



# **City Council Meeting MINUTES**

**Tuesday, April 23, 2019**

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



## **MINUTES OF THE CITY COUNCIL**

**The Council of the City of San José convened in Closed Session on Tuesday, April 23, 2019, at 9:36 a.m. in the Council Chambers at City Hall.**

### **19-132 - Closed Session, Call to Order in Council Chambers**

*(See Page 19 for Closed Session Minutes)*

By unanimous consent, Council recessed from the Closed Session at 11 a.m.; Council reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - Carrasco.

**6:02 p.m.- Evening Session, Council Chambers, City Hall**

**Absent Councilmembers: Carrasco, Davis.**

- **Invocation (District 4)**

Pastor Ron Carpenter of Redemption Church provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 4.4 deferred to May 7, 2019.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1** Mayor Sam Liccardo and Councilmember Raul Peralez presented a Commendation to Brian Grayson of the Preservation Action Council of San José.  
(Peralez)
- 1.2** Mayor Sam Liccardo and Councilmembers Raul Peralez and Pam Foley presented a Commendation to Leslee Hamilton of the Guadalupe River Park Conservatory.  
(Peralez/Foley)
- 1.3** Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a commendation recognizing April 2019 as Child Abuse Awareness Month in the City of San José. (Arenas)
- 1.4** Mayor Sam Liccardo and Councilmember Maya Esparza presented a Commendation to Ms. Colleen Hudgen for 18 years of overseeing four specialized adult day care centers. (Esparza)  
*Heard in the Evening*
- 1.5** Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a Commendation to Regional Hospital for Donate Life Month. (Carrasco)  
*Heard in the Evening*

## **2. CONSENT CALENDAR**

### **2.1 19-252                      Approval of City Council Minutes.**

(a) Regular City Council Meeting Minutes of September 18, 2018.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The City Council Minutes were approved. (10-0-1. Absent: Carrasco.)

### **2.2 19-255                      Final Adoption of Ordinances.**

(a) Ord No. 30253 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 2.0-Gross Acre Site Located at the Southeast Corner of Trade Zone Boulevard and Lundy Street (2222 Trade Zone Boulevard), from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

(b) Ord No. 30254 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Section 20.30.150 of Chapter 20.30 to Remove the Average Height Requirement for Secondary Units and Modify the Maximum Height Requirement for Two-Story Secondary Unites; Amend Section 20.50.100 of Chapter 20.50 to Allow Farmers' Markets as an Enumerated Use in the CIC Zoning District; and to Make Other Technical, Non-Substantive or Formatting Changes within those Sections of Title 20 of the San José Municipal Code.

## 2.2 Final Adoption of Ordinances (Cont'd.)

(c) Ord No. 30255 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.47-Gross Acre Situated on the North Side of Hemlock Avenue, Approximately 120 Feet Easterly of South Baywood Avenue (2881 Hemlock Avenue and 376 South Baywood Avenue) from the CG General Commercial Zoning District to the CP(PD) Planned Development Zoning District.

Action: **Ordinance Number 30253, Ordinance Number 30254 and Ordinance Number 30255** were adopted. (10-0-1. Absent: Carrasco.)

## 2.3 19-253 Approval of Council Committee Minutes.

(a) Neighborhood Services and Education Minutes of March 14, 2019.  
(b) Public Safety, Finance, and Support Services Committee Minutes of March 21, 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 Clerk)

Action: The City Council Committee Minutes were approved. (10-0-1. Absent: Carrasco.)

## 2.4 Mayor and Council Excused Absence Requests.

None provided.

## 2.5 City Council Travel Reports.

None provided.

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

Councilmember Dev Davis reported out on the recent meeting and indicated the Retirement Board had passed a new investment policy.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously, the report was accepted. (10-0-1. Absent: Carrasco.)

## 2.7 19-235 Actions Related to the Purchase Order with Euro Style Management, Inc. for Clarifier Coating Rehabilitation Services at the San José-Santa Clara Regional Wastewater Facility.

