

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, MARCH 26, 2019**

The Council of the City of San José convened in Regular Session at 9:36 a.m. in the Council Chambers at City Hall.

**9:36 a.m.-** Closed Session, Call to Order in Council Chambers

**Esparza. (Excused)**

**19-130** Closed Session Agenda

**1:33 p.m.-** Regular Session, Council Chambers, City Hall (special time)

**Absent Councilmembers: All Present.**

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:36 a.m. to a Closed Session in Room W133; (A) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) In re: Claim of Pringle; Court: Workers Compensation Appeals Court; Case No. ADJ976451, ADJ3868023, ADJ1744006, ADJK1927984, ADJ4357080, ADJ3979962, ADJ4074174, ADJ1883478, ADJ4148752: Amount of Money or Other Relief Sought: Benefits; (B) Confer with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code: (1) In re: Claim of Allstate Insurance aso John Justice; City Department: Police. (C) Confer with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 1; (D) Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address, Parcel Number, or other Unique Reference of Property: Brandenburg property: APNs 708-25-001, -002; 708-26-001, 002; 708-27-001, -002, -007, -014; 708-28-002; 708-30-008, -016, -017 and -018; Unique Reference of Property: Sobrato North property: APNs 703-30-014 and -015; Sobrato South property: APNs 712-23-111 and -112; Negotiating Parties: Nanci Klein for the City of San José and Tim Steel for Sobrato and Bill Barron for Brandenburg; Under Negotiation: The direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values.

By unanimous consent, Council recessed from the Closed Session at 10:49 a.m.; Council reconvened to Regular Session at 1:33 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco (1:55 p.m.), Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

## **INVOCATION (District 3)**

Founder of Queen Hype and community activist, LaToya Fernandez offered a spoken word performance entitled “Black Lives Matter”.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance joined by students from Santee Elementary School.

## **ORDERS OF THE DAY**

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved.  
(10-0-1. Absent: Carrasco.)

## **CEREMONIAL ITEMS**

- 1.1 Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Kathy Sakamoto retiring Executive Director of the Japantown Business Association. (Peralez)
- 1.2 Mayor Sam Liccardo, Vice Mayor Chappie Jones and all Councilmembers honored Sharon Erickson, retiring City Auditor, presenting her with a Commendation for her years of service to the City of San José. (Peralez)
- 1.3 Mayor Sam Liccardo presented a Commendation to Tom Wohlmuth for creatively researching and documenting San José’s History. (Mayor)  
*Heard at 6 p.m.*
- 1.4 Mayor Sam Liccardo and Councilmember Dev Davis presented a Proclamation for Transgender Day of Visibility. (Davis)  
*Heard at 6 p.m.*

## **CONSENT CALENDAR**

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated.  
(10-0-1. Absent: Carrasco.)

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

None provided.

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

None provided.

## **2.3 Approval of Council Committee Minutes.**

None provided.

## **2.4 Mayor and Council Excused Absence Requests.**

None provided.

## **2.5 City Council Travel Reports.**

**Mayor Sam Liccardo reported on this participation in the “Big City Mayor’s Conference” held in Sacramento, which focused on lobbying for increased funding for homeless solutions.**

## **2.6 Report from the Council Liaison to the Retirement Boards.**

Councilmember Dev Davis provided a report on the proposed Budget Office of Retirement Services for 2020, without inclusion of consultant fees. She noted consultant fees will be added to the investment fee analysis memorandum.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, the report was accepted.  
(10-0-1. Absent: Carrasco.)

## **2.7 19-106 City Attorney’s Travel to Washington, D.C.**

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

Documents Filed: Memorandum from City Attorney Richard Doyle requesting authorization to travel on official City business.

Action: The travel request was approved. (10-0-1. Absent: Carrasco.)

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

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

## 2.8 (Cont'd.)

Documents Filed: City Council Action Request from Deputy City Manager/Director of Economic Development Kim Walesh, dated March 14, 2019, recommending adoption of a resolution.

Action: Resolution No. 79015, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Third Amendment to Cooperative Agreement No. 8 Between the City and Santa Clara Valley Transportation Authority (VTA) for the Design, Construction, and Reimbursement Relating to the Public Art Component of the BART Extension to Berryessa, to Extend the Existing Term Until December 31, 2019 and to Increase the Amount of the Agreement by \$8,000 to a Total of \$488,000”, was adopted.  
(10-0-1. Absent: Carrasco.)

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

Approve an Agreement with San José Unified School District to provide for the use of certain City owned theaters by the School District for student performances for an aggregate maximum of ten days per year for a period of fifteen years from July 1, 2019 through June 30, 2035, at no rent and subject to applicable service fees charged by Team San José as operators of the theaters.

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

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated March 13, 2019, recommending approval of an Agreement.

Action: The Agreement with San José Unified School District for City-Owned Theaters was approved.  
(10-0-1. Absent: Carrasco.)

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

Adopt a resolution authorizing the City Manager to:

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

## 2.10 (Cont'd.)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated March 14, 2019, recommending adoption of a resolution.

