



City Council Meeting Agenda

Tuesday, June 11, 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 Speakers 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 Clerks 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

19-416

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 6)**

Susan Overland: Center for Spiritual Living

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to Child Advocates of Silicon Valley in recognition of their commitment to helping foster children in Santa Clara County and the City of San José. (Perez)

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 19-443 Airport Disadvantaged Business Enterprise Program FY20-22****Recommendation:** Adopt a resolution:

- (a) Approving a proposed overall Disadvantaged Business Enterprise participation race-neutral goal of 4.1% for Federal Aviation Administration Airport Improvement Program grant funded Airport development projects at the Norman Y. Mineta San José International Airport (Airport) for Federal Fiscal Years 2020-2022;
 - (b) Authorizing the City Manager or his designee to submit the three-year Disadvantaged Business Enterprise participation plan to the Federal Aviation Administration, which is due by August 1, 2019;
 - (c) Authorizing the City Manager to make revisions as requested by the Federal Aviation Administration.
- CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Airport)

2.8 19-461 Sale of Three Small Fragments of Alma Avenue and Willow Street.**Recommendation:** Adopt a resolution:

- (a) Declaring 21,022 square feet of land comprised of three small fragments of land on Alma Avenue and Willow Street (collectively, the “Properties”), as surplus real property based upon a finding and determination that the public interest will be served by the conveyance thereof; and
 - (b) Authorizing the City Manager to execute:
 - (1) Purchase and Sale Agreement between the City of San José and Santa Clara Valley Water District, for the sale of the Properties in the amount of \$445,000; and
 - (2) Quitclaim Deed to transfer the Properties to the Santa Clara Valley Water District.
- CEQA: Categorically Exempt, File No. PP19-029, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 6. (Economic Development)

2.9 19-446 Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for Fiscal Year 2019-2020.

Recommendation: Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:

- (a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA (formerly Workforce Investment Act) Program, including, but not limited to novation's or assignments, case management contracts, and consultant contracts, for the period July 1, 2019 to June 30, 2020 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2018 to June 30, 2022 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of CaliforniaSM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.
- (c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (d) All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an

unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2019 to June 30, 2020, subject to annual appropriation of funds by the Workforce Development Board.

(f) All agreements specified in section (a) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2020), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(g) All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2020). CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment. (Economic Development)

2.10 19-435 Amendment to the Master Agreement with Verde Design, Inc. for Landscape Architectural Design Services for Various City Facility Projects.

Recommendation: Approve the Second Amendment to the Master Agreement with Verde Design, Inc. (CPMS Contract No. 7484-1) extending the term two years, from June 30, 2019 to June 30, 2021 for the sole purpose of allowing the consultant to continue providing landscape architectural services through completion of the Arcadia Softball Facility and Tamien Park Phase II projects. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

2.11 19-436 Maintenance District Annual Budget Reports for Fiscal Year 2019-2020.

Recommendation: Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2019-2020 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein.
CEQA: Not a Project, PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City action. Council Districts 2, 3, 4, & 8. (Public Works)

2.12 19-437 Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2019-2020.

Recommendation: Adopt a resolution:
(a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2019-2020 as filed or modified by Council;
(b) Confirming the individual assessments as proposed, or modified by Council; and
(c) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)

2.13 19-438 Community Oversight Committee for Measure T - Disaster Preparedness, Public Safety, and Infrastructure Bond Measure.

Recommendation: Adopt a resolution establishing the size, composition, and specific responsibilities of the Community Oversight Committee for the Measure T Disaster Preparedness, Public Safety, and Infrastructure Bond Measure ballot measure approved by the voters on November 6, 2018.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)

2.14 19-439 Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2019-2020.

Recommendation: Adopt a resolution:

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2019-20, as filed or modified by Council;
 - (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council; and
 - (c) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Public Works/Transportation)

2.15 19-440 Amendment to Standard Agreement with California High Speed Rail Authority.

