



# **City Council Meeting Agenda**

**Tuesday, March 24, 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

**20-020**      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 declaring April 1, 2020 as Census Day in the City of San José. (Carrasco)

1.2 Presentation of a Proclamation recognizing March 31st, 2020 as Trans Day of Visibility. (Davis)

## **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 20-309 Amendment to the Agreement with Kimley Horn & Associates, Inc. for the Runway Incursion Mitigation/Design Standards Analysis Study at the Airport.**

**Recommendation:** Approve a Second Amendment to the Consultant Services Agreement with Kimley Horn & Associates, Inc. for the Runway Incursion Mitigation/Design Standards Analysis Study at the Norman Y. Mineta San José International Airport, extending the term of the Agreement to September 30, 2020, with no change in maximum compensation. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Airport)

**2.8 20-310 Permanent Water Easement Between the City of San José and San Jose Water Company.**

**Recommendation:** Adopt a resolution authorizing the City Manager or his designee to execute all the documents necessary for a permanent water easement agreement with the San Jose Water Company for water facilities installation to support the construction of the Coleman Highline Project. 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. (Economic Development)

**2.9 20-311 Termination of Drainage Easement on Champions Way and Champions Drive.**

**Recommendation:** Adopt a resolution authorizing the City Manager or his designee to execute all documents necessary to terminate the Drainage Easement Agreement and Reciprocal Drainage Easement Agreement to CAP TRANCHE 2, LLC, CITY FIELDS WEST 1, LLC and TOD BROKAW, LLC in order to support the Coleman Highline development project. 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. (Economic Development)

### **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 20-312 Status of Open Audit Recommendations as of December 31, 2019.

**Recommendation:** Accept the Status of Open Audit recommendations as of December 31, 2019.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

### 3.4 20-313 Spring Intergovernmental Relations Report.

**Recommendation:** (a) Accept the Spring Intergovernmental Relations Report.  
(b) Reaffirm all City positions summarized in the Intergovernmental Relations Priority Legislation Log.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

### 3.5 20-314 Amendment to the Master Agreement with CPS HR Consulting for Recruitment Projects.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement with CPS HR Consulting for recruitment projects, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$540,000 with each service order subject to appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Human Resources)

### 3.6 20-315 2020-2022 Innovation and Technology Strategic Plan.

**Recommendation:** As recommended by the Smart Cities and Service Improvements Committee on March 5, 2020, accept the update on the concluding of the City's 2017-2019 Innovation and Technology Strategic Plan and performance of goals set and the presentation of input themes, strategies, and priorities for the 2020-2022 Information Technology Strategic Plan.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Information Technology)  
[Smart Cities and Service Improvements Committee referral 3/5/20 - Item (d)2]

## **4. PUBLIC SAFETY SERVICES**

### **4.1 20-316 Actions Related to the San José Police Department Sexual Assault Workplan for the Sexual Assaults Law Enforcement Training and Supportive Services Program.**

**Recommendation:** (a) Accept the San José Police Department's Workplan for the Sexual Assaults Law Enforcement Training and Supportive Services Program.  
(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the General Fund:  
(1) Decrease the Sexual Assaults Law Enforcement Training and Supportive Services Reserve appropriation by \$690,000;  
(2) Increase the Personal Services appropriation to the Police Department by \$150,000; and  
(3) Increase the Non-Personal/Equipment appropriation to the Police Department by \$540,000.  
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. (Police/City Manager)

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

### **5.1 20-317 San Jose City Airport Master Plan Amendment.**

**Recommendation:** (a) Adopt a resolution certifying the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.  
(b) Adopt a resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport.  
(c) Approve an ordinance amending Title 25.04.300(B)(1) of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42.

CEQA: Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report. (Planning, Building and Code Enforcement/Airport)

**5.2 20-318 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2020 Major Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$1,102,547.  
(b) Approve an approximate ten percent contingency in the amount of \$110,200.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

**5.3 20-319 2020 Local Streets Concrete #1 Project.**

**Recommendation:** (a) Approve award of a construction contract for the 2020 Local Streets Concrete #1 Project, to the low bidder, Spencon Construction, Inc. in the amount of \$1,367,640.  
(b) Approve an approximate five percent contingency in the amount of \$68,400.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

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

## **7. NEIGHBORHOOD SERVICES**

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

**8.1 20-320 Countywide Community Plan to End Homelessness Status Update.**

**Recommendation:** (a) Accept status update on the Community Plan to End Homelessness.  
(b) Direct staff to return to Council with the final Community Plan to End Homelessness along with a City of San José Year 1 implementation plan by June 2020.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing/City Manager)



**8.2 20-321 Annual Progress Report on the Implementation of the San José General Plan Housing Element and the Housing Successor to the Redevelopment Agency Annual Report.**

**Recommendation:** Receive the staff reports for the draft 2019 Annual Progress Report on the Implementation of the San José 2014-2023 Housing Element, and the draft 2018-2019 Housing Successor to the Redevelopment Agency Annual Report, and make possible recommendations to staff and/or the City Council.

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

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- Open Forum

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

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

## **10. LAND USE**

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

### **10.1 Land Use on Consent Calendar**

- (a) **20-322** CA19-001 - Consideration of a Proposed Conservation Area Historic Designation as North Willow Glen Conservation Area.

**Recommendation:** Adopt a resolution adopting the designation of the area generally bounded on the north by the Southern Pacific Rail Line right-of-way, on the east by Delmas Avenue, on the south by Willow Street, and on the west by Bird Avenue as the North Willow Glen Conservation Area. CEQA: Categorically Exempt, CEQA Guidelines Section 15262 for Feasibility and Planning Studies, and Section 15331 for Historical Resource Restoration/Rehabilitation, implementing the California Environmental Quality Act of 1970, as amended. Planning Director recommends approval. Council District 6. (Planning, Building and Code Enforcement)  
**TO BE HEARD AT 1:30 P.M. IMMEDIATELY AFTER CONSENT**

- (b) **20-323** C19-030 - Conventional Rezoning for Real Property Located at 200 Hayes Avenue.

**Recommendation:** Approve an ordinance rezoning certain real property on an approximately 0.41-gross acre site located on the southwest corner of Hayes Avenue and Lean Avenue, from the R-1-1 Single Family Residence Zoning District to the R-2 Two-Family Residence Zoning District. CEQA: Categorically Exempt, CEQA Guidelines Section 15303(a) for the Construction of up to three single-family residences in urbanized area. Planning Commission recommends approval (7-0). Council District 2. (Planning, Building and Code Enforcement)  
**TO BE HEARD AT 1:30 P.M. IMMEDIATELY AFTER CONSENT**

- (c) **20-324 C19-047 - Conforming Conventional Rezoning for Real Property Located at 2150 North First Street.**

**Recommendation:** Approve an ordinance rezoning certain real property on an approximately 4.70-gross acre site located at 2150 North 1st Street from the A(PD) Planned Development Zoning District to the TEC Transit Employment Center Zoning District.  
CEQA: Determination of Consistency with 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 4. Planning Director recommends approval. (Planning, Building and Code Enforcement)  
**TO BE HEARD AT 1:30 P.M. IMMEDIATELY AFTER CONSENT**

**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.