



# **City Council Meeting Agenda**

**Tuesday, March 26, 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](mailto: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

**19-130** 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 3)**

San José State Student Jazz Trio, Joy Hackett, Alonso Sanchez, and Brandon Walters will perform an instrumental Jazz tune.

- **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**

## **2. CONSENT CALENDAR**

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

### **2.1 Approval of City Council Minutes.**

### **2.2 Final Adoption of Ordinances.**

### **2.3 Approval of Council Committee 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 19-106 City Attorney's Travel to Washington, D.C.**

**Recommendation:** Approve travel by the City Attorney, Richard Doyle, to Washington, D.C., on March 28-April 1, 2019 to attend the International Municipal Lawyers Association (IMLA) Mid-Year Seminar. Source of Funds: City Attorney's Office Non Personal Services Appropriation.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Attorney)

**2.8 19-108 Amendment to the Cooperative Agreement No. 8 with Santa Clara Valley Transportation Authority for Public Art Component of BART at Berryessa.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a Third Amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority (VTA), for the design, construction, and reimbursement relating to the public art component of the BART extension to Berryessa, to extend the existing term until December 31, 2019 and to increase the amount of the agreement by \$8,000 to a total of \$488,000.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development)

**2.9 19-109 Agreement with San José Unified School District for City-Owned Theaters.**

**Recommendation:** Approve an Agreement with San José Unified School District to provide for the use of certain City owned theaters by the School District for student performances for an aggregate maximum of ten days per year for a period of fifteen years from July 1, 2019 through June 30, 2035, at no rent and subject to applicable service fees charged by Team San José as operator of the theaters.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development)

**2.10 19-110      Amendment to the Agreement with Innovative Interfaces Inc. for the Integrated Library System.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute the First Amendment to the Agreement for the Integrated Library System with Innovative Interfaces Inc. (Emeryville, CA) to increase compensation by \$55,331 to add the i-Tiva automated interactive communications system, including professional services required for installation, configuration, and implementation, and to extend use of the Encore Discovery Tool for a revised maximum compensation not to exceed \$596,015 for the initial contract term beginning July 1, 2017 and ending June 30, 2020;
- (b) Increase contingency by \$100,000 to cover any additional unanticipated changes for a total contingency not to exceed \$120,000 during the initial three-year term, subject to the appropriation of funds; and
- (c) Negotiate and execute amendments and change orders for related tools and services, subject to the appropriation of funds.

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

**2.11 19-111      Actions Related to the Purchase Order with Schindler Elevator, Corporation for Elevator Modernization Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Schindler Elevator, Corporation (San Leandro, CA) to replace machinery and equipment of two elevators at the Police Communications Building for the term beginning on or about April 1, 2019 and ending on or about October 1, 2020, in an amount not to exceed \$765,295.60.
- (b) Approve a contingency of \$153,000 for any unforeseen changes or modifications to the new machinery and equipment for the two elevators, subject to the appropriation of funds.

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

**2.12 19-112      Actions Related to the Purchase Order with R & R Refrigeration & Air Conditioning, Inc. for Commercial Kitchen Appliance and Equipment Maintenance & Repair Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with R & R Refrigeration & Air Conditioning, Inc. (San José, CA) for commercial kitchen appliance and equipment maintenance and repair services for the Public Works Department for an initial twelve-month period, starting on or about March 27, 2019 and ending on or about March 26, 2020 for an amount not to exceed \$200,000; and
- (b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about March 25, 2024, subject to the appropriation of funds.

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

**2.13 19-122      Actions Related to the State of California Board of State and Community Corrections Grant Agreement.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to submit a grant application and, if awarded, negotiate and execute a grant agreement with the State of California Board of State and Community Corrections for an amount up to \$1,000,000 in funding and to take all actions necessary to effectuate the grant, including any amendments thereof.

(b) Adopt a resolution authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate and execute grant agreements with community-based organizations identified in the grant application, including any amendments thereof, up to an amount of \$900,000 per agreement, subject to City Council appropriation.

