



City Council Meeting SYNOPSIS

Tuesday, August 6, 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



- **Call to Order and Roll Call**

9:36 a.m.- Closed Session: All Present

1:35 p.m.- Regular Session, Council Chambers, City Hall: All Present.

Mayor Sam Liccardo offered a moment of silence for Trevor Irby, Keyla Salazar, and Stephen Romero, victims in the shooting at the Gilroy Garlic Festival and all that were affected by this senseless violence.

- **Invocation (District 7)**

Abe Andrade, Executive Director of the Santa Clara County Fairgrounds, 4-H member Ashley Jordan, FFA (Future Farmers of America) member Emily Tercero, and Fair Manager Ashley Tercero presented the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Dev Davis presented a Proclamation recognizing August as Breastfeeding Month. (Davis)
- 1.2 Mayor Sam Liccardo and Councilmember Maya Esparza presented a Commendation to COMCAST, Telecommunications Company, in recognition of their excellence in leadership, commitment to the D-7 Sylvandale School and students, and dedication to bettering the community. (Esparza)

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

19-615 Approval of City Council Minutes.

- (a) Regular City Council Meeting Minutes of November 17, 2018.
 - (b) Regular City Council Meeting Minutes of December 4, 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.

2.2 Final Adoption of Ordinances.

19-590 Final Adoption of Ordinances.

- (a) Ord No. 30290 - An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (Zoning Ordinance) to: Add Or Remove Uses and Change Permit Requirements in the Open Space/Agriculture, Residential, Commercial, Industrial, and Downtown Zoning Districts in Tables 20-30, 20-50, 20-90, 20-110, And 20-140; Amend Section 20.50.110 for Commercial Support in Industrial Districts; Repeal Section 20.50.115 for Large Format Commercial Establishment, Associated Commercial; Repeal Section 20.70.140 on Art Display Structure; Amend Section 20.70.520 for the Downtown Groundfloor Space Overlay (DG Overlay) to Replace it with the Active Use Area Overlay; Clarify and Consolidate Uses in the Parking and Loading Chapter 20.90; Amend Section 20.120.110 to Update Table 20-270 for Conformance with the General Plan; Add, Remove, or Update Various Definitions in Chapter 20.200; and Make Other Technical, Non-Substantive, or Formatting Changes; all to Effectuate Zoning Code and General Plan Conformance.

Ordinance No. 30290 passed for publication.

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

2.3 Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of June 12, 2019.
- (b) Neighborhood Services & Education Committee Minutes of June 13, 2019.
- (c) Public Safety, Finance & Strategic Support Committee Minutes of June 20, 2019.

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

Approved.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

Councilmember Lan Diep reported on his trip to Harvard Law School in Cambridge to attend the Harvard Young American Leaders Program, which was funded by the Knight Foundation.

Mayor Sam Liccardo reported on his attendance at the U.S Mayor's Conference in Honolulu, Hawaii, where he spoke on a panel on homelessness and on climate change; also discussed was a partnership with MasterCard and with AT&T in developing a new program to assist in disaster relief.

Raul Peralez reported on a trip to Houston, Texas to attend the Sister City International Conference, where he was elected to serve on the Sister City International Board.

(11-0.)

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 19-575 Approval of Adjusted Campaign Contribution Limits.

Adopt the resolution approving the campaign contribution limits adjusted in accordance with San José Municipal Code Section 12.06.210.D.

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

Resolution No. 79203 adopted.
(10-0-1. Absent: Carrasco.)

2.8 19-604 Boards and Commissions Appointments.

Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 2 Seat: Appoint Brandon Chaidez to a term ending June 30, 2023;

* (2) District 6 Seat: Appoint Robert Henken to a term ending June 30, 2023;

(3) District 8 Seat: Appoint Surjit Bains to a term ending June 30, 2023;

(4) District 10 Seat: Appoint Dan Connolly to a term ending June 30, 2023;

(b) Library and Early Education Commission:

(1) District 4 Seat: Appoint Hilary Thorsen to a term ending June 30, 2023;

(2) District 2 Seat: Appoint Kristen Rivers to a term ending June 30, 2023;

(3) District 6 Seat: Appoint Commissioner to a term ending June 30, 2023;

(4) District 8 Seat: Patricia Mendoza to a term ending June 30, 2023;

(5) District 10 Seat: Appoint Commissioner to a term ending June 30, 2023;

(c) Senior Citizens Commission

(1) District 3 Seat: Appoint Marcia Cohen Zakai to a term ending June 30, 2021;

(2) District 6 Seat: Appoint John Allen to a term ending June 30, 2023;

(Item Continued on the Next Page)

2.8 19-604

Boards and Commissions Appointments (Cont'd.)