Action: Resolution No. 79016, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute the First Amendment to the Agreement for the Integrated Library System with Innovative Interfaces Inc. (Emeryville, CA) to Increase Compensation by \$55,331 for a Revised Maximum Compensation Not to Exceed \$596,015 for the Initial Contract Term Beginning July 1, 2017 and Ending June 30, 2020; and (2) Increase the Contingency by \$100,000 to Cover Any Additional Unanticipated Changes for a Total Contingency Not to Exceed \$120,000 During the Initial Three-Year Term, Subject to the Appropriation of Funds; and (3) Negotiate and Execute Amendments and Change Orders for Related Tools and Services, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Carrasco.)

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

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Schindler Elevator, Corporation (San Leandro, CA) to replace machinery and equipment of two elevators at the Police Communications Building for the term beginning on or about April 1, 2019 and ending on or about October 1, 2020, in an amount not to exceed \$765,296.

(b) Approve a contingency of \$153,000 for any unforeseen changes or modifications to the new machinery and equipment for the two elevators, subject to the appropriation of funds.

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

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated March 15, 2019, recommending adoption of a resolution.

Action: Resolution No. 79017, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute A Purchase Order with Schindler Elevator, Corporation (San Leandro, CA) to Replace Machinery and Equipment of Two Elevators at the Police Communications Building for the Term Beginning on or About April 1, 2019 and Ending on or About October 1, 2020, in an Amount Not To Exceed \$765,296; and (2) Approve a Contingency of \$153,000 for Any Unforeseen Changes or Modifications to the New Machinery and Equipment for the Two Elevators, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Carrasco.)

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

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with R & R Refrigeration & Air Conditioning, Inc. (San José, CA) for commercial kitchen appliance and equipment maintenance and repair services for the Public Works Department for an initial twelve-month period, starting on or about March 27, 2019 and ending on or about March 26, 2020 for an amount not to exceed \$200,000; and

## 2.12 (Cont'd.)

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about March 25, 2024, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated March 15, 2019, recommending adoption of a resolution.

Action: Resolution No. 79018, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute A Purchase Order with R & R Refrigeration & Air Conditioning, Inc. (San José, CA) for Commercial Kitchen Appliance and Equipment Maintenance and Repair Services for the Public Works Department for an Initial Twelve-Month Period, Starting on or About March 27, 2019 and Ending on or About March 26, 2020 for an Amount Not to Exceed \$200,00; and (2) Exercise Up to Four One-Year Options to Extend the Term of the Purchase Order with the Last Option Year Ending on or About March 25, 2024, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Carrasco.)

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

Adopt a resolution:

- (a) Authorizing the City Manager to submit a grant application and, if awarded, negotiate and execute a grant agreement with the State of California Board of State and Community Corrections for an amount up to \$1,000,000 in funding and to take all actions necessary to effectuate the grant, including any amendments thereof; and
- (b) Authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate and execute grant agreements with community-based organizations identified in the grant application, including any amendments thereof, up to an amount of \$900,000 per agreement, subject to City Council appropriation.

Documents Filed: (1) Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, John Cicirelli, dated March 13, 2019, recommending adoption of a resolution. (2) Supplemental Memorandum from Acting Director of Parks, Recreation and Neighborhood Services, John Cicirelli, dated March 25, 2019, providing additional information regarding the selection of community based organizations.

Action: Resolution No. 79019, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Submit a Grant Application and, if Awarded, Negotiate and Execute a Grant Agreement with the State of California Board of State and Community Corrections for an Amount up to \$1,000,000 and to Take All Actions Necessary to Effectuate the Grant, Including Any Amendments Thereof; and (2) Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate and Execute Grant Agreements with Community-Based Organizations Identified in the Grant Application, Including Any Amendments Thereof, Up to an Amount of \$900,000, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Carrasco.)

**2.14 19-139 Retroactive Approval of Thompson Creek Community Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 13, 2019:

- (a) Retroactively approve the Thompson Creek Community scheduled on March 21, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 26, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (10-0-1. Absent: Carrasco.)

**2.15 19-140 Retroactive Approval of Cadwallader Community Meeting Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 13, 2019:

- (a) Retroactively approve the Cadwallader Community Meeting scheduled on March 25, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 26, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (10-0-1. Absent: Carrasco.)

**2.16 19-159 SB 5 (Beall and Maguire) Local-State Sustainable Investment Incentive Program.**

As recommended by the Rules and Open Government Committee on March 13, 2019, adopt a position of support, for SB 5 (Beall and Maguire).

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

Documents Filed: Memorandum from Chief of Staff, Office of the City Manager, Lee Wilcox, dated March 22, 2019, providing additional information on SB 5.

Chief of Staff, Office of the City Manager, Lee Wilcox, provided a verbal update.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, a Position of Support for SB 5 (Beall and Maguire) Local-State Sustainable Investment Incentive Program, was adopted. (9-0-2. Absent: Arenas, Khamis.)

**2.17 19-160**

**Annual Development In-Lieu Fee Report.**

Adopt a resolution:

(a) Accepting the Fiscal Year 2017-2018 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and

(b) Making certain findings as required by Government Code Section 66001 (d) (1).

