



City Council Meeting Synopsis

Tuesday, September 10, 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: 37 a.m.- Closed Session, Call to Order in Council Chambers

Absent: Carrasco, Esparza.

1:33 p.m.- Regular Session, Council Chambers, City Hall

- **Invocation (District 8)**

Priest Director Joseph Van Thu (Linh Mục Giám đốc Giu se Nguyễn Văn Thu) from the Trung Tâm Công Giáo Việt Nam, Vietnamese Catholic Center 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 Item 4.3 dropped. (11-0)

- **Closed Session Report**

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Vice Mayor Chappie Jones presented a Commendation to Ashvin Maheshwar to recognize his efforts in bringing inclusion to the STEM field for K 12 students in underrepresented communities.
- 1.2 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a Proclamation to September as National Falls Prevention Month.
- 1.3 Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a Commendation to Victor Jaquez for his impressive athletic accomplishments.
Heard at 1:30 p.m.
- 1.4 Mayor Sam Liccardo and Councilmember Dev Davis presented a Proclamation to Emergency Preparedness Month.
Heard in the Evening Session at 6:00 p.m.
- 1.5 Mayor Sam Liccardo and Councilmember Pam Foley presented a Commendation for the Cambrian Park Little League All-Star Team with a commendation for spectacular sportsmanship in the 2019 Northern California championship.
Heard in the Evening Session.

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Item 2.7 pulled, and voted on separately, and the below listed actions taken as indicated. (11-0)

2.1 19-775 Approval of City Council Minutes.

Recommendation: (a) Regular City Council Meeting Minutes of January 30, 2018.
(b) The City Council Elected and Appointed Officials Emergency Management Training Special Minutes of December 10, 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 19-752 Final Adoption of Ordinances.

Recommendation: (a) Ord. No. 30305 - An Ordinance of the City of San José Adding Chapter 14.35 to Title 14 of the San José Municipal Code in Order to Adopt a New Diridon Station Area Basic Infrastructure Impact Fee Associated with Implementation of the Diridon Station Area Plan. ITEM 2.2 (a) –
Deferred to 9/17/19 per Administration.

(b) Ord. No. 30306 - An Ordinance of the City of San José Amending Chapter 4.80 of Title 4 of the San José Municipal Code to Add a New Part Related to the Establishment of the Diridon Station Area Impact Fee Fund.
Adopted.

(Item Continued on the Next Page)

2.2 19-752 Final Adoption of Ordinances. (Cont'd)

(c) Ord. No. 30307 - An Ordinance of the City of San José rezoning a 0.04-acre portion of certain real property of approximately 0.22-gross acre situated on the west side of North 5th Street, approximately 150 feet northerly of Washington Street (APN: 249-45-047) (419 north 5th street), from the Li Light industrial zoning district to the R-M multiple residence zoning district.

Adopted.

2.3 19-753 Approval of Council Committee Minutes.**Recommendation:**

(a) Public Safety, Finance, and Strategic Support Committee Minutes of December 13, 2018.

(b) AD-HOC Committee on Development Services Minutes of January 24, 2019.

(c) Community & Economic Development Committee Minutes of January 28, 2019.

(d) Public Safety, Finance, and Strategic Support Committee Minutes of February 21, 2019.

(e) Community & Economic Development Committee Minutes of February 25, 2019

(f) Rules and Open Government Committee Minutes of March 20, 2019.

(g) Community & Economic Development Committee Minutes of March 25, 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 19-754 Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.****Recommendation:**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$500,000, for a total amount not to exceed \$1,400,000. CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

[Deferred from 8/27/19 - Item 2.7 (19-668)]

Resolution No. 79226 Adopted.

2.8 19-756 Fourth Quarter Financial Reports for Fiscal Year 2018-2019.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2019, accept the Fourth Quarter (period ended June 30, 2019) Financial Reports for Fiscal Year 2018-2019 for the following programs:

- (a) Debt Management;
- (b) Investment Management; and
- (c) Revenue Management.

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

[Public Safety, Finance, and Strategic Support Committee referral 8/15/19

- Item (d)2]

Approved as Recommended.

