



# **City Council Meeting Amended Agenda**

**Tuesday, February 25, 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

**20-016**      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, whichever is later.

- **Invocation (District 2)**

The South Bay Trombone Choir

- **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.**

- **Adjournment**

This meeting will be in memory of Dr. Willie T. Gaines Jr., Pastor Emeritus, who served as Emmanuel Baptist Church's pastor for 27 years. Pastor Gaines lead a remarkable life, expanding San José's Emmanuel Baptist Church from 200 members to over 5,000 and touching the lives of many more. Pastor Gaines leaves to cherish his memory his wife of over 50 years, Alice; his daughter, Galen; a host of relatives, friends, and ministry sons and daughters; and untold numbers who were blessed by his unique personality and down-home wisdom.

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a Proclamation declaring March 7, 2020 as National Play Outside Day and recognizing San José Earthquakes for hosting Free Play days across the Bay Area. (Perales)

1.2 Presentation of a Proclamation recognizing February 2020 as Dental Health Awareness Month in the City of San José. (Arenas)

## **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.

### 20-196 Approval of City Council Minutes.

**Recommendation:** (a) City Council Study Session: Diridon Station Concept Plan Decision #3 Meeting Minutes of January 28, 2020.  
(b) Regular City Council Meeting Minutes of January 28, 2020.  
(c) Regular City Council Meeting Minutes of February 4, 2020.  
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.

### 20-200 Final Adoption of Ordinances.

**Recommendation:** Ord No. 30365 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.13 Gross Acres Situated North of West San Carlos Street between McEvoy Street and Dupont Street (699 West San Carlos Street) from the Hi Heavy Industrial Zoning District to the R-M Multiple Residence Zoning District. [Passed for Publication on 2/11/2020 - Item 10.3(c) (20-143)]

## 2.3 Approval of Council Committee Minutes.

### 20-197 Approval of Council Committee Minutes.

**Recommendation:** (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of January 22, 2020.  
(b) Regular Community and Economic Development Committee Meeting Minutes of January 27, 2020.  
(c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 5, 2020.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

**2.4 Mayor and Council Excused Absence Requests.****20-199 Mayor and Council Excused Absence Requests.**

**Recommendation:** Request for an excused absence for Mayor Liccardo, from the Regular Meeting of the Rules and Open Government Committee on February 19, 2020 and February 26, 2020, due to personal business.

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

[Rules Committee referral 2/12/2020 - Item A.1.a]

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 20-167 Settlement Agreement between City of San José and Brown and Caldwell.**

**Recommendation:** Approve a settlement agreement between the City and Brown and Caldwell in the amount of \$2,750,000 (which includes payment of \$2,500,000 and \$250,000 in future professional engineering and consulting services to be provided to the City by Brown and Caldwell) for seismic design issues related to the Digester and Thickener Upgrade Project at the San José/Santa Clara Regional Wastewater Facility, and authorize the City Attorney to execute a Settlement Agreement between the City and Brown and Caldwell.

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

**2.8 20-168 Pond A-18 Surplus Property.**

**Recommendation:** Adopt a resolution declaring the City's Pond A-18 property (Assessor's Parcel Numbers 015-32-042 and 015-32-043) as exempt surplus land under Cal. Gov. Code §54221 as the land is surplus to the needs of the City.

CEQA: Determination of Consistency with the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution no. 76858), File No. PP20-006. Council District 4. (Environmental Services/Economic Development)

**2.9 20-169 Actions Related to the Purchase Order with Playgrounds Unlimited for Resilient Rubber Playground Resurfacing Services.**

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

(a) Execute a Purchase Order with Playgrounds Unlimited (Tracy, CA) for resilient rubber playground resurfacing services for the Department of Parks, Recreation, and Neighborhood Services for an initial twelve-month period, starting on or about March 1, 2020 and ending on or about February 28, 2021, for a total cumulative compensation not-to-exceed amount of \$500,000; and

(b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about February 28, 2025, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP18-007, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**2.10 20-170 Actions Related to the Purchase Orders with Sheldrake and Mumford, Inc. and Vintage Contractors, Inc. for Basketball and Tennis Court Resurfacing Services.**

