



City Council Meeting Synopsis

Tuesday, March 12, 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



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

• Call to Order and Roll Call

9: 38 a.m.- Closed Session, Call to Order in Council Chambers
Absent: Esparza

1:40 p.m.- Regular Session, Council Chambers, City Hall

• Invocation

Dana Seeger, co-owner of the School of Visual Philosophy, created a watercolor stamp.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Adjournment

We adjourn today's meeting in memory of Edwin "Ed" Mosher, who passed away on January 27, 2019, the age of 89. A lifelong resident of San José, Ed was a dedicated and enthusiastic leader who volunteered countless hours of service to improve our community. He will be remembered as a well-respected local business owner, a committed supporter of San José State University, and as a devoted husband, father, grandfather, and friend.

• Orders of the Day

The Orders of the Day and the Amended Agenda were approved, with Item 10.1 deferred, (9-0-2. Noes: Peralez, Carrasco)

Under Orders of the Day, the motion for Council to recess from 2:15-3:15 p.m. did not pass. (5-0-6; Noes: Liccardo, Jones, Davis, Foley, Khamis, Diep)

• Closed Session Report

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Liccardo and Councilmember Johnny Khamis presented a commendation to Romena Jonas for her work in providing educational opportunities to underprivileged groups in the community through her leadership of the Assyrians for Education Nonprofit.
- 1.2 Mayor Liccardo and Councilmember Sergio Jimenez presented commendation to Captain Johnson Fong, San José Police Department Southern Division Commander.
- 1.3 Mayor Liccardo and Councilmember Dev Davis presented commendation to Mitchell Ellerd.
- 1.4 Mayor Liccardo and Councilmember Magdalena Carrasco presented a proclamation of Mexico's (Aztec) New Year.
- 1.5 Mayor Liccardo presented commendation to the College of Adaptive Arts for providing invaluable collegiate experiences to disabled adults in San José.

Heard at 6:00 p.m.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Items 2.2(c), 2.5 and 2.11 pulled and voted on separately, and the below listed actions taken as indicated.

11-0

2.2 19-086 Final Adoption of Ordinances.

Recommendation: (a) Ord. No. 30225 - An Ordinance of the City of San José Amending Section 3.36.757 of Chapter 3.36 of Title 3 of the San José Municipal Code to allow for the limited reemployment to retired Fire employees of the City of San José Police and Fire Department Retirement Plan.

Adopted.

(b) Ord No. 30226 An Ordinance of the City of San José Amending Title 20, Chapter 20.80 of the San José Municipal Code to add Part 17.5, Sections 20.80.1660, 20.80.1665, 20.80.1670, 20.80.1675, 20.80.1680, 20.80.1685, and 20.80.1690 Adding Definitions of "Incidental Safe Parking" and "Safe Parking Area," and to Create Safe Parking Provisions to Homeless People in Vehicles Parked on Existing City Owned Sites and Sites Consisting of Legal Assembly Uses Constructed and Operating in Compliance with the San José Municipal Code; and to Make Other Technical, Formatting, or Non Substantive Changes.

Adopted.

Recommendation:

(c) Ord No. 30227 An Ordinance of the City of San José Amending Section 20.70.100 of Chapter 20.70, Adding a New Part 3.75 of Chapter 20.80, Amending Section 20.90.060 of Chapter 20.90, and Adding Section 20.200.197 of Chapter 20.200 of Title 20 of the San José Municipal Code to add Co Living Community as an Enumerated use in the Downtown, to Establish Rules and Regulations Related to Co Living Communities, to Establish Parking Requirements for Co Living Communities, to add a New Definition for Co Living Community, and Making Other Technical, Non Substantive or Formatting Changes.

Adopted.

(7-0-4. Absent: Arenas, Esparza, Peralez, Carrasco)

(d) Ord No. 30228 An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.27 Acre Situated on the South Side of Viewpoint Lane Approximately 400 Feet West of Almaden Road (10080 Viewpoint Lane) from the A Agricultural Zoning District to The R 1 5 Single Family Residence Zoning District.

