

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, AUGUST 8, 2017

The Council of the City of San José convened in Regular Session at 9:15 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Carrasco, Davis, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - Diep. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:25 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(e)(5) with respect to anticipated litigation (Claim Filed): (1) in re: Claim of Traveler's Insurance; City Department: Environmental Services; (2) in re: Claim of Rob and Renee Souza; City Department: Office of Emergency Services; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Magallon; Amount of Money or Other Relief Sought: Administrative Appeal; (2) In Re: Claim of Blean; Amount of Money or Other Relief Sought: Administrative Appeal; (3) In re: Claim of Gonzalez (Guzman); Amount of Money or Other Relief Sought: Administrative Appeal; (4) SJJC Aviation Services, LLC v. City of San José, et al. Names Of Partie(s) Involved: City of San José v. County of Santa Clara; Names Of Partie(s) Involved: SJJC Aviation Services, LLC v. City of San José; City Council of the City of San José; Court: California Court of Appeal, Sixth Appellate District; Santa Clara County Superior Court; Case No.: H041946; 1-13-CV-246057;

CLOSED SESSION (Cont'd.)

Amount of Money or Other Relief Sought: Damages according to proof; (5) SJJC Aviation Services, LLC v. City of San José, et al. Names Of Partie(s) Involved: City of San José v. County of Santa Clara; Names Of Partie(s) Involved: SJJC Aviation Services, LLC v. City of San José; City Council of the City of San José; Court: California Court of Appeal, Sixth Appellate District; Santa Clara County Superior Court; Case No.: H041035; 1-13-CV-246405; Amount of Money or Other Relief Sought: Damages according to proof; (6) Paulino, Eliel v. Marco Cruz, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Eliel Paulino, Marco Cruz, Individually and as an Officer of the San José Police Department, Gerardo Silva, Individually and as an Officer of the San José Police Department, Gurbaksh Sohal, Individually and as an Officer of the San José Police Department, and Does 1-10; Court: U.S. District Court, Northern District, San José Division; Case No. CV 16-2642 NC; Amount of Money or Other Relief Sought: Damages according to proof; (7) Nichols, Felicia v. City of San José, et al.; Names Of Partie(s) Involved: Felicia Nichols, City of San José, Officer Schipke (#3910); Officer Ferguson (#3030) and Does 1-25; Court: U.S. District Court, Northern District of California, San José Division; Case No. 14-CV-03383 BLF; Amount of Money or Other Relief Sought: Damages according to proof; (8) City of San José v. City of Santa Clara; Names Of Partie(s) Involved: City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No.: 16-CIV-02303; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (9) City of Santa Clara v. City of San José, et al.; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José City Council, Does I through X; Federal Realty and Investment Trust, and Does 1-20; Court: Superior Court of California, County of San Mateo; Case No.: 17-CIV-00547; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (10) Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.; Names Of Partie(s) Involved: Preservation of Benefit Plan Retirees Association, Joseph Bass, David Boggini, Lawrence Jay Castellano, Richard Coco, Leslye Corsiglia, Harry Freitas, Michael Guisti, Linda Horwedel (the Beneficiary of Deceased City Retiree Joseph Horwedel), William Hughes, Danny Jordan, Evet Loewen, David Maas, Barry Ng, Anita Phagan, George Rios, Gary Schoennauer, Ken Tanase, Wayne Tanda, Nina Tobin, Randal Turner, Steven Turner, Robert Wilson, City of San José, Board of the Administration of the Federated City Employees' Retirement System; Norberto Duenas, in his Official Capacity as the City Manager of the City of San José, and Does 1-50; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No. 17CV312610; Amount of Money or Other Relief Sought: Petition for Writ of Mandate; (11) Federated City Employees' Retirement System v. City of San José; Norberto Dueñas in his Official Capacity as the City Manager of the City of San José; Names Of Partie(s) Involved:) Federated City Employees' Retirement System v. City of San José; Norberto Dueñas in his Official Capacity as the City Manager of the City of San José, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-302829; Amount of Money or Other Relief Sought: Writ of Mandate; (12) San José Retired Employees' Association, et al. v. City, et al.; Names Of Partie(s) Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1-50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa

CLOSED SESSION (Cont'd.)

Clara, Sixth District Court of Appeal; Case No.: 1-12-CV-23360; H040979; H042074; Amount of Money or Other Relief Sought: Verified Petition for Writ of Mandate and Declaratory Relief; (13) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6; City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:45 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - Diep. (Excused)

INVOCATION

“Warm the World, Chinese Cultural Dancers” performed a cultural dance for the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Raul Peralez and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Diep.)

CEREMONIAL ITEMS

- 1.1 Presentation of a certificate to the City of San José from AARP acknowledging the City’s acceptance as a member of the AARP Network of Age-Friendly Communities.
(Mayor/Parks, Recreation and Neighborhood Services)
On behalf of the City of San José, Mayor Sam Liccardo received a certificate from AARP State Director, Rafi Nazarians, acknowledging the City’s acceptance as a member of the AARP Network of Age-Friendly Communities.
- 1.2 Presentation of a commendation to Miller Middle School’s team, “The Einstein Erasers”.
(Jones)
Mayor Sam Liccardo and Councilmember Chappie Jones presented a commendation to Miller Middle School’s team, “The Einstein Erasers” for taking Best Overall 2nd place for the 6th grade Division at the 30th Annual Tech Challenge amidst thousands of students from across Northern California.

CONSENT CALENDAR

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Diep.)

2.1 Approval of City Council Minutes:

- (a) **Special Council Minutes of January 27, 2017, Civic Innovation & Digital Strategy Study Session.**
- (b) **Special Council Minutes of January 30, 2017, Environmental Sustainability Study Session.**
- (c) **Special Council Minutes of, Clean Energy Business Plan.**
- (d) **Special Council Minutes of March 9, 2017, Coyote Creek Flood Plan.**
- (e) **Special Council Minutes of March 30, 2017, Diridon Station & Regional Rail Projects Study Session.**

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk)

Documents Filed: Special Council Minutes: Civic Innovation & Digital Strategy Study Session, dated January 27, 2017; Environmental Sustainability Study Session, dated January 30, 2017; Clean Energy Business Plan, dated February 13, 2017; Coyote Creek Flood Plan Minutes, dated March 9, 2017; Diridon Station & Regional Rail Projects Study Session Minutes, dated March 30, 2017.

Action: The City Council Minutes were approved. (10-0-1. Absent: Diep.)

2.2 Final Adoption of Ordinances:

- (a) **ORD. NO. 29966 – An ordinance of the City of San José amending Part 1 of Chapter 13.36 of Title 13 of the San José Municipal Code to govern right-of-way work permits and adding a new chapter to Title 13 to govern encroachments. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), File No. PP17-045.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29966 executed on July 7, 2017 by the City Clerk.

Action: Ordinance No. 29966 was adopted. (10-0-1. Absent: Diep.)

- (b) **ORD. NO. 29967 – An ordinance of the City of San José amending Section 25.08.700 of Chapter 25.08 of Title 25 of the San José Municipal Code to require ground transportation providers to pay fees and charges to be set by City Council, including fees, if any, for discharging passengers of packages at the Norman Y. Mineta San José International Airport and to allow registration in lieu of permits for limited operators. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involves no changes in the physical environment.**

- 2.2 (b) Documents Filed: Proof of Publication of the Title of Ordinance No. 29967 executed on July 7, 2017 by the City Clerk.

Action: Ordinance No. 29967 was adopted. (10-0-1. Absent: Diep.)

- (c) **ORD. NO. 29969** – An ordinance of the City of San José amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a new residential permit parking zone in the Hoffman Neighborhood. CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. Council District 10.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29969 executed on July 7, 2017 by the City Clerk.

Action: Ordinance No. 29969 was adopted. (10-0-1. Absent: Diep.)

- (d) **ORD. NO. 29973** – An ordinance of the City of San José adopting salaries and other compensation for the Mayor and Councilmembers pursuant to City Charter Section 407. CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. Ordinance No. 29973 adopted.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29973 executed on July 7, 2017 by the City Clerk.

Action: Ordinance No. 29973 was adopted. (10-0-1. Absent: Diep.)

- (e) **ORD. NO. 29974** – An ordinance of the City of San José rezoning certain real property of approximately 8.79 acres situated on the East Side of Booksin Avenue approximately 550 feet southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). **C17-016** – Council District 6

Documents Filed: Proof of Publication of the Title of Ordinance No. 29974 executed on July 7, 2017 by the City Clerk.

Action: Ordinance No. 29974 was adopted. (10-0-1. Absent: Diep.)

