



# **City Council Meeting Agenda**

**Tuesday, February 11, 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.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **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.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.

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](mailto:CityClerk@sanjoseca.gov) for the final document.**

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**On occasion the City Council may consider agenda items out of order.**

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda

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

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

\*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Invocation (District 2)
- Pledge of Allegiance
- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

## **2. CONSENT CALENDAR**

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

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

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

#### **20-146 Final Adoption of Ordinances.**

**Recommendation:** (a) Ord No. 30359 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 21.23 Gross Acres, Situated on the Southeast Corner of South 10th Street and East Alma Avenue (1500 South 10th Street) (APN: 477-38-003) from the R2 Residential Zoning District to the PQP Public/Quasi-Public Zoning District. [Passed for Publication on 1/28/20 - Item 10.3(b) (20-095)]

### **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 20-130 Actions Related to the Purchase Order for Shelf-Ready English Language DVDs & CDs for the Library Department.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute Purchase Orders with Baker Taylor, LLC (Charlotte, NC), Midwest Tape, LLC (Holland, OH), and Ingram Library Services (LaVergne, TN) for Shelf-Ready English Language DVDs and CDs for the Library Department for an initial twelve-month period starting on or about February 12, 2020 and ending on or about February 11, 2021 for a total cumulative compensation not-to exceed amount of \$660,000; and
- (b) Exercise up to four additional one-year options to extend the term of the purchase orders with the last option year ending on or about February 11, 2025, subject to the annual appropriation of funds.

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

**2.8 20-131 Recertification of the Sewer System Management Plan.**

**Recommendation:** Approve the recertification of the Sewer System Management Plan provided to the State Water Resources Control Board.

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

**3. STRATEGIC SUPPORT****3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.  
TO BE HEARD AT 9:30 A.M.

**3.3 20-132 Approval of the 2019-2020 Mid-Year Budget Review Report.**

**Recommendation:** (a) Approve the 2019-2020 Mid-Year Budget Review Report.  
(b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2019-2020 Mid-Year Budget Review Report.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

**3.4 20-133 Draft Framework Related to Nonprofit Transfers and the Proposed Real Property Transfer Tax.**

**Recommendation:** (a) Consideration and discussion of the draft framework related to certain transfers of real property to nonprofits and the proposed real property transfer tax on the March 3, 2020 ballot; and  
(b) Should the voters of San José approve Measure E on the March 3, 2020 ballot, direct the City Manager working with the City Attorney to return to Council with an ordinance incorporating the framework approved by the Council.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/City Manager)

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****5.1 20-134 Vision Zero Action Plan.**

**Recommendation:** As recommended by the Transportation and Environment Committee on November 4, 2019, accept an update on the Vision Zero transportation safety initiative and the Action Plan.  
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)  
[Transportation and Environment Committee referral 11/4/19 - Item (d)2]  
[Deferred from 1/28/20 - Item 5.2 (20-090)]

## **6. ENVIRONMENTAL & UTILITY SERVICES**

### **6.1 20-135 Amendment to the Professional Services Agreement with Calpine Energy Solutions, LLC for Data Management and Customer Call Center Services.**

**Recommendation:** Approve the First Amendment to the Professional Services Agreement for Data Management and Customer Call Center Services with Calpine Energy Solutions, LLC, reducing rates and modifying service terms and increasing the maximum compensation from \$15,783,800 to \$22,000,000 through February 28, 2025, 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. (Community Energy)

### **6.2 20-136 Application for Electric Transmission Service Interconnection.**

**Recommendation:** Direct City Manager to prepare and submit, in coordination with the City Attorney's Office, a Wholesale Transmission Service Interconnection Application to Pacific Gas and Electric, and if appropriate, to proceed with any required Pacific Gas and Electric System Impact and Facilities Studies, for the City of San José to provide electric distribution service to the Downtown West Mixed-Use Plan area and potentially the broader Diridon Station Area.

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

## **7. NEIGHBORHOOD SERVICES**

### **7.1 20-137 San José Education Policy.**

**Recommendation:** (a) Adopt a resolution establishing the San José Education Initiative as Council Policy 0-30.

(b) Direct staff to return to Council with the following changes to San José Municipal Code Chapter 2.08 and Council Policy 0-4:

(1) Change the name of the Library and Early Education Commission to the Library and Education Commission;

(2) Change the subject matter expertise of the Early Education-specific seats to Education subject matter expertise; and

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

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

### **8.1 20-140 Summary Vacation of a 10-Foot Public Utilities Easement Located at 1363 Spencer Avenue.**

**Recommendation:** Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 10-foot Public Utilities Easement at 1363 Spencer Avenue;
  - (b) Summarily vacating the Public Utilities Easement, which is excess; and
  - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Categorically Exempt, File No. ER19-080, CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. Council District 6. (Public Works)

### **8.2 20-139 Proposed Expenditure Plan for the Homeless Housing, Assistance, and Prevention Program.**

- Recommendation:** Adopt a resolution accepting the proposed expenditure plan for the Homeless Housing, Assistance, and Prevention Program that will allow the Director of Housing to apply to the State of California's Homeless Housing, Assistance, and Prevention Program for a one-time award of approximately \$23.8 million.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

## **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**

- (a) **20-141** CP19-028 - Conditional Use Permit for Real Property Located at 788 North King Road (Mabury Market).

