



# **City Council Meeting Agenda**

**Tuesday, March 10, 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

**20-018**

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 3)
- Pledge of Allegiance
- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a Proclamation recognizing March as National Nutrition Month. (Davis)

1.2 Presentation of a Proclamation for Census 2020. (Carrasco)

## **2. CONSENT CALENDAR**

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

**2.1 Approval of City Council Minutes.**

**2.2 Final Adoption of Ordinances.**

**2.3 Approval of Council Committee Minutes.**

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

**2.5 City Council Travel Reports.**

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

**2.7 20-213 Amendment to the Lease of Airport Premises Agreement with Smiths Detection, Inc.**

**Recommendation:** Approve a Third Amendment to Lease of Airport Premises with Smiths Detection, Inc. to extend the term for three years, from March 16, 2020 to March 15, 2023, with annual revenue to the City of approximately \$47,070.

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

### **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 20-224 Second Quarter Financial Reports for Fiscal Year 2019-2020.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on February 20, 2020, accept the Second Quarter (period ending December 31, 2019) Financial Reports for Fiscal Year 2019-2020 for the following programs:

- (a) Debt Management
- (b) Investment Management
- (c) Revenue Management; and

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

[Public Safety, Finance and Strategic Support Committee referral - 2/20/20 - Item (d)2]

**3.4 20-228 City of San José Investment Policy Annual Review.**

**Recommendation:** As recommended by the Public Safety, Finance and Strategic Support Committee on February 20, 2020, adopt a resolution to approve the proposed revisions to Council Policy 1-12, "City of San José Investment Policy".  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance and Strategic Support Committee referral - 2/20/20 - Item (d)3]

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 20-214 Hammer Theatre Center Operations and Maintenance Agreement.**

**Recommendation:** As recommended by the Community and Economic Development Committee on February 24, 2020, accept the report and adopt a resolution authorizing the City Manager to negotiate and execute an agreement with San Jose State University for the operations and maintenance of the Hammer Theatre Center for a 15 year term with two additional 10 year options to renew starting July 1, 2020, for an annual amount of \$315,000 with adjustments according to the consumer price index, subject to the appropriation of funds by the City Council.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development)  
[Pending Community and Economic Development Committee referral 2/24/20 - Item (d)2]

**8.2 20-215 TEFRA Hearing for California Statewide Communities Development Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Acquire and Rehabilitate the Valley Palms Apartments.**

**Recommendation:** (a) Allow under Section I, B. of the City Council Policy 1-16, Policy for the Issuance of Multifamily Housing Revenue Bonds, to permit the California Statewide Community Development Authority to issue private-activity bonds for the acquisition by Valley Palms 2018 LP and rehabilitation of the Valley Palms Apartments, a 354-unit apartment complex located at 2155 and 2245 Lanai Avenue in San José (the "Project").

(b) Hold a Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") public hearing for the issuance not to exceed \$120,000,000 in tax-exempt private-activity bonds by the California Statewide Community Development Authority to finance the Project and to pay certain expenses incurred in connection with the issuance of the bonds.

(c) Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds by the California Statewide Community Development Authority in a principal amount not to exceed \$120,000,000 to be used to finance the Project and to pay certain expenses incurred in connection with the issuance of the tax-exempt private activity bonds.

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)

**TO BE HEARD IN THE EVENING**

## **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) **20-216**            **C19-028 - Conforming Rezoning for Real Property located at 460 Lincoln Avenue.**

**Recommendation:** Approve an ordinance rezoning the approximately 2.49-acre site on that certain real property located on the southeast corner of Auzerais Avenue and Lincoln Avenue (460 Lincoln Avenue) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Planning Director recommends approval. Council District 6. (Planning, Building and Code Enforcement)

- (b) **20-217**            **C19-037 - Conforming Rezoning for Real Property located at 332 North Second Street.**

**Recommendation:** Approve an ordinance rezoning two contiguous properties, each approximately 0.21-gross acres, on that certain real property located on the east side of North Second Street, approximately 330 feet north of West Julian Street, at 332 and 334 North Second Street, from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Director recommends approval. Council District 3. (Planning, Building and Code Enforcement)



- (c)     **20-218**           **C19-044 - Conforming Rezoning for Real Property located at 821 Coleman Avenue.**

**Recommendation:** Approve an ordinance rezoning an approximately 0.23-gross acre site, on that certain real property located on the southwest side of Coleman Avenue, approximately 200 feet northwest of Emory Street, at 821 Coleman Avenue, from the R-2 Two Family Residence Zoning District to the LI Light Industrial Zoning District.  
CEQA: Categorically Exempt, CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. Planning Director recommends approval. Council District 3. (Planning, Building and Code Enforcement)

