



City Council Meeting Synopsis

Tuesday, June 11, 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



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 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: 10 a.m.- Closed Session, Call to Order in Council Chambers
Absent: Carrasco

10:00 a.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Evening Session, Council Chambers, City Hall

• Invocation

Reverend Susan Overland of the Center for Spiritual Living San Jose, provided the Invocation.

• Pledge of Allegiance

Mayor Sam Liccardo led the Pledge of Allegiance.

• Adjournment

This meeting will be in memory of the Late Vice Mayor Iola Williams, who passed away on April 4, 2019, at the age of 83. In 1979, Vice Mayor Williams became the first African-American elected to the San José City Council, representing District 7 until her retirement in 1991. Her tenure included two terms as Vice Mayor, from 1981-1983. Vice Mayor Williams will be sorely missed here in San José, and remembered for her lifetime of dedication to public service, to civil rights, and to strengthening our community. She is survived by her seven children, seventeen grandchildren, and five great-grandchildren.

• Orders of the Day

The Orders of the Day and the Amended Agenda were approved, with Item 2.13 deferred one week, and Item 4.4 dropped. (11-0)

• Closed Session Report

Mayor Liccardo announced the appointment of Joe Rois as City Auditor.

1. CEREMONIAL ITEMS

- 1.1 Mayor Liccardo and Councilmember Raul Peralez presented a Commendation to Child Advocates of Silicon Valley in recognition of their commitment to helping foster children in Santa Clara County and the City of San José.
- 1.2 Mayor Liccardo and Councilmember Maya Esparza presented Commendation to Alida J. Bray in recognition of her two decades of leadership at History San José, and dedication to preserving local history.
- 1.3 Mayor Liccardo and Councilmember Pam Foley presented a Commendation to Monica Mallon in recognition of her dedication to local transportation advocacy and increasing transit awareness in San José.
Heard in the Evening.
- 1.4 Mayor Liccardo and Councilmember Chappie Jones presented Commendation to Principal Brian Schmaedick in recognition of his excellent leadership, commitment to his students, and dedication to bettering the community.
Heard in the Evening.
- 1.5 Mayor Liccardo and Councilmember Johnny Khamis presented a Proclamation recognizing June as PTSD Awareness Month in the City of San José.
Heard in the Evening.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Item 2.13 deferred one week; Item 4.4 dropped, and the below listed actions taken as indicated. (11-0)

2.1 Approval of City Council Minutes.**2.2 Final Adoption of Ordinances.****2.3 Approval of Council Committee Minutes.**

2.4 19-510 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 June 3, 2019 due to illness.
(b) Request for an excused absence for Councilmember Esparza, from the Regular Meeting of the San José City Council on June 4, 2019 due to illness.
(c) Request for an excused absence for Councilmember Arenas, from the Regular Meeting of the Transportation and Environment Committee on June 3, 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/Arenas)
Approved.

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 19-443 Airport Disadvantaged Business Enterprise Program Fiscal Years 2020-2022.**

Recommendation: Adopt a resolution:
(a) Approving a proposed overall Disadvantaged Business Enterprise participation race-neutral goal of 4.1% for Federal Aviation Administration Airport Improvement Program grant funded Airport development projects at the Norman Y. Mineta San José International Airport (Airport) for Federal Fiscal Years 2020-2022;
(b) Authorizing the City Manager or his designee to submit the three-year Disadvantaged Business Enterprise participation plan to the Federal Aviation Administration, which is due by August 1, 2019;
(c) Authorizing the City Manager to make revisions as requested by the Federal Aviation Administration.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Airport)
Resolution No. 79112 Adopted.

2.8 19-461 Sale of Three Small Fragments of Alma Avenue and Willow Street.

Recommendation: Adopt a resolution:
(a) Declaring 21,022 square feet of land comprised of three small fragments of land on Alma Avenue and Willow Street (collectively, the "Properties"), as surplus real property based upon a finding and determination that the public interest will be served by the conveyance thereof; and
(b) Authorizing the City Manager to execute:
(1) Purchase and Sale Agreement between the City of San José and Santa Clara Valley Water District, for the sale of the Properties in the amount of \$445,000; and
(2) Quitclaim Deed to transfer the Properties to the Santa Clara Valley Water District.
CEQA: Categorically Exempt, File No. PP19-029, CEQA Guidelines Section 15312, Surplus Government Property Sales. Council District 6.
(Economic Development)
Resolution No. 79113 Adopted.

