



City Council Meeting Synopsis

Tuesday, August 20, 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: Maya Esparza.

1:31 p.m.- Regular Session, Council Chambers, City Hall

- **Invocation (District 7)**

Fr. Jonathan Cuarto of St. Maria Goretti Parish provided 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 with no changes. (11-0)

- **Closed Session Report**

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Pam Foley presented a Proclamation recognizing August as Silicon Valley LGBTQ Pride Month.
Heard last
- 1.2 Mayor Sam Liccardo and Councilmember Raul Peralez presented a Commendation to the Catholic Charities Cathedral Social Ministry “The Window” for their work in providing hope and improving the quality of life through their services for the homeless residents of San José.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Item 2.2 pulled, and voted on separately, and the below listed actions taken as indicated. (9-2. Absent: MC, SA)

2.1 **Approval of City Council Minutes.**

2.2 19-669 **Final Adoption of Ordinances.**

Recommendation: (a) Ord No. 30292 - An Ordinance of the City of San José Amending the San José Municipal Code to add a New Chapter 14.10 to Title 14 Setting Forth Minimum Labor Standards for a Private Construction Project Accepting a City Subsidy.
Adopted.
(8-3. Noes: Davis, Foley, Khamis)

2.3 19-696 **Approval of Council Committee Minutes.**

Recommendation: (a) Transportation and Environment Committee Minutes of February 4, 2019.
(b) Transportation and Environment Committee Minutes of March 4, 2019.
(c) Rules and Open Government Committee Minutes of February 6, 2019.
(d) Neighborhood Services and Education Committee of June 13, 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.**

2.5 **City Council Travel Reports.**

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

2.7 19-613 **Boards and Commissions Appointments.**

Recommendation: Approve the following Boards and Commissions appointments:
(a) Parks and Recreation Commission:
(1) District 4 Seat: Kelly Snider to a term ending June 30, 2023;
(b) Housing and Community Development Commission:
(1) District 4 Seat: Shavell Crawford to a term ending June 30, 2023;
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
Approved as Recommended.

2.8 19-654 Report on Bids and Award of Contract for 8976 - North First Street Parallel Main - Phase IV Project.

Recommendation: Report on bids and award of contract for 8976 - North First Street Parallel Main-Phase IV Project to the low bidder, Cratus Inc., in the amount of \$1,479,603 and approval of a contingency in the amount of \$147,960.
CEQA: Categorically Exempt, File No. PP17-050, CEQA Guidelines Sections 15301, Existing Facilities and 15302, Replacement and Reconstruction. Council District 4.
(Environmental Services)
Approved as Recommended.

2.9 19-655 Report on Bids and Reject All Bids for 8927 - Fowler Pump Station Replacement Project.

Recommendation: Report on bids and reject all bids received for the 8927-Fowler Pump Station Replacement Project.
CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. Council District 8.
(Environmental Services)
Approved as Recommended.

2.10 19-656 9047 - Master Agreements with Perkins+Will, Inc. and TRC Solutions, Inc. for Various City Facility Projects.

Recommendation: Approve Master Agreements with Perkins+Will, Inc. and TRC Solutions, Inc. for security analysis and design services from the date of execution through August 31, 2022 in an amount not to exceed \$1,000,000 for each agreement.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)
[Deferred from 8/13/19 - Item 2.17 (19-621)]
Approved as Recommended.

2.11 19-657 Vacation of Setback Easements Within Tract No. 5027.

Recommendation: (a) Adopt a resolution of intention to vacate the 25-foot, 20-foot, 15-foot, 10-foot, and 7.5-foot light and air easements located within Tract No. 5027.
(b) Set a Public Hearing on Tuesday, September 10, 2019 at 1:30 p.m., for consideration of the vacation.
(c) Direct the City Clerk to file the vacation map and advertise said public hearing.
CEQA: Categorically Exempt, File No. PP19-053, CEQA Guideline Section 15301, Existing Facilities and 15302 Replacement or Reconstruction.
(Public Works)
Resolution No. 79220 Adopted.
Approved as Recommended.
(9-2. Absent: Carrasco, Arenas)

2.12 19-691 Retroactive Approval of Plata Arroyo Beautification/Dumpster Day Sponsored by the Mayor's Office 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 August 7, 2019:
 (a) Retroactively approve the Mayor's Office Plata Arroyo Beautification/Dumpster 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. (Mayor)
 [Rules Committee referral 8/7/19 - Item G.1.a]
Approved as Recommended.

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Heard at 9:30 a.m.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-658 Amendment to Title 14 and Title 4 of the San José Municipal Code for the Diridon Station Area Plan.