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

(a) Execute purchase orders with Sheldrake and Mumford, Inc. (Livermore, CA) and Vintage Contractors, Inc. (San Francisco, CA) for basketball and tennis court resurfacing services for the Department of Parks, Recreation, and Neighborhood Services for an initial twelve-month period, starting on or about March 1, 2020 and ending on or about February 28, 2021, for a total cumulative compensation not-to-exceed amount of \$500,000; and

(b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about February 28, 2025, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-013, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

**2.11 20-171 Memorandum of Understanding with the City of Santa Clara for the Proposed Coleman Highline Office Development Project.**

**Recommendation:** Approve a Memorandum of Understanding between the City of San José and the City of Santa Clara regarding Responsibilities for Construction Permits and Inspection Activities for the Proposed Coleman Highline Office Development Project by Coleman Airport Partners Tranche 2, LLC.

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. 75309), the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Council District 3. (Planning, Building and Code Enforcement)

**2.12 20-172 Actions Related to the Senate Bill 2 Planning Grant Program from the California Department of Housing and Community Development.**

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

- (a) Apply for the Senate Bill 2 Planning Grant administered by the California Department of Housing and Community Development; and
- (b) If awarded, negotiate and execute grant agreement(s) to effectuate the grant.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application, and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

**2.13 20-166 Approval of the 15th Annual Santos Family Car Show sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** (a) Approve the 15th Annual Santos Family Car Show scheduled on September 5, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

- (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. (Diep)



**2.14 20-198 Boards and Commissions Appointments.**

**Recommendation:** Approve the following Measure T Community Oversight Committee appointment:

(a) District 5 Seat: Appoint Ellen Talbo

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

**2.15 20-190 Retroactive Approval of Vietnamese Lunar New Year-Tet Festival Community Event 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.**

**Recommendation:** (a) Retroactively approve the Vietnamese Lunar New Year Tet-Festival scheduled on Friday, January 24, 2020 through Sunday, January 26, 2020 and January 31, 2020 through Sunday, February 2, 2020 at Eastridge Mall as a City Council sponsored Special Event and approve the expenditure of funds.

(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 02/12/2020 - Item G.1(a)]

**2.16 20-192 Retroactive Approval of Winter Walk and Senior Resource Fair Sponsored by Council Districts 10, 9, and 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** (a) Retroactively approve the 13th Annual Winter Walk and Senior Resource Fair scheduled on Friday, February 21, 2020 as a City Council sponsored Special Event and approve the expenditure of funds.

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

(c) Approve the purchase of various items and gift cards, under \$50 each, for the prize drawing.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)  
[Rules Committee referral 02/12/2020 - Item G.1(b)]

**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 20-173 2020-2021 Council Priority Setting.

**Recommendation:** Approve the following elements of the 2020-2021 Council Policy Priority Setting session:

(a) Remove the following priorities from the 2019-2020 Council Policy Priority List as complete:

- (1) Priority #3, Disadvantaged Business Enterprises
- (2) Priority #7, Accessory Dwelling Units and Garage Conversion Ordinance
- (3) Priority #10, Safe Parking Program
- (4) Priority #15, Family-Friendly City-Paid Family Leave
- (5) Priority #18, Sanctioned Encampments
- (6) Priority #22, Develop Innovative Strategies to Hire Crossing Guards
- (7) Priority #24, Food & Clothing Distribution at City Parks
- (8) Priority # 25, Private Property Graffiti Abatement Ordinance

(b) Combine the following priorities from the 2019-2020 Council Policy Priority List as the work is overlapping and interdependent:

- (1) Priority #12, Universal Development Fee
- (2) Priority #21, Impact Fee Deferred Payment Program for Housing

(c) Remove the following items from the 2019-2020 Council Policy Priority List as the work is multi-year and ongoing in nature:

- (1) Priority #8, North San José Review

(d) Approve new items for the 2020-2021 Council Policy Priority List.

(e) Rank items on the 2020-2021 Council Policy Priority List.