Recommendation: Approve the Third Amendment to the Standard Agreement with the High Speed Rail Authority to extend the term of the agreement to June 30, 2021 and accept the clarification edits in Exhibit A, "Scope of Work" and Exhibit B, "Budget Detail and Payment Provisions" in the staff memorandum.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 2, 3, 6, 7, 10. (Transportation)

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 19-441 Mayor's June Budget Message for Fiscal Year 2019-2020.

Recommendation: (a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2019-2020.
(b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

3.4 19-451 Actions Related to the Fiscal Year 2019-2020 Recycle Plus Rates.

Recommendation: Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2019, as follows:
(a) Increase residential solid waste service rates for single-family households by 5%; and
(b) Increase residential solid waste service rates for multi-family households by 5%.
CEQA: Statutorily Exempt, File No. PP17-005 Adjustment to Fees, Rates & Fares without changes to or expansion of services.
(Environmental Services)

3.5 19-452 Actions Related to the Fiscal Year 2019-2020 Sewer Service and Use Charges and Storm Sewer Service Charges.

Recommendation: (a) Adopt a resolution setting the following Sewer Service and Use Charge Monthly Rates for 2019-2020:

- (1) Single-Family Residential: \$40.07
- (2) Multi-Family Residential: \$26.86 per unit
- (3) Mobile Home: \$30.26 per unit
- (4) Non-Monitored Commercial and Industrial: See Attachment A to the staff memorandum
- (5) Monitored Industrial: See Attachment A to the staff memorandum

(b) Adopt a resolution setting the following Storm Sewer Service Charge Monthly Rates for 2019-2020:

- (1) Single-Family Residential and Duplex: \$7.87
- (2) Mobile Home: \$3.94 per unit
- (3) Residential Condominium: \$4.30 per unit
- (4) Large Multi-Family Residential (5 or more units): \$4.30 per unit
- (5) Small Multi-Family Residential (3-4 units): \$14.95
- (6) Commercial, Institutional and Industrial: See Attachment B to the staff memorandum

CEQA: Statutorily Exempt, File No. PP17-005 Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

3.6 19-447 Library Parcel Tax Rates for Fiscal Year 2019-2020.

Recommendation: Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2019-2020 by 3% over the Fiscal Year 2018-2019 rates and approving the placement of the Library Parcel Tax on the Fiscal Year 2019-2020 Santa Clara County Property Tax Roll.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Finance)

3.7 19-442 Approval of the 2019-2020 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.

Recommendation: (a) Adopt resolutions approving the Operating Budget for 2019-2020 for the City of San José, the Capital Budget for 2019-2020 for the City of San José, and the Five-Year Capital Improvement Program for 2020-2024 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2019-2020.

(c) Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to amend Operating Budget, Section 4 (Fund Balance).

(d) Approve an ordinance:

(1) Amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 64 to establish the Inclusionary Fee Fund;

(2) Amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 65 to establish the Rent Stabilization Program Fee Fund; and

(3) Amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 66 to establish the Public Safety and Infrastructure Bond Fund.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

3.8 19-444 Public Hearing on Recording Liens on Properties for the Costs of Sidewalk Repairs.

Recommendation: (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs;
(b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report; and Direct the recording of liens and the placement of charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.
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. (Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-449 Final Public Hearing and Approval of the Fiscal Year 2019-2020 Annual Action Plan.

Recommendation: (a) Hold a final Public Hearing regarding the approval of the City's Fiscal Year 2019-2020 Annual Action Plan and take public comment;
(b) Adopt the Fiscal Year 2019-2020 Annual Action Plan, including the Fiscal Year 2019-2020 funding recommendations for the four federal formula grants received by the City each year including the:
(1) Community Development Block Grant Program;
(2) HOME Investment Partnership Program;
(3) Housing Opportunities for Persons with HIV/AIDS Program;
and,
(4) Emergency Solutions Grant Program.
(c) Authorize the Housing Department to submit the Fiscal Year 2019-2020 Annual Action Plan to the U.S. Department of Housing and Urban Development; and
(d) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital project agreements to implement the projects and services identified in this memorandum not requiring CEQA review and to negotiate all capital project agreements and contracts including any amendments or modifications for the expenditure of Community Development Block Grant, Emergency Solutions Grant, HOME Investment Partnership Program, and Housing Opportunities for Persons with HIV/AIDS funds on behalf of the City.
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)

4.2 19-445 General Plan Four-Year Review Scope of Work.