2.9 19-446

Annual Authorization for Workforce Innovation and Opportunity Act Program and Projects for Fiscal Year 2019-2020.**Recommendation:**

Adopt an annual resolution authorizing the City Manager or his designee to negotiate and execute the following agreements relating to the Workforce Innovation and Opportunity Act (WIOA) Program and projects:

(a) All contracts, amendments, agreements, leases, subleases, and memorandums of understanding with contractors, consultants, vendors, and partners providing services to the WIOA (formerly Workforce Investment Act) Program, including, but not limited to novation's or assignments, case management contracts, and consultant contracts, for the period July 1, 2019 to June 30, 2020 in accordance with procurement procedures and requirements mandated by the State and Federal governments for WIOA grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved, as required, by the work2future Workforce Development Board (work2future Board), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(b) All memorandums of understanding with Required and Additional One-Stop Partners for the period July 1, 2018 to June 30, 2022 in accordance with Section 121 of the WIOA, including, but not limited to memorandums of understanding with other workforce development boards, regional memorandums of understanding, partnership agreements, cost-sharing agreements, regional consultant agreements, and memorandums of understanding with cities and the unincorporated area of Santa Clara County whose residents receive services from the work2future One Stops, a partner of the America's Job Center of California SM, so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses, if any, of the agreement.

(c) All amendments to City Council-approved agreements that have been reviewed and approved, as required, by the work2future Board so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(d) All grant applications, grant agreements, sub grant agreements, and any documents necessary to accept the grant for discretionary funding applied for and approved by the work2future Board, for multi-year periods so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(e) All Eligible Training Provider List, Youth Career Technical Training, Youth Workshops, Adult Workshops, and Adult Cohort agreements, and multiple-scope agreements that combine two or more of the above agreements that have been reviewed and approved, as required, by the work2future Board, for the period from July 1, 2019 to June 30, 2020, subject to annual appropriation of funds by the Workforce Development Board.

(f) All agreements specified in section (a) above with a term end date beyond the fiscal year in which the contract begins (an end date beyond June 30, 2020), so long as monies have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.

(Item Continued on the Next Page)

2.9 19-446**Annual Authorization for Workforce Innovation and Opportunity Act (Cont'd)**

(g) All agreements specified in section (a) above that do not involve a disbursement of funds (no-fund agreement) with an end term beyond the fiscal year in which the agreement begins (beyond June 30, 2020).

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a project which may result in a potentially significant impact on the environment.

(Economic Development)

Resolution No. 79114 Adopted.

Approved as Recommended.

2.10 19-435**Amendment to the Master Agreement with Verde Design, Inc. for Landscape Architectural Design Services for Various City Facility Projects.****Recommendation:**

Approve the Second Amendment to the Master Agreement with Verde Design, Inc. (CPMS Contract No. 7484-1) extending the term two years, from June 30, 2019 to June 30, 2021 for the sole purpose of allowing the consultant to continue providing landscape architectural services through completion of the Arcadia Softball Facility and Tamien Park Phase II projects.

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

(Public Works)

Approved as Recommended.

2.11 19-436**Maintenance District Annual Budget Reports for Fiscal Year 2019-2020.****Recommendation:**

Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2019-2020 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein.

CEQA: Not a Project, PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City action. Council Districts 2, 3, 4, 8. (Public Works)

Resolution No. 79115 Adopted.

Resolution No. 79116 Adopted.

Resolution No. 79117 Adopted.

Resolution No. 79118 Adopted.

Resolution No. 79119 Adopted.

Resolution No. 79120 Adopted.

Resolution No. 79121 Adopted.

Resolution No. 79122 Adopted.

Resolution No. 79123 Adopted.

Resolution No. 79124 Adopted.

Resolution No. 79125 Adopted.

Resolution No. 79126 Adopted.

Resolution No. 79127 Adopted.

2.12 19-437

Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2019-2020.**Recommendation:**

Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2019-2020 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed, or modified by Council; and
- (c) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

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

Resolution No. 79128 Adopted.