2.9 19-757 Consideration to Alter Community Facilities District No. 8.

Recommendation: (a) Adopt resolutions of consideration to:

- (1) Alter Community Facilities District No. 8 as proposed in Alteration No. 1A; and set a Public Hearing regarding this matter for November 5, 2019 at 6:00 p.m.

Resolution No. 79227 Adopted.

- (2) Alter Community Facilities District No. 8 as proposed in Alteration No. 1B; and set a Public Hearing regarding this matter for November 5, 2019 at 6:00 p.m.

Resolution No. 79228 Adopted.

- (b) Approve an agreement between Community Facilities District No. 8 Communications Hill ("CFD 8") and the City to reimburse the City for funds it advances to conduct proceedings to change CFD 8, in an amount not to exceed \$30,000. CEQA: Not a Project, File No. PP17-001, Feasibility, and Planning Studies with no commitment to future actions. Council District 7.

(Public Works)

Approved as Recommended.

2.10 19-758 2019 Alum Rock Falls Road Slope Repair District No. 4.

Recommendation: (a) Approve award of a construction contract for the Alum Rock Falls Road Slope Repair project, to the low bidder, Granite Rock Company in the amount of \$222,575.

- (b) Approve a ten percent contingency in the amount of \$22,257.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council District 4.

(Transportation)

Approved as Recommended.

2.11 19-777 Retroactive Approval of the Estates Neighborhood Block Party Community Event 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 August 28, 2019:
 (a) Retroactively approve the Estates Neighborhood Block Party Community Event 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. (Arenas)
 [Rules Committee referral 08/28/19 - Item G.1.a]
Approved as Recommended.

2.12 19-778 Retroactive Approval of the Beauty Spot's Annual School Supply Drive Community Event 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 August 28, 2019:
 (a) Retroactively approve the Beauty Spot's Annual School Supply Drive Community Event scheduled on August 10, 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 08/28/19 - Item G.1.b]
Approved as Recommended.

3. STRATEGIC SUPPORT

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

No report.

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

Heard at 9:30 a.m.

3.3 19-755 Form 700 Filings Audit Report.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on August 15, 2019, accept the Form 700 Filings Audit Report.
 CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)
 [Public Safety, Finance, and Strategic Support Committee referral 8/15/19 - Item (d)4]
Approved as Recommended.
(11-0)

3.4 19-759

Amendment to Title 14 and Title 27 of the San José Municipal Code for Public Works Municipal Code Revisions.

Recommendation:

(a) Approve an ordinance amending the San José Municipal Code as follows:

(1) Add a new Title 27, titled “Procurement and Administration of Public Works,” that incorporates recent City Charter changes modernizing the construction contract procurement process, makes changes conforming the Code to current City practices, and otherwise updates, streamlines, clarifies and modernizes requirements for the procurement and administration of public works projects;

(2) Repeal Chapters 14.04, titled “Public Works,” 14.06, titled “Dispute Avoidance and Dispute Resolution Policy,” and 14.07, titled “Design-Build Contracts,” of Title 14, all of which are replaced by the new Title 27;

(3) Repeal Chapter 14.08 of Title 14, titled “Encumbrance of Funds for Construction Contracts,” which is outdated and no longer needed;

(4) Amend Sections 4.12.055, titled “Services,” of Chapter 4.12 of Title 4 to reflect recent City Charter changes clarifying that maintenance services can include repairs, construction, erection, improvement or demolition incidental to such maintenance;

(5) Amend Chapter 4.84, entitled “Insurance Requirements for Certain Public Works Contracts and Use or Occupancy of City-Owner Real Property,” of Title 4 to eliminate outdated insurance requirements and to allow the Risk Manager to set such requirements; and

(6) Amend Section 2.04.1420 of Chapter 2.04 of Title 2, Section 4.08.030 of Chapter 4.08 of Title 4, Section 5.06.390 of Chapter 5.06 of Title 5, Section 11.08.010 of Chapter 11.08 of Title 11, Section 15.26.120 of Chapter 15.26 of Title 15, and Section 19.32.120 of Chapter 19.32 of Title 19 to change references from Chapter 14.04 to Title 27.

