City Council Meeting Agenda

Tuesday, August 20, 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:

- **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.
- 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

19-652 Closed Session Agenda

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

- Invocation (District 7)
- 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.

19-669 **Final Adoption of Ordinances.**

Recommendation: (a) Ord No. 30292 - An Ordinance of the City of San José Amending the San José Municipal Code to add a New Chapter 14.10 to Title 14 Setting Forth Minimum Labor Standards for a Private Construction Project Accepting a City Subsidy.

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 19-613 **Boards and Commissions Appointments.**

Recommendation: Approve the following Boards and Commissions appointments:
(a) Library and Early Education Commission:
(1) District 6 Seat: Appoint Commissioner to a term ending June 30, 2023;
(2) District 8 Seat: Appoint Commissioner to a term ending June 30, 2023;
(b) Senior Citizens Commission
(1) District 8 Seat: Appoint Commissioner to a term ending June 30, 2023;
(2) District 5 Seat: Appoint Commissioner to a term ending June 30, 2021;
(c) Youth Commission:
(1) District 7 Seat: Appoint Commissioner to a term ending May 31, 2021;
(d) Parks and Recreation Commission:
(1) District 2 Seat: Appoint Commissioner to a term ending June 30, 2023;
(2) District 4 Seat: Appoint Commissioner to a term ending June 30, 2023;
(3) District 6 Seat: Appoint Commissioner to a term ending June 30, 2023;
(4) District 8 Seat: Appoint Commissioner to a term ending June 30, 2023;
(5) District 10 Seat: Appoint Commissioner to a term ending June 30, 2023;
(e) Housing and Community Development Commission:
(1) District 2 Seat: Appoint Commissionerto a term ending June 30, 2023;
(2) District 4 Seat: Appoint Commissioner to a term ending June 30, 2023;
(3) District 6 Seat: Appoint Commissioner to a term ending June 30, 2023;
(4) District 8 Seat: Appoint Commissioner to a term ending June 30, 2023;
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

2.8 19-654 **Report on Bids and Award of Contract for 8976 - North First Street Parallel Main - Phase IV Project.**

Recommendation: Report on bids and award of contract for 8976 - North First Street Parallel Main-Phase IV Project to the low bidder, Cratus Inc., in the amount of $1,479,603 and approval of a contingency in the amount of $147,960.
CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Sections 15301, Existing Facilities and 15302, Replacement and Reconstruction. Council District 4. (Environmental Services)

2.9 19-655 **Report on Bids and Reject All Bids for 8927 - Fowler Pump Station Replacement Project.**

Recommendation: Report on bids and reject all bids received for the 8927-Fowler Pump Station Replacement Project.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. Council District 8. (Environmental Services)

2.10 19-656 **9047 - Master Agreements with Perkins+Will, Inc. and TRC Solutions, Inc. for Various City Facility Projects.**

Recommendation: Approve Master Agreements with Perkins+Will, Inc. and TRC Solutions, Inc. for security analysis and design services from the date of execution through August 31, 2022 in an amount not to exceed $1,000,000 for each agreement.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)
[Pending Deferral from 8/13/19 - Item 2.17 (19-621)]

2.11 19-657 **Vacation of Setback Easements Within Tract No. 5027.**

Recommendation: (a) Adopt a resolution of intention to vacate the 25-foot, 20-foot, 15 -foot, 10-foot, and 7.5-foot light and air easements located within Tract No. 5027.
(b) Set a Public Hearing on Tuesday, September 10, 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. PP19-053, CEQA Guideline Section 15301, Existing Facilities and 15302 Replacement or Reconstruction. (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 19-658 **Amendment to Title 14 and Title 4 of the San José Municipal Code for the Diridon Station Area Plan.**

Recommendation: (a) Approve an ordinance adding Chapter 14.35 to Title 14 of the San José Municipal Code to adopt a new Basic Infrastructure Impact Fee associated with implementation of the Diridon Station Area Plan.
(b) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 70 to establish the Diridon Station Area Impact Fee Fund.
CEQA: Determination of Consistency with the Diridon Station Area Plan Final Environmental Impact Report (Resolution no. 77096) and the Downtown Strategy 2040 Final Environmental Impact Report (Resolution no. 78942). Council District 3. (Economic Development/City Manager)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-663 **County of Santa Clara Report on Potential Closure of Reid Hillview Airport.**

Recommendation: Accept the report from the County of Santa Clara on the potential closure of Reid Hillview Airport.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Economic Development/Airport/Planning, Building and Code Enforcement)
[Deferred from 5/21/19 - Item 6.2 (19-355)]

6.2 19-664 **Caltrain Long-Range Service Vision; City Priorities and Preferred Scenario.**

Recommendation: Accept the report and provide direction to staff regarding the following City of San José priorities and locally preferred long-range service vision for the Caltrain Business Plan.
(a) Support Caltrain adopting a Long-Range Service Vision that provides at least the "Moderate Growth" service levels, while pro-actively preparing for "High Growth Scenario" Service Vision should sufficient funding and policy commitments be secured.
(b) Advocate that regional and state agencies develop a program of regional rail investments that supports and enables Caltrain and other agencies to achieve the High Growth Scenario, as part of an integrated Statewide and Bay Area passenger rail network.
(c) Advocate that Caltrain, its member agencies, and other regional and state agencies work towards solutions for region-wide rail governance and mega-project implementation.
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 Districts 2, 3, 6, 7, & 10. (Transportation)

6.3 19-665 **High-Speed Rail Staff Recommended Preferred Alternative.**

Recommendation: Accept the staff report and presentations on the California High-Speed Rail Authority staff's recommendation for the State's Preferred Alternative.
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 Districts 2, 3, 6, 7, & 10. (Transportation)

6.4 19-666 **Rail Corridor Plan for San José and Inter-Agency Agreement.**

Recommendation: Accept the staff report and presentation on a preliminary scope of work and funding plan for the Rail Corridor Plan for San José.
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 Districts 2, 3, 4, 6, 7, & 10. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-667 **San José Municipal Water System's 2019 Public Health Goals Report on Water Quality.**

Recommendation: (a) Conduct a Public Hearing for the purpose of accepting and responding to public comment regarding the San José Municipal Water System's 2019 Public Health Goals Report on water quality as required by the California Health and Safety Code; and
(b) Approve the San José Municipal Water System's 2019 Public Health Goals Report and direct staff to file the report with the State Water Resources Control Board.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Environmental 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

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.