2.13 19-438

Community Oversight Committee for Measure T - Disaster Preparedness, Public Safety, and Infrastructure Bond Measure.**Recommendation:**

Adopt a resolution establishing the size, composition, and specific responsibilities of the Community Oversight Committee for the Measure T Disaster Preparedness, Public Safety, and Infrastructure Bond Measure ballot measure approved by the voters on November 6, 2018.

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

Deferred per Orders of the Day.

2.14 19-439

Downtown San José Property-Based Improvement District Annual Report for Fiscal Year 2019-2020.**Recommendation:**

Adopt a resolution:

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners' Association for Fiscal Year 2019-20, as filed or modified by Council;
- (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council; and
- (c) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.

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. (Public Works/Transportation)

Resolution No. 79129 Adopted.

2.15 19-440

Amendment to Standard Agreement with California High Speed Rail Authority.**Recommendation:**

Approve the Third Amendment to the Standard Agreement with the High Speed Rail Authority to extend the term of the agreement to June 30, 2021 and accept the clarification edits in Exhibit A, "Scope of Work" and Exhibit B, "Budget Detail and Payment Provisions" in the staff memorandum.

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

Council Districts 2, 3, 6, 7, 10. (Transportation)

Approved as Recommended.

2.16 19-469 VEBA Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on May 29, 2019, approve the appointment of Elsa Cordova, nominated by the City Manager as the unrepresented employee member, to the Voluntary Employees Beneficiary Association Advisory Committee for a term beginning June 11, 2019 and ending May 31, 2023. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager) [Rules and Open Government Committee referral 5/29/19 - Item F.1])
Approved as Recommended.

2.17 19-463 Approval of the Celebrate Cambrian Festival Sponsored by Council District 9 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 May 29, 2019: (a) Approve the Celebrate Cambrian Festival scheduled on August 25, 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. (Foley) [Rules Committee referral 5/29/19 - Item G.1.a]
Approved as Recommended.

2.18 19-465 Retroactive Approval of the District 9 Noddin Dumpster Day Sponsored by Council District 9 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 May 29, 2019: (a) Retroactively approve the District 9 Noddin Dumpster Day scheduled on June 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. (Foley) [Rules Committee referral 5/29/19 - Item G.1.b]
Approved as Recommended.

2.19 19-466

Retroactive Approval of District 9 Little Branham/Rosswood Dumpster Day Sponsored by Council District 9 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 May 29, 2019:
(a) Retroactively approve the District 9 Little Branham/Rosswood Dumpster Day scheduled on May 18, 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. (Foley)

[Rules Committee referral 5/29/19 - Item G.1.c]

Approved as Recommended.

2.20 19-467

Retroactive Approval of District 9 Muir/Hammer Dumpster Day Sponsored by Council District 9 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 May 29, 2019:

(a) Retroactively approve the District 9 Muir/Hammer Dumpster Day scheduled on May 11, 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. (Foley)

[Rules Committee referral 5/29/19 - Item G.1.c]

Approved as Recommended.

2.21 19-468

Retroactive Approval of Community Paint Night 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 May 29, 2019:

(a) Retroactively approve the Community Paint Night scheduled on May 18, 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 5/29/19 - Item G.1.e]

Approved as Recommended.

2.22 19-512 AB 59 (Kalra) - Elections: Polling Places: College and University Campuses.

Recommendation: As recommended by the Rules and Open Government Committee on June 5, 2019, adopt a position of support for AB 59 (Kalra) - Elections: polling places: college and university campuses.
 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
 [Rules Committee referral 6/5/19 - Item G.2]
Approved as Recommended.

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

City Manager, David Sykes announced the retirement of Margaret McCahan as Budget Director, and expressed his gratitude to her on behalf of the Administration.

3.2 Labor Negotiations Update.

3.3 19-441 Mayor's June Budget Message for Fiscal Year 2019-2020.

Recommendation: (a) Review, discuss and approve the Mayor's June Budget Message for Fiscal Year 2019-2020.
 (b) Adopt a resolution by the City Council authorizing the City Manager to negotiate and execute agreements addressed in the Mayor's Budget Message which are for amounts that exceed the City Manager's contract authority, provided that any required environmental review has been completed.
 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)
Resolution No. 79130 adopted, including approval of the Mayor's Budget Message, and Item #2 from the Memo by Councilmembers Peralez, Jimenez, Carrasco, Esparza, and Arenas to:
Direct the City Manager to schedule a study session with the full Council and City leadership focused on identifying and implementing solutions to address inequities in resources, programming, and access to City services, with direction to include in the study session, an evaluation of the concepts of equity screening, equity fund and current city practices.