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

### **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 19-113 Status of Open Audit Recommendations as of December 31, 2018.**

**Recommendation:** Accept the Status of Open Audit recommendations as of December 31, 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. (City Auditor)

**3.4 19-107 Quarterly Intergovernmental Relations Report.**

**Recommendation:** Accept the report from Intergovernmental Relations and reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

**3.5 19-134 Council Policy Priority #13: Amendment to Title 6 of the San José Municipal Code for the Cannabis Equity Assistance Program.**

**Recommendation:** (a) Approve an ordinance amending Part 2 and adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to add definitions and set forth criteria for a Cannabis Equity Assistance Program.  
(b) Adopt an Urgency Ordinance amending Part 2 and adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to add definitions and set forth criteria for a Cannabis Equity Assistance Program. Please note: Approval of this item requires 8 or more affirmative votes (2/3).  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)



**3.6 19-114 Actions Related to the 9080 - Mineta San José International Airport Economy Lot Parking Garage Project.**

**Recommendation:** Adopt a resolution in accordance with San José Municipal Code Section 14.07.310:

(a) Finding that the cost of the proposed design-build contract for the Economy Lot Parking Garage Project (ELPG) at the Norman Y. Mineta San José International Airport will exceed \$5,000,000 and that the use of the design-build delivery method process is likely to save money and/or result in faster Project completion than if the City used the traditional design-bid-build method of project delivery;

(b) Approving the Request for Proposals (“RFP”) and the evaluation criteria and process by which the City shall select a design-build entity for the ELPG Project; and

(c) Authorizing the Director of Public Works to issue addenda to the RFP to add any additional requirements or to make such other revisions to the RFP that are consistent with the scope and selection criteria as approved by Council.

CEQA: Determination of Consistency with the Final Environmental Impact Report, as Supplemented for the San José International Airport Master Plan. (Public Works/Airport)

**3.7 19-137 Ballot Measure to Hold Mayoral Elections Concurrent with Presidential Election.**

**Recommendation:** As recommended by the Rules and Open Government Committee on October 3, 2018, adopt a resolution amending the City Charter to hold San José mayoral elections concurrent with national Presidential elections.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Vice Mayor Carrasco, Jones, Jimenez, Rocha)  
[Rules Committee referral 10/03/18 - Item G.6]

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.1 19-116 Annual Development In-Lieu Fee Report.**

**Recommendation:** Adopt a resolution:

- (a) Accepting the Fiscal Year 2017-2018 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and
- (b) Making certain findings as required by Government Code Section 66001 (d) (1).

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

### **4.2 19-117 Ellis Act Ordinance Recontrol Provisions.**

**Recommendation:** Accept the staff report on research on the Ellis Act Ordinance's recontrol provisions including potential alternatives for meeting recontrol requirements.

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

**4.3 19-118 Amendment to the Agreement with Destination: Home SV for the Employment Initiative and Homelessness Prevention System.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the grant agreement that was transferred to Destination: Home SV by Asset Transfer Agreement dated November 28, 2017, in the amount of \$4,250,000, to continue implementing the Employment Initiative and Homelessness Prevention System for homeless individuals and families through June 30, 2021.

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

- (1) Establish a Revenue from the State of California estimate in the amount of \$10,989,988 to recognize Homeless Emergency Aid Program (HEAP) grant revenue; and
- (2) Establish a Homeless Emergency Aid Program Reserve to the Housing Department in the amount of \$6,989,988; and
- (3) Establish a Homelessness Prevention System appropriation to the Housing Department in the amount of \$4,000,000.

(c) Adopt the following 2018-2019 Appropriation Ordinance Amendments in the Housing Trust Fund:

- (1) Establish an Employment Initiative Program appropriation to the Housing Department in the amount of \$250,000; and
- (2) Decrease the Unrestricted Ending Fund Balance by \$250,000.

CEQA: Not a Project, File Nos. 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 physical impact on the environment. (Housing/City Manager)

**4.4 19-119 Actions Related to the Funding Award to LifeMoves to Expand the Safe Parking Pilot Program to Two City-Owned Sites.**

**Recommendation:** (a) Adopt a resolution authorizing the Director of Housing to negotiate and execute an amendment to the Agreement with LifeMoves funded by the Homeless Emergency Aid Program (HEAP) in the amount of \$400,000 to expand the Safe Parking Pilot Program to the following two city-owned sites through June 30, 2021:

- Southside Community Center, 5585 Cottle Road, San José, CA 95123 and

- Roosevelt Community Center, 901 E. Santa Clara Street, San José, CA 95116

(b) Adopt the following 2018-2019 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

- (1) Establish a Crisis Response Interventions appropriation to the Housing Department in the amount of \$400,000; and

- (2) Establish a Revenue from the State of California estimate in the amount of \$400,000 to recognize Homeless Emergency Aid Program (HEAP) grant revenue.

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-076. (Housing/City Manager)

**4.5 19-120 Hope Village Update.**

**Recommendation:** Accept the staff report on the status of Hope Village and direct staff to return to the City Council with an implementation plan and timeline for a city and county funded development of a new Hope Village.