Adopted.

(e) Ord No. 30229 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.43- Gross Acre Situated on the Northwest Corner of the Intersection of Fox Avenue and North First Street (447 North First Street) (Apns:259-20-016, 259-20-017, 259-20-014, And 259-20-015), from the CO Commercial Office and R-1-8 Single-family Residence Zoning District to the R-M Multiple Residence Zoning District.

Adopted.

(f) Ord No. 30230 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10 Gross Acres Situated on the South Side of Stevens Creek Boulevard Between Palace Drive and Kiely Boulevard (4300 - 4360 Stevens Creek Boulevard; Apns: 294-40-009, 296-38-014, and 296-38-013) from the CG Commercial General Zoning District to a CP(PD) Planned Development Zoning District.

Adopted.

2.3 19-064**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Rules and Open Government Committee Meeting Minutes of June 21, 2017.
- (b) Regular Rules and Open Government Committee Meeting Minutes of November 29, 2017.
- (c) Regular Transportation and Environment Committee Meeting Minutes of April 2, 2018.
- (d) Regular Transportation and Environment Committee Meeting Minutes of August 13, 2018.
- (e) Regular Transportation and Environment Committee Meeting Minutes of September 10, 2018.
- (f) Regular Neighborhood Services and Education Committee Meeting Minutes of September 13, 2018.
- (g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of September 6, 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.

Approved.

2.4 19-093 Mayor and Council Excused Absence Requests.**Recommendation:**

(a) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the Transportation and Environment Committee on March 4, 2019, due to illness.

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

Approved.

**2.5 City Council Travel Reports.
Approved.**

(7-0-4. Absent: Arenas, Esparza, Peralez, Carrasco).

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 19-036 Amendment to the Lease Agreement with MAC Cargo Handling SJC, LLC, for Cargo Operations at the Airport.****Recommendation:**

Approve the Second Amendment to the Lease Agreement between the City of San José and MAC Cargo Handling SJC, LLC, for cargo operations at the Airport, to extend the term for three years to expire on April 17, 2022 and to reduce the leased sq. ft. from 9,600 to 5,388 sq. ft.

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

Approved as Recommended.

2.8 19-037 Actions Related to Purchase Order 54811 with Twysoft LLC for Fair Labor Standards Act Compliance Technical Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Amend Purchase Order 54811 with Twysoft LLC (Morgantown, WV) to increase the amount of total compensation by \$120,000 for a revised maximum compensation not to exceed \$370,000 and to extend the term of the purchase order through December 31, 2019 for technical and professional services as required to ensure ongoing Fair Labor Standards Act compliance; and

(b) Negotiate and execute amendments as required to ensure continuous Fair Labor Standards Act compliance for a not-to-exceed contingency amount of \$65,000.

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

(Finance)

Resolution No. 79001 Adopted.

2.9 19-038 Agreement with Community Design + Architecture for Planning and Design Services for the Senter Road Multimodal Safety Study.**Recommendation:**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a contract with Community Design + Architecture for planning and design consulting services to develop the Senter Road Multimodal Safety Study in an amount not to exceed \$425,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 2 & 7. (Transportation)

Resolution No. 79002 Adopted.

2.10 19-039 Approval of City Hall Free Use on Saturday by District 6 Office for the 2019 South Bay Trans Day of Visibility on March 30, 2019.

Recommendation: Adopt a resolution authorizing “Free Use” for events and activities held at City Hall on Saturday, March 30, 2019 for the 2019 South Bay Trans Day of Visibility co-hosted by the Council District 6 Office and Billy DeFrank LGBTQ Community Center.
CEQA: Not a Project, File No. PP17-011, Temporary Special Event resulting in no changes to the physical environment. (Davis)
Resolution No. 79003 Adopted.

2.11 19-048 National Register of Historic Places Nomination for Fairglens Additions Historic District.

