



City Council Meeting

Administrative Draft

Tuesday, March 13, 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

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

1:30 p.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- **Invocation (District 3)**

To be confirmed.

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 18-312 Presentation of a proclamation recognizing March 2018 as National Reading Month in the City of San José. (Arenas)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

18-309 Approval of City Council Minutes.

Recommendation: Regular Council Meeting Minutes of 8/22/17.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 Final Adoption of Ordinances.

18-208 Final Adoption of Ordinances.

Recommendation: (a) ORD. NO. 30067 - An ordinance of the City of San José rezoning Certain real property of approximately 63 gross acres situated at the terminus of America Center Drive, (APNs: 015-45-013, 024, 032, 048, 049, 050, 051, 051, 052, and 053) from the A(PD) Planned Development Zoning District.
CEQA: Subsequent Environmental Impact Report to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392). Planning Commission Recommends approval (5-0-1-1, Bit-Badal absent, Vora abstained). (Planning, Building and Code Enforcement)
(Deferred from 2/13/18 – Item 2.2)
TO BE HEARD AS ITEM 10.2(c)

(b) ORD. NO. 30076 - An ordinance of the City of San José amending Part 13 of Chapter 4.80 of Title 4 of the San Jose Municipal Code to establish the general making purpose parking capital fund and to make technical and clarifying changes.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 18-291 Actions Related to the Purchase Order with Long's Custom Discing, Inc. for Weed Abatement Services.

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Long's Custom Discing, Inc. (San José, CA) for weed abatement services at the San José/Santa Clara Regional Wastewater Facility buffer lands for an initial twelve-month period, starting on or about March 14, 2018 and ending on or about March 13, 2019, for an amount not-to-exceed \$166,300; and
- (b) Execute up to four one-year options to extend the term of the Purchase Order, with the last option year ending on or about March 13, 2023, subject to the annual appropriation of funds.

CEQA: Exempt, File No. PP13-097, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

2.8 18-289 Actions Related to the Resolution Establishing Speed Limits.

Recommendation:

Adopt a resolution to repeal Resolution No. 78275 and set forth speed limits in the City of San José in compliance with State law to:

- (a) Re-establish speed limits with changes to three roadways; including portions of Alum Rock Avenue, Autumn Street, and Capitol Avenue;
- (b) Establish speed limits on portions of the following three roadways: Campbell Avenue, Gurdwara Avenue, and Raleigh Road; and
- (c) Make administrative corrections as described in the memorandum to Council.

CEQA: Exempt, File No. PP14-017, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 4, 5, 6, and 8. (Transportation)

2.9 18-290 Actions Related to the Resolution Repealing the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations.

Recommendation:

Adopt a resolution to repeal Resolution 77830 and set forth the Schedule of Parking Penalties and Late Payment Penalty for Parking Violations to increase the fee assessed by the Department of Motor Vehicle (DMV) for placement of vehicle registration holds for unpaid delinquent parking citations, effective March 15, 2018.

CEQA: Exempt, File No. PP17-005, CEQA Guidelines Section 15273 - Rates, Tolls, Fares and charges. (Transportation)

2.10 18-313 Actions Related to the One Bay Area Grant Cycle 2 - 2017 Priority Development Area Planning Grant Acceptance.

Recommendation:

Adopt a resolution to:

- (a) Authorize the City Manager or designee to accept grant funding and negotiate and execute all documents necessary to fund and complete the following projects:

- (1) Downtown San José Mobility, Streetscape, and Public Life Plan (\$813,000 grant award inclusive of a local match of \$144,000);

- (2) East Side Alum Rock Urban Village Plan (\$400,000 grant award inclusive of a local match of \$51,824); and
 (b) Make the certifications and assurances required under the grant program. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council Districts 3, 5, & 6. (Transportation/Planning, Building and Code Enforcement)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 18-307 Public Member Appointment to the Board of Administration for Federated City Employees' Retirement System.

Recommendation: Interview applicant(s) for appointment to the Public Member Seat; and Appoint one (1) applicant to the Public Member Seat on the Board of Administration for the Federated City Employees' Retirement System through November 30, 2020. CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

3.4 18-288 Actions Related to the Agreements with East Side Union High School District and SmartWAVE Technologies LLC for a Community Wireless Network.