Recommendation: Approve staff recommended scope of work for the General Plan Four-Year Review.
CEQA: Not a Project, File No PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Planning, Building and Code Enforcement)

4.3 19-448 Public Hearing on the Summary Vacation of a Public Service Easement Located at 3860 Suncrest Avenue.

Recommendation: Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 5-foot Wire Clearance Easement and a 15-foot Public Service Easement (collectively “Subject Portions”) at 3860 Suncrest Avenue.
- (b) Summarily vacating the Subject Portions, which has been determined to be excess.
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Categorically Exempt, File No. 3-15457, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 4. (Public Works)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-450 2019 Local Streets Resurfacing North Project.

Recommendation: (a) Reject all bids received on April 4, 2019 for the 2019 Local Streets Resurfacing North Project.

(b) Award a construction contract for the 2019 Local Streets Resurfacing North Project (Rebid) to the low bidder, MCK Services Inc. in the amount of \$7,476,664 from bids received on May 2, 2019.

(c) Approve a 5% contingency in the amount of \$373,833.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3,4,5, & 6. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 19-460** **Successor Agency Board Approval of the July 1, 2019 - June 30, 2020
Administrative Budget and Annual Recognized Obligation Payment Schedule
2019-20.**

Recommendation: Adopt Successor Agency resolutions approving:
(a) Administrative Budget for July 1, 2019 through June 30, 2020; and
(b) Recognized Obligation Payment Schedule 2019-20 and authorizing
payment of expenditures for items on ROPS 2019-20, which details the
obligations of the Successor Agency for the period of July 1, 2019
through June 30, 2020.
CEQA: Not a Project, File No. PP17-010, City Organizational &
Administrative Activities resulting in no changes to the physical
Environment, and File No. PP17-004, Government Funding
Mechanism or Fiscal Activity with no commitment to a specific project
which may result in a potentially significant physical impact on the
environment. (Finance)

- **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) **19-453** **C19-003 - Conventional Rezoning for Real Property Located on the South Side of Wabash Street, Approximately 400 Feet Westerly of Archer Street.**

Recommendation: (1) Adopt a resolution approving the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and
(2) Approve an ordinance rezoning certain real property located on the south side of Wabash Street, approximately 400 feet westerly of Archer Street, from the R-1-8 Single Family Residence Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.138 gross acre site.
CEQA: Wabash Street Rezoning Initial Study/Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (5-0-2; Leyba and Vora absent). Council District 4. (Planning, Building and Code Enforcement)

- (b) **19-454** **C18-023 - Conforming Rezoning for Real Property Located at 2137 The Alameda.**

Recommendation: Approve an ordinance rezoning certain real property located on the south side of The Alameda, approximately 140 feet east of Idaho Street (2137 The Alameda), from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.75-gross acre site.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 6. (Planning, Building and Code Enforcement)

- (c) **19-455** **C17-034 - Conforming Rezoning for Real Property Located at 2905 Senter Road.**

Recommendation: (1) Adopt a resolution adopting the 2905 Senter Road Commercial Plaza Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance to the California Environmental Quality Act, as amended; and

(2) Approve an ordinance rezoning certain real property located at the southwest corner of Senter Road and Lewis Road (2905 Senter Road) from the LI Light Industrial and CP Commercial Pedestrian Zoning Districts to the CN Commercial Neighborhood Zoning District on an approximately 1.05-gross acre site.

