



City Council Meeting Agenda

Tuesday, January 14, 2020

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

20-012

Closed Session Agenda

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

6:00 p.m.- Evening Session, Council Chambers, City Hall

Will not begin until 6pm or until after all afternoon items are heard.

- Invocation (District 1)
- Pledge of Allegiance
- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to Chuck Davidson for his work building thousands of affordable homes for thousands of low-income families in the City of San Jose. (Foley)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 20-001 Boards and Commissions Appointments.

Recommendation: Approve the following Boards and Commissions appointments:
Clean Energy Commission.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Deferred from 12/17/19 - Item 2.12 (e) (19-1141)]

2.8 20-033 City Manager's Travel to Austin, Texas.

Recommendation: Authorize travel for City Manager David Sykes to Austin, Texas on January 23 - 25, 2020 to participate in the Large Cities Executive Forum. Source of Fund: Non-Personal Appropriation.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

2.9 20-034 Cooperative Agreements with the Santa Clara Valley Transportation Authority and Right-of-Way Certification with Caltrans for the US 101/Blossom Hill Road Interchange Improvement Project.

Recommendation: (a) Approve a cooperative agreement, at no cost, between the City of San José and the Santa Clara Valley Transportation Authority for the construction of the US 101/Blossom Hill Road Interchange Improvement Project for a term beginning at the date of full execution to December 31, 2024.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute right-of-way certification associated with the implementation of the US 101/Blossom Hill Road Interchange Improvement Project.
CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. (Transportation)

2.10 20-009 City Council Committee and Board and Commission Appointments.

Recommendation: (a) Apprise the Council of the Mayor's appointments for each of the standing committees, as described in Exhibit "A" of the Memorandum to Council.
(b) Appoint councilmembers to each of the committees and assignments, as described in Exhibit "B" of the Memorandum to Council.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 20-037 Technology Deployment Audit Report.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on December 5, 2019, accept the report on the Technology Deployment 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)

[Smart Cities and Service Improvements Committee referral 12/5/19 - Item (d)3]

3.4 20-010 Appeals Hearing Board Interviews.

Recommendation:

- a. Interview applicant(s) for appointment to the Appeals Hearing Board;
- b. Appoint one (1) applicant to the Attorney-at-Law Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- c. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2022;
- d. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2023;
- e. Appoint one (1) applicant to the Public Member Seat on the Appeals Hearing Board for a term ending December 31, 2023; and
- f. If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 20-038 Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing.

Recommendation: Accept the staff report on the California Community Housing Agency, a California joint powers authority that issues public purpose bonds to support the creation and acquisition of housing for moderate-income households, and the potential for utilizing a financial product involving restricted moderate-income housing and direct staff to develop recommended product parameters and return to the City Council to obtain authorization to join the California Community Housing Agency and to take related actions.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Housing)

[Deferred from 12/17/19 - Item 4.3 (19-1206)]

4.2 20-039 Actions Related to the Loan Commitment to Affirmed Housing Group Inc., for the Development of the Alum Rock Family Housing Development Project Located at 2350 Alum Rock Avenue.

Recommendation: (a) Adopt a resolution:

(1) Approving a total commitment of up to \$9,350,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to Affirmed Housing Group, Inc., or an affiliated development entity, and capitalization of up to \$100,000 in construction period interest for the Alum Rock Family Housing Apartments project, located at 2350 Alum Rock Avenue, which is being developed to offer 85 affordable, rent restricted apartments, and two unrestricted manager's units;

(2) Authorizing the Director of Housing to negotiate and execute loan documents and all other documents related to City financing for the Development;

(3) Approving a loan-to-value ratio of greater than 100% for this loan; and

(4) Authorizing a change in City Loan terms to allow an increase in the Development's rents and income up to 60% of the Area Median Income (or low-income) for new tenants in the event of the expiration or termination of subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development.

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation in the amount of \$9,350,000; and

(2) Increase the Committed Project Reserve appropriation in the amount of \$9,350,000.

CEQA: Statutorily Exempt under Senate Bill 35, this project qualifies for the streamlined approval process under Senate Bill No. 35 (Wiener, Planning and zoning: affordable housing: streamlining approval process), which exempts this project from CEQA review. (Housing/City Manager)

4.3 20-040 Actions Related to the Loan Commitment to Danco Communities or its Affiliate for the Development of West San Carlos Permanent Supportive Housing Located at 750 West San Carlos Street.

Recommendation: (a) Adopt a resolution:

(1) Approving a total commitment of up to \$9,875,000 in Low and Moderate Income Housing Asset Funds for a Construction-Permanent Loan to Danco Communities, or an affiliated entity, for the West San Carlos Permanent Supportive Housing, a new affordable development to be located at 750 West San Carlos Street, in order to offer rent- and income-restricted apartments for 80 extremely low-income, very low-income, and low-income households, and one unrestricted manager's unit;

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to City financing for the Development;

(3) Approving a loan-to-value ratio of greater than 100% for this loan; and

(4) Authorizing the City Loan terms to allow an increase in the Development's rents and income up to 60% of the area median income (or low-income threshold) for new tenants in the event of the expiration or termination of subsidy contracts, and for all tenants in the event of a foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development.

