



City Council Meeting Amended Agenda

Tuesday, February 4, 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 for the final document.

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

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

• Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

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

- Invocation (District 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

20-014 Closed Session Agenda

1. CEREMONIAL ITEMS

1.1 Presentation of a Commendation to Daoyuan “Dao” Hu for her exceptional volunteer service at the Educational Park Branch Library and her dedication to inclusion and literacy. (Diep)

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.

20-145 Approval of City Council Minutes.

Recommendation: Regular City Council Meeting Minutes of November 28, 2017.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 Final Adoption of Ordinances.

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 20-108 Approval of the Terms of the Settlement Agreement Concerning Attorney Fees with the San José Police Officers' Association.**

Recommendation: Approve a settlement in the amount of \$300,000 to the San José Police Officers' Association (SJPOA) for attorney fees related to the Alternative Pension Reform Framework Agreement and authorize the City Attorney to execute a Settlement Agreement.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

2.8 20-109 Terms of Side Letter Agreements Between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 (MEF) and City Association of Management Personnel, IFPTE, Local 21 (CAMP).

Recommendation: Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide as follows:

(1) Provide employees in the Public Safety Communications Specialist (FT/PT) classification with an approximate 6.0% base pay increase effective the beginning of the pay period after City Council approval;

(2) Provide employees in the Public Safety Radio Dispatcher Trainee classification with an approximate 6.0% base pay increase effective the beginning of the pay period after City Council approval;

(3) Provide employees in the Public Safety Radio Dispatcher (FT/PT) classification with an approximate 6.0% base pay increase effective the beginning of the pay period after City Council approval;

(4) Provide employees in the Senior Public Safety Dispatcher classification with an approximate 6.0% base pay increase effective the beginning of the pay period after City Council approval; and

(5) Provide employees in the Supervising Public Safety Dispatcher classification with an approximate 6.0% base pay increase effective the beginning of the pay period after City Council approval.

(b) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide as follows:

(1) Create a Hiring Incentive Pilot Program for the Public Safety Communication Specialist FT (8515) and Public Safety Radio Dispatcher FT (8514) classifications, effective the beginning of the pay period after City Council approval which will expire on or before June 30, 2021; and

(2) Create a Referral Bonus Pilot Program, effective the beginning of the pay period after City Council approval which will expire on or before June 30, 2021.

(c) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide as follows:

(1) Provide employees in the Assistant Communications Manager classification with an approximate 2.5% base pay increase effective the beginning of the pay period after City Council approval.

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

2.9 20-110 Actions Related to the Champions Way Surplus Land Designation.

Recommendation: Adopt a resolution declaring a portion of the City-owned Champions Way property (APN 230-59-002) as surplus to the needs of the City. CEQA: Determination of Consistency with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto. Council District 3. (Economic Development)

2.10 20-113 Council Policy Priority #13: Cannabis Equity and State of California Equity Act Grant Funding.

Recommendation: (a) Adopt a resolution authorizing the City Manager or designee to enter into a grant agreement with the State of California Bureau of Cannabis Control to receive \$560,082.30 in Local Equity Grant Funding. (b) Adopt the following 2019-2020 Funding Source Resolution and Appropriation Ordinance amendments in the General Fund:

(1) Increase the estimate for Revenue from the State of California by \$560,083; and

(2) Establish a City-Wide expense appropriation to the City Manager's Office for Cannabis Equity Assistance Program in the amount of \$560,083.

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

2.11 20-116 Acceptance of the Retirement Plans' Comprehensive Annual Financial Reports for Fiscal Years Ending June 30, 2019 and June 30, 2018.

Recommendation: Accept the following annual reports:

(a) Police and Fire Department Retirement Plan Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2019 and June 30, 2018; and

(b) Federated City Employees' Retirement System Comprehensive Annual Financial Report for the Fiscal Years ended June 30, 2019 and June 30, 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. (Retirement Services)

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 20-112 Potential Amendments to City Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, Related to Property Transfer Tax Revenues Authorized By Measure E. - DROP

Recommendation: Adopt a resolution approving revisions to Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to set forth a spending plan related to the revenues from a new real property transfer tax if approved by a majority of the voters voting on March 3, 2020.

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

DROP

3.4 20-114 Council Policy Priority #16: Wage Theft Prevention Policy.

