



City Council Meeting

Draft Minutes/Synopsis

Tuesday, May 8, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



MINUTES OF THE CITY COUNCIL MEETING

SAN JOSÉ, CALIFORNIA

TUESDAY, MAY 8, 2018

The Council of the City of San José convened in Closed Session at 9:40 AM in the Council Chambers at City Hall. (See Page 13 for Closed Session Minutes)

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Diep, Carrasco (10:00 AM), Davis, Nguyen, Arenas, Rocha, Khamis.

Absent: Councilmembers - All present.

By unanimous consent, Council recessed from the Closed Session at 11:00 AM and reconvened to Regular Session at 1:33 PM in the Council Chambers.

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

Absent: Councilmembers - All present.

INVOCATION

Pastor Danny Sanchez from The City Peace Project, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with no changes. (10-1. Absent: Khamis.)

• Closed Session Report

No report.

1. CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and City Clerk Toni Taber presented a proclamation declaring May 6, 2018 through May 12, 2018 as “Municipal Clerks Week” in the City of San José.

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Access the video, the agenda, and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

1. CEREMONIAL ITEMS (Cont'd)

- 1.2 Mayor Sam Liccardo and Councilmember Tam Nguyen presented a commendation to Jerry Broyles and Cyndy Broyles for their dedicated leadership and commitment to the Alma neighborhood.
Heard in the Evening.
- 1.3 Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco, presented a proclamation declaring May 2018 as National Melanoma Awareness Month.
- 1.4 Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a proclamation declaring May 2018 as Lupus Awareness Month.
- 1.5 Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a commendation to Filipino-American City Employees of San Jose for their efforts in building solidarity and fundraising for Typhoon Haiyan victims in 2014.

2. CONSENT CALENDAR

Public Comments: Mark Trout offered comments on the Consent Calendar.

Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Dev Davis, and carried unanimously, the Consent Calendar was approved, with Items 2.5 and 2.12 pulled, and the below listed actions taken as indicated.
(10-1. Absent: Khamis.)

2.1 18-623 Approval of City Council Minutes.

Recommendation:

- (a) Digital Inclusion and Broadband Strategy Council Study Session of November 13, 2017.
 - (b) Regular Council Meeting of December 5, 2017.
 - (c) Regular Council Meeting of December 19, 2017.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Action: The Digital Inclusion and Broadband Strategy Council Study Session of November 13, 2017, the Regular Council Meeting of December 5, 2017, and the Regular Council Meeting of December 19, 2017 were approved.

2.2 18-626 Final Adoption of Ordinances.

Recommendation:

- (a) ORD. NO. 30087- An ordinance of the City of San José amending Section 3.24.2290 of Chapter 3.24, Sections 3.28.1980 and 3.28.1990 of Chapter 3.28, and Sections 3.36.1930 and 3.36.1940 of Chapter 3.36 of Title 3 of the San José Municipal Code
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

Action: Ordinance No. 30087 was adopted.

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2.2 18-626**Final Adoption of Ordinances. (Cont'd)**

(b) ORD. NO. 30088 - An ordinance of the City of San José amending Part 11 of Chapter 17.23 of Title 17 of the San José Municipal Code to add three unit buildings, to modify re-control provisions, and to provide that other multifamily units are deemed to have met obligations under this part after compliance with notice and relocation specialist obligation.

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

Action: Ordinance No. 30088 was adopted.

(c) ORD. NO. 30089 - An ordinance of the City of San José amending Part 12 to Chapter 17.23 of Title 17 of the San José Municipal Code to add a criminal activity cause for eviction and to add protection from retaliation related to immigration status.

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

Action: Deferred to 5/15/18 per Administration.

(d) ORD.NO. 30090 - An ordinance of the City of San José amending Part 3 of Chapter 17.23 of Title 17 of the San José Municipal Code to expressly prohibit pass through of utility charges and to provide for a one-time rent increase for units with existing pass through agreements.

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

Action: Ordinance No. 30090 was adopted.

(e) ORD. NO. 30091 - An ordinance of the City of San José rezoning certain real property of approximately 0.14-gross acre situated on the south side of Wabash Street, approximately 400 feet westerly of Archer Street (APN: 015-05-080), from the CN Commercial Neighborhood Zoning District to the R-1-8 single-family residential zoning district

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), and Supplemental Impact Report (Resolution No. 77617), and Addenda thereto.

Action: Ordinance No. 30091 was adopted.

2.3 Approval of Council Committee Minutes.**2.4 Mayor and Council Excused Absence Requests.****2.5 City Council Travel Reports.**

Councilmember Lan Diep provided update on his recent trip to San Diego.

