



City Council Meeting Agenda

Tuesday, May 7, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

19-133 Closed Session Agenda

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

- Invocation (District 5)
- 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 19-295 Actions Related to the Sale of City-Owned Property Located on Rebel Way.**Recommendation:** Adopt a resolution:

- (a) Approving the sale of a portion of the city-owned property at Rebel Way, Assessor's Parcel Number 569-46-001, to Linda Yamauchi, for the amount of \$11,445.44 (Parcel A); and
- (b) Approving the sale of the remaining portion of the property to W. Scott and Sarah E. Gardner, for the amount of \$12,906.56 (Parcel B); and
- (c) Authorizing the City Manager or his designee to execute the purchase and sale agreements, the deeds, and all other documents necessary to complete the transaction.

CEQA: Categorically Exempt, File No. PP19-029, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 9. (Economic Development)

2.8 19-296 Amendment to the Agreement with Landrum & Brown Inc., for On-Call Airport Planning Services at the Airport.**Recommendation:** Approve a First Amendment to the Master Consultant Services Agreement with Landrum & Brown, Inc. for On-Call Airport Planning Services at the Norman Y. Mineta San José International Airport, increasing maximum compensation from \$1,000,000 to \$2,000,000, with no change in term.

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

2.9 19-297 Actions Related to the Vacation of Setback Easements Within Tract No. 1010.**Recommendation:** (a) Adopt a resolution of intention to vacate the 25-foot, 12.5-foot and 10-foot light and air easements located within Tract No. 1010.
(b) Set a Public Hearing on Tuesday, June 4, 2019 at 1:30 p.m., for consideration of the vacation.
(c) Direct the City Clerk to file the vacation map and advertise said public hearing.

CEQA: Categorically Exempt, File No. PP19-025, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

2.10 19-298 Agreements with GHD, Inc. and RRM Design Group Engineering Design Services for Various City Trail Projects.

Recommendation: Approve Master Agreements with GHD, Inc. and RRM Design Group for engineering design services for various City trail projects from the date of execution through June 30, 2021, in an amount not to exceed \$2,500,000 for each master agreement, for a total award amount of \$5,000,000.

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

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.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-306 GPT19-001 & PP19-018 - City-initiated General Plan Text Amendment and San José Downtown Design Guidelines and Standards.

Recommendation: (a) Planning Commission recommended revisions:
(1) Section, 4.4.2.b, "City of San José Voluntary Bird-Friendly Building Design Fact Sheet" shall be mandatory for projects located in the design guidelines boundary.
OR
(b) Staff recommended revisions to Section 4.4.2.b:
(i) Make item #1, "Reduce large areas of transparent or reflective glass" applicable only to projects within 100 feet of a riparian corridor.
(ii) Make item #2, Strategically place landscaping:
(a) Locate water features and other bird habitat away from building exteriors to reduce reflection.
(b) Reduce or eliminate the visibility of landscaped areas behind glass" applicable only to projects within 100 feet of a riparian corridor.
(iii) Make item #3, Reduce or eliminate spotlights on buildings" applicable only to projects within 100 feet of a riparian corridor.
(iv) Make item #4, "Turn non-emergency lighting off at night except during June, July, December and January due to bird migration" applicable only to projects within 100 feet of a riparian corridor and change "at night" to "between 2:00 A.M. and 5:00 A.M."
(b) Additional definitions added to Section A.0, Glossary.
(c) One addition to the "Exceptions to the Standards," in Chapter 1, Introduction, Section 1.4.
(d) Several editorial changes throughout the document to provide enhanced readability.
CEQA: Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. File Nos. GPT19-001 & PP19-018. Planning Commission recommends approval (6-0). Council Districts 3 and 6. (Planning, Building and Code Enforcement)

[CONTINUED FROM 4/23/19 - Item 10.2 (19-249)]

4.2 19-305 Ellis Act Ordinance Recontrol Provisions.