Ordinance No. 30308 passed for publication.

(11-0)

(b) Adopt a resolution repealing the following resolutions, all of which address policies incorporated into the new Title 27:

(1) Resolution No. 71816, which sets forth the City’s prequalification policy;

(2) Resolution No. 71319, which sets forth the City’s contingency policy; and

(3) Resolution Nos. 72943, 75230 and 73532, which address the authority of the Director of Public Works to award and execute certain public works contracts for \$1,000,000 or less and establish the contingency for such contracts.

Resolution No. 79229 Adopted.

(11-0)

(c) Adopt a resolution amending Council Policy No. 1-18, entitled “Operating Budget and Capital Improvement Program Policy,” to change sections 1.i and 1.j under the Capital Improvement Program portion of the Policy to refer to the appropriate new sections of Title 27.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Public Works)

[Deferred from 6/18/19 - Item 3.7 (19-495) and 8/13/19 - Item 3.5

(19-624) and 8/27/19 - Item 3.6 (19-717)]

Resolution No. 79230 Adopted.

(11-0)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 19-760 Vacation of Setback Easements Located within Tract No. 5027.

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 vacation of the 25-foot, 20-foot, 15-foot, 10-foot, and 7.5-foot light and air easements located within Tract No. 5027.
- (b) Vacating the 25-foot, 20-foot, 15-foot, 10-foot, and 7.5-foot light and air easements within Tract No. 5027.
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Categorically Exempt, File No. PP19-053, CEQA Guideline Section 15301, Existing Facilities and 15302 Replacement or Reconstruction.
Council District 10. (Public Works)

Approved as Recommended.
Resolution No. 79231 Adopted.
(11-0)

4.2 19-761 Actions Related to the Affordable Housing Option Agreements for Single-Family Homes Located at Williams Road/Saratoga Avenue (Panda Condos).

Recommendation:

Adopt a resolution to authorize the Director of Housing to negotiate and execute amendments to up to 16 Option Agreements for Panda Condos to add a new more flexible methodology to calculate homeowner maximum resale prices.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 1. (Housing)

Resolution No. 79232 Adopted.
(11-0)

4.3 19-762 Actions Related to the Agreement with Housing Trust Silicon Valley for the Accessory Dwelling Unit Forgivable Loan Program.

Recommendation:

(a) Accept the staff report and adopt a resolution:

- (1) Authorizing the Director of Housing to negotiate and execute an agreement with the Housing Trust Silicon Valley to provide funding for forgivable loans to homeowners in the City of San José who build a legal accessory dwelling unit and agree to house an income eligible household for a period of five years; and
- (2) Approving the award of up to \$1,250,000 in funding to the Housing Trust of Silicon Valley through June 30, 2020 with the option to extend the term of the agreement through June 30, 2024 and increase the agreement amount not to exceed \$5,000,000, subject to annual appropriation of funds.

(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the General Fund:

- (1) Decrease the Homeless Rapid Rehousing City-Wide appropriation to the Housing Department by \$1,250,000; and
- (2) Establish an ADU Forgivable Loan Program City-Wide appropriation to the Housing Department in the amount of \$1,250,000.

(c) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the Multi-Source Housing Fund:

- (1) Decrease the City Housing Authority Reserve appropriation by \$1,250,000;
- (2) Increase the Bridge Housing appropriation to the Housing Department by \$670,000; and
- (3) Increase the Homeless Rapid Rehousing appropriation to the Housing Department by \$580,000.

(d) Direct the Administration to work with the City Attorney’s Office to return to Council for consideration of an ordinance or resolution suspending or waiving the collection of the annual business tax and park impact in-lieu fees for certain qualifying accessory dwelling units and the landlords thereof as further described in the memorandum to Council during the five year compliance period.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment. (Housing/Planning, Building and Code Enforcement/City Manager)

Dropped.

4.4 19-763 Amendment to the Agreement with Project WeHope for the Dignity On Wheels Program.