Recommendation: Consider the comments of the Historic Landmarks Commission and provide comments to the State of California regarding the proposed resident-initiated nomination of the Fairglens Additions (Historic District) in the Willow Glen neighborhood for listing on the National Register of Historic Places.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 9. (Planning, Building and Code Enforcement)
Approved.
(7-0-4. Absent: Arenas, Esparza, Jimenez).

2.12 19-056 Retroactive Approval of Vice Mayor Celebration Sponsored by Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 27, 2019:
(a) Retroactively approve the Vice Mayor Celebration scheduled on February 15, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(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. (Jones)
[Rules Committee referral 2/27/19 - Item G.1.a]
Approved as Recommended.

2.13 19-104 Retroactive Approval of Dental Health Fair 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: As recommended by the Rules and Open Government Committee on March 6, 2019:
(a) Retroactively approve the Dental Health Fair scheduled on March 1, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(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 3/6/19 - Item G.1.a]
Approved as Recommended.

2.14 19-105**Retroactive Approval of Meadowfair Cafecito 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:**

As recommended by the Rules and Open Government Committee on March 6, 2019:
(a) Retroactively approve the Meadowfair Cafecito scheduled on March 9, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(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 3/6/19 - Item G.1.b]

Approved as Recommended.

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report).**

No report.

3.2 Labor Negotiations Update.**3.3 19-040 Statement of Policy and City Council Questions for the Prospective Parks, Recreation and Neighborhood Services Department Director.****Recommendation:**

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Parks, Recreation, and Neighborhood Services Department Director as described in the memorandum to Council, in compliance with City Charter Section 411.1.

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

Adopted, including approval of questions for PRNS Director with the following additions:

- How would you work to make PRNS Department facilities and programs more family friendly?

This was modified with the following questions:

- PRNS has been an innovative department and an early adopter of new ways of doing things – explain how you will go about hiring others who embrace change and think critically, and how will you communicate this vision to employees.

Addended to Question 7 was the following extension:

- A PRNS Director and his or her staff must be a good listener who values and incorporates the ideas of Community, Employees, City management, and the Council. What is an example of your experience as a good listener and how would you incorporate what you are hearing into report-outs to the City Council?

(Item Continued on the Next Page)

3.3 19-040 Statement of Policy and City Council Questions for the Prospective Parks, (Cont'd)

This was further modified with the following question:

- How would you engage with communities and neighborhoods to ensure their voices and needs are heard and considered as part of the decision-making process?

This was finally added with the following questions:

- How do you propose we improve equity in access in under-served parts of our City in a world of limited resources that happen to be ours?
- How do you propose to confront the maintenance and capital repair backlog?
- What experience do you have with public space programming and community engagement?

(9-0-2. Absent: Peralez, Foley).

3.4 19-041 Statement of Policy and City Council Questions for the Prospective Department of Transportation Director.**Recommendation:**

Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Department of Transportation Director as described in the memorandum to Council, in compliance with City Charter Section 411.1.

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

Adopted, including approval of questions for DOT Director with the following additions:

- The Envision San Jose 2040 General Plan has the goal to shift the modes of travel in the City, (predominantly automobile trips), to more balanced modes of travel where the majority of trips are taken by walking, biking and transit. Please describe the strategies and actions you would take to ensure meaningful and measurable progress towards that goal within the next five years.

This was modified with the following question:

- Due to light staffing and heavy workloads, one of our challenges as a City has been giving close oversight to contracts. Over the next few years, we will experience a historic influx of paving dollars. How will you ensure that these dollars are spent efficiently and they go as far as possible and that high quality work is delivered?

(Item Continued on the Next Page)

3.4 19-041 Statement of Policy and City Council Questions for the Prospective DOT.. (Cont'd)

This was finally addended with the following questions:

- How would you engage with communities and neighborhoods to ensure their voices and needs are heard and considered as part of the decision-making process?**
- In a City with a severely understaffed Police Traffic Enforcement Unit, how will you approach issues such as traffic, not just within the limited resources of your department, but within the limited resources of other departments as well?**

(9-0-2. Absent: Foley, Carrasco)

3.5 19-042 Second Quarter Financial Reports for Fiscal Year 2018-2019.**Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee on February 21, 2019:

(a) Accept the following Second Quarter (period ending December 31, 2018) Financial Reports for Fiscal Year 2018-2019 for the following programs:

- (1) Debt Management
- (2) Investment Management
- (3) Revenue Management

(b) Adopt a resolution authorizing the Director of Finance to write-off uncollectible debts in an amount up to \$2,230,723.30.