- (f) **ORD. NO. 29975 – An ordinance of the City of San José rezoning certain real property of approximately 17.4 acres situated at the Northeast corner of Cottle Road and Great Oaks Parkway, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto. PDC17-003 & PD17-001 – Council District 2**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29975 executed on July 7, 2017 by the City Clerk.

Action: Ordinance No. 29975 was adopted. (10-0-1. Absent: Diep.)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards

None provided.

2.7 Adopt a resolution to authorize the City Manager to negotiate and execute a Second Amendment to the Agreement for Placement Services between the City of San José and FUSE Corps to:

- (a) **Extend the term of Agreement from December 31, 2017 to November 30, 2018;**
- (b) **Modify the scope of services to add two fellows for 2017-18; and**
- (c) **Increase the amount of total compensation by \$220,000, from \$270,000 to \$490,000.**

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)

Documents Filed: Memorandum from Deputy City Manager, Civic Innovation & Digital Strategy, Kip Harkness, dated July 24, 2017, recommending adoption of a resolution.

Action: Resolution No. 78281, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Agreement for Placement Services with FUSE Corps to Extend the Term through November 30, 2018, Modify the Scope of Services to Add Two Fellows, and Increase the Amount of Total Compensation to an Amount not to Exceed \$490,000”, was adopted.

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

- 2.8 Adopt a resolution to amend the City of San José Pay Plan effective August 8, 2017, to create the classification Director, Community Energy U (3460). CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code, Title 3. (Human Resources)**

Documents Filed: Memorandum from Deputy City Manager Julia Edmonds-Mares, dated July 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78282, entitled: “A Resolution of the Council of the City of San José Amending the City of San José Pay Plan”, was adopted. (10-0-1. Absent: Diep.)

- 2.9 Approve a Continuation and Second Amendment to the Agreement between the City of San José and Unique Management Services Inc., for consulting services related to the recovery of fines and fees for overdue materials at City libraries, to extend the contract term of the Agreement through June 30, 2018, and to increase the maximum compensation by \$60,000, from \$244,755 to \$304,755. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical change to the environment. (Library)**

Documents Filed: Memorandum from Library Director Jill Bourne, dated July 17, 2017, recommending approval of a continuation and second amendment to an agreement.

Action: A Continuation and Second Amendment to the Agreement between the City of San José and Unique Management Services Inc., for consulting services related to the recovery of fines and fees for overdue materials at City libraries, to extend the contract term of the Agreement through June 30, 2018, with related contingencies”, was adopted. (10-0-1. Absent: Diep.)

- 2.10 Adopt a resolution of intention to conditionally vacate a portion of Old West Julian Street between North Autumn Street and Autumn Parkway with the reservation of public service easements over the entire area being conditionally vacated and set a Public Hearing on August 29, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)**

Resolution No. 78285 adopted.

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated July 17, 2017, recommending adoption of a resolution.

Action: Resolution No. 78285, entitled: “A Resolution of the Council of the City of San José Setting a Public Hearing to Consider Whether to Conditionally Vacate a 12,903 Square Foot Portion of Old West Julian Street Between North Autumn Street and Autumn Parkway, Reserving from the Vacation Public Service Easements over the Area Vacated”, was adopted. (10-0-1. Absent: Diep.)

- 2.11 As recommended by the Rules and Open Government Committee on June 21, 2017, change the City Council’s meeting schedule for August-December 2017 where Council Meetings, especially evening sessions, shall have a 12:00 a.m. curfew with a continuance to be determined.**
CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Jones/Davis)

Action: Deferred to August 15, 2017 per Rules Committee.

- 2.12 As recommended by the Rules and Open Government Committee on August 2, 2017:**
(a) Retroactively approve the Evergreen Community Center Preschool Graduation scheduled on Friday, June 2, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.
CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 4, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Evergreen Community Center Preschool Graduation as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was retroactively approved. (10-0-1. Absent: Diep.)

- 2.13 As recommended by the Rules and Open Government Committee on August 2, 2017:**
(a) Approve the Day in the Park Festival scheduled on Saturday, October 7, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses or community groups to support these events.
CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 4, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Councilmember Sylvia Arenas pulled Item 2.13 to call attention to the festival to be held in her District on October 7, 2017.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Day in the Park Festival as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Diep.)

- 2.14 As recommended by the Rules and Open Government Committee on August 2, 2017:**
- (a) Retroactively approve Coffee & Conversation scheduled on Monday, August 7, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
 - (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.**
- CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated August 4, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Coffee & Conversation as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was retroactively approved. (10-0-1. Absent: Diep.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

- 3.3 Recommendation:**
- (a) Consider the recommended revisions of the Board of Fair Campaign and Political Practices to the City's Gift Ordinance.**
 - (b) Provide direction to the City Attorney to draft an ordinance amending Title 12 of the San José Municipal Code to align the City's Gift Ordinance with the gift regulations under the California Political Reform Act.**
- CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Attorney)**

Action: Deferred to August 15, 2017 per Rules Committee.

- 3.4 Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (CMO)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated July 25, 2017, recommending adopting a Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources.

Mayor Sam Liccardo, Councilmember Johnny Khamis and Councilmember Sergio Jimenez provided additional questions for the prospective Director of Human Resources.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources as described in the memorandum to Council, in compliance with City Charter Section 411.1, was adopted,

3.4 (Cont'd.)

and questions for the prospective Director of Human Resources were included as follows: "Address the opportunities and challenges the City has to rebuild its workforce in filling more than 700 vacancies"; "What short and long-term strategies would you use to attract, retain and grow this workforce?"; "What is a realistic timeline to fill 700 vacancies?"; "What should a normal vacancy rate be for an organization such as ours?"; Our former Airport Director was hired within two weeks of the City of San Diego receiving her application. Using this as an example, what measures would you implement as Human Resources Director to achieve those kinds of results? "What do you love about San José that makes you want to serve this City?"; "Have you used San José's clunky online application process, and how would you propose to improve this process?"; and "We began a plan for soliciting the best ideas created by our employees, which will save money, generate revenue and improve services to our residents. How would you go about ensuring this program is successful and employees receive appropriate monetary awards for their ideas?". Also, "How long would you expect to be with the City of San José?" (10-0-1. Absent: Nguyen.)

3.5 Continuation of the Proclamation of the Existence of a Local Emergency and Discussion of Current Flood Recovery Efforts.

Note: Item heard concurrently with Items 3.6 and 3.7.

Documents Filed: Memorandum from City Manager Norberto Dueñas, recommending adoption of a resolution.

Deputy City Manager, David Sykes, Deputy City Manager, Civic Innovation & Digital Strategy, Kip Harkness, Director of the Office Emergency Management, Ray Riordan offered an introduction and update. Brad Gair of Witt O'Brien provided a presentation.

Public comment: Offering suggestions, comments and urging Council to follow through on recommendations, were Blair Beekman, Rick Holden, Jeffrey Hare, Ray Perez, Ted Smith and Linda Hutchins Knowles.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78292, entitled: "A Resolution of the Council of the City of San José Continuing the Proclamation of the Existence of a Local Emergency Issued by the Director of Emergency Services", was accepted. (10-0-1. Absent: Diep.)

- ### 3.6 Accept the 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report and direct the City Manager to restructure the City organization and take appropriate action to implement the top six recommendations:
- (a) **Strengthen Organizational Structure and Staffing for Emergency Management**
 - (b) **Improve Emergency Planning**
 - (c) **Complete Flood Recovery**
 - (d) **Prepare for Next Rainy Season**

3.6 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report (Cont'd.)

(e) Enhance Key Capabilities

(f) Increase Coordination

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (City Manager)

Note: Item heard concurrently with Items 3.5 and 3.7.

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Raul Peralez, Councilmember Lan Diep and Councilmember Tam Nguyen, dated August 4, 2017, recommending acceptance of the review with additional direction. (2) Memorandum from Deputy City Manager, David Sykes, dated July 27, 2017, providing the 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report.