Recommendation:

Adopt a resolution authorizing the Director of Housing to negotiate and execute a Fifth Amendment to the grant agreement with Project WeHope increasing the maximum total amount of compensation by \$671,350 from \$594,000 to \$1,265,350 to continue to implement the Dignity on Wheels Program through June 30, 2020.

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. (Housing)

Resolution No. 79233 Adopted.

(11-0)

4.5 19-764 Amendment to the Agreement with People Assisting the Homeless (PATH) for the Outreach For Unhoused Individuals And Families Program.

Recommendation:

Adopt a resolution authorizing the Director of Housing to negotiate and execute a Second Amendment to the grant agreement with People Assisting the Homeless (PATH) increasing the maximum total amount of compensation by \$935,000 from \$829,494 to \$1,764,494 to continue to implement the Outreach for Unhoused Individuals and Families Program through June 30, 2020.

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. (Housing)

Resolution No. 79234 Adopted.

(11-0)

4.6 19-765

Amendment to the Agreement with Bill Wilson Center for the Rapid Rehousing Program and the Transition In Place Housing Program for Homeless Young Adults.**Recommendation:**

Adopt a resolution authorizing the Director of Housing to negotiate and execute a Second Amendment to the grant agreement with Bill Wilson Center increasing the maximum amount of compensation by \$1,560,000 from \$1,120,000 to \$2,680,000 to continue implementing the Rapid Rehousing for Youth and Families Program and adding the Transition In Place Housing Program For Young Adults Program. 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. (Housing)

Resolution No. 79235 Adopted.
(11-0)

4.7 19-766

Agreement with LifeMoves for the Motel Voucher Program.**Recommendation:**

Approve an Agreement with LifeMoves in the amount of \$1,950,000 to implement the Motel Voucher Program for vulnerable homeless households through December 31, 2020. 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. (Housing)

Approved as Recommended.
(11-0)

5. NEIGHBORHOOD SERVICES

5.1 19-767

Update on the Safe Parking Pilot Program.**Recommendation:**

- (a) As recommended by the Neighborhood Service and Education Committee on June 13, 2019, consider the report on the progress and status of the safe parking pilot program for families at Seven Trees Community Center and Library.
- (b) Accept the supplemental memorandum from the Housing Department regarding alternatives to the Safe Parking Pilot Program at Seven Trees Community Center.
- (c) Provide direction to the Administration regarding alternatives to the safe parking pilot program at Seven Trees Community Center, including a potential recommendation to discontinue the Safe Parking Pilot Program for families at Seven Trees Community Center and Library and transition the families into the new Motel Voucher Program to be administered by LifeMoves.

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. (Housing)

(Item Continued on the Next Page)

5.1 19-767 Update on the Safe Parking Pilot Program. (Cont'd)

[Neighborhood Services and Education Committee referral 6/13/19 - Item (d)2]

[Deferred from 8/13/19 - Item 5.1 (19-528) and 8/27/19 - Item 5.1 (19-719)]

Heard in the Evening Session

Approved as Recommended, including approval of Memorandum by Councilmember Esparza, dated 9/6/19 to:

- 1. Accept staff's recommendation to discontinue the Safe Parking for Families Pilot Program at Seven Trees Community Center and transition families to a motel voucher program.**
- 2. Direct staff to explore additional ways to provide support for private and non-profit organizations operating Safe Parking Programs through grants or other funding.**
- 3. Direct staff to search for another location in the city for an alternative Safe Parking Program, and return to Council with a thorough community process completed and an alternative site identified in 2-3 months, including Leininger Center in District Seven in the review of city-wide potential sites.
 - a) Explore using the current mode or partnering with another nonprofit or private provider such as Winter Faith Collaborative.****
- 4. Direct the City Manager to develop a coordinated multi-departmental response to issues that arise in neighborhoods and communities with City-sponsored Safe Parking Programs, including, but not limited to, the Police Department, Code Enforcement, Department of Transportation, Public Works, and Parks, Recreation, and Neighborhood Services.**

This was amended with approval of the Memorandum by Councilmember Arenas, dated 9/10/19, to:

Incorporate Family Safe Parking as one of the strategies that the Housing Department is currently exploring, in response to Homelessness and Housing Insecurity among families with children.