CEQA: 2905 Senter Road Commercial Plaza Initial Study/Mitigated Negative Declaration - File No. C17-034. Council District 7. (Planning, Building and Code Enforcement)

- (d) **19-456** **PDC19-012/PD19-010 - Conforming Rezoning for Real Property Located on the southwest corner of North Capitol Avenue and Gimelli Way (formerly 641 North Capitol Avenue).**

Recommendation: (1) Approve an ordinance rezoning certain real property located at the southwest corner of North Capitol Avenue and Gimelli Way (formerly 641 North Capitol Avenue) from the CP(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District on an approximately 10.6 gross acre site; and

(2) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC19-012) that modified the General Development Plan for this project to allow issuance of a Certificate of Occupancy Permit for the previously approved development.

CEQA: Determination of Consistency with the 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration (Resolution No. 78053). Council District 5. (Planning, Building and Code Enforcement)

- (e) **19-457** **PP19-028 - QUARTERLY UPDATE - An Ordinance of the City of San José amending Title 20 (zoning ordinance or zoning code) of the San José Municipal Code.**

Recommendation: Approve an ordinance amending the San José Municipal Code for various sections of Title 20 (Zoning Code) which include but is not limited to the following: amend section 20.30.150 to allow Secondary Units in low density residential cluster development; amend section 20.30.500 to add clarifying language to include corner setback requirement for Accessory Structures; amend section 20.50.125 to add clarifying language to permitted incidental office use in Light Industrial and Heavy Industrial zoning districts; amend section 20.100.500 to allow additions and accessory structures for low density cluster development; amend section 20.100.1300 for clarity to incorporate safety guardrails within the maximum height limitations for elevator shafts and stairwells; amend section 20.200.181 to replace definition of Catering Facility with Caterer; 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, 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. File No. PP19-028. Planning Commission recommends approval with correction to Section 8 on Page 8 (5-0-1; Ballard absent). (Planning, Building and Code Enforcement)

- (f) **19-458** **PP18-092 - Council Policy Priority #10: Safe Parking Program - Amendments to Title 20 of the San José Municipal Code to Revise the Required Setback in Safe Parking Provisions.**

Recommendation: (a) Adopt a resolution approving the Addendum to the Incidental Safe Parking Use Negative Declaration in accordance with CEQA; and
(b) Approve an ordinance amending Title 20 of the San José Municipal Code with revised provisions for safe parking of homeless people in vehicles parked on existing City-owned parcels, and sites consisting of legal assembly uses constructed and operating in compliance with the San José Municipal Code.
CEQA: Addendum to the Initial Study/Negative Declaration for the Incidental Safe Parking Use (Resolution No. 78990). File No. PP18-092. Planning Commission recommends approval (5-0-1; Ballard absent). (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 19-459 PDC17-056, PD17-027 & PT18-049 - Planned Development Rezoning, Vesting Tentative Subdivision Map, and Planned Development Permit.

Recommendation: (a) Adopt a resolution certifying the Environmental Impact Report for the Avalon West Valley Expansion Project and making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting the associated Mitigation Monitoring and Reporting Plan all in accordance with CEQA; and

(b) Approve an ordinance rezoning certain real property located east of Saratoga Avenue between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue) from the RM Multiple Residence and RM(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District for a mixed-use development on an approximately 20.08-gross acre site.

(c) Adopt a resolution approving, subject to conditions, the Vesting Tentative Tract Map to merge six parcels and to resubdivide the merged parcel into no more than two parcels on an approximately 20.08-gross acre site.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit, subject to conditions, to effectuate the Planned Development Zoning District and allow the demolition of existing parking garages, sports courts, pool, and amenity building, removal of up to 133 ordinance-size trees, and the construction of a mixed-used development including 302 residential units in addition to the existing residential units on the site, and 17,800 square feet of retail/commercial space, 12,060 square feet of publicly accessible, privately-owned open space, and extended construction hours on an approximately 20.08-gross acre site.

CEQA: Avalon West Valley Expansion Project Environmental Impact Report. File Nos. PDC17-056, PD17-027 and PT18-049. Planning Commission recommends approval (5-0-1; Ballard absent). Council District 1. (Planning, Building and Code Enforcement)

- **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.