Motion: Councilmember Raul Peralez moved approval of the joint memorandum dated August 4, 2017, including recommendations from Councilmember Sergio Jimenez to elevate communication between the Emergency Office and Council offices. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report was accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Peralez, Diep and Nguyen, dated August 4, 2017, to:

- (1) Accept the 2017 Coyote Creek Flood After Action Review and staff recommendation to implement the Emergency Management Roadmap and its six focus areas.
 - (a) Direct the City Manager to remove recommendation 6.11.1, "Develop A Comprehensive Post-Disaster Housing Plan," from "backlog" to "priority."
- (2) Provide Council with a verbal update at the August 8th Council discussion on the status of:
 - (a) The joint stream channel maintenance program with the Santa Clara Valley Water District, particularly with regard to the status of any City-conducted maintenance scheduled prior to this winter's rains;
 - (b) The City's strategy to obtain third-party expert evaluation of the Water District's assessments of hydrological risk and flood projections;
 - (c) The use of disaster warning technology, including (a) *status of employee training* (b) *on both Alert-SCC and IPA WS*; (b) *acquisition of LRAD's/ mobile loudspeakers*; and (c) *any new technologies contemplated by staff*;
 - (d) Whether and how pre-disaster notification protocols are being revised to leverage the capacity and linguistic abilities of volunteers and non-profits
 - (e) The development of the Emergency Communications Plan, including the development of contingency plans for a 24 x 7 call center for fielding questions from the public;

3.6 (Cont'd.)

- (2) Provide Council with a verbal update at the August 8th Council discussion on the status of
 - (f) Registry of non-English fluent speakers at City Hall;
 - (g) The development of the Mass Evacuation Plan
- (3) Direct the City Manager to work with the Santa Clara Valley Water District on scheduling a joint meeting in October 2017 or prior to this year's rains. The agenda should include updates on the following:
 - (a) Flood Emergency Operations Plan & Joint Emergency Action Plan;
 - (b) Stream channel maintenance; and
 - (c) Increased coordination with the District, particularly on data and information sharing.
- (4) Regular reporting on the plan progress should go before the entire City Council through that October meeting, and through subsequent Council meetings prior to and after this winter's rains.

And with the inclusion that communication between the Emergency Office and Council offices be elevated.

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

3.7 Office of Emergency Services Assessment and Recommendations Report.

- (a) **Accept the City of San José Office of Emergency Services (OES) Assessment and Recommendations Report.**
- (b) **Direct the City Manager to implement Option Three of the OES Assessment Report as follows:**
 - (1) **Move OES from the Fire Department to the City Manager's Office;**
 - (2) **Elevate the OES Director position from its current classification of Deputy Director to Director, Emergency Management;**
 - (3) **Change the name of OES to the Office of Emergency Management; and**
 - (4) **Make it a priority to phase-in additional emergency management positions in future annual budgets, as appropriate, within the context of the General Fund budgetary outlook and other city-wide priorities.**
- (c) **Direct the City Manager to return to Council no later than September 2017 with implementation actions for Items 1, 2, and 3 (above) and to bring recommendations for Item 4 in the 2018-2019 Proposed Budget, as appropriate.**

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Fire)

Note: Item heard concurrently with Items 3.5 and 3.6.

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Raul Peralez, Councilmember Lan Diep and Councilmember Tam Nguyen, dated August 4, 2017. (2) Memorandum from Deputy City Manager, David Sykes, dated July 27, 2017, providing the Office of Emergency Services Assessment Report.

3.7 (Cont'd.)

Motion: Councilmember Raul Peralez moved approval of the Staff Report including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, and Councilmembers Peralez, Diep and Nguyen, dated August 4, 2017. The motion was seconded by Councilmember Dev Davis.

Action: On a call for the question, the motion carried unanimously, and the Staff recommendations were accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, and Councilmembers Peralez, Diep and Nguyen, dated August 4, 2017, to:

1. Accept the Office of Emergency Services Assessment and Recommendations Report and the staff recommendation to implement option three of the report.
2. Return at Mid-year budget as well as through the annual budget processes with updates on funding the Priority One hires in the consultant report:
 - a. Deputy Director
 - b. Emergency Operations Manager
 - c. Resiliency Coordinator
 - d. Response & Recovery Coordinator
 - e. CERT Program Coordinator
3. Direct the City Manager to consider the priority two hires during future fiscal years alongside other citywide priorities and future general fund needs.
4. Direct the City Manager to return through the mid-year budget process with options to expand the scope of work of the City's existing contracted grant writer to include a focus on resource- building for the Office of Emergency Services. Additionally, the City Manager should explore;
 - a. Partnerships to pursue regional funding; and
 - b. Private funding sources for work such as resiliency planning and capacity building.

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

3.8 **Adopt a resolution establishing the FY 2017-2018 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 pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated July 25, 2017, recommending adoption of a resolution.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Sergio Jimenez and carried unanimously, Resolution No. 78293, entitled: "A Resolution of the Council of the City of San José Establishing the Fiscal Year 2017-2018 Property Tax Levy for the City's General Obligation Bond Indebtedness", was adopted. (10-0-1. Absent: Diep.)

3.9 Conduct a Public Hearing on the Fiscal Year 2017-2018 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 2017-2018 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. PP10-069, City Organizational & Administrative Activities. (Finance)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated July 17, 2017, recommending holding a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 20, 2017 and July 27, 2017, submitted by the City Clerk.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Director of Finance Julia H. Cooper responded to questions from Council

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78294, entitled: “A Resolution of the Council of the City of San José Confirming the Approval of the Annual Report for Fiscal Year 2017-2018 of the Director of Finance on Residential Solid Waste Collection Service charges, and Confirming the Approval of the Placement of Charges as Set Forth Therein on the 2017-2018 Tax Roll”, was adopted. (10-0-1. Absent: Diep.)

3.10 As recommended by the Rules and Open Government Committee on June 7, 2017, join the League of California Cities, Crime Victims United of California, and numerous law enforcement agencies and professional organizations in taking a position of support for AB 1408 (Calderon). CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Khamis)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated July 17, 2017, recommending holding a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 20, 2017 and July 27, 2017, submitted by the City Clerk.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 78295, entitled: “A Resolution of the Council of the City of San José Confirming the Approval of the Annual Report for Fiscal Year 2017-2018 of the Director of Finance on Sanitary Sewer Service and Use Charges and Confirming the Approval of the Placement of Charges as Set Forth Therein on the 2017-2018 Tax Roll”, was adopted. (10-0-1. Absent: Diep.)

- 3.11 As recommended by the Rules and Open Government Committee on June 21, 2017:**
- (a) Adopt a resolution supporting the principles of the Paris Agreement on Climate Change.**
 - (b) As directed by Council in December 2015, staff should return with a GHG-reduction target for San José, as part of the Environmental Sustainability Plan, that is in alignment with the 2 degrees Celsius goal of the Paris Agreement.**

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Mayor)

Heard concurrently with Item 7.2.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 14, 2017, recommending adoption of a resolution. (2) Letter from San José Community Energy Center for climate Protection and from Linda Hutchins-Knowles, both dated August 8, 2017, urging support of the proposed resolution.

Public Comment: Offering support to the principles of the Paris Agreement on Climate Change, were: Tim Gildersleeve; Gloria Chun Hoo (League of Women Voters); Linda Hutchins-Knowles and Martina Keim (Mothers Out Front); and Ruth Merino.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78296, entitled: “A Resolution of the Council of the City of San José Supporting the Principles of the Paris Agreement on Climate Change”, was adopted. (10-0-1. Absent: Diep.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Adopt a resolution:

- (a) Approving the use of a Purchase and Sale Agreement between the City and Del Grande Properties for the sale of the City’s 6,708 square feet of vacant surplus land at the corner of Almaden Blvd. and Carlyle St., Assessor’s Parcel Number 259-35-029, in the amount of \$1,341,600; and**
- (b) Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement, the deed, all other documents necessary to complete the transaction, and any amendments or modifications.**

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development) (Deferred from 6/27/17 – Item 4.1)

Deferred to 8/29/17 per Administration.

Action: Deferred to August 29, 2017 per Administration.

- 4.2 Conduct a Public Hearing and adopt a resolution ordering the reorganization of territory designated as McKee 137 which involves the annexation to the City of San José of approximately 0.46 gross acres of land generally located on the north side of McKee Road, approximately 400 feet east of N. White Road, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1). CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617), and addenda thereto. Council District 5. (Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Rosario Neaves as San José’s new Director of Communications, dated June 5, 2017, recommending adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on April 28, 2017, submitted by the City Clerk.

Action: Dropped. To be Renoticed.