Action: Upon motion by Councilmember Chappie Jones to move approval, seconded by Councilmember Tam Nguyen, and carried unanimously, the report was approved. (10-1. Absent: Khamis.)

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 18-617 Amendment to the Agreement with Axon Enterprise, Inc. for Police Body Worn Camera and Evidence Management System.**

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute the First Amendment to the Agreement with Axon Enterprise, Inc. for a Body Worn Camera and Evidence Management System to increase the compensation by \$387,871 for a maximum compensation of \$5,205,555 to purchase 143 additional body worn cameras and related services, subject to the appropriation of funds; and
(b) Execute additional change orders to the Agreement to purchase additional cameras and services as required, subject to the same unit pricing, terms, and conditions and subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Action: Deferred to 6/5/18 per Administration.

2.8 18-616 Annual Status Reports on the Safe Neighborhood Parks and Recreation Bond Projects, and the Branch Library Bond Projects for FY 2016-2017.

Recommendation: Accept the Fiscal Year 2016-2017 Safe Neighborhood Parks and Recreation Bond Projects and the Branch Library Bond Projects audit reports.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)

Action: Deferred to 5/15/18 Item 2.12 per Administration.

2.9 18-579 Report on Bids and Award of Contract for the 8730-Sanitary Sewer Repairs 2017-18 Package IV Project.

Recommendation: Report on bids and award of contract for the 8730-Sanitary Sewer Repairs 2017-18 Package IV Project to the low bidder, JMB Construction Inc., in the amount of \$1,410,045, and approve a contingency in the amount of \$141,005.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(b), Existing Facilities and Section 15302(c), Replacement or Reconstruction, File No. PP17-029. Council Districts 1 & 6. (Public Works)

Action: The Report on bids and award of contract for the 8730-Sanitary Sewer Repairs, was approved.

2.10 18-627 Approval of Dumpster Day Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on April 25, 2018:
(a) Approve the Dumpster Day scheduled on May 12, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

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2.10 18-627 Approval of Dumpster Day Sponsored by Council District 9 as a City (Cont'd)

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Rocha)

[Rules Committee referral 4/25/18 - Item G.1.a]

Action: The Dumpster Day Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved as recommended.

2.11 18-628 Approval of Chynoweth Avenue Green Streets Project Ribbon Cutting Event Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

As recommended by the Rules and Open Government Committee on April 25, 2018:

(a) Approve the Chynoweth Avenue Green Streets Project Ribbon Cutting Event scheduled on May 31, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)

[Rules Committee referral 4/25/18 - Item G.1.b]

Action: The Chynoweth Avenue Green Streets Project Ribbon Cutting Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved as recommended.

2.12 18-520 Agreement with History San José for Maintenance of City-Owned Historical Facilities.**Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with History San José, from July 1, 2018 to June 30, 2038, for the operations and maintenance of the City-owned historical facilities within History Park at Kelley Park and the Peralta Adobe - Fallon House Historic Site, as well as management of the City's historic collections for an annual amount not to exceed \$784,000, subject to annual appropriations as approved by City Council.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 7.

(Economic Development)

Deferred from 5/1/18 Item 2.15 to 5/8/18 Item 2.12 per Administration.

Councilmember Raul Peralez provided update on Agreement with History San José for Maintenance of City Owned Historical Facilities.

Cultural Director, Kerry Adams-Hapner responded to questions.

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2.12 18-520

Agreement with History San José for Maintenance of City-Owned (Cont'd)

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Don Rocha, and carried unanimously, Resolution No. 78575 was adopted, including approval of Memorandum by Councilmembers Peralez, Rocha and Khamis, to:

Extend current Operations & Maintenance (O&M) contract for 1-year for \$784,000 and direct the City Manager to return to an appropriate Council Committee prior to end of the agreement with an extension of a contract and include the following additions:

a. History San Jose should set outcomes-focused performance measures and objectives that align with Sections 5 and 6 of the current contract (See Exhibit A).

b. History San Jose shall provide an Annual Report based on performance measures and objectives; and to encourage HSJ to encourage partnerships with other entities where there are opportunities to activate.

(10-1. Absent: Khamis.)

2.13 18-648

Actions Related to Mayor's Staff Travel to New York, NY.**Recommendation:**

Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Khanh Russo and Nicholas Almeida, as the City's representatives to attend the Cities of Service Engaged Cities Award Summit from May 15-18, 2018 in New York, NY. Source of Funds: Cities of Service; Mayor's Office Budget
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 5/2/18 - Item A.1.a]

Action: Travel payments and authorized travel for Mayor's staff, Khanh Russo, and Nicholas Almeida, as the City's representatives to attend the Cities of Service Engaged Cities Award Summit from May 15-18, 2018 in New York, were approved.