Also approved was recommendation from the Memorandum by Councilmember Esparza with verbiage change in brackets to:

- 1. Reaffirm our commitment to comply with the San Francisco Baykeepers Consent Decree and that encampments [along creeks] are not a solution to our housing crises.**
- 2. The four pilot locations will be distributed throughout the various parts of the City and not isolated in one geographical area and Council District. Additionally, there was consensus to defer Councilmember Carrasco's budget request to provide \$150k to begin a Cannabis Equity fund in the fiscal year 2019-2020 until the mid-year budget process, if we have not received a state grant for a Cannabis Equity program by that time.**
(6-0-5. Noes: Jimenez, Peralez, Carrasco, Esparza, Arenas)

3.4 19-451**Actions Related to the Fiscal Year 2019-2020 Recycle Plus Rates.****Recommendation:**

Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2019, as follows:

- (a) Increase residential solid waste service rates for single-family households by 5%; and
 - (b) Increase residential solid waste service rates for multi-family households by 5%.
- CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services.
(Environmental Services)

Resolution No. 79131 Adopted.
11-0

3.5 19-452**Actions Related to the Fiscal Year 2019-2020 Sewer Service and Use Charges and Storm Sewer Service Charges.****Recommendation:**

(a) Adopt a resolution setting the following Sewer Service and Use Charge Monthly Rates for 2019-2020:

- (1) Single-Family Residential: \$40.07
- (2) Multi-Family Residential: \$26.86 per unit
- (3) Mobile Home: \$30.26 per unit
- (4) Non-Monitored Commercial and Industrial: See Attachment A to the staff memorandum
- (5) Monitored Industrial: See Attachment A to the staff Memorandum

Resolution No. 79132 Adopted.
11-0

(b) Adopt a resolution setting the following Storm Sewer Service Charge Monthly Rates for 2019-2020:

- (1) Single-Family Residential and Duplex: \$7.87
- (2) Mobile Home: \$3.94 per unit
- (3) Residential Condominium: \$4.30 per unit
- (4) Large Multi-Family Residential (5 or more units): \$4.30 per unit
- (5) Small Multi-Family Residential (3-4 units): \$14.95
- (6) Commercial, Institutional and Industrial: See Attachment B to the staff memorandum

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services.
(Environmental Services)

Resolution No. 79133 Adopted.
11-0

3.6 19-447**Library Parcel Tax Rates for Fiscal Year 2019-2020.****Recommendation:**

Adopt a resolution increasing the Library Parcel Tax rates for Fiscal Year 2019-2020 by 3% over the Fiscal Year 2018-2019 rates and approving the placement of the Library Parcel Tax on the Fiscal Year 2019-2020 Santa Clara County Property Tax Roll.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Finance)

Resolution No. 79134 Adopted.

11-0

3.7 19-442**Approval of the 2019-2020 Operating and Capital Budgets for the City of San José and Schedule of Fees and Charges.****Recommendation:**

(a) Adopt resolutions approving the Operating Budget for 2019-2020 for the City of San José, the Capital Budget for 2019-2020 for the City of San José, and the Five-Year Capital Improvement Program for 2020-2024 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare final documents for adoption.

Resolution No. 79135 Adopted.

Resolution No. 79136 Adopted.

Resolution No. 79137 Adopted.

11-0

(b) Adopt a resolution establishing the Schedule of Fees and Charges for 2019-2020.

Resolution No. 79138 Adopted.

(8-0-3. Noes: Davis, Foley, Khamis)

(c) Adopt a resolution amending Council Policy 1-18, Operating Budget and Capital Improvement Program Policy, to amend Operating Budget, Section 4 (Fund Balance).

Resolution No. 79139 Adopted.

11-0

(d) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to:

- (1) Add a new Part 64 to establish the Inclusionary Fee Fund;
- (2) Add a new Part 65 to establish the Rental Stabilization Program Fee Fund;
- (3) Add a new Part 66 to establish the Public Safety and Infrastructure Bond Fund;
- (4) Add a new Part 67 to establish the Neighborhood Security Act Bond Fund;
- (5) Add a new Part 68 to establish the Parks and Recreation Bond Projects Fund;
- and
- (6) Add a new Part 69 to establish the Branch Libraries Bond Projects Fund.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Ordinance No. 30277 passed for publication.