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

***Renumbered from Item 4.1 (19-116)***

Documents Filed: Memorandum from Director of Public Works, Matt Cano, dated March 4, 2019, recommending adoption of a resolution.

Action: Resolution No. 79020, entitled: “A Resolution of the Council of the City of San José Accepting the Fiscal Year 2017-2018 Annual Development In-Lieu Fee Report Regarding In-Lieu Fees Collected by the City from Developers in Lieu of Construction of Public Improvements and Making Certain Findings as Required by Government Code Section 66001(d)(1)”, was adopted. (10-0-1. Absent: Carrasco.)

**2.18 19-162**

**Retroactive Approval of Women's History Month Celebration at the Teen Center Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 20, 2019:

(a) Retroactively approve the Women's History Month Celebration at the Teen Center scheduled on March 16, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 3/20/19 - Item G.1.b]

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 26, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (10-0-1. Absent: Carrasco.)



**2.19 19-163**

**Approval of the Grand Re-Opening of Welch Park Community Center Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 20, 2019:

(a) Approve the Grand Re-Opening of Welch Park Community Center scheduled on March 30, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)

[Rules Committee referral 3/20/19 - Item G.1.c]

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated March 26, 2019, transmitting the recommendations of the Rules and Open Government Committee.

Action: The City Council Sponsored Special Event was approved. (10-0-1. Absent: Carrasco.)

**2.20 19-164**

**Request for Travel for Mayor and Council.**

Approve travel for Mayor Sam Liccardo to Washington, D.C. from April 1 - April 2, 2019, designate him as the City representative to attend the Silicon Valley Leadership Group's Annual Spring Advocacy Trip, and approve use of the Mayor/Council Travel Budget. Source of Funds: Mayor/Council Travel Budget.

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

Documents Filed: Memorandum from Mayor Sam Liccardo requesting authorization to travel on official City business.

Action: The travel request was approved. (10-0-1. Absent: Carrasco.)

**STRATEGIC SUPPORT**

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

**City Manager, David Sykes congratulated the DOT Better Bikeways San José Team as recipients of the SPUR Impact Award. A video was shown on the team's implementation of a network of better bikeways that is transforming San José's streets.**

**3.3 19-113 Status of Open Audit Recommendations as of December 31, 2018.**

Accept the Status of Open Audit recommendations as of December 31, 2018.

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

Documents Filed: Memorandum from City Auditor Sharon Erickson, dated March 15, 2019, recommending acceptance of the Status of Open Audit Recommendations as of December 31, 2018.

Public Comments: J. Baca representing Police Activities League Board spoke on its audit recommendations and progress made.

City Auditor Sharon Erickson presented the report. Fire Chief Robert Sapien, Jr. and Director of Public Works John Cicerelli responded to questions from Council, and extensive discussion ensued.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, the Status of Open Audit Recommendations as of December 31, 2018 was accepted. (11-0.)

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

Accept the report from Intergovernmental Relations and reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.

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

Documents Filed: (1) Joint memorandum from Councilmembers Peralez, Jimenez and Carrasco, dated March 22, 2019, recommending acceptance of staff recommendations with additional direction to the City Manager. (2) Memorandum from Chief of Staff, Office of the City Manager, Lee Wilcox, dated March 14, 2019, recommending acceptance of the report. (3) Supplemental memorandum dated March 22, 2019, providing additional information on AB 857. (4) Supplemental memorandum dated March 25, 2019, providing additional recommendations from the Rules and Open Government Committee.

Intergovernmental Relations staff offered a presentation and responded to questions.

Public Comments: Wendi Gurahoo, representing First 5 Santa Clara discussed the importance of early learning programs; and Mimi Spreadbury, representing Divest Silicon Valley Action Committee spoke to the merits of AB 857.

Motion: Councilmember Sylvia Arenas moved approval of the Quarterly Intergovernmental Relations Report. Councilmember Pam Foley seconded the motion.

Councilmember Johnny Khamis expressed opposition to AB 195 and asked that any reference to AB 195 be heard separately. The makers of the motion accepted the recommendation to bifurcate the motion.

*(Item Continued on the Next Page)*

### 3.4 (Cont'd.)

Action: On a call for the question, support of AB 195 was accepted. (10-1. Noes: Khamis.)

Councilmember Sergio Jimenez requested a friendly amendment to include public banking as part of the list. Discussion followed. Councilmember Sergio Jimenez withdrew the friendly amendment with the agreement that staff provide analysis on the public banking option for future discussion.

Councilmember Raul Peralez offered a friendly amendment to include the memorandum he cosigned with Councilmembers Jimenez and Carrasco, dated March 22, 2019. The friendly amendment was accepted.

Action: On a call for the question, the motion carried unanimously, and the Quarterly Intergovernmental Relations Report was accepted, with the inclusion of the joint memorandum from Councilmembers Peralez, Jimenez and Carrasco, dated March 22, 2019, to “Accept staff recommendation and direct the City Manager to include the exploration of public banking as part of the 2019 Legislative Program” with clarification on the public banking item made to *watch* positional progress as staff provides additional analysis. (10-0-1. Absent: Foley)

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

(a) Approve an ordinance amending Part 2 and adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to add definitions and set forth criteria for a Cannabis Equity Assistance Program.