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

## **5. NEIGHBORHOOD SERVICES**

### **5.1 19-121 Annual BeautifySJ Report.**

**Recommendation:** As recommended by the Neighborhood Services & Education Committee on December 13, 2018, accept the BeautifySJ Annual report which includes updates pertaining to street landscape maintenance, illegal dumping, anti-graffiti, and anti-litter activities.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Environmental Services/Transportation)  
[Neighborhood Services & Education Committee referral - 12/13/18 (d)1]  
[Deferred from 2/26/19 - Item 5.1 (18-1941)]

**5.2 19-123 Actions Related to the Sale Proceeds of the 1123 Coleman Avenue Property.**

- Recommendation:** (a) Accept the proposed use of \$4,722,000 from the sale of the 1123 Coleman Avenue property on shovel-ready projects.
- (b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
- (1) Increase the estimate for Other Revenue in the amount of \$24,844,000;
  - (2) Establish a Transfer to the Parks and Recreation Bond Projects Fund in the amount of \$4,722,000; and
  - (3) Increase the 2019-2020 Proposed Budget Planning Reserve in the amount of \$20,122,000.
- (c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Parks and Recreation Bond Projects Fund:
- (1) Establish an estimate for Transfers and Reimbursements in the amount of \$4,722,000.
  - (2) Establish the Iris Chang Park Development appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$728,000.
  - (3) Establish the River Glen Park Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$200,000.
  - (4) Establish the Trail: Yerba Buena Creek Pedestrian Bridge - Preliminary Design appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$144,000.
  - (5) Establish the Hathaway Park Renovation appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$850,000.
  - (6) Establish the La Colina Park Playground Renovation appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$300,000.
  - (7) Establish the Alum Rock Avenue and 31st Street Park Phase II appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,000,000.
  - (8) Establish the Welch Park and Neighborhood Center Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$200,000.
  - (9) Establish the Butcher Park Playlot Renovation appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$300,000.
  - (10) Establish the Playa Del Rey Shade Structure appropriation to

the Parks, Recreation and Neighborhood Services Department in the amount of \$100,000.

(11) Establish the Waterford Park Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$100,000.

(12) Establish the All-Inclusive Playground - Emma Prusch appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$500,000.

(13) Establish the Seven Trees Community Center Lighting appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$150,000.

(14) Establish the Solari Park Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$150,000.

(d) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Decrease the Iris Chang Park Development appropriation by \$728,000.

(2) Decrease the River Glen Park Improvements appropriation by \$200,000.

(3) Decrease the Trail: Yerba Buena Creek Ped Bridge - Preliminary Design appropriation by \$144,000.

(4) Increase the Future Parkland Dedication Ordinance/Parkland Impact Ordinance Projects Reserve by \$1,072,000.

(e) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 1:

(1) Decrease the Hathaway Park Renovation appropriation by \$850,000.

(2) Increase the Ending Fund Balance by \$850,000.

(f) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 2:

(1) Decrease the La Colina Park Playground Renovation appropriation by \$300,000.

(2) Increase the Ending Fund Balance by \$300,000.

(g) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 5:

(1) Decrease the Alum Rock Avenue and 31st Street Park Phase II appropriation by \$1,000,000.

(2) Increase the Ending Fund Balance by \$1,000,000.

(h) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 8:

(1) Decrease the Welch Park and Neighborhood Center Improvements appropriation by \$200,000.

(2) Increase the Ending Fund Balance by \$200,000.

(i) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 9:

(1) Decrease the Butcher Park Playlot Renovation appropriation by \$300,000.

(2) Increase the Ending Fund Balance by \$300,000.

(j) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 10:

(1) Decrease the Playa Del Rey Shade Structure appropriation by \$100,000.

(2) Decrease the Waterford Park Improvements appropriation by \$100,000.

(3) Increase the Ending Fund Balance by \$200,000.

CEQA: Addendum to the North San José Development Policies Update Final EIR (Resolution No. 72768), File No. PP16-087; Mitigated Negative Declaration for 31st Street & Alum Rock Avenue Park, File Nos. GP16-008 & PP16-073; Addendum to the Evergreen East Hill Vision Strategy Final EIR (Resolution No. 73570) and Supplemental EIR (Resolution No. 74742), File No. PP14-088; Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File Nos. PP07-116, PP18-022, PP18-031, PP18-065, PP18-066, and PP19-003; and Categorically Exempt, CEQA Guidelines Section 15302, Replacement and Reconstruction, File Nos. PP01-081, PP01-151, and PP02-013; and Categorically Exempt, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, File No. PP00-009. (Parks, Recreation and Neighborhood Services/City Manager)



