



City Council Meeting Amended Agenda

Tuesday, October 24, 2017

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



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

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.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

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

[17-289](#) **Closed Session Agenda****Attachments** [October 24, 2017 Closed Session Agenda](#)

- **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 9)**

City of San José Animal Care & Services Division in honor of Adopt a Shelter Pet Month.

- **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** [17-150](#) Presentation of a commendation to the Fire Department Communications Center for renewal of their status as an Emergency Medical Dispatch Accredited Center of Excellence. (Peralez)
- 1.2** [17-173](#) Presentation of a commendation to the Tai Ji Men Qigong Academy for their promotion of love and peace through the ancient traditional qigong martial arts and for their performances that kicked off the 2017 29th Summer Universiade. (Rocha)
- 1.3** [17-187](#) Presentation of a proclamation declaring City of San José's participation in the 2017 Combined Giving Campaign. (Planning, Building and Code Enforcement)

- 1.4 [17-053](#) Presentation of a commendation to Silicon Valley Shakespeare. (Davis)
TO BE HEARD IN THE EVENING
- 1.5 [17-164](#) Presentation of a proclamation declaring October as Filipino American History Month in the City of San José. (Jimenez/Carrasco)
TO BE HEARD IN THE EVENING
- 1.6 [17-233](#) Presentation of a commendation to Ranger Mike Peasland in honor of his work and dedication to the residents of the City of San José. (Carrasco)
TO BE HEARD IN THE EVENING

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.

2.2 Final Adoption of Ordinances.

[17-234](#) **Final Adoption of Ordinances.**

Recommendation: ORDINANCE NO. 30013 - An ordinance of the City of San José adding Part 21 to Chapter 2.08 of Title 2 of the San José Municipal Code to establish the Clean Energy Community Advisory Commission. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Clerk)

2.3 Approval of Council Committee Minutes.

17-209**Approval of Council Committee Minutes.****Recommendation:**

- (a) Rules and Open Government Committee Minutes. (Mayor)
- (1) August 23, 2017.
 - (2) August 30, 2017.
 - (3) September 6, 2017.
 - (4) September 13, 2017.
 - (5) September 20, 2017.
- (b) Ad-Hoc Committee for Development Services Minutes of September 28, 2017. (Khamis)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [ROGC Minutes - August 23, 2017](#)
[ROGC Minutes - August 30, 2017](#)
[ROGC Minutes - September 6, 2017](#)
[ROGC Minutes - September 13, 2017](#)
[ROGC Minutes - September 20, 2017](#)
[Ad-Hoc Committee Minutes - September 28, 2017](#)

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 17-201 Amendment to the Agreement with Price Waterhouse Coopers to Support the Implementation of the Environmental Sustainability Plan.****Recommendation:**

Approve an Amendment to the Master Consultant Agreement between the City of San José and Price Waterhouse Coopers, Public Sector LLP (PwC) dated December 19, 2016 to increase maximum total compensation from \$250,000 to \$325,000. CEQA: Not a Project, File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

Attachments

- [Memorandum](#)
[Agreement](#)

2.8 [17-168](#) **Semi-Annual Status Report on the Citywide Capital Improvement Program.**

Recommendation: Accept the Semi-Annual Status Report on the Citywide Capital Improvement Program. 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)

Attachments [Replacement Memo](#)

2.9 [17-194](#) **Amendment to the Agreements with Callander Associates Landscape Architecture, Inc. and PlaceWorks for Landscape Architectural Design Services for various City Facility Projects.**

Recommendation: Approve the First Amendments to the Master Agreements with Callander Associates Landscape Architecture Inc. and PlaceWorks extending the duration from December 31, 2017, to December 31, 2019, for a continuation of ongoing consultant design services supporting various City facility projects, at no additional cost to the City. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Public Works)

Attachments [Memorandum](#)
[Agreement - Callander](#)
[Agreement - PlaceWorks](#)

2.10 [17-212](#) **Actions Related to the SJSC Tower Project Located at 43 N. 5th Street.**