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 Manager)

**3.4 20-175 Actions Related to the Grant Agreements with California Emerging Technology Fund from the Digital Inclusion Fund.**

**Recommendation:** Adopt a resolution:

(a) Approving the award of Digital Inclusion grants to the following organizations in the amounts specified:

- (1) Ace Charter Schools \$50,000
- (2) Alum Rock Union School District \$125,000
- (3) Catholic Charities of Santa Clara County \$100,000
- (4) Cristo Rey San José High School \$25,000
- (5) First Community Housing \$75,000
- (6) Goodwill of Silicon Valley \$25,000
- (7) Hoover PTA \$25,000
- (8) International Children Assistance Network, Inc. (ICAN) \$20,000
- (9) Indian Health Center of Santa Clara Valley \$37,500
- (10) International Rescue Committee, Inc. (IRC) \$10,000
- (11) Lit Lab \$37,500
- (12) Latinos United for New America (LUNA) \$20,000
- (13) NPower, Inc. \$25,000
- (14) Rocketship Education dba Rocketship Public Schools \$25,000
- (15) Sacred Heart Community Service \$50,000
- (16) The San José Library Foundation \$150,000
- (17) San José Community Media Access Corp. \$5,000
- (18) City of San José Parks, Recreation and Neighborhood Services (PRNS) \$25,000
- (19) Step Up And Do Something! Inc. \$5,000
- (20) Street Code Academy \$5,000
- (21) Tech Exchange (The Oakland Public Education Fund) \$100,000
- (22) Third Street Community Center \$10,000
- (23) The Vietnamese Voluntary Foundation, Inc. (VIVO) \$50,000

(b) Authorizing the City Manager to approve the form of the grant agreements between the grantees and the City's fiscal agent, California Emerging Technology Fund (CETF) with the City as a third-party beneficiary;

(c) Authorizing the City Manager to negotiate and execute an amendment to the City's agreement with CETF to clarify the administration of the grant awards; and

(d) Authorizing a \$1,000,000 payment from the Digital Inclusion Fund to CETF to distribute the grant awards to the grantees pursuant to the agreement with CETF.

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)

**3.5 20-185 Citywide Infrastructure and Deferred Maintenance Backlog Report.**

**Recommendation:** As recommended by the Transportation and Environment Committee on February 3, 2020, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog.

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)

[Transportation and Environment Committee referral 2/3/2020 - Item (d)2]

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

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

**6.1 20-176 Application for Electric Transmission Service Interconnection.**

**Recommendation:** Direct the 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 area where new development is occurring.

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

Council District 3. (Community Energy)

[Deferred from 2/11/2020 Item 6.2 (20-136)]

**6.2 20-177 Actions Related to the Commercial Solid Waste Agreements.****Recommendation:** (a) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute an amended and restated agreement with Allied Waste Services of North America, LLC, dba Allied Waste Services of Santa Clara County to modify the terms for collecting and processing commercial solid waste, recyclables and organic materials and to extend services through June 30, 2032, with an anticipated effective date of March 1, 2020; and

(2) Negotiate and execute an amended and restated agreement with Zero Waste Energy Development Company to modify the terms for processing commercial solid waste, recyclables and organic materials and to extend organic processing services through June 30, 2032, with an anticipated effective date of March 1, 2020.

(b) Approve a settlement agreement to resolve a potential legal dispute between the City, Allied Waste Services of North America, LLC, dba Allied Waste Services of Santa Clara County, International Disposal Corp of California, GreenWaste Recovery, Inc., and Zero Waste Energy Development Company and authorize the City Attorney to execute a Settlement Agreement to resolve the dispute.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report and Supplemental Program Environmental Impact Report, and all addenda thereto. File No. ER19-084. (Environmental Services)  
[Deferred from 1/28/2020 - Item 6.1 (20-091)]

**6.3 20-178 Actions Related to the Amended and Restated Design-Build Contract for Final Design and Construction of the Headworks Project at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** (a) Approve the Amended and Restated Design-Build Contract with CH2M HILL Engineers, Inc. for the final design, construction, commissioning and acceptance testing of the Headworks Project at the San José-Santa Clara Regional Wastewater Facility with a base Guaranteed Maximum Price in an amount not to exceed \$126,874,142.  
(b) Approve a ten percent construction contingency in the amount of \$12,688,000 for adjustments to the base Guaranteed Maximum Price in accordance with the Amended and Restated Design-Build Contract.  
CEQA: Addendum to the Final Program Environmental Impact Report for the San José/Santa Clara Water Pollution Control Plant Master Plan (Resolution No. 76858), File No. PP19-042. (Environmental Services/Public Works)

**6.4 20-179 Second Amendment to the Consultant Agreement with Brown and Caldwell for Engineering Services for the Digester and Thickener Facilities Upgrade Project.**

**Recommendation:** Approve the Second Amendment to the Consultant Agreement with Brown and Caldwell for engineering services for the Digester and Thickener Facilities Upgrade project at the San José-Santa Clara Regional Wastewater Facility, modifying the scope of services, extending the term of agreement from June 30, 2020 to June 30, 2022, and increasing the amount of compensation by \$2,530,734 for a total agreement amount not to exceed \$16,548,144, subject to the appropriation of funds.