This was further addended with approval of additional directions of (amendment to bullet #2), from the Memorandum co-authored by Councilmembers Peralez and Jimenez, dated 9/6/19, to:

- 2. Direct the City Manager's Office identify daytime options for homeless as part of the new community plan to end homelessness.**
 - 3. Direct staff to evaluate options that would allow for more effective enforcement action against vehicles on public right of way that leak sewage/hazardous waste, generate trash and illegal dumping, create visibility and other traffic hazards, or are inoperable or otherwise incapable of moving (like an unhitched trailer).**
- (11-0)**

6. TRANSPORTATION & AVIATION SERVICES

6.1 19-768 Response to the Santa Clara County Civil Grand Jury Report Entitled “Inquiry Into Governance Of The Valley Transportation Authority.”

Recommendation: Accept staff’s response to the June 18, 2019, Santa Clara Civil Grand Jury Report entitled “Inquiry into Governance of the Valley Transportation Authority.”
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)
Approved as Recommended.
(11-0)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 19-769 Green Stormwater Infrastructure Plan for the Regional Water Quality Control Board.

Recommendation: Approve the Green Stormwater Infrastructure Plan in advance of its submission to the Regional Water Quality Control Board by the September 30, 2019 deadline.
CEQA: Categorically Exempt, File No. PP19-023, CEQA Guidelines Section 15308 Actions by Regulatory Agencies for Protection of the Environment.
(Public Works/Environmental Services)
Approved as Recommended, including approval of Memorandum from Mayor Liccardo, Councilmembers Peralez and Davis to Accept the staff report with the following recommendations:

- 1. Direct staff under the leadership of the Environmental Services Department, with support from the departments of Public Works, Transportation, and Parks, Recreation, and Neighborhood Services, to develop an inclusive communications strategy that allows for meaningful public education and engagement on green stormwater infrastructure and its multiple benefits, including: flood attenuation, groundwater recharge, reduction in urban heat island, and overall climate resiliency, and report back to the Transportation and Environment Committee by June of 2020 for review.**
- 2. Direct staff to develop a list of near-term projects and approaches from those identified in the Green Stormwater Infrastructure Plan and provide a corresponding funding strategy for both capital and ongoing maintenance by June of 2020. This effort should be informed by the engagement strategy outlined above.**
- 3. Direct staff to include elements from the Green Stormwater Infrastructure Plan in projects where we apply for discretionary grant money from regional and state agencies, wherever feasible and consistent with competitive guidelines.**
- 4. Pursue partnerships with Caltrans and Valley Water - and other possible funding partners - to implement strategies outlined in the Green Stormwater Infrastructure Plan. Include consideration of opportunities to leverage public and private sector investment, such as Guadalupe River Park revitalization efforts and the Diridon station development in this assessment.**

(Item Continued on the Next Page)

7.1 19-769 Green Stormwater Infrastructure Plan for the Regional Water Quality... Cont'd

This was modified with approval of the Memorandum from Councilmember Khamis to Accept memo dated September 6, 2019 from Mayor Liccardo and Councilmembers Peralez and Davis with the following additional recommendations:

- 1. Direct Staff to complete analysis of the use of the prospective Coyote Valley property acquisition as a means of satisfying the Consent Decree requirement;**
- 2. Direct Staff to evaluate the pros/cons of connecting targeted storm water pipes into the sanitary system;**
- 3. Direct Staff to develop a maintenance plan for potential projects, including condition standards and measurements, similar to the Park Conditions report, and seek Council approval prior to implementing any projects;**
- 4. Direct Staff to evaluate and report how using parks for regional projects will impact our urban forest goals; 5. Direct Staff to determine if the project planned for Kelley Park Stables could be satisfactorily moved to one or more of the several parking lot projects planned for surrounding properties.**
(11-0)

7.2 19-770 2018-2019 Stormwater Permit Annual Report.**Recommendation:**

Adopt a resolution authorizing certification and submittal of the Fiscal Year 2018-2019 Stormwater Permit Annual Report and submittal of the Green Stormwater Infrastructure Plan to the San Francisco Bay Regional Water Quality Control Board by September 30, 2019, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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)

Resolution No. 79236 Adopted.

