



# **City Council Meeting**

# **SYNOPSIS**

**Tuesday, March 6, 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  
Absent: Carrasco. (Excused)

**1:30 p.m.-** Regular Session, Council Chambers, City Hall  
Absent: Carrasco. (Excused)

- **Invocation (District 3)**

Mike Mendoza, a woodwind player/teacher based in the San José area played a medley of “Somewhere Over the Rainbow” and “What a Wonderful World” on the saxophone.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance, accompanied by students from Holy Spirit Elementary School.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 18-273** Presentation of a proclamation to recognize the month of March as Pediatric Cancer Awareness Month in the City of San José. (Peralez)  
**Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing the month of March as Pediatric Cancer Awareness Month in the City of San José.**
- 1.2 18-308** Presentation of a proclamation recognizing March 2018 as Women's History Month in the City of San José. (Arenas/Carrasco/Davis)  
**Mayor Sam Liccardo and Councilmembers Dev Davis and Sylvia Arenas presented a proclamation recognizing March 2018 as Women's History Month in the City of San José.**

## **2. CONSENT CALENDAR**

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 Final Adoption of Ordinances.**

None provided.

### **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 18-216 Amendment to the City Pay Plan for the Wastewater Facility Manager Classification.**

**Recommendation:** Adopt a resolution to amend the City of San José Pay Plan effective March 11, 2018, to retitle the Wastewater Facility Manager (3615) (formerly Wastewater Facility Operations Manager) classification, with an annual pay range of approximately \$98,909.04 - \$151,068.99.

**Resolution No. 78522 adopted.**

### **2.8 18-278 Approval of Assyrian Flag Raising 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 February 21, 2018:  
(a) Approve the Assyrian Flag Raising scheduled on March 21, 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.

[Rules Committee referral 2/21/18 - Item G.1.b]

**Approved.**

### **3. STRATEGIC SUPPORT**

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

None provided.

#### **3.2 Labor Negotiations Update.**

**Recommendation:** Accept Labor Negotiations Update.

None provided.

#### **3.3 18-298 Actions Related to the Evergreen Senior Homes Initiative Amending the Envision San José 2040 General Plan.**

**Recommendation:** (a) Accept the Elections Code 9212 report, as revised, analyzing the Petition Initiative Amending the Envision San José 2040 General Plan (Initiative).

**Accepted.**

(b) As directed by Council on February 13, 2018, adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on June 5, 2018.

(c) Council discussion and consideration of whether the full text of the Initiative should be printed in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

(d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;

(e) Council discussion and consideration of whether the City Council or any member or members of the City Council to submit an argument against the Initiative on the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;

(f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and

(g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, General Election.

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

*(Item continued on the next page)*

3.3 18-298

**Actions Related to the Evergreen Senior Homes Initiative Amending the Envision San José 2040 General Plan (Cont'd.)**

**Resolution No. 78523 adopted, including the memorandum from Councilmember Sylvia Arenas, dated March 5, 2018 to approve the Memorandum by Mayor Liccardo, dated March 5, 2018, as follows: 1. Approve Item 3.3 (a), (b), (d), (e), (f) and (g) as outlined in the Council Agenda for March 6, 2018; and 2. Authorize the Mayor to: i. Submit an argument against the Initiative (by March 13, 2018) in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; ii. Submit a rebuttal argument (by March 20, 2018) in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election; and, 3. Authorize the City Attorney to: iii. Prepare an Impartial Analysis (by March 20, 2018) pursuant to Elections Code Section 9280. And including the revised language of the ballot question from the Attorney's supplemental memo so the ballot question will be:**

**“Shall an initiative measure be adopted: (1) changing San Jose's General Plan to create a Senior Housing Overlay to allow conversion of land designated for employment use to senior housing citywide; and (2) changing the Evergreen- East Hills Development Policy and Municipal Code, and adding a Specific Plan to allow development of up to 910 residential units on an approximately 200-acre Industrial Site in Evergreen for individuals 55 and over and other qualifying individuals?”  
(Arenas/Davis 10-0-1; Absent: Carrasco.)**

3.4 18-272

**Second Quarter Financial Reports for Fiscal Year 2017-2018.**

**Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on February 15, 2018, accept second quarter (period ending December 31, 2017) financial reports in the areas of Debt Management, Investment Management, and Revenue Collection.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
[Public Safety, Finance, and Strategic Support Committee Item 2/15/18 - Item (d)3]  
**Accepted.**

3.5 18-271

**Annual Review of the City of San José Investment Policy.**

**Recommendation:**

As recommended by the Public Safety, Finance, and Strategic Support Committee on February 15, 2018, adopt a resolution to approve the proposed revisions to Council Policy 1-12, "City of San José Investment Policy".

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

[Public Safety, Finance, and Strategic Support Committee 2/15/18 - Item (d)4]

**Resolution No. 78524 adopted.**

**3.6 18-209 Status Report on Deferred Maintenance and Infrastructure Backlog.**

**Recommendation:** As recommended by the Transportation and Environment Committee on February 5, 2018, accept status report on the City’s Deferred Maintenance and Infrastructure Backlog.

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) [Transportation and Environment Committee referral 2/05/18 - Item (d)2] (Deferred from 2/27/18 – Item 3.4)

**Accepted.**

**3.7 18-282 Potential June 5, 2018 Ballot Measure(s).**

**Recommendation:** (a) Consider a Council-sponsored charter amendment or other measure(s) for the June 5, 2018 general **election** to specify requirements for the conversion of employment land to residential use, including review of the associated environmental and fiscal impacts; urban sprawl mitigation; and other related potential measures.