CEQA: San José-Santa Clara Regional Wastewater Facility Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Environmental Services)

**6.5 20-180 Actions Related to the Issuance of Non-Exclusive Franchise Agreements for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.**

**Recommendation:** (a) Conduct a Public Hearing on the applications of the companies listed below for Non-Exclusive Franchises for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris.  
(b) Approve ordinances granting the franchises.  
(c) Approve the Non-Exclusive Franchise Agreements with the following companies for the collection, transport, and disposal of residential clean-out material and construction and demolition debris, each for an initial term from the effective date of the ordinance granting the Non-Exclusive Franchise to June 30, 2020 with the option for a one-year extension through June 30, 2021:

- (1) Norm's Recycling, LLC; and
- (2) Garden of Eden Landscapes, Inc. DBA Ground Force Enterprises.

CEQA: Categorically Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

**6.6 20-181 Agreement with Valley Water for the Sale of Pond A-18 for the Shoreline Levee Project. - DEFERRAL**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Valley Water for the sale of Pond A-18 and related easements to support the Shoreline Levee Project consistent with the criteria directed by the Treatment Plant Advisory Committee and Council in October of 2015 and 2017.  
CEQA: Determination of Consistency with the San Jose/Santa Clara Water Pollution Control Plant Master Plan Final EIR (Resolution No. 76858) and all addenda thereto. File No. PP20-006. Council District 4. (Environmental Services/Economic Development)  
**RECOMMEND DEFERRAL TO 3/3/2020 PER ADMINISTRATION**

## **7. NEIGHBORHOOD SERVICES**

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

**8.1 20-182 Purchase and Sale Agreement with AV San Jose, LLC for Certain Real Property Located at East Alma Avenue and Senter Road.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to negotiate and execute:

- (1) An Agreement with AV San Jose, LLC for the purchase by the City of 4.95 acres located at the southwest corner of East Alma Avenue and Senter Road, identified as Assessor's Parcel Number 477-38-016, for a price of \$8,500,000, inclusive of a \$100,000 buyer holdback for qualified environmental remediation expenses; and
- (2) All other documents necessary to effectuate the property transfer to the City.

(b) Adopt the following Fiscal Year 2019-2020 Appropriation Ordinance Amendments in the General Fund:

- (1) Decrease the Fire Training Center Replacement Reserve in the amount of \$8,500,000; and
- (2) Increase the Fire Training Center Relocation City-Wide Capital Improvements appropriation to the Fire Department in the amount of \$8,500,000.

CEQA: Not a project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 7. (Economic Development/City Manager)

**8.2 20-183 Actions Related to the Transfer of Coyote Valley Property to the City.**

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

- (a) Complete negotiation of the terms of the transfer of approximately 14.5 acres of property in the Coyote Valley to the City;
- (b) Negotiate and execute an amendment to the Coyote Valley Master Transfer and Conservation Agreement among the Peninsula Open Space Authority, the City and the Santa Clara Valley Open Space Authority to revise provisions related to the transfer of approximately 14.5 acres of property in the Coyote Valley to the City; and
- (c) Take various actions to effectuate the transfer, including without limitation, execution of the documents related to the transfer.

CEQA: Categorically Exempt, File No. ER19-064, CEQA Guidelines 15307 Actions by Regulatory Agencies for Protection of Natural Resources and 15308 Actions by Regulatory Agencies for Protection of the Environment. Council District 2. (Economic Development)

**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) **20-186**      **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 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. File No. PP18-047. (Planning, Building and Code Enforcement)  
[Deferred from 2/11/20 - Item 10.1(b) - (20-144)]