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, & Strategic Support Committee referral 2/21/19 - Item d (4)]

Deferred to 3/19/19 per Administration

3.6 19-043 City of San José Investment Policy.**Recommendation:**

As recommended by the Public Safety, Finance, & Strategic Support Committee, 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. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Finance)

[Public Safety, Finance, & Strategic Support Committee referral 2/21/19 - Item d (5)]

Deferred to 3/19/19 per Administration

(Item Continued on the Next Page)

3.7 19-044**Status Report on Deferred Maintenance and Infrastructure Backlog.****Recommendation:**

As recommended by the Transportation & Environment Committee on February 4, 2019, 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 & Environment Committee referral 2/4/19 - Item d(1)]

[Deferred from 2/26/19 - Item 3.3 (18-1936)]

Heard concurrently with Item 3.8 (19-053)

Approved as Recommended, including approval of the Memorandum from Mayor Liccardo and Councilmembers Peralez and Davis to:

Accept the report on the Pavement Maintenance Strategy with the following direction to the City Manager:

1. Develop a three-year "look-ahead" on local and neighborhood streets so community members have visibility into the schedule of pavement maintenance in their neighborhoods that is part of the annual report to City Council on the list of streets that will be maintained in the upcoming construction season;

2. Provide clear, updated messaging to Council offices on pavement schedules - so they can share with inquiring constituents which streets get paved and when, and notify communities when they can expect construction impacts in their neighborhoods.

(11-0)

3.8 19-053**Report on Pavement Maintenance Conditions, Funding, and Program Delivery Strategy.****Recommendation:**

Pending recommendation from Transportation & Environment Committee on March 4, 2019, accept report on Citywide Pavement Conditions, Funding, and the planned Program Delivery Strategy with the infusion of funds from Senate Bill 1, VTA Measure B, and City Measure T.

CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation) [Transportation & Environment Committee referral 3/4/19 - Item d (2)]

Heard concurrently with Item 3.7 (19-044)

Approved as Recommended, including approval of the Memorandum from Mayor Liccardo and Councilmembers Peralez and Davis to:

Accept the report on the Pavement Maintenance Strategy with the following direction to the City Manager:

1. Develop a three-year "look-ahead" on local and neighborhood streets so community members have visibility into the schedule of pavement maintenance in their neighborhoods that is part of the annual report to City Council on the list of streets that will be maintained in the upcoming construction season;

2. Provide clear, updated messaging to Council offices on pavement schedules - so they can share with inquiring constituents which streets get paved and when, and notify communities when they can expect construction impacts in their neighborhoods.

(11-0)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-045 Citywide Retail Opportunity Analysis and Recommendations.

Recommendation:

As recommended by the Community and Economic Development Committee on November 26, 2018, accept staff's report on strategies to increase overall citywide retail activity in San José.

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

[Community and Economic Development Committee referral 11/26/18 - Item d (3)]

Heard immediately following Consent.

Approved as Recommended, including approval of the Memorandum from Vice Mayor Jones and Councilmember Carrasco to:

1) Accept the staff report with three additions:

a. Prioritize the recommendation to explore provisions in the zoning code that encourage non-formula retail. For instance, in an Urban Village, a developer could meet the amenity requirement by including deed-restricted commercial space for non-formula retail with built out tenant improvements.

b. Prioritize the recommendation to assist smaller retailers with space needs and services by ensuring city resources and staff dedicated to providing education, outreach, assistance, and incentives for small businesses in occupying retail spaces and overcoming challenges that small businesses often face.

c. Direct the City Manager's Office to bring back a budget proposal to fund a dedicated Retail Strategy Manager and additional consulting services to assist with small business retail development in key corridors and be the key contact to attract and market retail spaces within the city.