(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the Low and Moderate Income Housing Asset Fund:

(1) Decrease the Housing Project Reserve appropriation in the amount of \$9,875,000; and

(2) Increase the appropriation to the Housing Department for Housing Loans and Grants in the amount of \$9,875,000.

CEQA: Statutorily Exempt, Public Resources Code Section 21080(b)

(1), Ministerial projects proposed to be carried out or approved by public agencies. (Housing/City Manager)

4.4 20-041 Public Hearing on the Ground Leasing of City Owned Property for the Arya Affordable Housing Development Located at 500 Almaden Boulevard.

Recommendation: Hold a Public Hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary Report pursuant to Section 33433 of the California Health and Safety Code for the disposition of City property located at 500 Almaden Boulevard (formerly 226 Balbach Ave) authorizing an option to ground lease for 65-years to Satellite Affordable Housing Associates or affiliate for the Arya affordable housing project under the terms and conditions of the proposed leasehold restrictions, option and ground lease;
 - (b) Authorizing the Director of Housing to negotiate and execute the option, the 65-year ground lease and extension option and related documents in connection with the development and financing of the Arya project, including lease amendments and lease riders which may be required by the California Tax Credit Allocation Committee; and
 - (c) Authorizing the City Manager or his designee to submit a joint application for the Arya project under the Infill Infrastructure Grant Program for new construction capital improvement projects in support of Qualifying Infill Projects or Qualifying Infill Areas.
- CEQA: Addendum to the Downtown Strategy 2040 Environmental Impact Report (EIR) (Resolution No. 78942), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto for the 226 Balbach Street project (File No. SP18-024). (Housing)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 20-043 Airport Master Plan Amendment and Capital Plan.

Recommendation: As recommended by Transportation and Environment Committee on December 2, 2019 accept the update on upcoming Master Plan Amendments and Capital Plan for the Norman Y. Mineta San Jose International 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. (Airport)
[Transportation and Environment Committee referral 12/2/19 - Item (d)1]

6.2 20-048 Electric Mobility Strategy Update.

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on December 5, 2019, accept the report on the City's proposed Electric Mobility Roadmap.
CEQA: Not A Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)
[Smart Cities and Service Improvements Committee referral 12/5/19 - Item (d)2]

7. ENVIRONMENTAL & UTILITY SERVICES**8. PUBLIC SAFETY****8.1 20-051 Report on Hate Crime Statistics in San José.**

Recommendation: Accept the staff report on hate crime statistics in San José over the last five years and the San José Police Department's efforts to address hate crimes in 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. (Police)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

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

- Council will recess until 6:00 p.m.

10. LAND USE

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 20-055 H18-038 - Site Development Permit and Parking Agreement with Almaden Corner, LLC for the Market/San Pedro Square Garage.

Recommendation: (a) Adopt a resolution certifying the Almaden Corner Hotel Project Supplemental Environmental Impact Report, and adopting the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended.
(b) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow construction of a 19-story hotel with 272 guest rooms, and approximately 1,200 square feet of ancillary commercial space, with an off-site parking arrangement on the subject site.
(c) Approve a Parking Agreement between the City of San José and Almaden Corner, LLC to allow the hotel to use up to forty-one (41) parking spaces in the Market/San Pedro Square Garage for ten years with up to two additional ten year options for a total of up to thirty years.
CEQA: Almaden Corner Hotel Project Supplemental Environmental Impact Report. Council District 3. (Planning, Building and Code Enforcement)
[Deferred from 12/17/19 - Item 10.2 (19-1217)]

10.3 20-049 GP18-014, GPT19-004, PDC18-037, PD019-019 & PT19-023 - General Plan Amendment, General Plan Text Amendment, Planned Development Zoning, Planned Development Permit, and Tentative Map.

Recommendation: (a) Adopt a resolution certifying the Winchester Ranch Residential Project Environmental Impact Report and make certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended; and

(b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Residential Neighborhood to Urban Residential for 555 South Winchester Boulevard on an approximately 15.7-gross acre site.

(c) Adopt a resolution amending the Santa Row/Valley Fair Urban Village Plan to remove references to Winchester Mobile Home Park, update the Building Height Diagram to increase the allowable height to 55 feet and 85 feet to accommodate the proposed project, update the transition areas to reflect step downs for adjacent residential properties, include public park land use figures, and include public paseo and circulation updates.

(d) Approve an ordinance rezoning an approximately 15.7-gross acre site generally bounded by Prune Way to the north; Highway 280 to the south; South Winchester to the east and single family homes along Papac Way to the west, from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District to allow up to 687 multi-family residential units.

(e) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the conversion of a mobilehome park to multi-family residential use, the demolition of 111 mobilehomes, recreation building (approximately 3,600 square feet), a pool (approximately 820 square feet), 36 sheds (ranging from 120 square feet to 400 square feet), the construction of an approximately 2-acre neighborhood park and 687 residential units (24 row home buildings, 6 flat buildings, and one apartment podium building) on an approximately 15.7-gross acre site.

(f) Adopt a resolution approving, subject to conditions, the Vesting Tentative Map to subdivide 1 parcel to up to 64 parcels and allow up to 320 residential condominiums on an approximately 15.7-gross acre site. CEQA: The Winchester Ranch Residential Project Environmental Impact Report. Council District 1. (Planning, Building and Code Enforcement)

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.

- Open Forum
- 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.