Recommendation: (a) Approve an ordinance adding Chapter 14.35 to Title 14 of the San José Municipal Code to adopt a new Basic Infrastructure Impact Fee associated with implementation of the Diridon Station Area Plan.
 (b) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Part 70 to establish the Diridon Station Area Impact Fee Fund.
 CEQA: Determination of Consistency with the Diridon Station Area Plan Final Environmental Impact Report (Resolution no. 77096) and the Downtown Strategy 2040 Final Environmental Impact Report (Resolution no. 78942). Council District 3. (Economic Development/City Manager)
Ordinance No. 30305 passed for publication.
Ordinance No. 30306 passed for publication.
(10-1. Absent: Khamis)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-663 County of Santa Clara Report on Potential Closure of Reid Hillview Airport.

Recommendation:

Accept the report from the County of Santa Clara on the potential closure of Reid Hillview Airport.

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/Airport/Planning, Building and Code Enforcement)

[Deferred from 5/21/19 - Item 6.2 (19-355)]

Heard immediately after Consent

Approved as Recommended, including approval of Memorandum co-authored by Mayor Liccardo, and Councilmembers Jimenez, Carrasco, Arenas, and Khamis to: Accept the report from the County of Santa Clara on potential closure of the Reid-Hillview Airport and:

- 1. Ask staff to convey the importance of capacity-building activities to be addressed by the County prior to site closure and city approval of entitlements, including:**
 - a. Completion of tower and navigation capacity at the San Martin airport as outlined in the 2006 South County Airport Master Plan (including any necessary traffic flow and safety improvements),**
 - b. Relocation of the San Jose State University (SJSU) Aviation Program to a suitable local alternative site in either San Martin or Hayward, and,**
 - c. Relocation of Civil Air Patrol and Cal Fire to a site that allows for emergency/disaster response.**
- 2. Support staffs joint planning efforts with the county, and ask**
 - a. The Office of Economic Development to review the potential for increased economic development throughout the Reid-Hillview flight path, and incorporate analysis within the City Wide Retail Strategy Plan.**
 - b. Planning to consider economic opportunities in future long range planning efforts.**

This was addended with additional directions to:

Continue having the Council give input and feedback after the study is done. (11-0)

6.2 19-664 Caltrain Long-Range Service Vision; City Priorities and Preferred Scenario.

Recommendation:

Accept the report and provide direction to staff regarding the following City of San José priorities and locally preferred long-range service vision for the Caltrain Business Plan.

- (a) Support Caltrain adopting a Long-Range Service Vision that provides at least the “Moderate Growth” service levels, while pro-actively preparing for “High Growth Scenario” Service Vision should sufficient funding and policy commitments be secured.
- (b) Advocate that regional and state agencies develop a program of regional rail investments that supports and enables Caltrain and other agencies to achieve the High Growth Scenario, as part of an integrated Statewide and Bay Area passenger rail network.

(Item Continued on the Next Page)

6.2 19-664

Caltrain Long-Range Service Vision; City Priorities and Preferred (Cont'd).

(c) Advocate that Caltrain, its member agencies, and other regional and state agencies work towards solutions for region-wide rail governance and mega-project implementation.

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

Approved as Recommended including approval of the Memorandum co-authored by Mayor Liccardo and Councilmembers Jimenez, Peralez, Davis and Esparza to: Accept the staff report for the Caltrain Long Range Service Vision and direct the City Manager and the San Jose Member of the Caltrain Joint Powers Board to communicate the following city positions to Caltrain:

- 1. Support the "moderate-growth" long range service scenario under the Caltrain Business Plan, while pro-actively preparing for "high-growth" scenario. We further encourage Caltrain to seek all available sources of funding for maximizing service levels on the corridor that the infrastructure will support, including additional train sets.**
- 2. Advocate that Caltrain proactively pursue seamless transit interconnectivity to improve customer experience for trips that include transfers between systems. This should include fare integration, schedule coordination, station design, and other near-term and long-term strategies and policies that will improve customer-focused transit service integration.**
- 3. Support Caltrain's workplan efforts to conduct an equity analysis to identify the barriers preventing low-income people and communities of color from using Caltrain. The equity analysis should identify potential policy solutions to diversifying ridership, in addition to considering income-based subsidies.**
- 4. Pursue a community commitment that, as train service grows, Caltrain will improve quality of life in the Gregory/Gardner/North Willow Glen neighborhoods through projects that make conditions measurably better (or at least not worse) than they are today. Those commitments should include quantifiable, verifiable improvements in noise, vibration, and emissions, and should include aesthetic and qualitative improvements such as trees, "green" sound walls, and making Fuller Park permanent. This commitment must also include pursuing grade separations at key locations in San José.**

This was amended with approval of the Memorandum by Mayor Liccardo to: Direct staff to return to Council with a resolution that makes support for additional local or regional investment in the Caltrain system contingent on reform of the Caltrain governance model to enable substantially greater accountability of Caltrain management to each of the three partner agencies, and ultimately, to the residents and taxpayers of Santa Clara County.