This was addended with approval of Memorandum from Councilmember Arenas to:

1) Update Strategy 4 to include high-volume expressways and major transit centers, not just highways

2) Apply the Downtown Retail Strategy of addressing “daily needs retail” to the entire city’s daily needs retail deserts.

3) Add an additional strategy that would assess the retail needs of the regions of the city currently still under Level of Service (LOS) based Development Policy Areas — such as Evergreen East Hills - and compile that information in a way that could help inform the transition from LOS to Vehicle Miles Traveled (VMT) in those Development Policy Areas and a general update of these policies.

4) Update Strategy 2 to include Reid Hillview Airport as a County property with long range retail potential that would benefit from the City’s Office of Economic Development planning with the County.

(10-0-1. Absent: Peralez)

4.2 19-046 Downtown Retail Strategy.**Recommendation:**

As recommended by the Community and Economic Development Committee on February 25, 2019, accept the Downtown San José Retail Strategy 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. Council District 3. (Economic Development/Planning, Building and Code Enforcement) [Community and Economic Development Committee referral 2/25/19 - Item d(5)]

Heard immediately following Consent

Approved as Recommended, including approval of the Memorandum from Vice Mayor Jones and Councilmember Carrasco to:

1) Accept the staff report with three additions:

- a. Prioritize the recommendation to explore provisions in the zoning code that encourage non-formula retail. For instance, in an Urban Village, a developer could meet the amenity requirement by including deed-restricted commercial space for non-formula retail with built out tenant improvements.**
- b. Prioritize the recommendation to assist smaller retailers with space needs and services by ensuring city resources and staff dedicated to providing education, outreach, assistance, and incentives for small businesses in occupying retail spaces and overcoming challenges that small businesses often face. '**
- c. Direct the City Manager's Office to bring back a budget proposal to fund a dedicated Retail Strategy Manager and additional consulting services to assist with small business retail development in key corridors and be the key contact to attract and market retail spaces within the city.**

This was added with approval of Memorandum from Councilmember Arenas to:

- 1) Update Strategy 4 to include high-volume expressways and major transit centers, not just highways**
 - 2) Apply the Downtown Retail Strategy of addressing “daily needs retail” to the entire city’s daily needs retail deserts.**
 - 3) Add an additional strategy that would assess the retail needs of the regions of the city currently still under Level of Service (LOS) based Development Policy Areas — such as Evergreen East Hills - and compile that information in a way that could help inform the transition from LOS to Vehicle Miles Traveled (VMT) in those Development Policy Areas and a general update of these policies.**
 - 4) Update Strategy 2 to include Reid Hillview Airport as a County property with long range retail potential that would benefit from the City’s Office of Economic Development planning with the County.**
- (10-0-1. Absent: Peralez)**

4.3 19-047 Council Policy Priority # 12: Commercial Linkage Fee Scope and Timeline.**Recommendation:**

Direct the City Manager to procure a consultant in an amount not to exceed \$150,000 to conduct a nexus study and a feasibility study for a Commercial Linkage Fee and return to the City Council to present the results of those studies and provide a recommendation to the Council on the establishment of a Commercial Linkage Fee.

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

(Housing/Economic Development/City Manager)

Heard After 4:00 p.m.

Approved as Recommended, including approval of the Memorandum from Mayor Liccardo to:

Approve the staff recommendations and the memo from Councilmembers Peralez, Jimenez and Carrasco with the following changes:

1. Consider including high tech office, single user office, retail, industrial, hotel, and office as commercial building types.

2. Conduct sensitivity analysis on the impact of future potential shifts in development costs and income on the feasibility of fees for different types of non-residential development.