4.3 Recommendation:

- (a) **Consider and adopt a resolution approving the revised Initial Study/Negative Declaration for the Temporary and Incidental Homeless Shelter Ordinance described in (b).**
- (b) **Approve an ordinance amending Title 20 of the San José Municipal Code (the Zoning Code), to revise land use provisions for temporary and incidental shelter of homeless people, including: 1) Amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and adding Sections 20.80.1630, 20.80.1640 and 20.80.1650 to Part 17, Chapter 20.80, adding definitions of “Assembly Use,” “Incidental Shelter,” and “Places of Assembly,” creating standards for temporary and incidental shelter of homeless individuals and families, allowing the incidental shelter as an incidental permitted use to an existing legal assembly use where the shelter is provided inside existing buildings that are constructed and operating in compliance with the San José Municipal Code; and 2) Making other technical, formatting or non-substantive changes in the Zoning Code.**

CEQA: Initial Study/Negative Declaration for the Temporary and Incidental Homeless Shelter Municipal Code Amendment. (Planning, Building and Code Enforcement)

PP17-015 – Citywide (Continued from 6/27/17 – Item 4.4)

Documents Filed: (1) Memorandum from Councilmember Tam Nguyen, dated August 7, 2017, recommending approval of staff recommendations with additional direction. (2) Memorandum from Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement, dated July 28, 2017, including additional information requested at the June 27, 2017 Council meeting. (3) Letter from Michael Ferrero, Director, Village House, dated August 6, 2017, strongly support the proposed ordinance. (4) Email from Bruce Roberts, received August 8, 2017, urging support to the Planning Commissions’ recommendations.

Public Comment: Twenty-three members of the public spoke, expressing both support and concerns regarding the revision of land use provisions for temporary and incidental shelter of homeless people.

4.3 (Cont'd.)

Homelessness Response Manager Ray Bramson and Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement provided a presentation and responded to questions.

Motion: Councilmember Sergio Jimenez moved approval of the memorandum from Councilmember Tam Nguyen, dated August 7, 2017, with modifications as indicated below in “Action” and approval of staff recommendations. Councilmember Tam Nguyen seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78298, entitled: “A Resolution of the Council of the City of San José Adopting the Temporary and Incidental Homeless Shelter Municipal Code Amendments Project Negative Declaration, for which an Initial Study was Prepared, all in Accordance with the California Environmental Quality Act”, was adopted, and Ordinance No. 29976, entitled “An Ordinance of the City of San José Amending title 20 of the San José Municipal Code to Revise Land Use Provisions for Temporary and Incidental Shelter of Homeless People, Including Amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and Adding Sections 20.80.1630, 20.80.1640 and 20.80.1650 to Part 17, Chapter 20.80; Adding Definitions of “Assembly Use”, Incidental Shelter”, and “Places of Assembly”; Creating Standards for Incidental Shelter of Homeless Individuals and Families; Allowing Incidental Shelter as an Incidental Permitted Use to an Existing Legal Assembly Use Where the Shelter is Provided Inside Existing Buildings That area Constructed and Operating in Compliance with the San José Municipal Code”, was passed for publication,, including the memorandum from Councilmember Tam Nguyen, as amended, dated August 7, 2017, recommending approval of staffs’ recommendations with additional direction to staff to work in conjunction with council offices *and non-profit partners* to promote temporary and incidental shelter uses city-wide, including media ads, press releases, council and other newsletters, social media, and other means of providing awareness, education, and outreach. (10-0-1. Absent: Diep.)

RECESS

Mayor Sam Liccardo recessed the afternoon session at 5:37 p.m. and reconvened the session at 6:09 p.m.

- 4.4 Adopt a resolution approving a Predevelopment Loan of up to \$1,000,000 in Low and Moderate Income Housing Asset Funds to Quetzal Gardens, L.P., an affiliate development entity of Resources for Community Development, for the Quetzal Gardens Apartments, a new affordable development to be located at and secured by 1695 Alum Rock Avenue in order to offer rent- and income-restricted apartments for 70 extremely low-income and very low-income households. CEQA: Exempt, File No. CP17-009, per CEQA Section 15332 In-Fill Development Projects. Council District 5. (Housing)**

4.4 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, dated July 17, 2017, recommending adoption of a resolution. (2) Letter from Pilar Lorenzana, Deputy Director SV@Home, dated August 7 2017, supporting staff's recommendations.

Public Comments: Sara Erickson, representing Quetzal Gardens, L.P., offered support.

Director of Housing Jacky Morales-Ferrand provided opening comments, and Council discussion followed.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, Resolution No 78299, entitled: "A Resolution of the Council of the City of San José Approving a Predevelopment Loan to Quetzal Gardens, L.P. for Quetzal Gardens Apartments", was adopted. (11-0.)

4.5 **Adopt a resolution authorizing the Director of Housing to submit a letter to the County of Santa Clara reflecting the City's recommendations regarding Measure A implementation. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approvals of any City Actions. (Housing)**

Documents Filed: Memorandum from Director of Housing, Jacky Morales-Ferrand, dated July 24, 2017, recommending adoption of a resolution.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Donald Rocha and carried unanimously, Resolution No. 78300, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Submit a Letter to the County of Santa Clara Reflecting the City's Recommendations Regarding Measure A Implementation", was adopted. (10-0-1. Absent: Khamis.)

4.6 **Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to a grant Agreement with the County of Santa Clara for case management, transportation, and data services to:**

- (a) **Extend the term of the grant Agreement for an additional fiscal year through June 30, 2018;**
- (b) **Amend the scope of services to support ongoing operations of the Care Coordination Program case management, the UPLIFT Transit Pass Program, and the Homeless Management Information System; and**
- (c) **Increase funding by \$1,096,000 for a total grant award not to exceed \$3,112,000.**

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Housing)

Documents Filed: (1) Memorandum from Director of Housing Jacky Morales-Ferrand, dated July 21, 2017, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand, dated August 7, 2017, providing additional documentation.

4.6 (Cont'd.)

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Raul Peralez and carried unanimously, Resolution No. 78301, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Continuation and Second Amendment to the Grant Agreement with the County of Santa Clara for Case Management, Transportation and Data Services for Chronically Homeless Individuals in San José”, was adopted. (10-0-1. Absent: Khamis.)

4.7 Recommendation:

- (a) **A Grant Agreement with The Health Trust in the amount of \$1,901,000 for Fiscal Year 2017-2018 with (2) two, one-year options to extend the Agreement in the amount of \$2,250,000 annually, to include:**
 - (1) **\$750,000 in Fiscal Year 2017-2018 to serve as a Supportive Services Administrator with funding from the Multi-Source Housing Fund for the Rapid Rehousing Program;**
 - (2) **\$1,151,000 in Fiscal Year 2017-2018 to serve as the Rental Subsidy Administrator with funding from the Multi-Source Housing Fund (\$1,125,000) and with funding from the General Fund (\$26,000);**
- (b) **A Grant Agreement with The Health Trust in the amount of \$1,800,000 for Fiscal Year 2017-2018 with (2) two, one-year options to extend the Agreement in the amount of \$2,400,000 annually (Fiscal Year 2018-2019 & Fiscal Year 2019-2020) to serve as the Rental Subsidy Administrator with funding from the HOME Investment Partnerships Program Trust Fund (HOME);**
- (c) **A Grant Agreement with Bill Wilson Center in the amount of \$560,000 as a Supportive Services Administrator with funding from the Multi-Source Housing Fund with (2) two, one-year options to extend the agreement in the amount of \$560,000 annually;**
- (d) **A Grant Agreement with People Assisting the Homeless (PATH) in the amount of \$200,000 as a Supportive Services Administrator with funding from the Multi-Source Housing Fund with two (2), one-year options to extend the agreement in the amount of \$200,000 annually;**
- (e) **Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the HOME Investment Partnerships Program Trust Fund:**
 - (1) **Decrease Unrestricted Ending Fund Balance by \$500,000; and,**
 - (2) **Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$500,000.**

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts; and File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Housing/City Manager)

Documents Filed: Joint memorandum from Director of Housing Jacky Morales-Ferrand and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated July 26, 2017, recommending approval of Grant Agreements.

4.7 (Cont'd.)

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez and carried unanimously, Ordinance No. 29977, Amending Ordinance No. 29962 To Appropriate Moneys in the Home Investment Partnership Program Fund for Tenant Based Rental Assistance; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

4.8 Recommendation:

(a) **Accept the report on City homelessness response initiatives and discuss ongoing efforts to create a range of interventions and solutions for homeless individuals and families.**

[Neighborhood Services and Education Committee referral 6/8/17 – Item (d)(5)]

(b) **Accept the report to:**

(1) **Provide the current number, type, and location of temporary and permanent homes for formerly homeless residents in San José, as well as other deed-restricted affordable housing; and**

(2) **Temporarily pause implementation of the City’s current Dispersion Policy applying to individual residential developments, pending update of the Dispersion Policy to align with the General Plan and with Federal and State guidance on fair housing.**

[Community and Economic Development Committee referral 6/26/17– Item (d)(2)]

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff reports that involve no approvals of any City Actions. (Housing)

Action: Deferred to August 29, 2017 per Administration.