- (3) District 8 Seat: Appoint Commissioner to a term ending June 30, 2023;
- (4) District 1 Seat: Appoint Jelili Apalara to a term ending June 30, 2021;
- (5) District 5 Seat: Appoint Commissioner to a term ending June 30, 2021;
- (d) Youth Commission:
 - (1) District 3 Seat: Appoint Nicole Hoang to a term ending May 31, 2021;
- (e) Housing and Community Development Commission:
 - (1) District 2 Seat: Extend term for Alex Shoor to a term ending August 31, 2019;
 - (2) District 4 Seat: Extend term for Huy Tran to a term ending August 31, 2019;
 - (3) District 6 Seat: Extend term for Andrea Wheeler to a term ending August 31, 2019;
 - (4) District 10 Seat: Extend term for Michael Fitzgerald to a term ending August 31, 2019.

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

Approved.
(11-0.)

2.9 19-594

Agreement with Cristo Rey San José Work Study Corporation for Student Work-Study Program.

Approve an Agreement between the City of San José and Cristo Rey San José Work Study Corporation to provide student workers through June 30, 2023, with a maximum compensation amount not to exceed \$838,264, subject to City Council annual appropriation of funds.

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

Approved.
(11-0.)

2.10 19-596

Request for Travel for Mayor's Staff.

Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as the City representative to attend the 2019 Aspen Institute Conference on Communications Policy in Aspen, Colorado from August 11 - August 14, 2019. Source of Funds: Aspen Institute.

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

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

2.11 19-595

Caltrans Sustainable Community Grant Acceptance Actions.

(a) Adopt a resolution authorizing the City Manager or designee to:

(1) Accept grant funds from Caltrans Sustainable Community grant program in an amount not to exceed \$602,004 to develop San José's Emerging Mobility Action Plan; and

(2) Negotiate and execute any documents necessary to accept the grant funds.

Resolution No. 79204 adopted.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:

(1) Increase the estimate for Revenue from State of California by \$602,004; and

(2) Establish the Emerging Mobility Action Plan appropriation to the Department of Transportation in the amount of \$602,004.

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

(Transportation/City Manager)

Resolution No. 79205 adopted.

Ordinance No. 30291 adopted.

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

2.12 19-635

Actions Related to the Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning.

Adopt resolutions to:

(a) Repeal Resolution No. 79105 adopted on June 4, 2019, City Council item 2.18; and

Resolution No. 79206 adopted.

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

(b) Replace it with a new resolution entitled: Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning: (1) supporting a Complete Streets and Near-Term Transit Implementation Plan for the Stevens Creek Boulevard Corridor to be prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the cities of Santa Clara, Cupertino, and San José, and (2) supporting the VTA High Capacity Transit Study and implementation of high capacity transit service along the Stevens Creek Corridor.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Transportation)

[RENUMBERED FROM ITEM 6.1 (19-603)]

Resolution No. 79207 adopted.

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

2.13 19-636 Retroactive Approval of Cahill Beautification Day Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on July 31, 2019:

(a) Retroactively approve the Cahill Beautification Day scheduled on June 29, 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. (Davis)

[Rules Committee referral 7/31/19 - Item G.1.a]

Approved.

2.14 19-637 Retroactive Approval of Willow Creek Dumpster Day Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on July 31, 2019:

(a) Retroactively approve the Willow Creek Dumpster Day scheduled on April 6, 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. (Davis)

[Rules Committee referral 7/31/19 - Item G.1.b]

Approved.

2.15 19-638 Retroactive Approval of Cory Dumpster Day Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on July 31, 2019:

(a) Retroactively approve the Cory Dumpster Day scheduled on April 27, 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. (Davis)

[Rules Committee referral 7/31/19 - Item G.1.c]

Approved.

2.16 19-639

Retroactive Approval of the D2 Viva Parks Series Sponsored by Council District 2 and the Parks, Recreation, and Neighborhood Services Department as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on July 31, 2019:

(a) Retroactively approve the Viva Parks Series scheduled on June 4, 2019 through August 22, 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. (Jimenez)

[Rules Committee referral 7/31/19 - Item G.1.d]

Approved.

3. STRATEGIC SUPPORT

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

City Manager, David Sykes offered accolades to staff for navigating a busy June, where 165 items were brought forth to Council for approval, and bringing forth a manageable agenda for today's session.

3.2 Labor Negotiations Update.

None provided.

3.3 19-597 Employee Reimbursements Audit Report. - DEFERRED

As recommended by the Public Safety, Finance and Strategic Support Committee on June 20, 2019, accept the Employee Reimbursements Audit.