Recommendation: Accept the verbal staff report on research on the Ellis Act Ordinance's recontrol provisions including conversations with developers and lenders, potential alternatives for meeting recontrol requirements accept the ancillary staff report, and direct staff to take action related to recontrol and/or recontrol alternatives.

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)

[Deferred from 3/26/19 - Item 4.2; 4/9/19 - Item 4.2; and 4/23/19 - Item 4.4)]

5. NEIGHBORHOOD SERVICES

5.1 19-299 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 - Item (d)1]
[Deferred from 2/26/19 - Item 5.1 (18-1941) and 3/26/19 - Item 5.1 (19-121)]

5.2 19-301 Report on Citywide Expanded Learning Programs.

Recommendation: As recommended by the Neighborhood Services & Education Committee on April 11, 2019:
(a) Review and provide feedback on the application of the California Afterschool Network Quality Standards in all City-funded, operated, or endorsed Expanded Learning programs; and
(b) Accept the Expanded Learning Quality Standards report and adopt a resolution adopting the California Afterschool Network Quality Standards for all City-funded, operated, or endorsed Expanded Learning programs;
(c) Direct staff to return to the Neighborhood Services and Education Committee in Spring 2020 to report on progress implementing the California Afterschool Network Quality Standards, as well as plans for the 2020 Summer programs.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Library/Parks, Recreation and Neighborhood Services)
[Deferred from 4/30/19 - Item 5.1 (19-288)]
[Neighborhood Services & Education Committee referral 4/11/19 - Item (d)(1)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-302 Actions Related to the Design-Build Contract for the 8963 - Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility - Fire Station No. 20 Project.

Recommendation: Adopt a resolution:

(a) Approving the final ranking of the Design-Build (D-B) Entities that responded to the Request for Proposal for the 8963 - Mineta San José International Airport Aircraft Rescue and Fire Fighting Facility - Fire Station No. 20 Project (Project);

(b) Authorizing the Director of Public Works to negotiate a D-B Contract for the Project, as follows:

(1) Begin negotiating with the highest ranked D-B Entity, C. Overaa & Company dba Overaa Construction;

(2) Begin negotiating with the next highest D-B Entity, if after having negotiated with highest ranked D-B Entity, the Director determines that the City's interests are best served by beginning negotiations with the next highest ranked D-B Entity;

(3) Begin negotiating with the third ranked D-B Entity as the Director determines is appropriate;

(c) Authorizing the Director of Public Works to award and execute the D-B Contract for the Project in an amount not to exceed \$16,940,000, to the highest ranked D-B Entity that successfully completes D-B Contract negotiations with the City;

(d) Authorizing the Director of Public Works to negotiate and execute Task Orders up to the D-B Contract not to exceed amount as necessary to meet project completion;

(e) Approving a D-B contingency in the amount of ten percent of the negotiated D-B Contract not to exceed amount for City-approved changes to the design scope and construction services; and

(f) Authorizing the Director of Public Works to negotiate and execute any single and/or multiple contract change orders for the Project up to the contingency amount.

CEQA: Addendum to the Final Environmental Impact Report for the San José International Airport Master Plan Update, as Supplemented, File No. PP18-075. (Airport/Public Works)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

- (a) **19-303** **HL19-001 - Historic Landmark Designation for the "Chiechi House" Located at 1650 Senter Road at History Park.**

Recommendation: Adopt a resolution designating the Chiechi House located at 1650 Senter Road (History Park) as a City Landmark.

CEQA: Categorically Exempt, File No. PP18-097, CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation. The Historic Landmarks Commission recommends approval (5-0-2, Hirst and Royer absent). Council District 7. (Planning, Building, and Code Enforcement)

TO BE HEARD AT 1:30 P.M.

TO BE HEARD IMMEDIATELY AFTER REGULAR CONSENT CALENDAR

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

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

- **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.