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Euro Style Management, Inc. (North Highlands, CA) for clarifier coating rehabilitation services at the San José-Santa Clara Regional Wastewater Facility for an initial twelve-month period, starting on or about May 1, 2019 and ending on or about April 30, 2020, for an amount not to exceed \$717,200; and

*(Item Continued on the Next Page)*

**2.7 (Cont'd.)**

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about April 30, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP16-033, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 79049** related to the Purchase Order with Euro Style Management, Inc. was adopted. (10-0-1. Absent: Carrasco.)

**2.8 19-236 Actions Related to the Purchase Order with Jeffco Painting and Coating, Inc. for Sandblasting and Painting Services at the San José-Santa Clara Regional Wastewater Facility.**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Jeffco Painting and Coating, Inc. (Vallejo, CA) for sandblasting and painting services at the San José-Santa Clara Regional Wastewater Facility for an initial twelve-month period, starting on or about May 1, 2019 and ending on or about April 30, 2020, for an amount not to exceed \$400,000; and  
(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about April 30, 2024, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-021, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Action: **Resolution No. 79050** related to the Purchase Order with Jeffco Painting and Coating, Inc. was adopted. (10-0-1. Absent: Carrasco.)

**2.9 19-237 Actions Related to the Purchase Order with Wattis Construction Company, Inc. for Asphalt Paving Maintenance & Repair Services.**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Wattis Construction Company, Inc. (San José, CA) for asphalt paving maintenance and repair services for the Public Works Department for an initial twelve-month period, starting on or about April 24, 2019 and ending on or about April 23, 2020, for an amount not to exceed \$290,000, subject to the appropriation of funds; and  
(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about April 23, 2024, subject to the appropriation of funds.

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

Action: **Resolution No. 79051** related to the Purchase Order with Wattis Construction Company, Inc. was adopted. (10-0-1. Absent: Carrasco.)

**2.10 19-238 Report on Request for Proposal for Library Discovery Layer Services.**

Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with BiblioCommons Inc. (Toronto, ON) for the purchase and implementation of a Library Discovery Layer, including software subscriptions and professional services for implementation, configuration, project management, training, and ongoing support and maintenance for an initial two-year term beginning on or about May 1, 2019 and ending April 30, 2021, with a maximum compensation not to exceed \$243,734 during the initial two-year term and subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as may be required for any unanticipated changes to the City's requirements for a contingency amount not to exceed \$60,000 during the initial two-year term, subject to the appropriation of funds; and
- (c) Exercise up to five additional one-year options to extend the agreement through April 30, 2026 for ongoing software subscriptions, support, maintenance, and related professional services, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New

Action: **Resolution No. 79052** related to the Agreement with BiblioCommons, Inc. was adopted. (10-0-1. Absent: Carrasco.)

**2.11 19-260 Retroactive Approval of Meadow Fair Community Meeting 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.**

As recommended by the Rules and Open Government Committee on April 10, 2019:

1. Retroactively approve the Meadow Fair Community Meeting scheduled on April 3, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve and accept donations from various individuals, businesses or community groups to support the event.

(Arenas)

Action: The City Council Sponsored Special Event was retroactively approved. (10-0-1. Absent: Carrasco.)

**2.12 19-289 Public Member Appointment to the Board of Administration for Police and Fire Retirement Plan.**

Appoint Drew Lanza as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2023.

CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)  
***Renumbered from Item 3.4 (19-251)***

Action: Drew Lanza was appointed as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan for a term ending April 30, 2023. (10-0-1. Absent: Carrasco.)

**2.13 19-290 Retroactive Approval of the Spring Cleaning Event 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.**

- (a) Retroactively approve the Spring Cleaning Event scheduled on April 13, 2019 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; and
- (c) Approve the use of District Funds to purchase \$25 gift cards for volunteers.

Action: The City Council Sponsored Special Event was retroactively approved.  
(10-0-1. Absent: Carrasco.)

### **3. STRATEGIC SUPPORT**

**3.3 19-239 Audit of Development Noticing: Ensuring Outreach Policies Meet Community Expectations.**

Accept the report on Development Noticing: Ensuring Outreach Policies Meet Community Expectations.