Recommendation:

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

(1) Execute the First Amendment to the Agreement between the City of San José and East Side Union High School District to increase funding by \$2,000,000 for a total funding of \$4,700,000, expanding the Community Wireless Network to add the William C. Overfelt High School attendance area, and to provide ongoing maintenance and support for the James Lick and William C. Overfelt High School attendance areas.

(2) Execute the First Amendment to the Agreement between the City of San José and SmartWAVE Technologies LLC (Suwanee, GA) to increase maximum compensation by \$1,323,811 for a revised maximum compensation amount not to exceed \$2,961,051 to expand the East Side Union High School District Community Wireless Network, to add the William C. Overfelt High School attendance area, including all required hardware, software, materials, professional services, maintenance and support, and applicable sales tax through December 31, 2021.

(3) Negotiate and execute amendments and change orders to the

Agreement with SmartWAVE Technologies LLC for contingency to cover any unanticipated changes in requirements or specifications, not to exceed \$200,000 and subject to the appropriation of funds.

(4) Negotiate and execute amendments and change orders to the Agreement with the East Side Union High School District to add funding for the Yerba Buena High School attendance area if funded by the East Side Union High School District.

(5) Negotiate and execute amendments and change orders to the Agreement with SmartWAVE Technologies LLC to add funding for the Yerba Buena High School attendance area, and ongoing system maintenance and support of all attendance areas, subject to funding provided by the East Side Union High School District.

(b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources resolution amendments in the General Fund:

(1) Increase the East Side Union High School District Community Wireless Network Project appropriation to the Department of Public Works by \$2,000,000.

(2) Increase the estimate for Revenue from Local Agencies from \$2,000,000.

CEQA: Exempt, File No. PP16-085, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structure. (City Manager/Finance)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-304 Mobilehome Opt-in Update.

Recommendation: As recommended by the Community and Economic Development Committee on November 27, 2017, accept the report and provide direction on whether staff should continue with public meetings and the development of an Opt-In/Stay-In-Business ordinance.

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

[Community and Economic Development Committee referral 11/27/17 - Item (d)(7)]

TO BE HEARD FIRST IN THE EVENING

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-292 Approval of Award of Contract for the 2018 Remove and Replace Asphalt Concrete Pavement Project - South.

Recommendation: (a) Approve award of a construction contract for the 2018 Remove and Replace Asphalt Concrete Pavement Project - South, to the lowest responsive bidder, O’Grady Paving, Inc. in the amount of \$3,453,664.00.
(b) Approve a 10% contingency in the amount of \$345,366.40.
CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

6.2 18-293 Approval of Award of Contract for the 2018 Remove and Replace Asphalt Concrete Pavement Project - North.

Recommendation: (a) Approve award of a construction contract for the 2018 Remove and Replace Asphalt Concrete Pavement Project - North, to the lowest responsive bidder, O’Grady Paving, Inc. in the amount of \$3,635,307.50.
(b) Approve a 10% contingency in the amount of \$363,530.75.
CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the City Council.

- Council will recess until 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

(a) 18-218 Conforming Rezoning for Real Property Located at 86 North 17th Street.

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 1.86-gross acre site located on the north east corner of East Santa Clara and North 17th Street (86 North 17th Street) from the CG-Commercial General and LI- Light Industrial Zoning Districts to the PQP- Public/Quasi-Public Zoning District (San Jose Water Works, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-037 - Council District 3 [Deferred from 2/27/18 - Item 10.1(a)]

(b) 18-286 Conforming Rezoning for Real Property Located at 1302 North 4th Street.