(b) Adopt an Urgency Ordinance amending Part 2 and adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to add definitions and set forth criteria for a Cannabis Equity Assistance Program. **Please note: Approval of this item requires 8 or more affirmative votes (2/3).**

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

Documents Filed: (1) Joint memorandum from Councilmembers Foley, Carrasco and Peralez, dated March 22, 2019 to accept staff recommendations with additional direction; (2) Joint memorandum from Chief of Police Edgardo Garcia and Chief of Staff, Office of the City Manager, Lee Wilcox, dated March 15, 2019, recommending approval of ordinances.

Wendy Sollazzi, Division Manager, Division of Cannabis Regulation and Sergeant David Woolsey, San José Police Department, offered the report and responded to questions.

Public Comments: Offering support to the recommendations were Tracie Staten-Mirch and Daniel Montero (SJC EWG), William Armaline (SJSU Human Rights Collaborative), and Sean Kali-Raj (Silicon Valley Cannabis Alliance).

### 3.5 (Cont'd.)

Motion: Councilmember Pam Foley moved approval of the staff report, including the memorandum she cosigned with Councilmembers Carrasco and Peralez, dated March 22, 2019. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 30234, entitled “An Ordinance of the City of San José Amending Part 2 and Adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to Add Definitions and Set Forth Criteria for a Cannabis Equity Assistance Program”, was passed for publication; and Urgency Ordinance No. 30235, entitled “An Ordinance of the City of San José Amending Part 2 and Adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to Add Definitions and Set Forth Criteria for a Cannabis Equity Assistance Program; and Setting Forth the Facts Constituting Such Urgency”, was adopted, including the joint memorandum from Councilmembers Carrasco, Peralez and Foley, dated March 22, 2019, accepting the staff report with two amendments: (a) Add to the Legislative Priorities list to continue to advocate for additional funding cycles under the California Cannabis Equity Act of 2018 (Equity Act) established by Senate Bill 1294; and (b) Remove “in the City of San Jose” from criteria d) from the equity applicant qualifications section. (10-0-1. Absent: Arenas.)

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

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

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

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

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

CEQA: Determination of Consistency with the Final Environmental Impact Report, as Supplemented for the San José International Airport Master Plan (Resolution Nos. 67380 and 71451), File No. PP19-012. (Public Works/Airport)

Documents Filed: (1) Joint memorandum from Director of Public Works, Matt Cano and Director of Aviation, John Aitken, A.A.E. dated March 4, 2019, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Finance Julia H. Cooper, dated March 12, 2019, providing additional information on Assembly Bill 1770. (3) Supplemental memorandum from Director of Public Works, Matt Cano, providing an update on the status of the labor agreement.

Director of Aviation, John Aitken, A.A.E. responded to questions from Council.

### 3.6 (Cont'd.)

Motion: Councilmember Sergio Jimenez moved approval of staff recommendations. Councilmember Lan Diep seconded the motion.

Councilmember Johnny Khamis requested an amendment to the motion to first look for off-site property and to include the Earthquakes in their discussion. The friendly amendment was accepted.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 79021, entitled: “A Resolution of the Council of the City of San José (1) Finding that the Cost of the Proposed Design-Build Contract for the Economy Lot Parking Garage Project (ELPG) and the Mineta San José International Airport Will Exceed \$5,000,000, and that the Use of the Design-Build Delivery Method Process is Likely to Save Money and/or Result in Faster Project Completion than if the City Used the Traditional Design-Bid-Build Method of Project Delivery; (2) Approving the Request for Proposals (RFP) and the Evaluation Criteria and Process by Which the City Shall Select a Design-Build Entity for the ELPG Project; and (3) Authorizing the Director of Public Works to Issue Addenda to the RFP to Add Any Additional Requirements or to Make Such Other Revisions to the RFP that are Consistent with the Scope and Selection Criteria as Approved by Council”, was adopted, including direction to staff to first look for off-site property and to include the Earthquakes in their discussion. (11-0.)

### 3.7 19-137 **Board of Fair Campaign and Political Practices Response and Proposed Recommendations to October 16, 2018 Council Referral Regarding Shifting Mayoral Elections from the Gubernatorial Election Cycle to the Presidential Election Cycle. - DEFERRED**

Accept the recommendation from the Board of Fair Campaign and Political Practices to shift the City’s mayoral election from the gubernatorial cycle to the presidential cycle.

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

[Deferred from 10/16/2018 - Item 3.9 (18-1393)]

*Deferred to 4/9/2019 per Administration*

## COMMUNITY & ECONOMIC DEVELOPMENT

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

Adopt a resolution:

(a) Accepting the Fiscal Year 2017-2018 Annual Development In-Lieu Fee Report regarding in-lieu fees collected by the City from developers in lieu of construction of public improvements; and

(b) Making certain findings as required by Government Code Section 66001 (d) (1).