Recommendation: Adopt a resolution authorizing the City Manager or his designee to:
(a) Negotiate and execute a Lateral Tie-Back Agreement with SJSC Properties, LLC, and providing consent to the Developer to allow a crane to operate non-live loads over the City's Parking Garage located at 43 N 5th Street in the City of San Jose, County of Santa Clara, State of California; and
(b) Negotiate and execute all other documents and take such further actions as are necessary to complete these transactions.
CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San Jose 2040 General Plan and the Envision San Jose 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Economic Development)

Attachments [Memorandum](#)

2.11 [17-272](#) **Actions Related to Vice Mayor Carrasco's Travel to Annapolis, Maryland.****Recommendation:**

(a) Approve travel by Vice Mayor Carrasco to Annapolis, Maryland on October 31, 2017 to November 3, 2017 for the Sister Cities International Fall Leadership Meeting. Source of Funds:

Mayor/Council Travel Budget.

(b) Request for an excused absence for Vice Mayor Carrasco from the Regular Meeting of the City Council on October 31, 2017 and the Rules and Open Government Committee and Committee of the Whole on November 1, 2017.

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

Attachments [Memorandum](#)

2.12 [17-274](#)**Actions Related to Councilmember Khamis' Travel to Tainan, Taiwan.****Recommendation:**

- (a) Authorize international travel by Councilmember Khamis to Tainan, Taiwan from October 27, 2017 to November 4, 2017 to lead a delegation, as an official representative of the City of San José, to celebrate the 40th Anniversary of the Sister City relationship between Tainan, Taiwan and the City of San José, with additional meetings with officials from the City of Taipei, Taiwan. Source of Funds: San José - Tainan Sister City Association.
- (b) Authorize an excused absence for Councilmember Khamis from the following meetings due to Authorized City Business:
- (1) The October 31, 2017 Closed Session and Regular Session meetings of the City Council.
 - (2) The November 1, 2017 meeting of the Rules and Open Government Committee and Committee of the Whole.
 - (3) The November 2, 2017 meetings of the Police & Fire Department Retirement Plan Board of Directors and the Smart Cities & Service Improvements Committee.
 - (4) The November 3, 2017 Special Meeting of the City of San José and the Santa Clara Valley Water District.
- (c) Approve the receipt of gifts of air travel, hotel, and meals received in an official capacity as a representative of the City in accordance with San Jose Municipal Code section 12.08.040(c). While the City could reimburse for the meals, they will be provided as a gesture to foster a positive working relationship between the City of San José and its Sister City of Tainan, Taiwan as well as with the City of Taipei, Taiwan. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Khamis)

Attachments [Memorandum](#)

2.13 [17-275](#) **Sponsored International Travel to Tainan, Taiwan for the Sister City 40th Anniversary City Relationship.**

Recommendation: Authorize international travel to Tainan and Taipei, Taiwan, for Joseph Hedges, International Affairs Manager, as the City Manager’s designated representative on the Sister City trip to Tainan, from October 30, 2017 to November 4, 2017 and accept the gift of travel from the San Jose Tainan Sister City Association. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Manager)

Attachments [Memorandum](#)

2.14 [17-276](#) **Agreement with United Neighborhoods of Santa Clara County for Funding of BeautifySJ Grants Program.**

Recommendation: Approve an Agreement with United Neighborhoods of Santa Clara County to administer the funding of BeautifySJ Grants as a fiscal agent from the time of execution until December 31, 2018 in an amount not to exceed \$300,000. CEQA: Exempt, File No. PP17-039, CEQA Guidelines Section 15301, Existing Facilities. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)

2.15 [17-277](#) **PATH San José Fundraiser.**

Recommendation: As recommended by the Rules and Open Government Committee on October 18, 2017:
(a) Approve the PATH San José Fundraiser scheduled on October 25, 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 the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perez)
[Rules Committee referral 10/18/17 - Item G.1.a.]

Attachments [Memorandum](#)

2.16 [17-278](#) **District 6 Office Grant for District 6 School.**

Recommendation: As recommended by the Rules and Open Government Committee on October 18, 2017, approve a \$5,000 grant to support the Herbert Hoover Middle School Parent Teacher Staff Association for their school beautification project, “The Quad Makeover,” which will be used by all 1,100 students. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Davis)
[Rules Committee referral 10/18/17 - Item G.2.]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update. Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 [17-098](#) **CWA/PLA Task Force Committee Recommendations.****Recommendation:**

(a) Accept the Community Workforce Agreement/Project Labor Agreement (CWA/PLA) Task Force Report; and

(b) Provide further direction to City staff.