**(b) 20-187 PP19-084 - Amendment to Title 20 of the San José Municipal Code (Zoning Ordinance).**

**Recommendation:** Approve an ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance) to change permit requirements for drinking establishment in conjunction with a winery, brewery, or distillery and off-sale of alcoholic beverages as incidental to a winery, brewery, or distillery in the Commercial, Industrial, and Downtown Zoning Districts in Table 20-90 in Section 20.40.100 of Chapter 20.40, Table 20-110 in Section 20.50.100 of Chapter 20.50, and Table 20-140 in Section 20.70.100 of Chapter 20.70; amend Table 20-90 in Section 20.40.100 of Chapter 20.40 and Table 20-140 in Section 20.70.100 of Chapter 20.70 to include Taproom or Tasting Room with off-sale of alcohol; amend the parking requirement for medical or dental clinic/out-patient facility in Table 20-140 of Section 20.70.100; amend Section 20.50.110 commercial support to include the Administrative Permit for Off-Sale of Alcohol; amend Section 20.80.900 Alcoholic Beverages in conjunction with wineries, breweries, or distilleries to include a section for Off-Sale of Alcoholic Beverages in conjunction with a winery, brewery, or distillery; add Part 5.75 Taproom or Tasting Room and Off-Sale of Alcoholic Beverages to Chapter 20.80; add a parking requirement for Taproom or Tasting Room use in Table 20-190 in Chapter 20.90; add the definition for Taproom or Tasting Room in Section 20.200.1273 of Chapter 20.200; and 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 (Resolution No. 76041) and Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. File No. PP19-084. (Planning, Building and Code Enforcement)

- (c) **20-188**      **PP19-085 - Amendment to Title 20 of the San José Municipal Code (Zoning Ordinance).**

**Recommendation:** Approve an ordinance of the City of San José amending Title 20 of the San Jose Municipal Code to amend Section 20.30.600 Table 20-80 to add clarifying language to the Corner Lot Side Setback Area definition and standards; amend Section 20.80.1440 to add Lawful Non-Residential Uses into Residential Zoning Districts for the Outdoor Private Property Special Events Permit Process; amend Section 20.80.1450 to add clarifying language which defines setbacks for Lawful Non-Residential uses; amend Section 20.80.1460 to include Downtown Zoning Districts and reduce setbacks for Outdoor Private Property Special Events in commercially zoned districts within designated Neighborhood Business Districts when in compliance with Residential Standards under this part; amend Section 20.80.1460 and 20.80.1470 to increase the number of Outdoor Private Property Special Events which can take place in Commercial and Industrial Zoning Districts; amend Section 20.80.1510 to increase the Permit Acceptance or Denial Period from thirty (30) to forty-five (45) days; 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 (Resolution No. 76041) and Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

**END OF CONSENT CALENDAR**

## **10 Land Use - Regular Agenda**

**10.2 20-189 C19-039, SP19-063, T19-050 - Conventional Rezoning, Special Use Permit and Vesting Tentative Map for Certain Real Property Located at 292 Stockton Avenue.**

**Recommendation:** (a) Adopt a resolution adopting the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) for the Stockton Avenue Hotel and Condominium Project, and associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, as amended.  
(b) Approve an ordinance rezoning certain real property approximately 0.86-gross acres in size from the HI Heavy Industrial Zoning District to the DC Downtown Primary Commercial Zoning District.  
(c) Adopt a resolution approving, subject to conditions, the Vesting Tentative Map, to subdivide the building's airspace into one commercial condominium unit for hotel use and 19 residential condominium units above the hotel space.  
(d) Adopt a resolution approving, subject to conditions, a Special Use Permit, to allow a mixed-use development consisting of a 303-room hotel and 19 attached condominium residential units within a nine-story, 342,388-square foot building with three levels of underground parking on a 0.86-gross acre site, and to allow the hotel to become a commercial condominium unit.  
CEQA: Stockton Hotel and Condominium Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942). File No. C19-039, SP19-063, T19-050. Planning Commission recommends approval (7-0). Council District 3. (Planning, Building and Code Enforcement)

- **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**

This meeting will be in memory of Dr. Willie T. Gaines Jr., Pastor Emeritus, who served as Emmanuel Baptist Church's pastor for 27 years. Pastor Gaines lead a remarkable life, expanding San José's Emmanuel Baptist Church from 200 members to over 5,000 and touching the lives of many more. Pastor Gaines leaves to cherish his memory his wife of over 50 years, Alice; his daughter, Galen; a host of relatives, friends, and ministry sons and daughters; and untold numbers who were blessed by his unique personality and down-home wisdom.

## **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.