(b) If Council wishes to proceed with a charter amendment or other measure(s), adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 5, 2018, to submit a charter amendment or other measure(s) to the electors of the City of San José;

(c) Council discussion and consideration of whether the full text of the proposed City measure should be printed in the June 5, 2018, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

(d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in favor of the City measure in the June 5, 2018, Voter’s Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;

(e) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the June 5, 2018, Voter’s Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;

(f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and

(g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, Special Municipal Election, if needed.

CEQA: Not a project (CEQA sec. 21065), and CEQA Guidelines sec. 15061(b)(3) exemption (no potential significant environmental effects). (Mayor)

**Continued to March 8, 2018; meeting to adjourn to 8:30 a.m. on March 8, 2018 for Closed Session and March 8, 2018 at 9:00 a.m. for Open Session.  
(Arenas/Davis 10-0-1. Absent: Carrasco.)**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.1 18-256 Actions Related to the Establishment of the San Jose Hotel Business Improvement District.**

- Recommendation:** (a) Accept staff report and consider preliminary actions required to establish a new business owner initiated Hotel Business Improvement District within the City of San José pursuant to Streets & Highways Code Section 36600 et seq.  
**Accepted.**
- (b) Adopt a resolution:
- (1) Stating the intention to form the San José Hotel Business Improvement District (“SJHBID”) within the City of San José;
  - (2) Preliminarily approving the SJHBID Management District Plan; and
  - (3) Setting a Public Meeting to be held on March 20, 2018 at 1:30 p.m. and a Public Hearing on April 24, 2018 at 1:30 p.m.
- Resolution No. 78525 adopted.**
- (c) Adopt a resolution finding that San José Hotels, Inc. will serve as the Owners’ Association for the SJHBID to implement the program described in the Management District Plan and authorizing the City Manager to negotiate and execute an agreement with San José Hotels, Inc. to provide those services, contingent upon the establishment of the SJHBID.  
CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3).  
(Economic Development)  
**Resolution No. 78526 adopted.**

### **4.2 18-280 Actions Related to the Grant from the California Department of Social Services to Support Coyote Creek Flood Recovery Efforts.**

- Recommendation:** (a) Adopt a resolution authorizing the Director of Housing, or designee, to accept a grant from the California Department of Social Services in the amount of \$5,400,000 to support Coyote Creek flood recovery efforts and conduct all activities, execute, and submit all documents including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary in connection with this grant.  
**Resolution No. 78527 adopted.**
- (b) Add 2.0 Community Coordinator positions in the Housing Department effective March 11, 2018, with a June 30, 2020, limit date.  
**Approved.**

*(Item continued on the next page)*

4.2 18-280

**Actions Related to the Grant from the California Department of Social Services to Support Coyote Creek Flood Recovery Efforts (Cont'd.)**

(c) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Establish the estimate for Revenue from State of California in the amount of \$5,400,000; and

(2) Establish a new appropriation to the Housing Department for 2017 Coyote Creek Flood Recovery Efforts in the amount of \$5,400,000.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing/City Manager)

**Ordinance No. 30077 adopted.**

**Resolution No. 78528 adopted.**

**5. NEIGHBORHOOD SERVICES**

**6. TRANSPORTATION & AVIATION SERVICES**

6.1 18-259

**Amendment to the Host International Inc. Food and Beverage Concession Agreement.**

**Recommendation:**

Approve the Fourth Amendment to the Host International Inc. (“Host”) Food and Beverage Concession Agreement to extend the term of the agreement for six years, from June 30, 2020 to June 30, 2026, add new concession locations, revise the percentage fee thresholds, revise the terms of the Minimum Annual Guarantee and add a capital investment to be made by Host of no less than \$6,000,000.

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

**Approved.**

6.2 18-258

**Report on the Request for Proposal for Engineering Services for the Santa Clara Street Bridge at Coyote Creek Replacement Project.**

**Recommendation:**

Accept the report on the Request for Proposal for engineering services for the Santa Clara Street Bridge at Coyote Creek Replacement Project, and adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with TY Lin International for engineering services related to the preparation of scoping, environmental documents, plans, specifications and estimates, right of way services, and design support during construction on or about March 19, 2018 and ending on or about March 19, 2021, with a maximum compensation not-to-exceed \$1,295,098 for the initial three-year term, with three 1-year options to extend. Subject to funding availability, the term of the agreement may be extended to provide project completion.

CEQA: Statutory Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 3. (Transportation)

**Resolution No. 78529 adopted.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

## **8. PUBLIC SAFETY**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

### **• Open Forum**

Blair Beekman offered comments on technology in San José and expressed his interest in April's Smart Cities meeting.

### **• Adjournment**

The meeting of the City Council of the City of San José was adjourned at 3:56 p.m. in memory of Velma LaPine Million. Ms. Million passed away on January 31, 2018, at the age of 97. Velma became known as the “Lady of the Lake”, as her idea of a regional park for youth in the area became a reality with the creation of Lake Cunningham Park. She was a tenacious, tireless community leader, who will be missed. However, her positive impact on our community will not be forgotten. (Rocha)

**The meeting was adjourned to 8:30 a.m. on March 8, 2018 for Closed Session and 9:00 a.m. on March 8, 2018 for Open Session to hear item 3.7 at an adjourned and special meeting at City Hall Council Chambers.**

**18-318**

**Notice of City Engineer's Pending Decision on Final Maps.**

**Recommendation:**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/Units</u>	<u>Type</u>
10423	129 West Julian Street	3	15/43	MFA

Proposed  
Decision  
Approve

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/Units</u>	<u>Type</u>
10424	190 West Julian Street	3	6/21	MFA

Proposed  
Decision  
Approve

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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/Units</u>	<u>Type</u>
10449	323 Terraine Street	3	4/14	MFA

Developer  
Trumark Construction Services

This notice is to be posted with the City Council's regular agenda for 3/6/18.