2.14 18-663

Actions Related to Councilmember Diep's Travel to Washington, D.C.**Recommendation:**

Authorize domestic travel for Councilmember Lan Diep to Washington, D.C. from May 14-16, 2018 and excuse his absences from the May 14, 2018 Budget Study Session and the May 15, 2018 City Council Meeting. Source of funds: Personal funds (airfare and travel) and Asian Pacific American Institute for Congressional Studies (airfare and hotel)

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Diep)
[Rules Committee referral 5/2/18 - Item A.1.a]

Action: Authorized travel for Councilmember Lan Diep to Washington, D.C. from May 14 16, 2018 and excused absences from the May 14, 2018 Budget Study Session and the May 15, 2018 City Council Meeting, were approved.

2.15 18-666 SB 818 (Beall) Homeowner Bill of Rights Act 2018.

Recommendation: As recommended by the Rules and Open Government Committee on May 2, 2018, re-affirm a position of support for SB 818 (Beall) Homeowners Bill of Rights 2018. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Housing)
[Rules Committee referral 5/2/18 - Item G.2]

Action: Staff recommendation was approved. A position of support for SB 818 (Beall) Homeowners Bill of Rights 2018 was re-affirmed.

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)**

No report.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
Heard at 9:30 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT**4.1 18-615 Actions Related to the Inclusionary Housing Rental In-Lieu Fee and the Affordable Housing Impact Fee.**

Recommendation: (a) Adopt a resolution that amends Resolution No. 77218 as previously amended by Resolutions No. 78010, 78392 and 78473 (collectively the "Housing Impact Fee Resolution") by updating Section 13 regarding the transition between the Affordable Housing Impact Fee and Inclusionary Housing Ordinance Programs to (1) replace the requirement for issuance of Building Permits with a requirement for submittal of final approved building plans; (2) to add a transition process for rental projects that have not recorded an affordable housing agreement but were eligible for the AHIF Pipeline Exemption; (3) to add a transition process for rental projects with tentative maps approved prior to June 30, 2018; (4) allow Downtown High-Rise projects that fail to obtain Certificates of Occupancy by the applicable due date to pay the housing impact fee rather than meet the inclusionary housing ordinance requirements if they have obtained Building Permits; and (5) clarify that the AHIF continues to apply to projects with less than 20 units.

(b) Accept the Housing Department's staff report regarding the transition from the Affordable Housing Impact Fee (AHIF) to the Inclusionary Housing Ordinance (IHO) program for new rental developments in San José.
CEQA: Not a Project, PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Housing)

Housing Director Jackie Morales-Ferrand gave a presentation and responded to questions.

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4.1 18-615 Actions Related to the Inclusionary Housing Rental In-Lieu Fee and the (Cont'd)

Public Comments: Offering comments on Actions Related to the Inclusionary Housing Rental in Lieu Fee and the Affordable Housing Impact Fee were: Mike Kim, Bob Stromberg, Dennis martin, Erik Schoennauer, Blair Beekman, Perry Hariri, Aboubacar Ndiaye and Mathew Reed.

Action: Upon motion by Councilmember Sergio Jimenez to move approval, seconded by Councilmember Sylvia Arenas, and carried unanimously, Resolution No. 78576 was adopted, and staff report was accepted, including approval of staff recommendation to: (b) Accept the Housing Department's staff report regarding the transition from the Affordable Housing Impact Fee (AHIF) to the Inclusionary Housing Ordinance (IHO) program for new rental developments in San Jose, including staff supplemental memorandum to provide clarification on the proposed changes to the Affordable Housing Impact Fee and related transition process.
(10-1. Absent: Khamis.)

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****7. ENVIRONMENTAL & UTILITY SERVICES****8. PUBLIC SAFETY****9. REDEVELOPMENT – SUCCESSOR AGENCY****• Open Forum**

1. Blair Beekman offered comments on developers and builders who make profits in millions of Dollars.
2. Mike Trout commented on Jesus, National politicians, and City of San Jose.
3. Randy Shingai offered comments on Affordable Housing in San Jose and the Bay Area.