4.9 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 a 25-foot light and air easement (“setback easement”) located at 4886 Kingwood Way;**

(b) **Vacating the 25-foot setback easement located at 4886 Kingwood Way; and**

(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: Exempt, File No. PP17-036, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated July 17, 2017, recommending conducting a public hearing and adopting a resolution.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez and carried unanimously, Resolution No. 78302, entitled: “A Resolution of the Council of the City of San José Vacating a 25-Foot Setback Easement Located at 4886 Kingwood Way”, was adopted. (11-0.)

- 4.10 Conduct a Public Hearing and adopt a resolution to conditionally vacate a portion of Old West Julian Street between North Autumn Street and Autumn Parkway with the reservation of a public service easement over the entire area being conditionally vacated. CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)**

Action: Dropped. To be Renoticed.

NEIGHBORHOOD SERVICES

- 5.1 (a) Adopt a resolution approving the Mitigated Negative Declaration for the Guadalupe River Trail Master Plan for which an Initial Study was prepared in accordance with the California Environmental Quality Act, as amended, and adopt a related Mitigation and Monitoring and Reporting Program; and**
- (b) Approve the Guadalupe River Trail Master Plan to guide future development from Virginia Street to Chynoweth Avenue.**

CEQA: Mitigated Negative Declaration for the Guadalupe River Trail Master Plan, File No. PP17-027. Council Districts 3, 6 & 9. (Parks, Recreation and Neighborhoods Services)

Action: Deferred to June 20, 2017 per Administration.

TRANSPORTATION & AVIATION SERVICES

6.1 Recommendation:

- (a) Approve the following actions to receive grant funding from the Metropolitan Transportation Commission (MTC) for the One Bay Area Grant Cycle 2 (OBAG 2) Program for one Road Rehabilitation and Complete Streets Project and three Safety and Complete Streets Projects. In addition, approve the MTC locally programmed Vehicle Emissions Reductions Based at Schools (VERBS) Program for Pedestrian and Bicycle Traffic Safety Improvements in the Mount Pleasant Schools Area.**
- (b) Adopt a resolution to:**
- (1) Accept grant funding from the MTC for each of the submitted applications and authorize the City Manager or designee to negotiate and execute any documents to accept the grant funds, including the authority to negotiate and execute any documents that increase the amount of the grant award or require an increase of local matching funds, subject to the appropriation of such funds;**
 - (2) Commit the City to provide the required local match and to pay for any additional cost to complete each of the projects listed below:**
 - (a) OBAG - Road Rehabilitation and Complete Streets "Guarantee" Program:**

6.1 (Cont'd.)

- (2) (a) (1) **\$14,597,000 for the Pavement Maintenance – Federal (OBAG2) Project. The local match in the amount of \$1,891,000 is included in the Pavement Maintenance – City appropriation;**
- (b) **OBAG - Complete Streets Competitive Program:**
 - (1) **\$11,952,000 for the McKee Road - San Jose Vision Zero Safety Improvement Project, which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,329,000;**
 - (2) **\$11,919,000 for the Tully Road - San Jose Vision Zero Safety Improvement Project which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,320,000; and**
 - (3) **\$10,994,000 for the West San Carlos - A Corridor Safety Improvement Project which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,062,000.**
- (c) **Make the necessary assurances that each of the projects will be completed in compliance with the submitted applications, MTC's Regional Funding Delivery Policy, and the grant program requirements.**
- (d) **Adopt the following 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:**
 - (1) **Increase the revenue estimate for Federal Government in the amount of \$1000,000;**
 - (2) **Establish the Mount Pleasant Schools Area Bike/Ped Safety Improvements appropriation to the Department of Transportation in the amount of \$1,210,000; and**
 - (3) **Decrease the Transportation Grants Reserve in the amount of \$210,000.**

CEQA: Exempt, File No. PP13-037, Section 15301(c) Citywide Bicycle and Pedestrian Public Right-of-Way Improvements; Exempt, File No. PP14-069, Section 15301(c) Citywide Street Maintenance, Repair and Improvement; Exempt, File No. PP14-017, Section 15301 Citywide Exemption for Traffic Flow Management and Operations. Council Districts 5, 6, 7, & 8. (Transportation/City Manager)

Action: Deferred to August 15, 2017 per Administration.

ENVIRONMENTAL & UTILITY SERVICES

7.1 Recommendation:

- (a) **Approve the Cooperative Agreement and Fourth Amendment to the Franchises Agreement with Allied Waste Services of North America, LLC to resolve a dispute about the living wage requirements in the Commercial Solid Waste and Recyclables Collection Franchises Agreement for sorters and housekeepers at the Newby Island Recyclery.**
- (b) **Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Cooperative Agreement and Fourth Amendment to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.**

CEQA: Not a Project, File No. PP10-067(a), Non-Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/Public Works/City Attorney)

(Deferred from 6/27/17 – Item 7.1(a))

Action: Deferred to August 15, 2017 per Administration.

7.2 Recommendation:

- (a) **Approve of an ordinance establishing San José Clean Energy and amending Title 2 of the San José Municipal Code to add a new department within the City of San José, the Community Energy Department;**
- (b) **Review draft San José Clean Energy Implementation Plan and Statement of Intent;**
- (c) **Review draft of the San José Clean Energy staffing plan;**
- (d) **Review draft of the San José Clean Energy funding strategy; and**
- (e) **Review draft Community Advisory Committee framework.**

CEQA: Not a Project, File No. PP10-069, City Administrative Activities and File No. PP10-068, General Procedure and Policy Making. (City Manager)

Heard concurrently with Item 3.11. See Item 3.11 for additional action taken.

Documents Filed: Memorandum from Deputy City Manager, David Sykes, dated July 27, 2017, recommending approval of an ordinance.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Ordinance No. 29978, entitled “An Ordinance of the City of San José Establishing a Community Choice Aggregation Program to Allow the City of San José to Aggregate the Electrical Load of San José Municipal Needs, Residents and Businesses to Reduce the City’s Greenhouse Gas Footprint and to Establish the Community Energy Department”, was passed for publication. (10-0-1. Absent: Diep.)

OPEN FORUM

- (1) Amy Gazulez stated that she was wrongly cited and fined \$500 for the use of illegal fireworks. Mayor Liccardo indicated that someone from the City Manager's team would be reaching out to her to settle the matter.
- (2) Lubow, a landlord and property owner, indicated that rental property owners are not being treated fairly.
- (3) John Worthing claimed that the rent control bill is working, so leave it alone.
- (4) Tim Gildersleeve expressed concerns regarding the Google Village proposal.
- (5) Michael Fitzgerald, a landlord/apartment owner, asked that no additional action be taken on rent control issue.
- (6) Scott Largent asked that open forum/public comment be heard at the beginning of council meetings.
- (7) Ken Schneebeli asked that Council take no additional action on the rent control issue.
- (8) Van Le asserted that Councilmember Tam Nguyen has published a misleading flyer and has caused her distress by its inference that she supports the communist flag.

ADJOURNMENT

Mayor Sam Liccardo adjourned the Afternoon Council Session at 7:39 p.m.

RECESS/RECONVENE

The City Council recessed at 7:39 p.m. from the afternoon Council Session and immediately reconvened for the evening session.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Nguyen, Peralez, Rocha; Liccardo.

Absent: Councilmembers - All Present.

LAND USE

10.1 Public Hearings on Consent Calendar.

No Consent Calendar Items.

- 10.2 (a) Conduct an appeal hearing and consider the appeal of the Director of Planning, Building and Code Enforcement’s reliance on a categorical exemption for in-fill development (CEQA Guidelines Section 15332) for Site Development Permit File No. H17-018, and Vesting Tentative Map File No. T16-050 to allow the demolition and removal of the existing buildings, billboard, and hardscape; removal of seven ordinance-size trees; and development of an approximately 29,580 square-foot one-story commercial building with associated surface parking and landscaping on an approximately 2.04-gross-acre site, at the southeast corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).**
- (b) Adopt a resolution denying the appeal and upholding the Director of Planning, Building and Code Enforcement’s reliance on an Initial Study/Exemption, and finding that:**
- (1) The City Council has read and considered the Initial Study/Exemption;**
 - (2) The Initial Study/Exemption was prepared and completed in compliance with the California Environmental Quality Act of 1970 and state and local CEQA implementation guidelines;**
 - (3) Reliance on the Initial Study/Exemption reflects the independent judgment and analysis of the City of San José;**
 - (4) Preparation of additional or subsequent environmental clearance is not required because no new information is known since the preparation of the Initial Study/Exemption; and**
 - (5) The Director of Planning, Building and Code Enforcement shall transmit copies of the Initial Study/Exemption to any other decision-making body of the City of San José for the project.**

10.2 (Cont'd.)