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

*Renumbered to Item 2.17 (19-160)*

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

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 and accept the ancillary staff report..

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

*Deferred to 4/9/2019 per Administration*

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

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

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

(1) Establish a Revenue from the State of California estimate in the amount of \$10,989,988 to recognize Homeless Emergency Aid Program (HEAP) grant revenue; and

(2) Establish a Homeless Emergency Aid Program Reserve to the Housing Department in the amount of \$6,989,988; and

(b) (3) Establish a Homelessness Prevention System appropriation to the Housing Department in the amount of \$4,000,000.

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

(1) Establish an Employment Initiative Program appropriation to the Housing Department in the amount of \$250,000; and

(2) Decrease the Unrestricted Ending Fund Balance by \$250,000.

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

Documents Filed: Joint memorandum from Director of Housing Jacky Morales-Ferrand and Budget Director Margaret McCahan, dated March 13, 2019, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Councilmember Maya Esparza was recused from this item due to having been a former employee with Destination: Home SV within the last 12 months.

Public Comments: Sparky Harlan (Bill Wilson Center) and Chad Bojorquez spoke to the great need for assistance to the homeless population.

#### 4.3 (Cont'd.)

Action: Upon motion by Councilmember Magdalena Carrasco, seconded by Councilmember Sylvia Arenas and carried unanimously, Resolution No. 79022, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Grant Agreement that was Transferred to Destination: Home SV by an Asset Transfer Agreement Dated November 28, 2017 in the Amount of \$4,250,000, to Continue Implementing the Employment Initiative and Homeless ness Prevention System for Homeless Individuals and Families Through June 30, 2021”; Ordinance No. 30236, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Multi-Source Housing Fund for the Homeless Emergency Aid Program Reserve and Homelessness Prevention System; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 79023, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Multi-Source Housing Fund”; and Ordinance No. 30237, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Housing Trust Fund for the Employment Initiative Program; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (10-0-0-1. Abstain: Esparza.)

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

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

(1) Southside Community Center, 5585 Cottle Road, San José, CA 95123 and

(2) Roosevelt Community Center, 901 E. Santa Clara Street, San José, CA 95116

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

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

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

CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP18-099. (Housing/City Manager)

Documents Filed: (1) Memorandum from Councilmember Raul Peralez, dated March 22, 2019, approving staff recommendations with action. (2) Memorandum from Councilmember Sergio Jimenez, dated March 25, 2019, recommending approval of the staff memorandum with additions. (3) Memorandum from Councilmember Sylvia Arenas, dated March 26, 2019, approving staff recommendations with additional action. (4) Joint memorandum from Director of Housing Jacky Morales-Ferrand and Budget Director Margaret McCahan, dated March 12, 2019, recommending adoption of a resolution and adoption of an appropriation ordinance and funding sources resolution amendments. (5) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand, dated March 25, 2019, providing an update on the budget for the Safe Parking Pilot Program.

#### 4.4 (Cont'd.)

Director of Housing Jacky Morales-Ferrand provided opening comments, and Council discussion followed.

Motion: Councilmember Raul Peralez moved approval of staff recommendations including the three memoranda provided by Councilmembers. Councilmember Sylvia Arenas seconded the motion.

Public Comments: Ten members of the public offered a variety of comments, recommendations and opinions regarding Safe Parking Pilot programs.

Council discussion followed. City Attorney Richard Doyle offered clarification on insurance and risk management issues.

***The City Council adjourned at 5:39 p.m. and reconvened in Council Chambers at 6:11 p.m. Mayor Sam Liccardo was absent from the evening meeting, and the remainder of the meeting was chaired by Vice Mayor Chappie Jones.***

***Item 4.4 was continued following the evening Ceremonial Items.***

Action: On a call for the question, the motion carried unanimously, and Resolution No. 79024, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute an Amendment to the Agreement with LifeMoves Funded by the Homeless Emergency Aid Program (HEAP) in the Amount of \$400,000 to Expand the Safe Parking Pilot Program to the City-Owned Sites of Southside Community Center and Roosevelt Community Center through June 30, 2021”; Ordinance No. 30238, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Multi-Source Housing Fund for the Crisis Response Interventions; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 79025, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Multi-Source Housing Fund”, were adopted, including the memorandum from Councilmember Raul Peralez, dated March 22, 2019, to:

Approve staff recommendation and ensure the following is met:

(1) Prioritize outreach to RVs and cars located along St. John Street between 15th and 17<sup>th</sup>; (2) All vehicles enter and clear the sites within established program hours, so that the community centers can resume normal business operations.

Including the memorandum from Councilmember Sergio Jimenez, dated March 25, 2019, to:

Approve staff memorandum dated March 12, 2019 with following additions:

1. Direct staff to modify the City of San Jose's contract with LifeMoves to ensure there is flexibility in the language as it relates to the number of cars allowed to park overnight at the Southside Community Center. If possible, extend the current 25 car limit to a more impactful but feasible number.
2. Direct staff to modify the Safe Parking Pilot Program operational guidelines and any corresponding clauses in the contract to clarify that individuals do not need to have their vehicles registered and insured in order to partake in the program.
3. Direct staff to explore leveraging existing city partnerships with Dignity on Wheels for onsite shower services at Southside Community Center in lieu of a need for portable restrooms.
4. Direct staff to explore additional sites for further expansion in Council Districts most needing this program which do not yet have it.