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)

[Community and Economic Development Committee referral 3/25/19 - Item (d)5]

City Auditor Joe Rois and Rosalynn Hughey, Director, Planning, Building and Code Enforcement, presented the audit and responded to questions. City Manager, David Sykes clarified which portion would go to Priority Setting.

Public Comment: Three members of the public addressed outreach policies, including the good work that Mayfair continues to do in regard to community engagement.

Mayor Sam Liccardo spoke to his memorandum dated April 23, 2019 and encouraged support. Council discussion followed.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, the report on *Development Noticing: Ensuring Outreach Policies Meet Community Expectations* was accepted, with the inclusion of Mayor Sam Liccardo's memorandum dated April 23, 2019, to:

1. Accept the Audit and the Administration's Response.

*(Item Continued on the Next Page)*

### 3.3 (Cont'd.)

2. Direct the City Manager to designate a single point of contact who will solicit, receive, and assemble neighborhood data provided by the Mayor's Office, Councilmembers' Offices, PRNS staff, and United Neighborhoods of Santa Clara County to create a single, updated outreach list with primary contacts (by phone and email) for every neighborhood association and homeowners' association in the City of San Jose for noticing purposes, and for other City business such as emergency preparedness training and PRNS programming.

a. If this task requires a budget allocation, return to Council for approval through the budget process.

b. Council Offices should review and update their submissions to the City Manager's designee annually.

c. The City Manager's Office should work with the Mayor's Office of Technology and Innovation or other City staff to develop a public "Wiki" document that can enable updating by neighborhood associations (with phone numbers maintained but not visible to the public).

3. Allow a more substantial overhaul of Council Policy 6-30 to come to the Council next year for prioritization and further analysis; but direct the City Manager to implement the following changes, as recommended by the Audit, which may be made without additional work or analysis:

a. Upon any necessary approvals of Fees & Charges by Council in the upcoming budget process, implement Recommendation #3(c), removing the requirement that neighborhood associations and other requesting parties pay for translation services.

b. Upon any necessary approval of Fees & Charges by Council in the upcoming budget process, PBCE should translate a notice to Spanish, Vietnamese, or other language spoken by a large percentage of monolingual residents in the neighborhood, where either:

1. Indicated by the existing "language map" prepared by the Office of Immigrant Affairs/ Department of Public Works, or by a Council Office through a simple request process designated by PBCE; or,

11. Pending any changes in Council Policy 6-30, formalize the current practice of providing a digital-friendly version of notices to every Council Office for posting on Nextdoor or other social media. The notice should clarify that the development proposal is not the City's or Councilmember's, but rather is from the applicant.

c. Solicit ongoing Neighborhood Commission feedback regarding Recommendation 6 ("Plain Language Noticing") to facilitate specific changes to noticing language in a manner that does not expend any additional Planning Department resources.

1. Consider utilizing the project description template developed by the City of Sacramento as outlined in the audit (Exhibit 10).

4. Accept Councilmember's Jimenez's recommendation to incorporate the Planning Commission's suggestions as part of the larger review and revisions to Council Policy 6-30. Further direct review and allow for input by the Neighborhoods Commission if Council prioritizes policy revision.

(10-0-1. Absent: Carrasco.)



**3.4 19-251 Public Member Appointment to the Board of Administration for Police and Fire Retirement Plan.**

Appoint Drew Lanza as a Public Member on the Board of Administration for the Police and Fire Department Retirement Plan to a term ending April 30, 2023.

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

*Note: Renumbered to Item 2.12*

*(See Item 2.12 for Action taken.)*

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1 19-240 Actions Related to the Summary Vacation of Granite Rock Way.**

Conduct a Public Hearing and adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of approximately 400 feet of Granite Rock Way with the reservation of a public service easement over the area being vacated;

(b) Summarily vacating approximately 400 feet of Granite Rock Way which is a cul-de-sac that has been determined to no longer be necessary for public street purposes and reserving a public service easement over the area being vacated; and

(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Categorically Exempt, File No. AT17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 7. (Public Works)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Erik Schoennauer, the Schoennauer Company, offered the merits of the project.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79053** regarding Actions Related to the Summary Vacation of Granite Rock Way was adopted. (9-0-2. Absent: Carrasco, Davis.)