- (c) **Adopt a resolution approving the Site Development Permit File No. H17-018 to allow the demolition and removal of the existing buildings, billboard, and hardscape; removal of seven ordinance-size trees; development of an approximately 29,580 square-foot one-story commercial building with associated surface parking and landscaping on an approximately 2.04-gross-acre site at the southeast corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).**
- (d) **Adopt a resolution approving Vesting Tentative Map File No. T16-050 combining three parcels into one on an approximately 2.04 gross-acre site at the southeast corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).**

**CEQA: Exempt, CEQA Guidelines Section 15332- In-Fill Development Projects. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
H17-018 & T16-050 – Council District 6**

Documents Filed: (1) Memorandum from Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey, dated July 17, 2017, transmitting the Planning Commission recommendation. (2) Proof of Publication of Notice of Public Hearing, executed on July 14, 2017, submitted by the City Clerk. (3) Letter from Mark Wolfe & Associates, in support of the appeal. (4) Email from Hector Morena, dated June 27, 2017, asking for a full traffic study.

Staff responded to questions from Council, including discussion of traffic impact studies.

Mayor Sam Liccardo opened the public hearing.

Public Comment: Mark Wolfe, representing the applicant, spoke to merits of the project and asked that the City conduct an environmental review of the project in accordance with CEQA. Hector Moreno, Michael Branson and Alex Shore urged Council to deny the appeal.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Dev Davis moved approval of the staffs' recommendations, including denial of the appeal and adoption of the resolutions. Councilmember Chappie Jones seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78303, entitled: "A Resolution of the Council of the City of San José Denying an Environmental Appeal and Upholding the Director of Planning, Building and Code Enforcement's Reliance on a Categorical Exemption (CEQA Guidelines Section 15332 In-Fill Development Projects) for a Site Development Permit File No. H17-018 and Vesting Tentative Map File No. T16-050"; Resolution No. 78304, entitled: "A Resolution of the Council of the City of San José Approving a Site Development Permit to Allow the Demolition of an Existing Commercial Building (Mel Cotton's Sporting Goods Store),

10.2 (Cont'd.)

Removal of Seven Ordinance-Size Trees, and Development of a New 29,575-Square Foot Commercial Building on an Approximately 2.04 Gross Acre Site, on the Southeast Corner of West San Carlos Street and Race Street (320 Race Street)”; and Resolution No. 78305, entitled: “A Resolution of the Council of the City of San José Approving a Vesting Tentative Map to Combine Three Parcels into One Parcel on an Approximately 2.04 Gross-Acre Site, on the Southeast Corner of West San Carlos Street and Race Street (320 Race Street)”, were adopted. (11-0.)

10.3 General Hearing Plan continued.

10.4 **General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans.**

- (a) **Consider the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA; and**

CEQA: Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto.

PDC17-003 & PD17-001 – Council District 2

- (b) **Adopt a resolution approving the Winchester and Santana Row/Valley Fair Urban Village Plans, and General Plan Amendments modifying each Plan’s boundaries and General Plan land use designations.**

CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and addenda thereto. Planning Commission recommends approval (5-0-2; Abelite & Pham absent). (Planning, Building and Code Enforcement)

GP17-008 – Council Districts 1 & 6

Documents Filed: (1) Two joint memoranda from Mayor Sam Liccardo, Councilmember Chappie Jones and Councilmember Dev Davis, both dated June 23, 2017, approving staff recommendations with changes. (2) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 5, 2017, transmitting the Planning Commission recommendation. (3) Supplemental memorandum from Director of Housing, Jacky Morales-Ferrand, dated June 26, 2017, providing a supplemental analysis regarding affordable housing stock. (4) Supplemental memorandum from Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey, dated July 31, 2017, providing corrections to the CEQA reference. (5) Memorandum from Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey, dated July 31, 2017, recommending text edits to the documentation. (6) Proof of Publication of Notice of Public Hearing, executed on April 21, 2017, submitted by the City Clerk. (7) Letter from Kirk Vartan, dated August 8, 2017, providing criticism to the proposed land use definition.

10.4 (Cont'd.)

Mayor Sam Liccardo opened the public hearing.

Public Comment: Speaking in support of the proposed land use, were Laura Tolloff (SPUR); Steve Kelly, and Alex Shoor. Offering comments and criticism were: Shaunn Cartright, Marlene Schwilk, Chris Butcher, Kirk Vartan, Roger Benscoter, Jennifer Griffin, Robert Meier, Randy Shingay, Ron Canario, Jon Willey and Kathryn Hedges.

Mayor Sam Liccardo closed the public hearing.

Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey provided a presentation and brought attention to minor text edits as provided in Supplemental Memorandum #3.

Motion: Councilmember Dev Davis moved approval of the memoranda she co-signed with Mayor Sam Liccardo and Councilmember Chappie Jones, both dated June 23, 2017, with changes as indicated below in “Action”. Councilmember Chappie Jones seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78306, entitled: “A Resolution of the Council of the City of San José Amending the Envision San José 2040 General Plan Pursuant to Tile 18 of the San José Municipal Code to Adopt the Winchester Boulevard and Santana Row Valley Fair Urban Village Plans and Associated General Plan Amendment”, was adopted, including the two joint memoranda from Mayor Sam Liccardo, Councilmember Dev Davis and Councilmember Chappie Jones, dated June 23, 2017, recommending establishment of a multi-city group to discuss key regional issues affecting West San José, with a focus on transportation and circulation; and approving staff recommendations with the following changes to both Urban Village (UV) Plans unless otherwise noted:

1. **Vision**: Add the following sentence to Chapter 2, Vision:

a. I-280/Winchester Overpass: Add the following to the end Guiding Principle 2 of the Winchester UV Plan:

i. *“As the I-280/Winchester overpass is an essential connection between the Winchester and Santana Row/Valley Fair Urban Villages, this Plan ensures that improvements to the pedestrian and bike overcrossing at this overpass are given a high-priority and every consideration is given to a cap or other treatment to this overpass.”*

b. Innovation Corridor: Designate Stevens Creek Blvd. as an Innovation Corridor.

i. Add a Guiding Principle to Chapter 2, Vision of the Santana Row/Valley Fair UV Plan to read as follows:

1. *“Establish the Stevens Creek Innovation Corridor by encouraging the integration and testing of technologies within the Urban Village boundaries”*

ii. Add the following “Innovation Corridor language to the Santana Row/Valley Fair Implementation Chapter:

10.4 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans (Cont'd.)

1. *“Developers can support the Stevens Creek Innovation Corridor by testing and integrating new technologies that provide both innovative place-based experiences and improvements to the public and private realm within the Urban Village. Including, but not limited to, technologies that improve traffic flow and provide on-demand traffic counting, improved access to Wi-Fi and increased data speeds, innovative placemaking artwork, use of visualization technology within the public or private realm to show how both planned developments and public realm improvements will look in 3-D from multiple perspectives.”*
2. **Land Use Map:** Modify the land use map in Chapter 3 of the Winchester UV Plan changing 660 S. Winchester Blvd. from “Urban Village Commercial” to “Urban Village.”
3. **Future Mixed Use Development:** Add the following action item to Chapter 3, Land Use: a. *“Action Item: When the entire commercial allocation for the Village is met, explore an Urban Village Plan update during the nearest 4-year review, and during the update, consider allowing residential in a mixed-use format on commercial-only land use designations within the Urban Village boundaries.”*
4. **Auto/Interim Uses:** Add the following policy to Chapter 3 of the Winchester UV Plan: a. *“Building and site improvements for existing interim commercial uses, including auto uses, that require discretionary approvals, shall be designed to improve the pedestrian environment by increasing landscaping adjacent to the sidewalk, installing large canopy street trees, improving the sidewalk consistent with the policies and guidelines of this Plan, providing public art, or providing a publicly accessible plaza or pocket park. Improvements should also include those that enhance the pedestrian connection or access between the sidewalk and the existing commercial use.”*
5. **Private Recreation Space:** Add the following action item to Chapter 4, Parks, Plazas and Placemaking: a. *“Action item: As a part of the planned nexus study for San Jose’s PDO/PIO program, which is expected to follow the City’s 2018 Greenprint update, the City should reconsider its policies on private recreation areas; specifically, those which give credits for entirely private recreation space. Instead, the City should explore approaches that encourage privately maintained open space, which is also fully accessible to the public.”*
6. **Winchester UV Plan Transition Standards:** Remove the transition standards when new development is adjacent to the “Urban Residential” land use designation, located in Chapter 5, Urban Design of the Winchester UV Plan.
7. **Implementation Chapters:** Require that the Winchester Advisory Group, in conjunction with the Stevens Creek Advisory Group, reconvene on an as needed basis in order to provide feedback on the Implementation Chapters.
8. **Santana Row/Valley Fair UV Plan Implementation Chapter;** The Implementation Chapter for this village should allow for increased heights above the approved village heights if a project provides substantial additional urban village amenities.
9. **Onsite Affordable Housing:** Add the following action item to each of the UV Plans: a. *“Action Item; The City should aggressively pursue incentives for developers to include onsite affordable housing for new projects.”*
10. **New Project Visualizations:** Add the following requirement to Chapters 4, Urban Design:

10.4 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans (Cont'd.)

a. Require that new projects proposed within the Urban Village Plan over 55 feet in height provide detailed visualizations of their proposed project that show what the project would like from the street-level from different perspectives and distances. Any illustration of included landscaping, e.g., trees, should show it as it will appear upon installation, and also within the context of the surrounding buildings.

11. Horizon 3 Urban Village

a. Keep both villages within Horizon 3.

b. Add the following policies to the UV Plans:

i. *“Residential mixed-use projects utilizing the residential pool must build the commercial and residential portions of the development concurrently.”*

ii. *“Residential projects utilizing the Envision San Jose 2040 General Plan “Residential Pool” policy (Policy IP-2.11), which can allow residential mixed use projects prior to the opening of an urban village’s designated horizon, shall replace any existing commercial square footage on the development site or provide a minimum commercial FAR of 0.9, whichever is greater.”*

(11-0.)

10.5 Recommendation:

(a) **Consider the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA; and**

(b) **Adopt a resolution approving the Stevens Creek Urban Village Plan, and General Plan amendment modifying the Plan boundary and General Plan land use designations.**

CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and addenda thereto. Planning Commission recommends approval (6-0-1; Allen absent). (Planning, Building and Code Enforcement)

GP17-009 – Council District 1

Documents Filed: (1) Joint memoranda from Mayor Sam Liccardo, Councilmember Chappie Jones and Councilmember Dev Davis, dated June 23, 2017, recommending approval of staff recommendations with changes; (2) Memorandum from Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey, dated June 5, 2017, transmitting the Report of the Staff of the Department of Planning, Building and Code Enforcement Project on Project File No. GP17-009, dated May 17, 2017. (3) Memorandum from Planning Commission Secretary Rosalynn Hughey, dated June 19, 2017, transmitting the Planning Commission recommendation. (4) Supplemental memorandum from Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey, dated July 31, 2017, providing corrections to the CEQA reference. (5) Proof of Publication of Notice of Public Hearing, executed on May 12, 2017, submitted by the City Clerk. (6) Letter from

10.5 (Cont'd.)

Documents Filed (Continued): Anna G. Eshoo, Member of Congress, dated July 5, 2017, writing on behalf of her constituents to express concerns regarding the plan. (7) Letter from A. Alan Berger, representing the Villas of Santana Park Homeowners Association, date June 26, 2017, providing comments and objections. (8) Letter from the Cupertino City Council, dated August 2, 2017, providing comments and recommendations. (9) Letter from SPUR, dated August 7, 2017, expressing opportunities to advance the urban village process. (10) Letter from Thomas Law Group, on behalf of the City of Santa Clara, dated August 8, 2017, presenting impacts to the residents of Santa Clara. (11) Email correspondence from Lesley Xavier, Sastry Shankar and from Ron Canario, dated August 7, 2017, expressing criticism of the plan; from Howard Huang, Rose Lee, and Robert Meier, dated August 8, 2017 expressing criticism, and from Randy Shingai, dated August 5, 2017, offering comments. (12) Letter from Robert Pesich, dated June 23, 2017, offering criticism of the plan. (13) Letter from Rajeev Batra, City Manager, City of Santa Clara, dated June 27, 2017, discussing collaborative efforts.

Mayor Sam Liccardo opened the public hearing.

Public Comment: Offering support to the plan, were: Kirk Vartan, Bob Levy, Hunter Oliver; Erik Schoennauer; Robert Bencotter and Steve Kelly. Expressing concerns and comments, were Shaunn Cartwright, Jou Walley, Steven Scharf, Patricia Waddele, Chris Becker, Jennifer Griffin, Ron Canario, James Andrews, Carlin Black, Randy Shingay, Chris Butcher and Takahide Nishio.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Chappie moved approval of the memoranda he cosigned with Mayor Sam Liccardo and Councilmember Dev Davis, both dated June 23, 2017, with changes as indicated below in “Action”. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78307, entitled: “A Resolution of the Council of the City of San José Amending the Envision San José 2040 General Plan Pursuant to Tile 18 of the San José Municipal Code to Adopt the Stevens Creek Urban Village Plan and Associated General Plan Amendment”, was adopted, including the two joint memoranda from Mayor Sam Liccardo, Councilmember Dev Davis and Councilmember Chappie Jones, dated June 23, 2017, recommending establishment of a multi-city group to discuss key regional issues affecting West San José, with a focus on transportation and circulation; and approve staff recommendations with the following changes to the Stevens Creek Urban Village (UV) Plans, unless otherwise noted:

1. Urban Residential (Cypress Ave to Bundy Avenue): Change the land use designation on sites from Cypress Ave to Bundy Ave off Stevens Creek Blvd currently “Urban Residential” to “Mixed-Use Neighborhood.”

10.5 (Cont'd.)

2. Future Mixed-Use Development: Add the following action item to Chapter 3, Land Use. a. *“Action Item: When the commercial allocation (4,500 new jobs) is met for the Stevens Creek Urban Village, explore an Urban Village Plan update during the nearest 4-year review, and during the update, consider allowing residential in a mixed-use format on commercial land use designations, outlined in the Plan.*

3. Auto/ Interim Uses:

a. Amend Policy LU -1.5, Chapter 3, Land Use: *“Support the continued operation of motor vehicle uses, including auto repair, automobile sales and rental lots, and auto parts sales. However, over time, as the market changes, these uses are intended to be redeveloped as different commercial uses, more pedestrian and transit supportive, **or support the continued existence of auto uses in a more urban, pedestrian oriented format.**”* b. Add Policy LU-1.8 to Chapter 3, Land Use: *“Building and site improvements for existing interim commercial uses, including auto uses, that require discretionary approvals, shall be designed to improve the pedestrian environment by increasing landscaping adjacent to the sidewalk, installing large canopy street trees, improving the sidewalk consistent with the policies and guidelines of this Plan, providing public art, or providing a publicly accessible plaza or pocket park. Improvements should also include those that enhance the pedestrian connection or access between the sidewalk and the existing commercial use.”*

4. Onsite Affordable Housing; Add the following action item to Chapter 3, Land Use:

a. *“Action Item: The City should aggressively pursue incentives for developers to include onsite affordable housing for new projects.”*

5. Setbacks/Transitions: Amend the setback standard for new development:

a. *For new development greater than 45 feet, provide a minimum setback of 15-foot front, side, and rear setbacks for buildings next to single-family residences.*
b. *For new development greater than 45 feet, next to properties that are designated single-family residences, new buildings and structures shall not intercept a 45-degree daylight plane starting at the adjacent residential property line.*

6. New Project Visualizations: Add the following requirement to Chapter 4, Urban Design:

a. Require that new projects proposed within the Urban Village Plan over 55 feet in height must provide detailed visualizations of their proposed project that show what the project would look like from the street-level, from different perspectives and distances, within the context of the neighborhood including both current and proposed projects.

7. Innovation Corridor: Designate the Stevens Creek Blvd as an Innovation Corridor.

a. Add a Guiding Principle, “Principle 5: Innovation Corridor”

i. *“Establish the Stevens Creek Innovation Corridor by encouraging the integration and testing of technologies within the Urban Village boundaries”*

b. Add the following language to the “Innovation Corridor” language in the Implementation Chapter.

i. *“Developers can support the Stevens Creek Innovation Corridor by testing and integrating new technologies that provide both innovative place-based experiences and improvements to the public and private realm within the Urban Village. Including, but not limited to, technologies that improve traffic flow and provide on-demand traffic counting, improved access to Wi-Fi and increased data speeds, innovative placemaking artwork, use of visualization technology*

10.5 (Cont'd.)

within the public or private realm to show how both planned developments and public realm improvements will look in 3-D from multiple perspectives.”