*(Item Continued on the Next Page)*



#### 4.4 (Cont'd.)

And including the memorandum from Councilmember Sylvia Arenas, dated March 26, 2019, with amendments as noted:

1. Approve staff recommendation and;
  2. Direct staff to include Cultural Competency as an area of evaluation for all future Requests for Proposals for City Safe Parking Programs, ~~as well as consider this criteria for all future Housing RFPs.~~ *Including current safe city parking providers.*
  3. Recommend that staff return to NSE this fall with a plan to leverage existing services such as workforce development, case management, and access to other government programs for safe parking sites.
- (10-0-1. Absent: Liccardo.)

#### 4.5 19-120 Hope Village Update. - DROP

- (a) Accept the staff report on the status of Hope Village; and
- (b) Direct staff to return to the City Council with an implementation plan and timeline for a city and county funded development of a new Hope Village.

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

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, dated March 15, 2019, recommending acceptance of the report with direction to staff. (2) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand, dated March 20, 2019 providing a summary of actions with request that this item be dropped from the agenda.

Action: This item was dropped.

### NEIGHBORHOOD SERVICES

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

As recommended by the Neighborhood Services & Education Committee on December 13, 2018, accept the BeautifySJ Annual report which includes updates pertaining to street landscape maintenance, illegal dumping, anti-graffiti, and anti-litter activities.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services/Environmental Services/Transportation)

[Neighborhood Services & Education Committee referral - 12/13/18 (d)1]

[Deferred from 2/26/19 - Item 5.1 (18-1941)]

**Deferred to 5/7/19 per Administration**

**Actions Related to the Sale Proceeds of the 1123 Coleman Avenue Property.**

- (a) Accept the proposed use of \$4,722,000 of sale proceeds from the the 1123 Coleman Avenue property on shovel-ready projects.
- (b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
  - (1) Increase the estimate for Other Revenue in the amount of \$24,844,000;
  - (2) Establish a Transfer to the Parks and Recreation Bond Projects Fund in the amount of \$4,722,000; and
  - (3) Increase the 2019-2020 Proposed Budget Planning Reserve in the amount of \$20,122,000.
- (c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Parks and Recreation Bond Projects Fund:
  - (1) Establish an estimate for Transfers and Reimbursements in the amount of \$4,722,000.
  - (2) Establish the Iris Chang Park Development appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$728,000.
  - (3) Establish the River Glen Park Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$200,000.
  - (4) Establish the Trail: Yerba Buena Creek Pedestrian Bridge - Preliminary Design appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$144,000.
  - (5) Establish the Hathaway Park Renovation appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$850,000.
  - (6) Establish the La Colina Park Playground Renovation appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$300,000.
  - (7) Establish the Alum Rock Avenue and 31st Street Park Phase II appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,000,000.
  - (8) Establish the Welch Park and Neighborhood Center Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$200,000.
  - (9) Establish the Butcher Park Playlot Renovation appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$300,000.
  - (10) Establish the Playa Del Rey Shade Structure appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$100,000.
  - (11) Establish the Waterford Park Improvements appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$100,000.
  - (12) Establish the All-Inclusive Playground - Emma Prusch appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$500,000.

## 5.2 (Cont'd.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2 (Cont'd.)

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

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

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

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

Documents Filed: Joint memorandum from Acting Director of Parks, Recreation and Neighborhood Services, John Cicirelli and Budget Director Margaret McCahan, dated March 14, 2019, recommending adoption of appropriation ordinances and funding sources resolution amendments.

A presentation was offered by Budget Director Margaret McCahan and Director of Public Works John Cicirelli.

Public Comments: Expressing the need for parks' needs and importance of this funding, were: Jeannette Habala and Aurelia Sanchez; and John Leyba, Larry Ames, Bill Rankin (San José Parks Advocates).

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Pam Foley and carried unanimously, Item 5.2 was accepted, with the inclusion of Councilmember Sylvia Arenas' memorandum dated March 26, 2019, to:

- 1. Accept staff report and supplemental memorandum, and**
- 2. Recommend that in the budget process the administration consider focusing the \$3.0 million proposed allocation for Re-Use Facilities Capital Improvements and PRNS Strike Team to address the deferred maintenance at the lowest PCA scoring re-use facilities and parks.**
- 3. Recommend that in the budget process the administration consider prioritizing efforts to address the unfunded parks maintenance backlog with the funds currently designated in the supplemental memo as "Other General Fund Priority Projects and Programs"**

**With an additional amendment that, in the budget process, the administration consider returning with a plan to address how the \$7 million under other General Fund Priorities can be reinvested in the Park System.**