(8-3. Absent: Diep, Carrasco, Khamis)

8. PUBLIC SAFETY**8.1 19-771 Fireworks Ordinance Workplan Status Report.****Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on August 15, 2019, accept the status report on the implementation of the Fireworks Ordinance Workplan Post-Fourth of July 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. (Fire)

[Public Safety, Finance, and Strategic Support Committee referral
8/15/19 - Item (d)1]

Deferred to 10/1/2019 per Rules and Open Government Committee

8.2 19-772 Response to the Santa Clara County Civil Grand Jury Report Entitled “Improving SJ Police Department’s 911/311 Call Answering Time.”

Recommendation: Accept staff’s response to the June 18, 2019, Santa Clara Civil Grand Jury Report entitled “Improving SJ Police Department’s 911/311 Call Answering Time.”
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
Approved as Recommended.
(11-0)

9. REDEVELOPMENT – SUCCESSOR AGENCY

• Open Forum

1. Mohsan Karini commented on the distress, resulting from the property he purchased five years ago.
2. Ray Perez commented on the imperative to attract investments into San Jose.
3. Tim Zadel offered comments on Affordable Dwelling Units.

- Council recessed a 4:45 p.m.
- Council resumed at 6:00 p.m.

10. LAND USE

10.1 Land Use on Consent Calendar

(a) 19-773 PDC19-001 & PD19-001 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 960 West Hedding Street.

Recommendation: (1) Adopt a resolution adopting an addendum to the Bellarmine College Preparatory Master Plan Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality, Act, as amended (CEQA).
Resolution No. 79237 Adopted.
(10-1. Absent: Carrasco)

(2) Approve an ordinance rezoning an approximately 17.64-gross acre site from the A(PD) Planned Development Zoning District to the PQP(PD) Planned Development Zoning district.

Ordinance No. 30309 passed for publication.
(10-1. Absent: Carrasco)

(3) Adopt a resolution approving a Planned Development Permit, subject to conditions, to effectuate the Planned Development Zoning District and to allow four 65-foot tall ground-mounted field lights on approximately 3.19-gross acre portion of the subject site. CEQA: Bellarmine College Preparatory Soccer/Lacrosse Field Project Addendum to the Bellarmine College Preparatory Master Plan Mitigated Negative Declaration (Ordinance No.28337), File Nos. PDC19-001 and PD19-001. Planning Commission recommends approval (5, 0, 1; Allen absent). Council District 6.

(Planning, Building and Code Enforcement)

Resolution No. 79238 Adopted.
(10-1. Absent: Carrasco)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda**10.2 19-774 PDC17-047 & PD18-015 - Planned Development Zoning and Planned Development Permit for Real Property Located at 1330, 1388 and 1410 South Bascom Avenue.****Recommendation:**

(a) Adopt a resolution adopting the South Bascom Gateway Station Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended (CEQA).

Ordinance No. 79239 passed for publication.

(11-0)

(b) Approve an ordinance rezoning (File No. PDC17-047) an approximately 6.98-gross acre site generally located on the northeast corner of South Bascom Avenue and Southwest Expressway (1330, 1388, and 1410 South Bascom Avenue; APNs: 282-26-007, 282-26-011, and 282-26-012) from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District.

Ordinance No. 30310 passed for publication.

(11-0)

(c) Adopt a resolution approving a Planned Development Permit (File No. PD18-015), subject to conditions, to allow the demolition of approximately 76,894 square feet of existing commercial buildings, and the construction of an approximately 200,000-square foot commercial building, 590 residential units, an alternative parking arrangement (tandem parking), and the removal of 17 on-site ordinance size trees, one on-site non-ordinance size tree, and three ordinance size street trees.

CEQA: Mitigated Negative Declaration for the South Bascom Gateway Station Project, Files Nos. PDC17-047 and PD18-015. Planning Commission recommends approval (6-0-0). Council District 6. (Planning, Building and Code Enforcement)

Resolution No. 79240 Adopted.

(11-0)

• Open Forum

No cards.

• Adjournment: 8:55 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.

**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.