**4.2 19-241 Actions Related to the Summary Vacation of North 4th Street.**

Conduct a Public Hearing and adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a portion of North 4th Street with the reservation of a 10 square foot public service easement within the area being vacated;

*(Item Continued on the Next Page)*

## 4.2 (Cont'd.)

- (b) Summarily vacating a portion of North 4th Street which has been determined to be excess and reserving a 10 square foot public service easement within the area being vacated; and
  - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: Categorically Exempt, File No. PP19-027, CEQA Guidelines Sections 15303, New Construction or Conversion of Small Structures, and 15305, Minor Alterations in Land Use Limitation. Council District 3 (Public Works)

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez and carried unanimously, **Resolution No. 79054** regarding Actions Related to the Summary Vacation of North 4th Street, was adopted. (9-0-2. Absent: Carrasco, Davis.)

## 4.3 19-254 **Actions Related to the Lease Extension and Naming Rights for the San José Municipal Stadium. [RECOMMEND DEFERRAL TO 4/30/19]**

- (a) Conduct a Public Hearing in accordance with City Council Policy 7-5 on the renaming of the San José Municipal Stadium in exchange for a 3-year sponsorship and naming rights agreement with Excite Credit Union in the amount of \$275,000 to the City of San José.
  - (b) Adopt a resolution:
    - (1) Authorizing the City Manager to negotiate and execute an amendment to the Amended and Restated Lease between the City of San José and the San José Giants, dba., Baseball Acquisition Company, Inc. (BAC), regarding the San José Municipal Stadium located at 588 E. Alma Avenue, in order extend the existing lease for three (3) years, with a new expiration date of December 31, 2021, update parking use and management, and include the terms of the agreement with Excite Credit Union and Baseball Acquisition, Inc., for the sponsorship and naming rights at the San José Municipal Stadium, for a period of 3 years resulting in a contribution of \$275,000 with these funds specifically dedicated to the San José Municipal Stadium for capital needs to support the activation and long-term use of the facility; and
    - (2) Approving the renaming of the San José Municipal Stadium to Excite Ballpark Home of the San José Giants.
  - (c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the San José Municipal Stadium Capital Fund:
    - (1) Establish an estimate for Other Revenue in the amount of \$65,000; and
    - (2) Increase the Capital Enhancements appropriation to the Office of Economic Development Department by \$65,000.
- CEQA: Exempt, File No. PP07-217. Council District 7. (Economic Development/City Manager)

**Deferred to 4/30/19 Per Administration**

**4.4 19-256 Ellis Act Ordinance Recontrol Provisions. [RECOMMEND DEFERRAL TO 5/7/19]**

Accept the verbal staff report on research on the Ellis Act Ordinance's recontrol provisions including conversations with developers and lenders, potential alternatives for meeting recontrol requirements accept the ancillary staff report, and direct staff to take action related to recontrol and/or recontrol alternatives. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing) (Deferred from 3/26/19 - Item 4.2; 4/9/19 - Item 4.2)  
**Deferred to 5/17/19 Per Administration.**

**5. NEIGHBORHOOD SERVICES**

**5.1 19-243 Actions Related to the 7620-Arcadia Softball Facility Project.**

- (a) Approve an increase in the project construction contingency from 5 percent of the construction contract amount to 10 percent, resulting in a new contingency of \$1,680,000.
  - (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders for the Project in excess of \$100,000 up to the new contingency amount of \$1,680,000.
  - (c) Adopt the following Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund: City-wide Parks Purposes:
    - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility project by \$91,000; and
    - (2) Decrease the Ending Fund Balance by \$91,000.
  - (d) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
    - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility Maintenance Yard project by \$50,000; and
    - (2) Decrease the Ending Fund Balance by \$50,000.
  - (e) Adopt the following Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund:
    - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility project by \$759,000; and
    - (2) Decrease the Parks and Recreation Bond Projects Contingency Reserve by \$759,000.
- CEQA: Addendum to the Evergreen East Hills Vision Strategy Environmental Impact Report and Supplemental Environmental Impact Report (Resolution No. 74742), File No. PP14-088. (Public Works/Park, Recreation and Neighborhood Service/City Manager)

*(Item Continued on the Next Page)*

## 5.1 (Cont'd.)

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, actions related to the 7620-Arcadia Softball Facility Project were approved, and (b) **Resolution No. 79055**, (c) Appropriation **Ordinance No. 30258**, (d) Appropriation **Ordinance No. 30259**, and (e) Appropriation **Ordinance No. 30260** were adopted. (10-0-1. Absent: Carrasco.)

