 11/26/2018](#)

[Letters from the Public](#)

- **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**

This meeting is adjourned in memory of Anthony “Big Tony” Pietro Martino who passed away on September 25, 2018. Anthony moved his young family to the Strawberry Park Neighborhood in San José in 1974 and became an excellent resource to his neighbors. Anthony was President of the Italian Men's Club of San José where he worked with a number of charities in the community. Anthony was committed to his family, his community, and his country throughout his life and will be missed by many.

**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.
- 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.