*(Item Continued on the Next Page)*

## 5.2 (Cont'd.)

Additionally, Ordinance No. 30239, entitled “An Ordinance of the City of San José Amending Ordinance No 30124 to Appropriate Moneys in the General Fund for the Transfer to the Parks and Recreation Bond Projects Fund and the 2019-2020 Proposed Budget Planning Reserve; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 79026, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the General Fund”; Ordinance No. 30240, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Parks and Recreation Bond Projects Fund for Iris Chang Park Development, River Glen Park Improvements, Trail: Yerba Buena Creek Pedestrian Bridge – Preliminary Design, Hathaway Park Renovation, La Colina Park Playground Renovation, Alum Rock Avenue and 31<sup>st</sup> Street Park Phase II, Welch Park and Neighborhood Center Improvements, Butcher Park Playlot Renovation, Playa Del Rey Shade Structure, Waterford Park Improvements, All-Inclusive Playground – Emma Prusch, Seven Trees Community Center Lighting, and Solari Park Improvements; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 79027, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Parks and Recreation Bond Projects Fund”; Ordinance No. 30241, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Subdivision Park Trust Fund for the Future Parkland Dedication Ordinance/Parkland Impact Ordinance Projects Reserve, and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 30242, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #1 for the Ending Fund Balance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 30243, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #2 for the Ending Fund Balance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 30244, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5 for the Ending Fund Balance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 30245, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #8 for the Ending Fund Balance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 30246, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #9 for the Ending Fund Balance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Ordinance No. 30247, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10 for the Ending Fund Balance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”;

**(10-0-1. Absent: Liccardo.)**

**Report on Quality Standards for Early Education Programming.**

As recommended by the Neighborhood Services & Education Committee on February 14, 2019, accept the staff report and adopt a resolution adopting the Early Education Quality Standards for City programs that serve young children, as specified by the Education and Digital Literacy Strategy.

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)

[Neighborhood Services & Education Committee referral 2/14/19 - Item (d)3]

[Deferred from 3/19/19 - Item 5.2 (19-082)]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated March 26, 2019, transmitting the recommendations of the Neighborhood Services and Education Committee. (2) Supplemental memorandum from Library Director Jill Bourne, dated March 22, 2019, providing information and feedback provided regarding Quality Standards for Early Education Programming.

Library Director Jill Bourne provided a presentation.

Public Comments: Offering support to the staff recommendations were Cathy Blake (AACSA Family Resource Center) and Wendy Gurahoo (First 5 Santa Clara County).

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 79028, entitled: “A Resolution of the Council of the City of San José Adopting the Early Education Quality Standards for City Programs that Serve Young Children”, was adopted, including the joint memorandum from Vice Mayor Chappie Jones and Councilmembers Arenas, Carrasco and Davis, dated March 26, 2019, to accept Staffs report and implementation plan and:

1. Recommend that the Human Resources Department explore the reclassification process to create new “Education Series” positions that are needed to support implementation
2. Request the Library and PRNS return to NSE by 2020 with next steps to expand the adoption of quality standards to other license-exempt and non-traditional childcare providers
3. Request a Manager’s Budget Addendum on the current cost recovery from existing early childhood programs, and the cost of expanding to additional sites. Recommend staff explore and return to NSE by 2020 with a report on possible sites for license-exempt and licensed child care
4. Recommend that staff return to NSE by 2020 to report on what resources would be needed to create a more robust scholarship program for early childhood programs

(10-0-1. Absent: Liccardo.)

## TRANSPORTATION & AVIATION SERVICES

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

(a) Approve award of a construction contract for the 2019 Major Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, G. Bortolotto & Company, Inc. in the amount of \$2,601,460.

(b) Approve a ten percent contingency in the amount of \$260,146.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

***Heard Immediately Following Land Use Consent***

Documents Filed: Memorandum from John Ristow, Deputy Director of Department of Transportation, dated March 13, 2019, recommending approval of award of a construction contract with related contingencies.

Councilmember Maya Esparza expressed concerns regarding 7<sup>th</sup> Street paving.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Sylvia Arenas and carried unanimously, the 2019 Major Streets Remove & Replace Asphalt Concrete Pavement Project was approved. (10-0-1. Absent: Liccardo.)

## LAND USE

### 10.1 Land Use on Consent Calendar

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

Approve an ordinance rezoning certain real property, approximately 94.8-gross acre site generally bounded by Coleman Avenue to the north; Union Pacific Right-of-Way to the south; Newhall Street to the east and the City of Santa Clara border, to the west, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

CEQA: Determination of Consistency with the FMC/Coleman Avenue Environmental Impact Report (Resolution No. 71716), the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (Resolution No. 73509), the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement).

***Heard Immediately Following Afternoon Consent Calendar***

Documents Filed: (1) City Council Staff Report for File No. PDC19-007 from Rosalynn Hughey, Director, Planning, Building and Code Enforcement, dated March 13, 2019, recommending adoption of an ordinance.

## 10.1 Land Use on Consent Calendar (Cont'd.)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, Ordinance No. 30248, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 94.8-Gross Acre Site Generally Bounded by Coleman Avenue to the North; Union Pacific Right-of-Way to the South; Newhall Street to the East and the City of Santa Clara Border, to the West, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District”, was passed for publication.  
(11-0.)