11-0

3.8 19-444 Public Hearing on Recording Liens on Properties for the Costs of Sidewalk Repairs.

Recommendation: (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs;
 (b) Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report; and Direct the recording of liens and the placement of charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.
 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. (Finance)
Not heard before 1:30 p.m.
Resolution No. 79140 Adopted.
(9-1-1. Noes: Esparza. Absent: Carrasco)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-449 Final Public Hearing and Approval of the Fiscal Year 2019-2020 Annual Action Plan.

Recommendation: (a) Hold a final Public Hearing regarding the approval of the City's Fiscal Year 2019-2020 Annual Action Plan and take public comment;
 (b) Adopt the Fiscal Year 2019-2020 Annual Action Plan, including the Fiscal Year 2019-2020 funding recommendations for the four federal formula grants received by the City each year including the:
 (1) Community Development Block Grant Program;
 (2) HOME Investment Partnership Program;
 (3) Housing Opportunities for Persons with HIV/AIDS Program; and,
 (4) Emergency Solutions Grant Program.
 (c) Authorize the Housing Department to submit the Fiscal Year 2019-2020 Annual Action Plan to the U.S. Department of Housing and Urban Development; and
 (d) Adopt a resolution authorizing the Director of Housing to negotiate and execute all non-capital project agreements to implement the projects and services identified in this memorandum not requiring CEQA review and to negotiate all capital project agreements and contracts including any amendments or modifications for the expenditure of Community Development Block Grant, Emergency Solutions Grant, HOME Investment Partnership Program, and Housing Opportunities for Persons with HIV/AIDS funds on behalf of the City.
 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)
Not heard before 3:00 P.M.
Approved as Recommended.
Resolution No. 79141 Adopted.
(10-0-1. Absent: Carrasco)

4.2 19-445 General Plan Four-Year Review Scope of Work.**Recommendation:**

Approve staff recommended scope of work for the General Plan Four-Year Review, including Staff's verbal addition to explore changes to commercial space requirements for affordable housing developments.

CEQA: Not a Project, File No PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Planning, Building and Code Enforcement.)

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

Accept the staff recommendation on the scope of the General Plan 4-Year Review with the following additions:

- 1. Opportunity Housing: Explore allowing single-family parcels currently designated "Residential Neighborhood" to redevelop to 2-4 units per parcel with the following parameters from the outset:**
 - a. Limit to parcels proximate to transit-oriented Urban Villages or immediately adjacent to residential parcels with existing medium-density building types, e.g., duplexes or triplexes.**
 - b. Develop a set of design guidelines that would maintain current allowed heights and keep setbacks comparable to existing single-family homes to ensure development would be well integrated into neighborhoods.**
 - c. Allow flexibility on the number of units allowed per parcel that would vary based on lot size, location, and other factors.**
 - d. Clarify that any redevelopment remains within the discretion of the property owner.**
 - e. Specify that this would be sensitive to historic neighborhoods.**
 - f. Validate that opportunity housing projects are cost effective.**

- 2. North Coyote Valley & Mid-Coyote Urban Reserve: Along with the analysis of the potential redistribution of job growth from North Coyote Valley, allow for Task Force discussion on the long-term future of North Coyote Valley and the Mid-Coyote Urban Reserve to achieve key city objectives including the preservation of open space and wildlife habitat, flood and groundwater protection, agriculture, climate change resilience, and passive recreation.**

- 3. Evergreen-East Hills Development Policy (EEHDP): Explore reworking or closing the EEHDP and gather input from the Task Force. Examine how the Vehicle Miles Traveled (VMT) metric may influence the evolution of the EEHDP with an emphasis on preventing further residential sprawl in hillside neighborhoods but allowing mixed-use commercial growth in transit nodes.**

- 4. Additionally a verbal addendum from Staff's presentation was approved to explore changes to commercial space requirements for affordable housing developments.**

(Item Continued on the Next Page)

4.2 19-445**General Plan Four-Year Review Scope of Work. (Cont'd)**

Also approved was Memorandum from Councilmember Esparza to:

- 1. Return to Council to present the recommended list of Four-Year Review Task Force members in August of 2019.**
- 2. Four-Year Review Task Force will include members that are nominated by each Councilmember.**