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**OPEN GENERAL PLAN HEARING (2020 FIRST CYCLE).**

**10.2 20-219 GPT19-003/GP19-005/GP19-006 - General Plan Text Amendment, General Plan Amendment for Real Property Located at 625 Hillsdale Avenue, and General Plan Amendment for Real Property Located at 500 Nicholson Lane.**

**Recommendation:** (a) Adopt a resolution adopting the General Plan Text Amendment to add a new land use designation entitled “Mobilehome Park” to Chapter 5 (“Interconnected City”) of the Envision San José 2040 General Plan (File No. GPT19-003);

(b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Urban Residential and Residential Neighborhood to Mobilehome Park for 625 Hillsdale Avenue on a 21.71 gross acre site (File No. GP19-005); and

(c) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Urban Residential to Mobilehome Park for 500 Nicholson Lane on an 83.43 gross acre site (File No. GP19-006).

(d) In addition to the above, the Planning Commission further recommended that the City Council:

(1) Consider a City-initiated General Plan amendment and direct staff to return to Council to consider applying the Mobilehome Park land use designation to the remaining 56 mobilehome parks in the City; and

(2) Consider amendments to the General Plan and/or City Council Policy 6-33 and direct staff to return to Council to consider additional amendments to better protect existing mobilehome residents by ensuring residents receive just compensation in the event of a conversion, with the criteria being, at a minimum, comparable to what was received by residents at the Winchester Ranch Mobilehome Park, and to include strategies to ensure mobilehome units lost are replaced with deed restricted on-site, affordable housing.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Council Districts 7 and 4. Planning Commission recommends approval (6-0-1, Oliviero absent). (Planning, Building and Code Enforcement)

**CLOSE GENERAL PLAN HEARING (2020 FIRST CYCLE).**

**10.3 20-220 PD18-040 - Administrative Hearing on the Appeals of the Planning Director's Consideration of the Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and approval of the Planned Development Permit No. PD18-040.**

**Recommendation:** (a) Conduct an Administrative Hearing to consider the Appeals of the Planning Director's (i) adoption of the Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and (ii) approval of the Planned Development Permit No. PD18-040 for the Harker Middle School Project, which permits the demolition of three existing academic building, and a portion of an auditorium/gym building totaling approximately 19,000 square feet and the construction of a 2-story classroom building, an addition to the existing auditorium/gym resulting in approximately 20,542 square foot building, and site improvements including the removal of fifteen ordinance size trees, circulation improvements including the installation of a traffic light on Union Avenue, landscaping and the addition of sports courts and a field for a private middle school with up to 600 students on an approximately 7.7-gross acres lot located at 4525 Union Avenue.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's adoption of the Harker Middle School Expansion Project Mitigated Negative Declaration, and finding that:

- (1) The City Council has read and considered the Initial Study/Mitigated Negative Declaration (IS/MND) for the Harker Middle School Project and related administrative record in connection with Planned Development Permit No. PD 18-040;
- (2) The Harker Middle School IS/MND was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, together with State and local implementation guidelines;
- (3) Adoption of the Harker Middle School Project MND reflects the independent judgement and analysis of the City of San José; and
- (4) Preparation of a new environmental document is not required because the IS/MND thoroughly and adequately analyzed the project and the environmental appeal does not raise any new significant impacts that have not already been analyzed in the IS/MND in accordance with Public Resources Code (PRC) Section 21166, or CEQA Guidelines Section 15162.

(c) Adopt a resolution denying the permit appeal and approving the Planned Development Permit No. PD18-040, for the Harker Middle School Project, to allow the demolition of three existing academic buildings and a portion of an auditorium/gym building totaling approximately 19,000 square feet and the construction of an approximately 39,000-square foot, 2-story classroom building, an addition to the existing auditorium/gym resulting in an approximately 20,542 square foot building, and site improvements including the removal of fifteen ordinance-size trees, circulation improvements including installation of a traffic light on Union Avenue, landscaping, and the addition of sports courts and a field for a private middle school with up to 600 students on an approximately 7.7-gross acre site, on the West side of Union Avenue, 100 feet southerly of Barrett Avenue, (4525 Union Avenue).

CEQA: Harker Middle School Expansion Project Mitigated Negative Declaration, File No. PD18-040. Council District 9. (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

## **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.