Recommendation: Consideration of an ordinance of the City of San José rezoning a 1.2 gross acre site located northeast of the intersection of North 4th Street and East Rosemary Street (1302 North 4th Street) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on (Green Valley Corporation, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), and Supplemental EIR to Envision San José 2040 General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C18-004 - Council District 3

(c) **18-279 Conforming Rezoning for Real Property Located at 1102 Lick Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.46-gross acre site, located on the southeast corner of Lick Avenue and Goodyear Street (1102 Lick Avenue) from the LI Light Industrial Zoning District to the R-2 Two-Family Residential Zoning District (Garcia Enterprise LLC, Owner). CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Planning Commission recommends approval (6-0-1; Vora absent). (Planning, Building and Code Enforcement) C17-041 - Council District 3

END OF CONSENT CALENDAR

10.2 18-287 Reconsideration of the Certification of the America Center Phase III Project Final Subsequent Environmental Impact Report.

Recommendation:

(a) Conduct a Hearing to reconsider the City Council's certification of the America Center Phase III Project Subsequent Environmental Impact Report adopted on January 23, 2018 (Resolution No. 78493) for a Planned Development Rezoning (File No. PDC15-058) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow an additional 190,000 square feet of commercial and office/research and development uses; and a Planned Development Permit (File No. PD15-053) to allow the construction of an approximately 192,350-square foot, six-story office building, associated amenity space, expansion of the existing parking garage on the eastern portion of the site, and removal of 101 ordinance and non-ordinance sized trees on an approximately 63-gross acre site located on the north side of California State Route (SR) 237 at the terminus of Great America Parkway.

(b) Adopt a resolution affirming City Council Resolution No. 78493 certifying the America Center Phase III Project Subsequent Environmental Impact Report adopted on January 23, 2018, and City Council Resolution No. 78494 approving Planned Development Permit File No. PD15-053, and finding that:

(1) The City Council has read and considered the America Center Phase III Project Subsequent Environmental Impact Report and related administrative record in connection with Planned Development Rezoning File No. PDC15-058 and Planned Development Permit File No. PD15-053;

(2) The America Center Phase III Project Subsequent Environmental Impact Report was prepared and completed in compliance with the California Environmental Quality Act of 1970, as amended, together with state and local implementation guidelines; and

(3) Certification of the America Center Phase III Project Subsequent Environmental Impact Report for Planned Development Rezoning File No. PDC15-058 and Planned Development Permit File No. PD15-053 reflects the independent judgment and analysis of the City of San José.

(c) Final adoption of ORDINANCE NO. 30067. An ordinance of the City of San José rezoning certain real property of approximately 63 gross acres situated at the terminus of America Center Drive (APNs: 015-45-013, 024, 032, 048, 049, 050, 051, 051, 052, & 053) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

CEQA: The America Center Phase III Project Subsequent Environmental Impact Report adopted by City Council Resolution No. 78493. (Planning, Building and Code Enforcement) PDC15-058 & PD15-053 - Council District 4

10.3 18-294

General Plan Land Use Overlay Amendments for Mobilehome Parks and Review of Recommendations from The Law Foundation of Silicon Valley Regarding Protection of Mobilehome Park Residents.

Recommendation:

(a) Accept staff analysis of proposed General Plan land use overlay amendments for mobilehome parks, and provide direction on which of the alternatives to pursue; and

(b) Accept staff review of the recommendations proposed by the Law Foundation of Silicon Valley, in its letter dated May 11, 2017, and direct staff to bring to City Council three General Plan text amendments as part of a future General Plan hearing cycle.

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

TO BE HEARD IMMEDIATELY FOLLOWING ITEM 4.1 (18-304)

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

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

**MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF SAN JOSE HOUSING
AUTHORITY AGENDA**

1:30 p.m.

March 13, 2018

CHAMBERS

- Call to Order and Roll Call

1. 18-260 Notice of Termination of Agreement with the Housing Authority of the City of San José and the Santa Clara County Housing Authority Regarding Administration of City Housing Authority Programs.

Recommendation:

Board of Commissioners of the City of San José Housing Authority adopt a resolution:

- (a) Directing the Executive Director of the Housing Authority of the City of San José (“City Housing Authority”) to give the Santa Clara County Housing Authority a one year written notice of termination of the Agreement dated April 1, 1996; and
- (b) Directing the Executive Director to return to the Board of Commissioners with options for administering the programs of the City Housing Authority.

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

- Open Forum
- Adjournment