



City Council Meeting Amended Agenda

Tuesday, August 6, 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

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

- Invocation (District 7)

Abe Andrade, Executive Director of the Santa Clara County Fairgrounds, 4-H member Ashley Jordan, FFA (Future Farmers of America) member Emily Tercero, and Fair Manager Ashley Tercero. (Esparza)

- Pledge of Allegiance

- Adjournment

This meeting will be in memory of Warren Gannon, who passed away on July 21, 2019, at the age of 92. Mr. Gannon was elected as the first Vice President of the Winchester Ranch Senior Mobile Home Park Board and served as Chair of the Senior Commission for many years. He was a dedicated member of his community and respected by many. He will be remembered for his work ethic, integrity and compassion.

- Orders of the Day

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

- Closed Session Report

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation recognizing August as Breastfeeding Month. (Davis)

1.2 Presentation of a Commendation to COMCAST, Telecommunications Company, in recognition of their excellence in leadership, commitment to the D-7 Sylvandale School and students, and dedication to bettering the community. (Esparza)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

19-615 Approval of City Council Minutes.

Recommendation: (a) Regular City Council Meeting Minutes of November 17, 2018.

(b) Regular City Council Meeting Minutes of December 4, 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.

2.2 Final Adoption of Ordinances.

19-590 Final Adoption of Ordinances.

Recommendation: (a) Ord No. 30290 - An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (Zoning Ordinance) to: Add Or Remove Uses and Change Permit Requirements in the Open Space/Agriculture, Residential, Commercial, Industrial, and Downtown Zoning Districts in Tables 20-30, 20-50, 20-90, 20-110, And 20-140; Amend Section 20.50.110 for Commercial Support in Industrial Districts; Repeal Section 20.50.115 for Large Format Commercial Establishment, Associated Commercial; Repeal Section 20.70.140 on Art Display Structure; Amend Section 20.70.520 for the Downtown Groundfloor Space Overlay (DG Overlay) to Replace it with the Active Use Area Overlay; Clarify and Consolidate Uses in the Parking and Loading Chapter 20.90; Amend Section 20.120.110 to Update Table 20-270 for Conformance with the General Plan; Add, Remove, or Update Various Definitions in Chapter 20.200; and Make Other Technical, Non-Substantive, or Formatting Changes; all to Effectuate Zoning Code and General Plan Conformance.

2.3 Approval of Council Committee Minutes.

19-616 Approval of Council Committee Minutes.

Recommendation: (a) Rules and Open Government Committee Minutes of June 12, 2019.
(b) Neighborhood Services & Education Committee Minutes of June 13, 2019
(c) Public Safety, Finance & Strategic Support Committee Minutes of June 20, 2019.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

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 19-575 Approval of Adjusted Campaign Contribution Limits.

Recommendation: Adopt the resolution approving the campaign contribution limits adjusted in accordance with San José Municipal Code Section 12.06.210.D.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Clerk)

2.8 19-604 Boards and Commissions Appointments.**Recommendation:** Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 2 Seat: Appoint Brandon Chaidez to a term ending June 30, 2023;

(2) District 4 Seat: Appoint a Commissioner to a term ending June 30, 2023;

(2) District 6 Seat: Appoint a Commissioner to a term ending June 30, 2023;

(3) District 8 Seat: Appoint Surjit Bains to a term ending June 30, 2023;

(4) District 10 Seat: Appoint Dan Connolly to a term ending June 30, 2023;

(b) Library and Early Education Commission:

(1) District 4 Seat: Appoint Hilary Thorsen to a term ending June 30, 2023;

(2) District 2 Seat: Appoint Kristen Rivers to a term ending June 30, 2023;

(3) District 6 Seat: Appoint Commissioner to a term ending June 30, 2023;

(4) District 8 Seat: Patricia Mendoza to a term ending June 30, 2023;

(5) District 10 Seat: Appoint Commissioner to a term ending June 30, 2023;

(c) Senior Citizens Commission

(1) District 3 Seat: Appoint Marcia Cohen Zakai to a term ending June 30, 2021;

(2) District 6 Seat: Appoint John Allen to a term ending June 30, 2023;

(3) District 8 Seat: Appoint Commissioner to a term ending June 30, 2023;

(4) District 1 Seat: Appoint Jelili Apalara to a term ending June 30, 2021;

(5) District 5 Seat: Appoint Commissioner to a term ending June 30, 2021;

(d) Youth Commission:

(1) District 3 Seat: Appoint Nicole Hoang to a term ending May 31, 2021;

(e) Housing and Community Development Commission:

(1) District 2 Seat: Extend term for Alex Shoor to a term ending August 31, 2019;

(2) District 4 Seat: Extend term for Huy Tran to a term ending August 31, 2019;

(3) District 6 Seat: Extend term for Andrea Wheeler to a term ending August 31, 2019;

(4) District 10 Seat: Extend term for Michael Fitzgerald to a term ending August 31, 2019.