This was added with approval of verbal additions by Mayor Liccardo to:

- 1. Allow City Councilmembers to review the Four-Year Review Task Force participant list created by the Mayor. Allow City Councilmembers to review the Four-Year Review Task Force participant list created by the Mayor.**
- 2. If there are vacant seats, remaining Four-Year Review Task Force members will be nominated by Councilmembers.**
- 3. If there is Councilmember who disagrees with the Four-Year Review Task Force participants, the Councilmember may elect to bring the list to City Council in August of 2019 for discussion and finalization of the list.**

This was modified with approval of Mayor Liccardo's verbal recommendation to explore shifts in planned housing capacity to Downtown.

This was further amended with approval of the Memorandum from Councilmember Carrasco to:

- 1. Approve staff's scope of work for the four-year review with the following additions:**

Review impact of form based coding within the Urban Village framework under scoping item two (Urban Village Implementation and Affordable Housing Goals)

- 2. Bring back Task Force membership recommendations to Council in August 2019.**
- 3. The Task Force should include a representative selected by each Councilmember.**

11-0

4.3 19-448 Public Hearing on the Summary Vacation of a Public Service Easement Located at 3860 Suncrest Avenue.

Recommendation: 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 5-foot Wire Clearance Easement and a 15-foot Public Service Easement (collectively “Subject Portions”) at 3860 Suncrest Avenue.
(b) Summarily vacating the Subject Portions, which has been determined to be excess.
(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. 3-15457, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Council District 4. (Public Works)
Resolution No. 79142 Adopted.
Approved as Recommended.
11-0

4.4 19-505 Moderate-Income Housing Strategy.

Recommendation: As recommended by the Community and Economic Development Committee on May 20, 2019, accept the staff report on current strategies to support the creation of housing for moderate-income and other “missing middle” residents 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. (Housing) [Community and Economic Development Committee referral 5/20/19 - Item (d)4]
Dropped per Orders of the Day.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-450 2019 Local Streets Resurfacing North Project.

Recommendation: (a) Reject all bids received on April 4, 2019 for the 2019 Local Streets Resurfacing North Project.
(b) Award a construction contract for the 2019 Local Streets Resurfacing North Project (Rebid) to the low bidder, MCK Services Inc. in the amount of \$7,476,664 from bids received on May 2, 2019.
(c) Approve a 5% contingency in the amount of \$373,833.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3,4,5,6.
(Transportation)
Approved as Recommended.
11-0

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY**9.1 19-460 Successor Agency Board Approval of the July 1, 2019 - June 30, 2020 Administrative Budget and Annual Recognized Obligation Payment Schedule 2019-20.**

Recommendation: Adopt Successor Agency resolutions approving:

(a) Administrative Budget for July 1, 2019 through June 30, 2020; and

(b) Recognized Obligation Payment Schedule 2019-20 and authorizing payment of expenditures for items on ROPS 2019-20, which details the obligations of the Successor Agency for the period of July 1, 2019 through June 30, 2020.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical Environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

Successor Agency Resolution No. 7077 Adopted.
Successor Agency Resolution No. 7078 Adopted.
11-0

- **Open Forum**

No cards.

- **Council recessed at 5:37 p.m.**
- **Council resumed at 6:03 p.m.**

10. LAND USE**10.1 Land Use on Consent Calendar****(a) 19-453 C19-003 - Conventional Rezoning for Real Property Located on the South Side of Wabash Street, Approximately 400 Feet Westerly of Archer Street.**

Recommendation: (1) Adopt a resolution approving the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and

Resolution No. 79145 Adopted.
11-0

(2) Approve an ordinance rezoning certain real property located on the south side of Wabash Street, approximately 400 feet westerly of Archer Street, from the R-1-8 Single Family Residence Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.138 gross acre site.

CEQA: Addendum to 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.

Planning Commission recommends approval (5-0-2; Leyba and Vora absent).
 Council District 4. (Planning, Building and Code Enforcement)

Ordinance No. 30278 passed for publication.
11-0

(b) 19-454 C18-023 - Conforming Rezoning for Real Property Located at 2137 The Alameda.**Recommendation:**

Approve an ordinance rezoning certain real property located on the south side of The Alameda, approximately 140 feet east of Idaho Street (2137 The Alameda), from the CO Commercial Office Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.75-gross acre site.