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

DEFERRED FROM 10/3/17 TO 10/24/17 PER

ADMINISTRATION

NOT TO BE HEARD BEFORE 3:00 P.M.

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Supplemental Memorandum 2](#)

[Memorandum from Mayor Liccardo](#)

[Memorandum from Councilmember Peralez](#)

[Memorandum from Councilmember Khamis](#)

[Letters from the Public](#)

[Letter from ABC NorCal](#)

[Letters from the Public 2](#)

[Letters from the Public 3](#)

3.4 [17-211](#) **Amendment of the City's Gift Ordinance.****Recommendation:**

Approve an ordinance amending Chapter 12.08 of the San José Municipal Code related to the Gift Ordinance to strike the City's exceptions for allowable gifts and incorporate the exceptions for allowable gifts under the Political Reform Act while maintaining a \$50.00 gift limit. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Attorney)

Please note: Approval of this item requires 8 or more affirmative votes (2/3).

Attachments

[Memorandum](#)

[Memorandum from Councilmember Diep](#)

[Ordinance](#)

3.5 [17-195](#) **Terms of an Agreement with the Nine (9) Federated Bargaining Units Regarding the Alternative Pension Reform Framework and Modifications for Employees in Units 99 and 81/82.**

Recommendation: (a) Adopt a resolution approving the terms of an Agreement between the City and nine (9) Federated bargaining units regarding additional amendments to the Alternative Pension Reform Framework Settlement Agreement, including, but not limited to pension cost-sharing, the independent medical review panel, the Voluntary Employees' Beneficiary Association (VEBA) and retiree healthcare, and authorizing the City Manager to execute an Agreement with those terms.

 (b) Approve the modifications for unrepresented employees in Unit 99 and Units 81/82 similar to those in the Agreement except for certain provisions specified in the memorandum to Council.

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

Attachments [Memorandum](#)
 [Resolution](#)

3.6 [17-196](#) **Ordinance Implementing Additional Changes from the Alternative Pension Reform Framework Agreement and the Implementation of Measure F.**

Recommendation: Approve an ordinance amending various sections of Chapters 3.28 and 3.58 of Title 3 of the San José Municipal Code to implement additional revisions including but not limited to pension cost-sharing, the independent medical review panel, the Voluntary Employees' Beneficiary Association (VEBA) and retiree healthcare based on the implementation of the Alternative Pension Reform Framework and Measure F for members of the Federated City Employees' Retirement System. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)
 [Ordinance](#)

3.7 [17-197](#) **Actions Related to the Agreement with US Digital Design, Inc., for Fire Station Alerting System.**

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
- (1) Negotiate and execute an agreement with US Digital Designs, Inc., (Tempe, AZ) to purchase and replace the existing Fire Station Alerting System, including hardware, software, related professional services, support and maintenance, and applicable taxes, under the pricing and terms obtained through the National Purchasing Partners and its Government Division (doing business as NPPGov) cooperative agreement, for an initial five-year term commencing on or about October 24, 2017, and ending on or about April 30, 2024, with a maximum compensation not-to-exceed amount of \$1,282,165, subject to the appropriation of funds;
 - (2) Negotiate and execute amendments and change orders to the Agreement to cover unanticipated changes in requirements, additions, deletions or relocations of fire stations as may be required, or for future enhancements for a not-to-exceed amount of \$120,000, subject to the appropriation of funds; and
 - (3) Execute one-year options to extend the term of the Agreement for ongoing technical support, maintenance, and related professional services as may be required, subject to the appropriation of funds.
- (b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
- (1) Increase the Fire Station Alert System Appropriation to the Fire Department by \$185,160; and
 - (2) Decrease the Unrestricted Ending Funding Balance by \$185,160.
- CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance/Fire/City Manager)

Attachments [Memorandum](#)