4. Ensure that the City's outreach plan include developers, employers, and other stakeholders.

**5. Bring back the final study results and policy proposals to Council no later than January 2020, or as soon as possible, for consideration.
(10-0-1. Noes: Khamis).**

- **The Council of the City of San Jose recessed at 5:45 p.m.**
- **The Council of the City of San Jose resumed at 6:15 p.m.**

5. NEIGHBORHOOD SERVICES**5.1 19-054 Report on Office of Immigrant Affairs Activities.****Recommendation:**

As recommended by the Neighborhood Services & Education Committee on February 14, 2019, accept the Administration's report on accomplishments as it relates to the Welcoming SJ Plan and highlight significant activities.

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)
[Neighborhood Services & Education Committee referral - 2/14/19
(d)1]

[Deferred from 2/26/19 - Item 5.2 (19-026)]

Deferred to 3/19/19 per Administration

5.2 19-049 Actions Related to the San José Light Tower Monument.

Recommendation:

- (a) Accept Guadalupe River Park at Arena Green as the highest-ranking location from the site selection analysis completed for the San José Light Tower Corporation in coordination with the Department of Parks, Recreation, and Neighborhood Services, Public Works, and Office of Economic Development/Office of Cultural Affairs.
- (b) Endorse the San José Light Tower Corporation's plan to proceed with an International Ideas Competition to solicit concepts for a world-class iconic landmark at Guadalupe River Park at Arena Green.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council District 3. (Parks, Recreation, and Neighborhood Services)

Approved as Recommended, including approval of the Memorandum from Councilmember Peralez to:

Accept staff recommendation and include the following:

1. The San Jose Light Tower Corporation (SJLTC) as part of their International Ideas Competition Panel, will have a total of 11 jury seats that will allow for representation from a diverse set of stakeholders including: -

- **Two representatives from an environmentalist group such as the Guadalupe River Park Conservancy, Sierra Club Loma Prieta Chapter, or The Santa Clara Valley Audubon Society**
- **A representative from the City of San Jose**
- **Community representative from a surrounding neighborhood**
- **Representative from the San Jose Light Tower Corporation**
- **An internationally or nationally recognized artist**
- **A local artist**
- **An internationally or nationally recognized architect**
- **A local architect**
- **An internationally or nationally recognized place-making expert**
- **An internationally or nationally recognized community design expert**

2. In accordance with PRNS, the SJLTC will provide a timeline that allows for additional community engagement and input during key milestones of the process. (11-1)

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-050 Agreement with the Santa Clara Valley Transportation Authority for the 2016 VTA Measure B Programs.

Recommendation:

Adopt a resolution authorizing the City Manager or designee to negotiate and execute agreements with the Santa Clara Valley Transportation Authority (VTA) for the receipt of funds and administration of 2016 VTA Measure B sales tax programs.

CEQA: Not a Project, File No. PP17 003, Agreements and Contracts (New or Amended), that involve no physical changes to the environment. (Transportation)

Resolution No. 79004 Adopted.

(11-0)

6.2 19-055

Actions Related to the Downtown Airspace and Development Capacity Study.**Recommendation:**

As recommended by the Community and Economic Development Committee on January 28, 2019:

(a) Accept a completed Downtown Airspace and Development Capacity Study, with selection of Scenario 4, which would affirm the City's development policy to use Federal Aviation Administration (FAA) obstruction evaluation determinations on a project-by-project basis as maximum building height limits in the Downtown Core and Diridon Station Area.

(b) Direct the Administration and City Attorney's Office to explore, and report back to Council on, the feasibility of establishing a "Community Air Service Support Fund" to financially mitigate air service impacts that might arise from implementation of Scenario 4 of the Downtown Airspace and Development Capacity Study.

(c) Direct the Administration to consider potential refinements to the development review process for projects subject to an FAA obstruction evaluation determination including:

(1) Requiring applicants to have the technical data on the FAA submittal forms be prepared by a licensed civil engineer and that the forms identify the location and elevation of the highest points of the proposed building, including any mechanical rooms, screens, antennas, or other accessory structure.

(2) Requiring applicants to also identify the location and elevation of the highest points of the proposed building and accessory extensions thereof, on their City development permit application plans, including any mechanical rooms, screens, antennas, or other accessory structure.