8. Implementation Chapter:

- a. Require that the Stevens Creek Advisory Group, in conjunction with the Winchester Advisory Group, reconvene on an as needed basis to provide feedback on the draft financing structure and the entire Implementation Chapter.
- b. Implementation Chapter for the Stevens Creek Urban Village must allow for increased heights above the approved village heights if a project provides substantial urban village amenities.

9. Horizon 3 Urban Village

- a. Keep Stevens Creek Urban Village within Horizon 3.
- b. Add the following policies to the Urban Village Plan:
 - i. *“Residential mixed-use projects utilizing the residential pool must build the commercial and residential portions of the development concurrently.”*
 - ii. *“Policy LU-2.4 Residential projects utilizing the Envision San Jose 2040 General Plan “Residential Pool” policy (Policy IP-2.11), which can allow residential mixed use projects prior to the opening of an urban village’s designated horizon, shall replace any existing commercial square footage on the development site or provide a minimum commercial FAR of 0.9, whichever is greater.”*

Including a proposed height reduction for the site adjacent to single-family homes, from 85’ to 65’.

(11-0.)

10.6 General Plan Amendment: Early Consideration of a Privately-Initiated Land Use/Transportation Amendment from Neighborhood Community Commercial to Urban Residential on a site located approximately 82 feet northerly of Lincoln Court, on the east side of Lincoln Avenue (2119 Lincoln Avenue).

No recommendation on whether to deny or continue processing the General Plan Amendment request to change the land use designation from Neighborhood Community Commercial to Urban Residential on a .28 acre site located approximately 82 feet northerly of Lincoln Court on the east side of Lincoln Avenue, (2119 Lincoln Avenue). CEQA: Exempt per Section 15270 Projects which are disapproved. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission voted to forward the proposed General Plan Amendment to City Council with no recommendation (6-1-0, Yesney opposed). (Planning, Building and Code Enforcement)

GP17-005 – Council District 6

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Dev Davis and Councilmember Chappie Jones, dated August 4, 2017, recommending that City Council deny the proposed General Plan Amendment. (2) Memorandum from Councilmember Donald Rocha, dated August 7, 2017, recommending continuing process of the amendment with additional proposals. (3) Supplemental memorandum from Director of Housing, Jacky Morales-Ferrand, dated June

10.6 (Cont'd.)

6, 2017, providing a supplemental analysis. (4) The Report of the Staff of the Department of Planning, Building and Code Enforcement Project on Project File No. PD14-051 and File No. PDC16-019, dated October 18, 2016. (5) Proof of Publication of Notice of Public Hearing, executed on May 12, 2016, submitted by the City Clerk. (6) Letter from Bruce Tichinin, Inc., representing the applicant Sarah Chaffin, dated August 8, 2017. (7) Letter from the Cupertino City Council, dated June 23, 2017, providing comments on the draft plan. (8) Letter from Ro Khanna, Member of Congress, dated June 27, 2017, expressing concerns on behalf of constituents. (9) Letter from Diana Castillo, Law Foundation of Silicon Valley, dated June 27, 2017, expressing concerns. (10) Letter from Evan Low, California Assemblymember, dated August 8, 2017, expressing support for the proposal. (11) Email from United Communities for Sensible Development, dated June 26, 2017, submitting a petition signed by 654 constituents providing opposition to the current urban village plans. (12) Letter from Jennifer Thomas, San José Teachers Association, dated May 22, 2017. (13) Letter from Rabbi Josh Berkenwald, dated July 18, 2017. (14) Two letters from Richard Zappelli, Board President, WGNA, both dated July 19, 2017. (15) Letters from Michelle Evans, and Diane Fisher, dated August 8, 2017. (16) Email from David Zappelli, dated August 6, 2017; Randy Shingai, dated June 24, 2017; John Leyba, dated August 8, 2017; Pilar Lorenzana, SV@Home, dated August 7, 2017; Michael Tsai, YIMBY, dated July 23, 2017; Gregory Gerso, dated June 25, 2017, and from Michelle Yesney, dated May 31, 2017, expressing concerns.

Mayor Sam Liccardo opened the public hearing.

Public Comment: Bruce Tichinin, representing the applicant Sarah Chaffin discussed the project, and Forty-three (43) members of the public offered further comments and criticism.

Mayor Sam Liccardo closed the public hearing.

Interim Director, Planning, Building and Code Enforcement, Rosalynn Hughey provided a presentation, and Deputy City Manager/Director of Economic Development Kim Welsh offered information on the fiscal impact.

Council discussion ensued.

Action: Councilmember Dev Davis moved approval of the memorandum coauthored by her and Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Chappie Jones, dated August 4, 2017. Councilmember Chappie Jones seconded the motion.

Substitute Motion: Councilmember Tam Nguyen moved approval of Councilmember Donald Rocha's memorandum of August 7, 2017. Councilmember Donald Rocha seconded the motion.

The substitute motion failed. (4-6-1. Noes: Jimenez, Diep, Carrasco, Davis, Khamis, Liccardo. Absent: Arenas.)

10.6 (Cont'd.)

Action: On a call for the question, the original motion carried, and the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Dev Davis and Councilmember Chappie Jones, dated August 4 2017, recommending that the City Council deny the proposed General Plan Amendment (GPA) at 2119 Lincoln Avenue, in support of the staff recommendation for denial through the Early Consideration process provided for in the Envision San Jose 2040 General Plan, Chapter 7, Implementation Policy, Goal IP-3.3, was approved. (8-3. Noes: Jimenez, Nguyen, Peralez.)

10.7 Close General Plan Hearing.

**10.8 Consideration of an ordinance of the City of San José rezoning certain real property located on a 0.32-gross acre site, located at 1236 Minnesota Avenue, from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow the creation of a flag lot for the development of a new single-family residence behind an existing single-family residence (Cyrus and Rebecca Colburn, Owners). CEQA: Exempt per CEQA Guidelines Section 15303(a) for new Construction or Conversion of Small Structures. Planning Commission denied (3-2-2; Bit-Badal & Vora opposed; Abelite & Allen absent). (Planning, Building and Code Enforcement)
PDC15-048 – Council District 6**

Action: Deferred to August 22, 2017 per Administration.

10.9 Recommendation:

- (a) **Adopt a resolution certifying the Museum Place Mixed-Use Project Supplemental Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended.**
- (b) **Adopt a resolution:**
 - (1) **Approving the Disposition and Development Agreement with Insight King Wah LLC for the development of a mixed-use office, hotel, residential, Tech Museum expansion, and garage project;**
 - (2) **Authorizing the City Manager to negotiate and execute all documents related to the transfer of the City property to Insight King Wah LLC for the mixed-use project; and**
 - (3) **Authorizing the City Manager to negotiate and execute a Lease Amendment with the Tech Museum of Innovation for the construction and operation of the expansion space for the Tech Museum.**

- 10.9 (c) **Adopt a resolution approving Vesting Tentative Map No. T16-024 to consolidate 25 parcels into three parcels, and to subdivide one parcel into a mixed-use project consisting of approximately 306 residential condominium units and 244 commercial condominium units and the remaining two parcels will consist of the Tech Museum and Civic Auditorium, on an approximately 2.5 gross acre site, located on the northwest corner of West San Carlos Street and South Market Street (180 Park Avenue) (City of San José, Owner).**
- (d) **Adopt a resolution approving Site Development Permit and Special Use Permit No. SP17-031 to allow the demolition of Parkside Hall, and to allow the construction of a 24 story mixed-use development with approximately 19,000 square feet of ground floor retail, approximately 214,000 square feet of office, approximately 60,000 square feet of museum space, 184 hotel rooms, and 306 residential units, the removal of 20 ordinance-sized trees.**

CEQA: Supplemental Environmental Impact Report for the Museum Place Mixed-Use Project to the: “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and “Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. Planning Commission recommends approval (5-0-2; Ballard & Vora absent). (Planning, Building and Code Enforcement)

SP17-031 & T16-024 – Council District 3

Action: Deferred to August 22, 2017 per Administration.

ADJOURNMENT

This meeting adjourned at 12:13 a.m. in memory of Corey Friccero, a dedicated Veteran who served his community as Veteran’s Outreach Coordinator with Goodwill and through his work to secure passage of Measure A, bringing lasting help for generations to come.” (Mayor)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

rmk/8-8-17 MIN

NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10417	267 Delmas Avenue	3	Park Delmas Investors LLC	1 Lot/ 36 Units	Mixed Use