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

[Public Safety, Finance and Strategic Support Committee referral 6/20/19 - Item (d)1]

Deferred to 8/27/19 per Administration.

3.4 19-598 Public Hearing for Fiscal Year 2019-2020 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments for the 2019-2020 Santa Clara County Secured Property Tax Roll.

Conduct a Public Hearing on the Fiscal Year 2019-2020 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

Public hearing held.

Resolution No. 79208 adopted.

(8-0-3. Absent: Esparza, Arenas, Khamis.)

3.5 19-599 Public Hearing for Fiscal Year 2019-2020 Annual Residential Solid Waste Collection Service Charges for the 2019-2020 Santa Clara County Secured Property Tax Roll.

Conduct a Public Hearing on the Fiscal Year 2019-2020 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2019-2020 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

Public hearing held.

Resolution No. 78209 adopted.

(8-0-3. Absent: Esparza, Arenas, Khamis.)

3.6 19-600 Fiscal Year 2019-2020 Property Tax Levy for General Obligation Bonds.

Adopt a resolution establishing the Fiscal Year 2019-2020 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and to pay the related administration fee to the County.

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3.6 19-600 (Cont'd.)

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)

Resolution No. 78210 adopted.

(8-0-3. Absent: Esparza, Arenas, Khamis.)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-601 Private Development Workforce Standards.

(a) Drop the second reading of the private development workforce standards ordinance approved in item 4.5 at the Council meeting on June 25, 2019.

Second Reading dropped.

(b) Approve an ordinance amending the San José Municipal Code to add a new Chapter 14.10 to Title 14 to set forth certain minimum labor standards, including prevailing wage requirements, for any private construction project accepting a public subsidy.

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

[Referred from 6/25/19 - Item 4.5]

Ordinance No. 30292 passed for publication.

(9-0-2. Noes: Davis, Khamis.)

4.2 19-602 Council Policy Priority #4: Electronic Billboards - Approval of Scope and Timeline for Request for Proposals for Large Format Signage/Billboards on City-Owned Property.

Accept staff recommendations for the scope and timeline of two Large Format Signage/Billboard Request for Proposals on City-owned property.

CEQA: Negative Declaration for General Plan Text, Municipal Code and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs, and Signs Displaying Off-site Commercial Speech, File No. PP18-058. (Economic Development)

Accepted, including the joint memorandum from Vice Mayor Chappie Jones, Councilmember Sylvia Arenas and Councilmember Raul Peralez, dated August 2, 2019 to:

Accept staff recommendation with the addition that

- 1. Any take-down proposal prioritizes existing billboards that are historically or currently blighted permitting lease conditions, and,**
- 2. That City Staff provides clarification on a comprehensive timeline of the RFP process including issuance and award date.**

(11-0.)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-603 Actions Related to the Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning. - RENUMBERED TO ITEM 2.12

Adopt resolutions to:

(a) Repeal Resolution No. 79105 adopted on June 4, 2019, City Council item 2.18; and

(b) Replace it with a new resolution entitled: *Multi-Jurisdiction Stevens Creek Boulevard Complete Streets and Transit Planning*: (1) supporting a Complete Streets and Near-Term Transit Implementation Plan for the Stevens Creek Boulevard Corridor to be prepared jointly by the Santa Clara Valley Transportation Authority (VTA) and the cities of Santa Clara, Cupertino, and San José, and (2) supporting the VTA High Capacity Transit Study and implementation of high capacity transit service along the Stevens Creek Corridor.

CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (Transportation)

[RENUMBERED TO ITEM 2.12 (19-635)]

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

None

- **Notice of City Engineer's Pending Decision on Final Maps**

FOR APPROVAL:

Tract: 10464

Location: Raleigh Rd/Great Oaks Blvd. (North of HWY 85)

District: 2

Lots/Units: 9/66

Type: SFD

Proposed Decision: Approved

Developer: Pulte Group

- **Open Forum**

Gavin Rust, Allegra Watson, Miguel LePoutre, Alrie Middlebrook, and Ian Barragan urged a study session to continue a movement begun at Middlebrook Gardens, integrating agriculture into residential neighborhoods, examining the potential for ecovillages and participatory processes for youth in making San José a model for sustainability.

Ray Perez spoke to the need for affordable housing.

Tessa Woodmansee urged declaration of a climate emergency.

- **Adjournment**

The meeting of the City Council of the City of San José was adjourned at 4:30 p.m. in memory of Warren Gannon, who passed away on July 21, 2019, at the age of 92. Mr. Gannon was elected as the first President of the Winchester Ranch Senior Home Owner Association and served as Chair of the Senior Commission for many years. He was a dedicated member of his community and respected by many. He will be remembered for his work ethic, integrity and compassion.