(3) Requiring that when the FAA requires a completed construction survey as part of an obstruction evaluation determination, that such survey be prepared by a licensed civil engineer for the highest-points of the structure, including accessory extensions thereof, and be completed prior to City issuance of an occupancy certification.

(4) Requiring a development permit amendment application for any proposed modification or addition to an existing or approved building that would create a new and/or relocated roof-top high point.

(5) Developing a construction crane policy in the Downtown Core and Diridon Station area to minimize impacts on airline service during construction.

(d) Direct the Administration to initiate amendments, as determined applicable, to the General Plan and other key policy documents to incorporate the above recommendations and conduct outreach with the downtown development community to provide information and guidance on development height restrictions.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment and File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Airport)

[Community and Economic Development Committee referral 1/28/19 - Item (d)5]

[Continued from 2/26/19 - Item 6.2 (18-1944)]

The motion to limit City Council discussion to five minutes per Councilmember exclusive of questions was approved.

(8-0-3. Noes: Jimenez, Peralez, Diep)

(Item Continued on the Next Page)

6.2 19-055 Actions Related to the Downtown Airspace and Development Capacity (Cont'd)

Actions Related to the Downtown Airspace and Development Capacity Study was approved as recommended, including approval of the Memorandum from Mayor Liccardo, Vice Mayor Jones, and Councilmembers Peralez and Carrasco to:

Accept staff recommendation and direct staff to:

- 1. Work with the Council Offices to ensure community engagement is integrated into any land use update process related to new height changes.**
- 2. Report back to the Airport Commission and City Council with an update within a year, if needed, on any feedback from the airlines.**

This was addended with approval of Memorandum from Councilmember Jimenez to:

Approve the staff recommendation dated February 26, 2019, with the following modifications:

- 1. Direct staff to return to Council with a study of an Incentive Zoning Policy that will enable residential and commercial developers to voluntarily access additional development capacity above the current allowable heights by providing amenities or investment in the City.**
 - a. Staff should review Incentive Zoning Policies in Mountain View, Seattle, and other cities that allow height and density increases in exchange for additional affordable housing or other community benefits.**
 - b. Review and update relevant residential and/or commercial development feasibility studies, analyzing the impact of upzoning on feasibility of additional development fees.**
- 2. Direct staff to return to Council with an analysis of Incentive Zoning Policies for consideration before directing the Administration to initiate amendments to the General Plan and other key policy documents, as recommended in item (d) in the February 26th staff memo.**
(11-0)

7. ENVIRONMENTAL & UTILITY SERVICES**8. PUBLIC SAFETY****9. REDEVELOPMENT – SUCCESSOR AGENCY****• Open Forum**

No cards.

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) 19-051 C18-031/CP18-036 - **Conforming Rezoning and Conditional Use Permit for Real Property Located at 2222 Trade Zone Boulevard.**

Recommendation:

- (1) Adopt a resolution adopting the 2222 Trade Zone Boulevard Project Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report, Envision San José 2040 General Plan Final Supplemental Environmental Impact Report, and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended.
- (2) Approve an ordinance of the City of San José rezoning an approximately 2.0 gross acre site located at 2222 Trade Zone Boulevard from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.
- (3) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow a church to occupy 18,480-square foot area of an existing 29,193-gross square foot office building with an alternating use parking arrangement.
- CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto, File Nos. C18-031 and CP18-036. Director of Planning, Building and Code Enforcement recommends approval. Council District 4. (Planning, Building and Code Enforcement)
- Deferred to 3/5/19 per Administration**

END OF CONSENT CALENDAR

• Open Forum

Andre Boone urged that Open Forum be held at beginning of meetings, lest, it's unproductive for community members to come to meetings.

• Adjournment: 9:26 p.m.

We adjourn today's meeting in memory of Edwin "Ed" Mosher, who passed away on January 27, 2019 at the age of 89. A lifelong resident of San José, Ed was a dedicated and enthusiastic leader who volunteered countless hours of service to improve our community. He will be remembered as a well-respected local business owner, a committed supporter of San José State University, and as a devoted husband, father, grandfather, and friend.

SL/lo

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.