**Recommendation:** Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site.  
CEQA: Categorical Exemption Section 15301(a) for Existing Facilities.  
Planning Commission recommends approval (7-0-0). Council District 3.  
(Planning, Building and Code Enforcement)

- (b) **20-144** PP19-047 - Amendment to Title 23 of the San José Municipal Code (Sign Code).

**Recommendation:** Approve an ordinance amending Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 of the San José Municipal Code to modify permit provisions for Supergraphic Signs; amending Section 23.04.156 of Part 2.5 (Urban Mixed-Use Sign Development Zone) of Chapter 23.04 of Title 23 to allow skyline signs; and to make other non-substantive, ministerial, technical, or typographical changes to said Chapter 23.04 of Title 23 of the San José Municipal Code.  
CEQA: Determination of Consistency to the 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)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda****CONTINUE GENERAL PLAN HEARING (2019 SECOND CYCLE) FROM 1/14/19****10.2 20-142 GP18-013, C18-039, and SP18-060 - General Plan Amendment, Conforming Rezoning, and Special Use Permit for Real Property Located at 615 and 623 Stockton Avenue.**

**Recommendation:** (a) Adopt a resolution adopting the 615 Stockton Avenue Hotel Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended (CEQA).

(b) Adopt a resolution approving an amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Neighborhood Community Commercial on a 0.20-gross acre site at 623 Stockton Avenue.

(c) Approve an ordinance rezoning certain real property of the approximately 0.59-gross acre generally located at the northwest corner of Stockton Avenue and Schiele Avenue (615 and 623 Stockton Avenue) from the CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District.

(d) Adopt a resolution approving, subject to conditions, a Special Use Permit to demolish an approximately 4,400-square foot commercial building, re-locate and re-purpose the existing historic 1,292-square foot structure, and construct a 120-room, five-story hotel including outdoor uses (outdoor guest area including a roof deck) within 150 feet of residential uses on an approximately 0.59-gross acre site.

CEQA: 615 Stockton Avenue Hotel Project Mitigated Negative Declaration. Planning Commission recommends \_\_\_\_ (X-X-X). Council District 6. (Planning, Building and Code Enforcement)

**10.3      20-143      GP17-015, C18-034, SP18-059 and T19-017 - General Plan Amendment, Conforming Rezoning, Special Use Permit, and Tentative Map for Real Property Located at 699 West San Carlos Street.**

**Recommendation:** (a) Adopt a resolution adopting the Addendum to the Diridon Station Area Plan Programmatic Environmental Impact Report and associated Mitigation Monitoring and Reporting Program for the McEvoy Affordable Housing Project, in accordance with CEQA.

(b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram designation (APN's 261-38-001, 261-38-004, 261-38-005, 261-38-030, 261-38-047, 261-38-048, and 261-38-049) from Mixed Use Commercial to Transit Residential on an approximately 1.22-gross acre site.

(c) Approve an ordinance rezoning certain real property of approximately 1.13 gross acres at the northeast corner of McEvoy Street and West San Carlos Street at 699 West San Carlos Street (APN's 261-38-001, 261-38-004, 261-38-030, 261-38-047, 261-38-048, and 261-38-049) from the HI Heavy Industrial Zoning District to the R-M Multiple-Residence Zoning District.

(d) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to consolidate six parcels into one parcel with three condominium lots for a 365-unit multi-family residential apartment development on an approximately 1.13-gross acre site situated north of West San Carlos Street between McEvoy Street and Dupont Street (699 West San Carlos Street).

(e) Adopt a resolution approving, subject to conditions, a Special Use Permit and State Density Bonus to allow the demolition of two industrial buildings, removal of three ordinance-sized trees and one non-ordinance sized tree, for construction of a 100% affordable housing project (excluding four market rate manager's units) with up to 365 multi-family residential apartment units with an alternative parking arrangement, back-up generator, and up to 12.5-foot tall retaining wall, and concessions and waivers under State Density Bonus law (Government Code Section 65915) to increase density, increase the building height; reduce the required setbacks along McEvoy Street, Dupont Street, the West San Carlos Street bridge, and reduce the amount of required motorcycle parking, all on an approximately 1.13-gross acre site.

(f) Adopt a resolution approving a Density Bonus Regulatory Agreement pursuant to San José Municipal Code Chapter 20.190.100.

CEQA: McEvoy Affordable Housing Project Addendum to the Diridon Station Area Plan Programmatic Environmental Impact Report adopted by City Council Resolution No. 77096 on June 17, 2014. Planning Commission recommends \_\_\_\_\_ (X-X-X). Council District 6. (Planning, Building and Code Enforcement)

**CLOSE GENERAL PLAN HEARING (2019 SECOND CYCLE)**

- Open Forum

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

- Adjournment

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.  
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.