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

2.9 19-594 Agreement with Cristo Rey San José Work Study Corporation for Student Work-Study Program.

Recommendation: Approve an Agreement between the City of San José and Cristo Rey San José Work Study Corporation to provide student workers through June 30, 2023, with a maximum compensation amount not to exceed \$838,264, subject to City Council annual appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.10 19-596 Request for Travel for Mayor's Staff.

Recommendation: Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as the City representative to attend the 2019 Aspen Institute Conference on Communications Policy in Aspen, Colorado from August 11 - August 14, 2019. Source of Funds: Aspen Institute.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

2.11 19-595 Caltrans Sustainable Community Grant Acceptance Actions.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to:

- (1) Accept grant funds from Caltrans Sustainable Community grant program in an amount not to exceed \$602,004 to develop San José's Emerging Mobility Action Plan; and

- (2) Negotiate and execute any documents necessary to accept the grant funds.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

- (1) Increase the estimate for Revenue from State of California by \$602,004; and

- (2) Establish the Emerging Mobility Action Plan appropriation to the Department of Transportation in the amount of \$602,004.

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

(Transportation/City Manager)

2.12 19-635 Actions Related to the Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning.

Recommendation: Adopt resolutions to:

- (a) Repeal Resolution No. 79105 adopted on June 4, 2019, City Council item 2.18; and

- (b) Replace it with a new resolution entitled: Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning: (1) supporting a Complete Streets and Near-Term Transit Implementation Plan for the Stevens Creek Boulevard Corridor to be prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the cities of Santa Clara, Cupertino, and San José, and (2) supporting the VTA High Capacity Transit Study and implementation of high capacity transit service along the Stevens Creek Corridor.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Transportation)

[RENUMBERED FROM ITEM 6.1 (19-603)]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 19-597 Employee Reimbursements Audit Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on June 20, 2019, accept the Employee Reimbursements Audit.

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

[Public Safety, Finance and Strategic Support Committee referral 6/20/19 - Item (d)1]

RECOMMEND DEFERRAL TO 8/27/19 PER ADMINISTRATION

3.4 19-598 Public Hearing for Fiscal Year 2019-2020 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments for the 2019-2020 Santa Clara County Secured Property Tax Roll.

Recommendation: Conduct a Public Hearing on the Fiscal Year 2019-2020 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

3.5 19-599 Public Hearing for Fiscal Year 2019-2020 Annual Residential Solid Waste Collection Service Charges for the 2019-2020 Santa Clara County Secured Property Tax Roll.

Recommendation: Conduct a Public Hearing on the Fiscal Year 2019-2020 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP17-004, Governmental Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment, and File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Finance)

3.6 19-600 Fiscal Year 2019-2020 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the Fiscal Year 2019-2020 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and to pay the related administration fee to the County.
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 19-601 Private Development Workforce Standards.

Recommendation: (a) Drop the second reading of the private development workforce standards ordinance approved in item 4.5 at the Council meeting on June 25, 2019.
(b) Approve an ordinance amending the San José Municipal Code to add a new Chapter 14.10 to Title 14 to set forth certain minimum labor standards, including prevailing wage requirements, for any private construction project accepting a public subsidy.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)
[Referred from 6/25/19 - Item 4.5]

4.2 19-602 Council Policy Priority #4: Electronic Billboards - Approval of Scope and Timeline for Request for Proposals for Large Format Signage/Billboards on City-Owned Property.

Recommendation: Accept staff recommendations for the scope and timeline of two Large Format Signage/Billboard Request for Proposals on City-owned property.

CEQA: Negative Declaration for General Plan Text, Municipal Code and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech, File No. PP18-058. (Economic Development)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-603 Actions Related to the Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning. - RENUMBERED TO ITEM 2.12

Recommendation: Adopt resolutions to:

(a) Repeal Resolution No. 79105 adopted on June 4, 2019, City Council item 2.18; and

(b) Replace it with a new resolution entitled: Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning: (1) supporting a Complete Streets and Near-Term Transit Implementation Plan for the Stevens Creek Boulevard Corridor to be prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the cities of Santa Clara, Cupertino, and San José, and (2) supporting the VTA High Capacity Transit Study and implementation of high capacity transit service along the Stevens Creek Corridor.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Transportation)

[RENUMBERED TO ITEM 2.12 (19-635)]

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

No Land Use items on 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**

This meeting will be in memory of Warren Gannon, who passed away on July 21, 2019, at the age of 92. Mr. Gannon was elected as the first Vice President of the Winchester Ranch Senior Mobile Home Park Board and served as Chair of the Senior Commission for many years. He was a dedicated member of his community and respected by many. He will be remembered for his work ethic, integrity and compassion.

**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.