• The Council of the City of San Jose recessed at 3:58 PM

• The Council of the City of San Jose resumed at 6:02 PM

10. LAND USE**10.1 Land Use on Consent Calendar****Open Second City Initiated General Plan Hearing Cycle**

- (a) 18-614 C17-055 - Conforming Rezoning for Real Property Located at 12329 Mabury Road.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 15.12-gross acre site located at 12329 Mabury Road from the A -Agricultural Zoning District to the PQP Public/Quasi-Public Zoning District (San Jose Water Works, Owner).

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(a) 18-614

C17-055 - Conforming Rezoning for Real Property Located at 12329 (Cont'd)

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR) (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (EIR)(Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the FEIR or the Supplemental EIR. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-055 - Council District 4

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Lan Diep, and carried unanimously, Ordinance No. 30103 was passed for publication, including approval of Memorandum from Councilmember Raul Peralez to:

Accept the Planning Commission's recommendation to:

1. Adopt a resolution approving the Mitigated Negative Declaration for the 645 Homing St.
2. Approve an ordinance of the City of San Jose rezoning 645 Homing Street from Light Industrial Zoning District to Planned Development Zoning District
3. Adopt a resolution approving a Planned Development Permit to allow the demolition of existing structures and allow new construction.

(10-1. Absent: Khamis.)

(b) 18-611

PDC16-041/PD16-027/PT16-037 - Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 645 Horning Street.**Recommendation:**

(a) Adopt a resolution adopting the 645 Horning Street Gas Station, Food and Storage Project Mitigated Negative Declaration, for which an Initial study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

Action: Resolution No. 78577 was adopted.

(10-1. Absent: Khamis.)

(b) Consideration of an ordinance of the City of San José rezoning an approximately 3.26-gross acre site, located on the northwest corner of Horning Street and Oakland Road (645 Horning Street) from the LI Light Industrial Zoning District to the CIC(PD) Planned Development Zoning District to allow a ministorage, retail store, gasoline station with six fuel dispensers and canopy, drive-through carwash, and drive-through restaurant uses (Rubnitz James E Et Al, Owner).

Action: Ordinance No. 31014 was passed for publication.

(10-1. Absent: Khamis.)

(c) Adopt a resolution approving a Vesting Tentative Map, subject to conditions, to subdivide one lot into three lots.

Action: Resolution No. 78578 was adopted.

(10-1. Absent: Khamis.)

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(b) 18-611 PDC16-041/PD16-027/PT16-037 - Planned Development Rezoning, (Cont'd)

(d) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of an existing warehouse and car repair building structures and allow the construction of a new retail store (3,814 square feet), gasoline station with six fuel dispensers and canopy (3,870 square feet), drive-through carwash (1,086 square feet), a drive-through restaurant (2,494 square feet) with late-night use to 2:00 a.m., and mini-storage buildings (total of 92,116 square feet).

CEQA: Mitigated Negative Declaration for the 645 Horning Street Gas Station, Food and Storage Project. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

PDC16-041/PD16-027/PT16-037 - Council District 3

Action: Resolution No. 78579 was adopted.
(10-1. Absent: Khamis.)

10 Land Use - Regular Agenda**10.2 18-622 Urban Village Implementation Framework.****Recommendation:**

Adopt a resolution to establish the Urban Village Implementation (UVI) Framework, which will further implementation of the Urban Village Strategy and the individual Urban Village Plans by 1) outlining a zoning framework that will provide a more streamlined entitlement process for development consistent with the applicable Urban Village Plan; and 2) providing the community and developers with a simplified, transparent and predictable mechanism to have residential and residential mixed-use projects build the amenities and public improvements identified in the Village Plans, for which there are not currently adequate funding mechanisms.

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

Action: Deferred from 5/8/18 Item 10.2 to 5/22/18 per Administration

10.3 18-612 GP17-012 - General Plan Amendment: South Bascom (North) Urban Village Plan.**Recommendation:**

Adopt a resolution approving a City-initiated General Plan Amendment associated with the adoption of the South Bascom (North) Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village Land Use Plan. This Urban Village Plan will provide a policy framework to guide new job and housing growth within the Urban Village boundaries, as well as, provide a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (FEIR) (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (EIR) (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement). GP17-012 – Citywide

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10.3 18-612

GP17-012 - General Plan Amendment: South Bascom (North) Urban (Cont'd).

Planning, Building, and Code Enforcement Director Rosalyn Hughey, and Deputy Director Michael Brilliot gave a presentation and responded to questions.