## **6. TRANSPORTATION & AVIATION SERVICES**

### **6.1 19-124 2019 Major Streets Remove & Replace Asphalt Concrete Pavement Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2019 Major Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, G. Bortolotto & Company, Inc. in the amount of \$2,601,460.  
(b) Approve a ten percent contingency in the amount of \$260,146.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

## **7. ENVIRONMENTAL & UTILITY SERVICES**

## **8. PUBLIC SAFETY**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- Open Forum

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

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

## **10. LAND USE**

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

### **10.1 Land Use on Consent Calendar**

- (a) **19-125**      **PDC19-007 - Planned Development Rezoning for Real Property Located North of Champions Drive.**

**Recommendation:** (1) Determination of Consistency with the FMC/Coleman Avenue Environmental Impact Report (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (SCH# 2009052053), the Envision San José 2040 General Plan Final Environmental Impact Report (SCH# 2009072096), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (SCH# 2009072096), and addenda thereto.  
(2) Consideration of an ordinance rezoning certain real property, approximately 94.8-gross acre site generally bounded by Coleman Avenue to the north; Union Pacific Right-of-Way to the south; Newhall Street to the east and the City of Santa Clara border, to the west, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.  
CEQA: Determination of Consistency with the FMC/Coleman Avenue Environmental Impact Report (Resolution No. 71716), the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (Resolution No. 73509), the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement).  
**TO BE HEARD AT 1:30 P.M. IMMEDIATELY FOLLOWING REGULAR CONSENT CALENDAR.**

**(b) 19-126 C18-022/CP18-029 - Conforming Rezoning and Conditional Use Permit for Real Property Located at 455 Silicon Valley Road.**

**Recommendation:** (1) Adopt a resolution adopting the San José Behavioral Health Hospital Expansion Project Addendum and a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(2) Approve an ordinance rezoning certain real property, approximately 6.9-gross acre site, located at the southwest corner of Silicon Valley Boulevard and Eden Park Place (455 Silicon Valley Boulevard), from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

(3) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the expansion of a state licensed behavioral health hospital by up to 59,365 square feet, for a total area of approximately 113,709 square feet, in two phases, and increase the number of patient beds from 80 to up to 168 patient beds, with related site modifications and the removal of 15 ordinance-size trees on an approximately 6.9 -gross acre site. CEQA: Addendum to the 2000 Edenvale Redevelopment Project EIR (Resolution No. 69699), 2000 Edenvale Redevelopment Project Supplemental EIR (Resolution No. 70021), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. Council District 2. (Planning, Building and Code Enforcement).

**TO BE HEARD AT 1:30 P.M. IMMEDIATELY FOLLOWING  
REGULAR CONSENT CALENDAR**

- (c) 19-127 PP18-084 - Amendment to Title 23 (Sign Code) for Commercial and Industrial Zoning Districts and Neighborhood Business Districts in the Alviso Master Plan Area.

**Recommendation:** Consideration of an ordinance amending the Sign Code as follows:  
(a) Amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, to amend Section 23.04.036, "Business Center Signs," to allow freeway-facing on-site signs for sites located within the Alviso Master Plan Area, that are developed with office or research and development uses; and  
(b) Make other non-substantive, ministerial, technical, or typographical changes to various Sections of said Chapter 23.04 of the Sign Code.  
CEQA: Addendum to the Alviso Master Plan EIR (Resolution No. 68577), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building, and Code Enforcement)

**TO BE HEARD AT 1:30 P.M. IMMEDIATELY FOLLOWING  
REGULAR CONSENT CALENDAR**

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

- 1. 19-128 PP19-010 - Amendment to Title 20 (Zoning Ordinance or Zoning Code). - DEFERRED**

**Recommendation:** Consideration of an ordinance amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Section 20.30.150 of Chapter 20.30 to remove average height requirement for secondary units, and modify maximum height requirement for two-story secondary units; amend Section 20.50.100 of Chapter 20.50 to allow Farmers' Market as an enumerated use in the CIC Zoning District; and to make other technical, non-substantive or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. 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, Building, and Code Enforcement).

**DEFERRED TO 4/9/19 PER ADMINISTRATION**

- **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**

**MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF SAN JOSÉ HOUSING AUTHORITY AGENDA**

1:30 p.m.

March 26, 2019

CHAMBERS

- Call to Order and Roll Call

**1. 19-129 Support for the 2020 Moving to Work Annual Plan.**

**Recommendation:** Board of Commissioners for the Housing Authority of the City of San José authorize the City Housing Authority's Executive Director to submit a letter to the Santa Clara County Housing Authority to support the 2020 Moving to Work Annual Plan.  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

- Open Forum
- 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.