Recommendation: (a) Accept status update and workplan for completion of Council Priority #16 - Update to Wage Theft Prevention Policy.
(b) Accept the Good Jobs First Report analysis.
(c) Direct staff to continue development of Council Priority #16 - Update to Wage Theft Prevention Policy and return to the Council in spring 2020 with recommendations, policy options, and resource requirements.
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/Finance/City Manager)
RECOMMEND DEFERRAL TO 2/11/20 PER ADMINISTRATION

3.5 20-115 Actions Related to the Purchase Order with Folsom Lake Ford for the Purchase of Ford Police Interceptor Sport Utility Vehicles.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute a Purchase Order with Folsom Lake Ford (Folsom, CA) for the purchase of Ford Police Interceptor sport utility vehicles (SUV's) under the pricing obtained through the cooperative agreement between the State of California and Folsom Ford with the period starting on or about February 5, 2020 and ending on or about February 4, 2021, for an amount not to exceed \$2,000,000; and
(b) Execute additional purchase orders for subsequent purchases of Ford Police Interceptor SUV's pursuant to the Agreement between the State of California and Folsom Lake Ford, subject to annual appropriations of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Finance)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-117 Public Hearing for Air Service Support Program.

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration, to Delta, Alaska Airlines, JetBlue, American, and Air Canada.
(b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined below:

Delta, Alaska Airlines, JetBlue, American, Air Canada Routes

Airline: Delta

Market: Detroit

Airport: DTW (2nd)

Frequency: 1 Daily

Support Period: 18 Months

Landing Fee Waivers: (-\$247,034)

Marketing Funds: (-\$75,000)

Airline: Alaska

Market: P. Vallarta

Airport: PVR

Frequency: 1 Daily

Support Period: 18 Months

Landing Fee Waivers: (-\$228,510)

Marketing Funds: (-\$100,000)

Airline: JetBlue

Market: Boston

Airport: BOS (2nd)

Frequency: 1 Daily

Support Period: 18 Months

Landing Fee Waivers: (-\$228,510)

Marketing Funds: (-\$75,000)

Airline: American
Market: Austin
Airport: AUS
Frequency: 2 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$459,518)
Marketing Funds: (-\$75,000)

Airline: Air Canada
Market: Toronto
Airport: YYZ
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$203,375)
Marketing Funds: (-\$100,000)

For each route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

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

5.2 20-118 Diridon Integrated Station Concept Plan - Rail Alignment.

Recommendation: Accept staff recommendation regarding the Diridon Integrated Station Concept Plan Decision #3, to maintain and improve track approaches in the existing northern and southern corridors, and commit to work to develop a design for the southern rail corridor that results in noise, vibration, and visual conditions that are no worse and ideally better than today, even with higher future train volumes.

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)

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

7.1 20-119 Council Policy Priority #25: Private Property Graffiti Abatement Ordinance.

Recommendation: (a) Direct staff to implement changes to the graffiti abatement process, whereby Parks, Recreation and Neighborhood Services Department staff would reinspect sites where there is a second complaint, and forward the complaint to the Code Enforcement Division, thereby shortening the abatement process.
(b) Determine that the Council Policy Priority #25 is completed and will be removed from the Council Policy Priority list at the next priority-setting session in 2020.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.
(Parks, Recreation and Neighborhood Services)
[Deferred from 1/28/20 - Item 7.1 (20-104)]

7.2 20-120 Actions Related to the Newbury Park Master Plan Project. - DROP

Recommendation: (a) Adopt a resolution adopting the Newbury Park Master Plan Project Addendum to the King and Dobbin Transit Village and US 101 -Oakland/Mabury Transportation Development Policy Environmental Impact Report (File No. PP19-055), all in accordance with the California Environmental Quality Act.
(b) Approve the Newbury Park Master Plan regarding one acre of City of San José property, Assessor Parcel Number 254-04-107.
CEQA: Newbury Park Master Plan Project Addendum to the King and Dobbin Transit Village and US 101-Oakland/Mabury Transportation Development Policy Final Environmental Impact Report and Addenda thereto (Resolution No. 74195.1), File No. PP19-055. Council District 3. (Parks, Recreation and Neighborhood Services)
DROP

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 20-121 Actions Related to the Fourth and Reed Street Surplus Designation and Purchase Option to Habitat for Humanity.

Recommendation: Adopt a resolution:

- (a) Determining that the City-owned 0.24-acre property located at the southeast corner of the intersection of East Reed Street and South Fourth Street is not needed for, nor adaptable to, municipal purposes and is, therefore, surplus to the needs of the City; and
 - (b) Authorizing the City Manager to negotiate and execute an Eighteen-Month Option to Purchase agreement with Habitat for Humanity East Bay/Silicon Valley to sell a portion (approx. 5,227 sq. ft.) of the City's East Reed Street and South Fourth Street property.
- CEQA: Determination of Consistency with the Garden Gate Tower Final Supplemental Environmental Impact Report (Resolution No. 79320). Council District 3. (Economic Development)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- **Open Forum**

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

- **Adjournment**

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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

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