## 5.2 19-242 **Project Hope Update.**

As recommended by the Neighborhood Services & Education Committee on March 14, 2019, accept the Project Hope Program Annual Report.

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

[Neighborhood Services & Education Committee referral 3/14/19 - Item d(4)]

Staff provided a presentation, and extensive Council discussion ensued.

Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Johnny Khamis, and carried unanimously, the Project Hope Program Annual Report was accepted. (9-0-2. Absent: Carrasco, Davis.)

## **6. TRANSPORTATION & AVIATION SERVICES**

### 6.1 19-244 **Active Transportation Program Grant Acceptance for Willow-Keyes Complete Streets Improvements and Better Bikeway SJ-San Fernando Corridor Projects.**

Approve the following actions to receive grant funds from the Metropolitan Transportation Commission and California Transportation Commission for the Active Transportation Program Cycle 4:

(a) Willow - Keyes Complete Streets Improvements:

(1) Adopt a resolution to:

(a) Authorize the City Manager or designee to retroactively submit the grant application and negotiate and execute all documents necessary to receive the \$12,926,000 grant for the Willow - Keyes Complete Streets Improvements project, with an in-kind local match of \$3,111,000;

(a) Willow - Keyes Complete Streets Improvements:

(1) (b) Make the certifications and assurances required under the grant program; and

(c) Commit to providing an in-kind local match of \$3,111,000.

(b) Better Bikeway SJ - San Fernando Corridor:

(1) Adopt a resolution to:

(a) Authorize the City Manager or designee to negotiate and execute all documents necessary to receive the \$9,992,000 grant for the Better Bikeway SJ - San Fernando Corridor project, with an in-kind local match of \$1,927,000; and

*(Item Continued on the Next Page)*

## 6.1 (Cont'd.)

(b) Commit to providing an in-kind local match of \$1,927,000.  
CEQA: Determination of Consistency with Envision San José 2040  
General Plan Final Environmental Impact Report (City Council  
Resolution No. 76041), Supplemental Program Environmental Impact  
Report (City Council Resolution No. 77617), and addenda thereto. File  
No. PP19-019. Council Districts 3, 6, & 7. (Transportation)

Staff provided a presentation.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Pam Foley and carried unanimously, (a) **Resolution No. 79056**, Active Transportation Program Grant Acceptance for Willow-Keyes Complete Streets Improvements, and (b) **Resolution No. 79057** Active Transportation Program Grant Acceptance for Better Bikeway SJ-San Fernando Corridor Project were adopted. (9-0-2. Absent: Carrasco, Davis.)

## 6.2 19-245 Actions Related to the 2019 Major Streets Resurfacing Project #2.

(a) Approve award of a construction contract for the 2019 Major  
Streets Resurfacing Project #2, to the low bidder, MCK Services Inc. in  
the amount of \$8,782,160.  
(b) Approve a five percent contingency in the amount of \$439,108.  
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines  
Section 15301(c), Existing Facilities. (Transportation)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, actions Related to the 2019 Major Streets Resurfacing Project #2 were approved. (9-0-2. Absent: Carrasco, Davis.)

## 7. ENVIRONMENTAL & UTILITY SERVICES

## 8. PUBLIC SAFETY

## 9. REDEVELOPMENT – SUCCESSOR AGENCY

## Open Forum

Ray Perez offered comments on the Library's Budget for 2019-2019.

**The City Council recessed at 3:27 p.m. from the afternoon Council Session**

By unanimous consent, Council recessed from the Afternoon Session at 3:27 p.m. and reconvened to the Evening Session at 6:02 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - Carrasco, Davis.