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. Director of Planning, Building and Code Enforcement recommends approval. Council District 6.

(Planning, Building and Code Enforcement)

Ordinance No. 30279 passed for publication.

11-0

(c) 19-455 C17-034 - Conforming Rezoning for Real Property Located at 2905 Senter Road.**Recommendation:**

(1) Adopt a resolution adopting the 2905 Senter Road Commercial Plaza Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Plan, all in accordance to the California Environmental Quality Act, as amended; and

Resolution No. 79146 Adopted.

11-0

(2) Approve an ordinance rezoning certain real property located at the southwest corner of Senter Road and Lewis Road (2905 Senter Road) from the LI Light Industrial and CP Commercial Pedestrian Zoning Districts to the CN Commercial Neighborhood Zoning District on an approximately 1.05-gross acre site.

CEQA: Mitigated Negative Declaration for the 2905 Senter Road Commercial Plaza, File No. C17-034. Director of Planning, Building and Code Enforcement recommends approval. Council District 7.

(Planning, Building and Code Enforcement)

Ordinance No. 30280 passed for publication.

11-0

(d) 19-456 PDC19-012/PD19-010 - Conforming Rezoning for Real Property Located on the southwest corner of North Capitol Avenue and Gimelli Way (formerly 641 North Capitol Avenue).**Recommendation:**

(1) Approve an ordinance rezoning certain real property located at the southwest corner of North Capitol Avenue and Gimelli Way (formerly 641 North Capitol Avenue) from the CP(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District on an approximately 10.6 gross acre site; and

Ordinance No. 30281 passed for publication.

11-0

(2) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning District (File No. PDC19-012) that modified the General Development Plan for this project to allow issuance of a Certificate of Occupancy Permit for the previously approved development.

(Item Continued on the Next Page)

(d) 19-456 PDC19-012/PD19-010 - Conforming Rezoning for Real Property Located (Cont'd)

CEQA: Determination of Consistency with the 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration (Resolution No. 78053). Director of Planning, Building and Code Enforcement recommends approval. Council District 5.
(Planning, Building and Code Enforcement)

Resolution No. 79147 Adopted.
11-0

(e) 19-457 PP19-028 - QUARTERLY UPDATE - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code.**Recommendation:**

Approve an ordinance amending the San José Municipal Code for various sections of Title 20 (Zoning Code) which include but is not limited to the following: amend section 20.30.150 to allow Secondary Units in low density residential cluster development; amend section 20.30.500 to add clarifying language to include corner setback requirement for Accessory Structures; amend section 20.50.125 to add clarifying language to permitted incidental office use in Light Industrial and Heavy Industrial zoning districts; amend section 20.100.500 to allow additions and accessory structures for low density cluster development; amend section 20.100.1300 for clarity to incorporate safety guardrails within the maximum height limitations for elevator shafts and stairwells; amend section 20.200.181 to replace definition of Catering Facility with Caterer; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR), (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), adopted by City Council on December 15, 2015, and Addenda thereto.

File No. PP19-028. Planning Commission recommends approval with correction to Section 8 on Page 8 (5-0-1; Ballard absent). (Planning, Building and Code Enforcement)

Ordinance No. 30282 passed for publication.
11-0

(f) 19-458 PP18-092 - Council Policy Priority #10: Safe Parking Program - Amendments to Title 20 of the San José Municipal Code to Revise the Required Setback in Safe Parking Provisions.**Recommendation:**

(a) Adopt a resolution approving the Addendum to the Incidental Safe Parking Use Negative Declaration in accordance with CEQA; and

Resolution No. 79148 Adopted.
11-0

(b) Approve an ordinance amending Title 20 of the San José Municipal Code with revised provisions for safe parking of homeless people in vehicles parked on existing City-owned parcels, and sites consisting of legal assembly uses constructed and operating in compliance with the San José Municipal Code.

CEQA: Addendum to the Negative Declaration for the Incidental Safe Parking Use (Resolution No. 78990). File No. PP18-092. Planning Commission recommends approval (5-0-1; Ballard absent). (Planning, Building and Code Enforcement)

Ordinance No. 30283 passed for publication.
11-0

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

10.2 19-459 PDC17-056, PD17-027 & PT18-049 - Planned Development Rezoning, Vesting Tentative Subdivision Map, and Planned Development Permit.