(11-0)

- Council recessed at 5:45 p.m.
- Council Caltrain at 6:19 p.m.

6.3 19-665 High-Speed Rail Staff Recommended Preferred Alternative.

Recommendation:

Accept the staff report and presentations on the California High-Speed Rail Authority staff's recommendation for the State's Preferred Alternative.

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

Approved as Recommended, including approval of Memorandum co-authored by Mayor Liccardo and Councilmembers Jimenez, Peralez, Davis and Esparza to: Accept the staff report and direct the City Manager and Mayor to communicate the following City Council position to California High Speed Rail staff and the Authority Board when they convene in San Jose on September 17th:

- 1. That the City's support for the project depends upon the California High Speed Rail Authority's willingness to integrate a feasible alternative alignment recommended by the Diridon Integrated Station Concept (DISC) Plan planning process into a supplemental environmental impact statement and environmental impact report.**
- 2. That High Speed Rail (HSR) must fully grade-separate train and vehicular / pedestrian traffic at key San Jose locations, including Auzerais, West Virginia, Branham, Skyway, and Chynoweth. To that end:**
 - a. Restate the Council commitment to minimize negative impacts to the Gregory/Gardner/North Willow Glen neighborhoods by fully developing and evaluating the alignment over 280/87.**
 - b. If what emerges from the DISC process does not include a viaduct over 280/87, then, at a minimum, separate train traffic at Auzerais and West Virginia south of Diridon Station, and provide infrastructure improvements to mitigate noise and neighborhood impacts.**
 - c. Affirm the City's role in advocating for grade separations, infrastructure improvements, and a development plan that mitigates unfavorable impacts to the neighborhoods and residents along the Monterey Corridor.**
 - d. Direct staff to formally submit the final results and analysis of the City's Feasibility Study on grade separations to HSR, and continue to build on this work through the Rail Corridor Planning process.**
- 3. That HSR remain engaged in the DISC process and the subsequent Rail Corridor Plan work, including efforts to identify funding and make necessary changes during HSR environmental and design processes to accommodate the station plan and grade separations.**
(9-2. Absent: Carrasco, Khamis)

6.4 19-666 Rail Corridor Plan for San José and Inter-Agency Agreement.

Recommendation: Accept the staff report and presentation on a preliminary scope of work and funding plan for the Rail Corridor Plan for 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.
 Council Districts 2, 3, 4, 6, 7, & 10. (Transportation)
Approved as Recommended including approval of Memorandum co-authored by Mayor Liccardo and Councilmembers Jimenez, Peralez, Davis and Esparza to:
1. Approve the staff recommendation.
2. More explicitly reference design, and funding strategy, for grade separations between rail corridor and local roads in the scope of the rail corridor plan.
3. As we plan for new and modified rail facilities, develop a Multimodal Transportation Improvement Plan (MTIP) for the Monterey Corridor.
(10-1. Absent: Carrasco)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-667 San José Municipal Water System's 2019 Public Health Goals Report on Water Quality.

Recommendation: (a) Conduct a Public Hearing for the purpose of accepting and responding to public comment regarding the San José Municipal Water System's 2019 Public Health Goals Report on water quality as required by the California Health and Safety Code; and
 (b) Approve the San José Municipal Water System's 2019 Public Health Goals Report and direct staff to file the report with the State Water Resources Control Board.
 CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
 (Environmental Services)
Approved as Recommended.
(10-1. Absent: Carrasco)

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

• **Open Forum**

1. Tim Gildersleeve commented on *Chick - Fil- A*; voiced opposition to the idea of discriminating against businesses and addressed the need to permit them to decide their work days.
2. Roland Lebrun commented on the Planet; his weekly recycling routine, and the business models of Corporations such as Costco.
3. Blair Beekman commented on the difficult events of the past month in Gilroy, CA and El Paso, TX; as well as rendered an apology to City Council for his conduct at the Rules Committee Meeting a week prior.

• **Adjournment:** 7.41 p.m.

**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.

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.