## **10. LAND USE**

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

**(a) 19-246 C18-029 - Conventional Rezoning for Real Property Located at 459 and 469 Piercy Road.**

(1) Adopt a resolution adopting the 459 and 469 Piercy Road Hotel Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.

(2) Approve an ordinance rezoning certain real property of approximately 5.08-gross acres, situated on the northeastern side of Hellyer Avenue and Piercy Road (459 and 469 Piercy Road), from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Mitigated Negative Declaration for the 459 and 469 Piercy Road Hotel Projects. File No. C18-029, H18-016, H18-029. Planning Commission recommends approval (6-0). Council District 2. (PBCE)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, (1) **Resolution No. 79058**, adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program was adopted, and **Ordinance No. 30261** Rezoning Real Property Located at 459 and 469 Piercy Road was passed for publication. (9-0-2. Absent: Carrasco, Davis.)

**(b) 19-247 C18-042 - Conventional Rezoning for Real Property Located at 370 West Trimble Road.**

Approve an ordinance rezoning certain real property of approximately 59-gross acres, situated on the southwest corner of West Trimble Road and Orchard Parkway (350 and 370 West Trimble Road), from the IP(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Determination of Consistency with the North San José Development Policies Updated Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San

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**10.1 (b) (Cont'd.)**

José 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617), and Addenda thereto. File No. C18-042. Planning Commission recommends approval (6-0). Council District 4. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, **Ordinance No. 30262** Rezoning Real Property Located at 370 West Trimble Road was passed for publication. (9-0-2. Absent: Carrasco, Davis.)

**(c) 19-248 C19-002 - Conforming Rezoning of the Real Property Located at the Northeast Corner of North Bascom Avenue and Forest Avenue.**

Approve an ordinance rezoning an approximately 0.46-gross acre site, located at the northeast corner of North Bascom Avenue and Forest Avenue, from a split zoned site in the R-1-8 Single-Family Residence and CP Commercial Pedestrian Zoning Districts to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C19-002. Council District 6. (Planning, Building and Code Enforcement)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, **Ordinance No. 30263** Rezoning Real Property Located at the Northeast Corner of North Bascom Avenue and Forest Avenue was passed for publication. (9-0-2. Absent: Carrasco, Davis.)

**END OF CONSENT CALENDAR**

## 10 Land Use - Regular Agenda

### 10.2 19-249 GPT19-001 & PP19-018 - City-initiated General Plan Text Amendment and San José Downtown Design Guidelines and Standards.

#### (a) Planning Commission

(1) Adopt a resolution approving a City-initiated general plan text amendment to delete certain design guidelines relating to site planning, access and circulation, building form, and open space from “Chapter 3. Final Plan Design Guidelines” of the 2014 Diridon Station Area Plan and amend the introductory text under “Section 3.2, Built Form, Guidelines for Site Planning” of the 2014 Diridon Station Area Plan.

(2) Adopt a resolution (i) approving a new “San José Downtown Design Guidelines and Standards” document to replace the existing “2004 Downtown Design Guidelines” for projects generally located in the Downtown area; and (ii) delegating the authority to the Director of Planning, Building, and Code Enforcement to make minor clarifications, corrections, or technical changes to the text and diagrams of the San José Downtown Design Guidelines and Standards to be published on the Planning, Building, and Code Enforcement webpage, with the following Planning Commission recommended revisions:

(a) Section 1.1, map on page 3, change the label of Downtown core (2011 General Plan) on the map to "General Plan Downtown Growth Area."

(b) Define "historic building" in Section 2.3, 1c on page 13, and in Section 4.2.4., Applicability, item c on page 38.

(c) Section, 4.4.2.b, "City of San José Voluntary Bird-Friendly Building Design Fact Sheet" shall be mandatory for projects located in the design guidelines boundary.

*OR*

#### (b) Staff

(1) Approve the Planning Commission recommendations including Planning Commission recommended revisions (a) and (b) above with the following changes:

(a) Changes to Section 4.4.2.b:

(i) Make item #1, “Reduce large areas of transparent or reflective glass” applicable only to projects within 100 feet of a riparian corridor.