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

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

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

(3) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the expansion of a state licensed behavioral health hospital by up to 59,365 square feet, for a total area of approximately 113,709 square feet, in two phases, and increase the number of patient beds from 80 to up to 168 patient beds, with related site modifications and the removal of 15 ordinance-size trees on an approximately 6.9 -gross acre site.

CEQA: Addendum to the 2000 Edenvale Redevelopment Project EIR (Resolution No. 69699), 2000 Edenvale Redevelopment Project Supplemental EIR (Resolution No. 70021), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. Council District 2. (Planning, Building and Code Enforcement).

***Heard Immediately Following Regular Consent Calendar.***

Documents Filed: (1) City Council Staff Report for File No. C18-022 & CP18-029 from Rosalynn Hughey, Director, Planning, Building and Code Enforcement, dated March 13, 2019, recommending adoption of an ordinance and resolutions.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, Resolution No. 79029, entitled: “A Resolution of the Council of the City of San José Adopting the San Jose Behavioral Health Hospital Expansion Project Addendum to the 2000 Edenvale Redevelopment Project Environmental Impact Report, 2000 Edenvale Redevelopment Project Supplemental Environmental Impact Report, Envision San Jose 2040 General Plan Environmental Impact Report and Supplemental Environmental Impact Report, and Addenda Thereto, All in Accordance with the California Environmental Quality Act, as Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”; and Resolution No. 79030, entitled: “A Resolution of



## 10.1 Land Use on Consent Calendar (Cont'd.)

the Council of the City of San José Approving, Subject to Conditions, a Conditional Use Permit to Allow the Expansion of an Existing 54,344-Square Foot State Licensed Behavioral Health Hospital by Up to 59,365 Square Foot, for a Total Area of 113,709 Square Feet, in Two Phases, and Increase the Number of Beds from 80 to 168 Patient Beds, with Related Site Modifications and Removal of 15 Ordinance-Size Trees on an Approximately 6.9-Gross Acre Site, Located on the Southwest Corner of Silicon Valley Boulevard and Eden Park Place (455 Silicon Valley Boulevard)”; were adopted, and Ordinance No. 30249, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 6.9-Gross Acre Site Located on the Southwest Corner of Silicon Valley Road and Eden Park Place (455 Silicon Valley Road), from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District”, was passed for publication.

(11-0.)

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

(1) Adopt a resolution adopting an Addendum to the Alviso Master Plan EIR (Resolution No. 68577), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

(2) Approve an ordinance amending Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, Section 23.04.036, “Business Center Signs,” to allow freeway-facing on-site signs for sites located within the Alviso Master Plan Area, that are developed with office or research and development uses; and to make other non-substantive, ministerial, technical, or typographical changes to Sections of Chapter 23.04 of the Sign Code.

CEQA: Addendum to the Alviso Master Plan EIR (Resolution No. 68577), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building, and Code Enforcement)

Documents Filed: (1) Memorandum from Rosalynn Hughey, Director, Planning, Building and Code Enforcement, dated March 15, 2019, recommending adoption of a resolution and approval of an ordinance. (2) Letter from the Santa Clara Valley Audubon Society, dated March 26, 2019, providing recommendations for requirements for any new signage north of Highway 237.

Public Comments: Shani Kleinhaus and Dash Leeds, representing the Santa Clara Valley Audubon Society expressed their environmental concerns and the need for bird safety designs. Darleen Barnes, representing Steel Wave offered support to the ordinance as it is written.

Rosalynn Hughey, Director, Planning, Building and Code Enforcement responded to questions from Council, and City Attorney Richard Doyle offered comments.

Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Sylvia Arenas and carried unanimously, Resolution No. 79031, entitled: “A Resolution of the Council of the City of San José Adopting the North of State Route 237 Sign Ordinance Amendment Addendum to the Alviso Master Plan Environmental Impact Report, Envision San Jose 2040 General Plan Environmental Impact Report, Envision San Jose 2040 General Plan Supplemental Environmental Impact Report, and Addenda

## 10.1 Land Use on Consent Calendar (Cont'd.)

Thereeto, All in Accordance with the California Environmental Quality Act, was adopted; and Ordinance No. 30250, entitled “An Ordinance of the City of San José Amending Section 23.04.036 of Chapter 23.94 of Title 23 of the San José Municipal Code to Allow Freeway-Facing On-Site Signs for Sites, Within the Alviso Master Plan Area, that are Developed with Office or Research and Development Uses; and to Make Other Non-Substantive Changes to Chapter 23.04 of the Sign Code”, was passed for publication.

(11-0.)

### END OF CONSENT CALENDAR

## 10 Land Use - Regular Agenda

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

#### DEFERRED

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

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. (Planning, Building, and Code Enforcement).

**Deferred to 4/9/19 Per Administration**

## OPEN FORUM

None provided.

## ADJOURNMENT

**The meeting of the San José City Council was adjourned by Vice Mayor Chappie Jones at 8:26 p.m.**

Minutes Recorded, Prepared and Respectfully Submitted by,

***draft***

Toni J. Taber, CMC  
City Clerk

rmk/3-26-2019 MIN