Recommendation: (a) Adopt a resolution certifying the Environmental Impact Report for the Avalon West Valley Expansion Project and making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting the associated Mitigation Monitoring and Reporting Plan all in accordance with CEQA; and **Resolution No. 79149 Adopted, including approval of Memorandum from Mayor Liccardo and Vice Mayor Jones to:**
Approve PDC17-056, PD17-027 & PT18-049 at 700 Saratoga Avenue as recommended by City Staff, with the following conditions to be added to the Planned Development Permit that have been voluntarily offered and agreed to by the developer AvalonBay:

- 1. The Permittee has voluntarily agreed to the following Permit conditions:**
 - a. At time of building permit, Permittee shall contribute \$300,000 to the City to fund or partially fund traffic calming and transportation improvements that are determined by the City in the immediate area of the project.**
 - b. Permittee shall solicit proposals from local artists to commission artwork to be displayed in the Project's plaza on the corner of Saratoga Avenue and Blackford Avenue. Permittee shall include neighborhood leaders identified by the Council District 1 office to participate in the selection of the artwork.**
 - c. Permittee has voluntarily agreed to allow the Blackford Neighborhood Association to use community room space once per month for Association meetings at no cost.**
 - d. Permittee shall schedule live music in the Project's plaza at least once per month during the months of April through October.**
 - e. Permittee shall coordinate with the City's Departments of Transportation and Public Works to locate a feasible and convenient space in public right-of-way adjacent to the Project to host food trucks for the neighborhood at least once per month during the months of April through October.**
 - f. Permittee shall phase construction in a manner that will allow at least two existing garages to be open at all times and, when parking supply may be reduced, operate a valet system to maximize efficiency. During construction that specifically restricts parking (such as demolition of parking garages), the Permittee shall work with nearby property owners towards reaching a mutually acceptable agreement to allow valet parking offsite.**

2. Permittee shall place publicly visible notices upon the Project site facing all adjacent streets and in the common areas of the existing buildings that provide contact information including a phone number and other contact information where current residents and neighbors of the site may contact the Permittee with construction-related concerns. Permittee will respond to such inquiries within 24 hours of receipt.

11-0

(Item Continued on the Next Page)

10.2 19-459**PDC17-056, PD17-027 & PT18-049 - Planned Development Rezoning (Cont'd)**

(b) Approve an ordinance rezoning certain real property located east of Saratoga Avenue between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue) from the RM Multiple Residence and RM(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District for a mixed-use development on an approximately 20.08-gross acre site.

Ordinance No. 30284 passed for publication.

11-0

(c) Adopt a resolution approving, subject to conditions, the Vesting Tentative Tract Map to merge six parcels and to resubdivide the merged parcel into no more than two parcels on an approximately 20.08-gross acre site.

Resolution No. 79150 Adopted.

11-0

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit, subject to conditions, to effectuate the Planned Development Zoning District and allow the demolition of existing parking garages, sports courts, pool, and amenity building, removal of up to 133 ordinance-size trees, and the construction of a mixed-used development including 302 residential units in addition to the existing residential units on the site, and 17,800 square feet of retail/commercial space, 12,060 square feet of publicly accessible, privately-owned open space, and extended construction hours on an approximately 20.08-gross acre site.

CEQA: Environmental Impact Report for the Avalon West Valley Expansion Project. File Nos. PDC17-056, PD17-027 and PT18-049.

Planning Commission recommends approval (5-0-1; Ballard absent).

Council District 1. (Planning, Building and Code Enforcement)

Resolution No. 79151 Adopted.

11-0

- **Open Forum**

Blair commented on Councilmember Peralez' memo; and the idea of refocusing equity, as well as thanked the City Manager, David Sykes for his work in involving the community in the process.

- **Adjournment**

This meeting will be in memory of the Late Vice Mayor Iola Williams, who passed away on April 4, 2019, at the age of 83. In 1979, Vice Mayor Williams became the first African-American elected to the San José City Council, representing District 7 until her retirement in 1991. Her tenure included two terms as Vice Mayor, from 1981-1983. Vice Mayor Williams will be sorely missed here in San José, and remembered for her lifetime of dedication to public service, to civil rights, and to strengthening our community. She is survived by her seven children, seventeen grandchildren, and five great-grandchildren.

**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.