(ii) Make item #2, Strategically place landscaping:

(a) Locate water features and other bird habitat away from building exteriors to reduce reflection.

(b) Reduce or eliminate the visibility of landscaped areas behind glass” applicable only to projects within 100 feet of a riparian corridor.

*(Item Continued on the Next Page)*



## 10.2 (Cont'd.)

(b)(1)(a) (iii) Make item #3, Reduce or eliminate spotlights on buildings” applicable only to projects within 100 feet of a riparian corridor.

(iv) Make item #4, “Turn non-emergency lighting off at night except during June, July, December and January due to bird migration” applicable only to projects within 100 feet of a riparian corridor and change “at night” to “between 2:00 A.M. and 5:00 A.M.”

(b) Additional definitions added to Section A.0, Glossary.

(c) One addition to the “Exceptions to the Standards,” in Chapter 1, Introduction, Section 1.4.

(d) Several editorial changes throughout the document to provide enhanced readability.

CEQA: Determination of Consistency to the Final Program

Environmental Impact Report (EIR) for the Envision San José 2040

General Plan (Resolution No. 76041), the Supplemental EIR to

Envision San José General Plan EIR (Resolution No. 77617), and

Addenda thereto. File Nos. GPT19-001 & PP19-018. Planning

Commission recommends approval (6-0). Council Districts 3 and 6.

(Planning, Building and Code Enforcement)

Rosalynn Hughey, Director, and Tim Rood, Planning, Building and Code Enforcement, offered highlights of the proposal and recommendations.

Public Comments: Barbara Goldstein offered support to the plan, identifying the need for creative placemaking. Mike Sodergren (Preservation Action Council) spoke to streamlining the development process. Shani Kleinhaus and James Eggers, representing the Sierra Club, expressed environmental concerns and the need for a bird-safe design.

Councilmember Raul Peralez spoke to the importance of bird-safe design elements in and around the corridor.

Motion: Councilmember Raul Peralez moved approval, including his memorandum dated April 19, 2019, with bifurcation of the requirement portion regarding bird friendly design, which would return to Council in two weeks. Councilmember Sylvia Arenas seconded the motion.

Council discussion followed, with direction included for staff to do further outreach with the development community to review suggested guidelines and standards.

Action: On a call for the question, the motion carried unanimously, and **Resolution No. 79059**, approving a City-initiated general plan text amendment; and **Resolution No. 79060** were adopted, and staff recommendations were approved with the modification I(a)(i-iv) per Councilmember Raul Peralez memorandum dated April 19, 2019, but with requirements regarding bird-safe design elements and the riparian corridor returning to Council in two weeks. (9-0-2. Absent: Carrasco, Davis.)

- **Open Forum**

None provided.

- **Adjournment**

The Council of the City of San José adjourned at 6:47 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,  
***draft***

Toni J. Taber, CMC  
City Clerk

rmk/04-23-19MIN

## **CLOSED SESSION MINUTES**

**SAN JOSE, CALIFORNIA**

**TUESDAY, APRIL 23, 2019**

The Council of the City of San José convened into Closed Session at 9:36 a.m.

Present: Councilmembers - Arenas, Diep, Jimenez, Jones, Khamis, Esparza, Perales, Esparza, Foley; Liccardo.

Absent: Councilmembers - Carrasco.

Council recessed at 9:36 a.m. to a Closed Session in Room W133; for the following:

A.CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1): (1) In re: Claim of Myers; Court: Workers Compensation Appeals Court; Case No.: ADJ10975742; Amount of Money or Other Relief Sought: Benefits; (2) De Nochez v. City, et al.; Names Of Partie(s) Involved: Silvia Dubon De Nochez; City of San José; Pan Cal Princeton Plaza, LLC; Court: Superior Court of California, County of Santa Clara; Case No.: 18CV332159; Amount of Money or Other Relief Sought: Damages according to proof; (2) Sutter's Place, Inc., dba Bay 101 v. City; Names Of Partie(s) Involved: Sutter's Place, Inc., dba Bay 101; City of San José; the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof;

The Closed Session of the Council of the City of San José was adjourned at 11:00 a.m.