Public Comments: Offering comments on the GP17 012 General Plan Amendment: South Bascom (North) Urban Village Plan were: Randy Shingan Erik Schoennauer, ASN Ndiaye, (representing Working Partnership); Stefan Halama, and Llolanda Ulloa.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Councilmember Chappie Jones, and carried unanimously, Resolution No. 78580 was adopted, including approval of Memorandum from Councilmember Davis to approve the staff recommendations for the City-initiated General Plan Amendments for the adoption of the West San Carlos and South Bascom Urban Village Plans with further direction to add recognition of the areas of Del Mar and Thornton as experiencing cut through traffic.

(10-1. Absent: Khamis.)

10.4 18-613

GP17-013 - General Plan Amendment: West San Carlos Urban Village Plan.

Recommendation:

Adopt a resolution approving a City-initiated General Plan Amendment associated with the adoption of the West San Carlos Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village land use plan. This Urban Village Plan will provide a policy framework to guide new job and housing growth within the Urban Village boundaries, as well as, provide a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (FEIR) (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (EIR) (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

GP17-013 – Citywide

Planning, Building, and Code Enforcement Director Rosalyn Hughey, and Deputy Director Michael Brilliot gave a presentation and responded to questions.

Public Comments: Offering comments on the GP17 013 General Plan Amendment: West San Carlos Urban Village Plan: were: Lixin Huang, and John Layba.

Action: Upon motion by Councilmember Dev Davis to move approval, seconded by Councilmember Chappie Jones, and carried unanimously, Resolution No. 78581 was adopted, including approval of Memorandum from Councilmember Davis to approve to approve the staff recommendations for the City-initiated General Plan Amendments for the adoption of the West San Carlos and South Bascom Urban Village Plans, and delete setback #5 from page 61 of the staff report.

(10-1. Absent: Khamis.)

MINUTES OF SAN JOSE CITY COUNCIL CLOSED SESSION AGENDA

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133 to (A) to confer with Legal Counsel - existing litigation pursuant to Government Code Section 54956.9(d)(1): 1. Case Name: Preservation of Benefit Plan Retirees Association et al. v. City of San José, et al.; Name(s) of Parties(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 the State of California, County of Santa Clara, Unlimited Jurisdiction. Case No.: 17CV312610; Amount of Money or Other Relief Sought: Petition for Writ of Mandate. 2. Case Name: Sutter's Place, Inc. dba Bay 101 v. City of San Jose. Name(s) of Parties(s) Involved: SUTTER'S PLACE, INC. dba BAY 101; CITY OF SAN JOSE; the DIVISION OF GAMING CONTROL. Court: Superior Court of California, County of Santa Clara. Case No.: 1-13-cv-258057; Amount of Money or Other Relief Sought: Damages according to proof. 3. Case Name: Sofes, Dan v. City of San Jose; Name(s) of Parties(s) Involved: DAN SOFES, CITY OF SAN JOSE. Court: U.S. District Court, Northern District of California, San Jose Division. Case No.: C17 2077 LHK; Amount of Money or Other Relief Sought: Damages according to proof. (B) confer with Real Property designated representatives pursuant to government code section 54956.8; 1. Property Street Address, Parcel Number, or Other Unique Reference of Property: Property Street Address, Real property located on the block bounded by South Parcel Number, or Other Market Street, Balbach Street, South Almaden Avenue Unique Reference of and Viola Street in San Jose, California. APNs 264-30 010 through 264-30-028 and 136. Negotiating Parties: Nanci Klein for the City of San José and Richard Keit for the Successor Agency to the Redevelopment Agency of the City of San José. Under Negotiation: The direction will concern price and terms of payment. Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (C) confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: 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) Organization or Name and Title of Unrepresented Employees: 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 - Confidential Employees' Organization, AFSCME Local 101, and City of San José. (3) Organization or Name and Title of Unrepresented Employees: 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 (IAFF), Local 230. (4) Organization or Name and Title of Unrepresented Employees: 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 Local 332 (IBEW).

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CLOSED SESSION (Cont'd.)

(5) Organization or Name and Title of Unrepresented Employees: 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 (OE#3). (6) Organization or Name and Title of Unrepresented Employees: Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement between City of San Jose and Association of Legal Professionals of San José (ALP).

By unanimous consent, Council recessed from the Closed Session at 11:00 AM and reconvened to Regular Session at 1:33 PM in the Council Chambers.

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

Absent: Councilmembers - All present.

• OPEN FORUM

1. Jackie Toukel offered comments on the density of new developments in her neighborhood; the impact on community schools, and how local traffic, public utilities and quality of life is severely impacted by density.

• ADJOURNMENT

Mayor Liccardo adjourned the Council Meeting session at 7:19 PM

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

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All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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On occasion the City Council may consider agenda items out of order.