3.8 [17-271](#) **Actions related to Board of Fair Campaign and Political Practices
Recommended Revisions to Title 12 and San José City Council Resolution
77879.**

Recommendation:

- (a) Approve an ordinance amending Section 12.06.910 of Chapter 12.06 of Title 12 of the San José Municipal Code to require Independent Committees to complete the “Per Election to Date” column of the Form 460 when reporting contributions and expenditures, and repealing Section 12.06.920, which requires the City Clerk to publish a report before an election with the total amount of contributions and expenditures made by each candidate and candidate controlled committee, and the total independent expenditures made by each independent committee.
- (b) Adopt a resolution amending the regulations and procedures of the San José Ethics Commission to set forth the current investigation and hearing procedures for the San José Board of Fair Campaign and Political Practices, and repealing Council Resolution No. 77879. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Clerk)

Attachments [Memorandum](#)
[Memorandum to Rules Committee 10/11/17](#)
[Ordinance](#)
[Resolution](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [17-205](#) **Memorandum of Understanding with Adobe Systems Incorporated for the Headquarters Expansion and Pedestrian Bridge Project.**

Recommendation: Adopt a resolution authorizing the City Manager to execute a non-binding Memorandum of Understanding with Adobe Systems Incorporated addressing Adobe's contemplated headquarters expansion project and pedestrian bridge. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Economic Development)
(Deferred from 10/24/17 - Item 4.1 to 10/31/17 - Item 4.5)
TO BE HEARD IMMEDIATELY AFTER CONSENT

Attachments [Memorandum](#)
[Memorandum from Mayor Liccardo](#)
[Agreement](#)
[Letter from Sharks Sports & Entertainment](#)
[Letter from The Silicon Valley Organization](#)
[Letter from SPUR](#)

4.2 Actions Related to the SJSC Tower Project Located at 43 N. 5th Street. RENUMBERED

4.3 [17-198](#) **Extension of the Interim Apartment Rent Ordinance.**

Recommendation: Approve an ordinance amending Part 8 of Chapter 17.23 of Title 17 of the San José Municipal Code (Interim Ordinance) to extend the termination date of the Interim Ordinance until after the effective date of an Ordinance amending Chapter 17.23 consistent with Council direction (revised Apartment Rent Ordinance). CEQA: Exempt, File No. PP16-051, CEQA Guidelines Section 15061(b)(3) No potential for causing a significant effect on the environment. (Housing)

Attachments [Memorandum](#)
[Ordinance](#)

4.4 [17-199](#) **Potential Modifications to the Affordable Housing Impact Fee and Inclusionary Housing Programs.**

Recommendation:

(a) Accept the staff report regarding potential changes to the Affordable Housing Impact Fee and Inclusionary Housing Programs and the impact of AB 1505 on those programs.

(b) Adopt a resolution that amends Resolution No. 77218 as previously amended by Resolution No. 78010 (collectively, “Housing Impact Fee Resolution”) to revise the definition of “dwelling unit” to clarify the distinguishing characteristics of a unit subject to the Affordable Housing Impact Fee.

(c) Direct the City Attorney and Housing Department to return with a new ordinance that imposes an inclusionary housing obligation on for-sale and rental projects with three (3) to nineteen (19) homes.

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

Attachments [Memorandum](#)
[Resolution - Part \(b\)](#)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [17-193](#) **Report on Bids and Award of Contract for the 8463 - Mineta San José International Airport Terminal B South Ramp Reconstruction - Phase 1 Project.**

Recommendation:

Report on bids and award of contract for the 8463 - Mineta San José International Airport Terminal B South Ramp Reconstruction - Phase 1 Project to the low bidder, Graniterock Company in an amount of \$6,247,416, and approve a ten percent contingency in the amount of \$624,742. CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport Master Plan Update, as supplemented (Resolution Nos. 67380 and 71451), File No. PP15-129. (Public Works/Airport)

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [17-056](#) Actions Related to San José Water Company.

Recommendation:

(a) Accept staff report responding to questions laid out in Item (a) in the Clerk's transmittal memo titled "Actions Related to San Jose Water Company" on August 31, 2017.

(b) Provide direction to staff on options for how the City can take a greater role in advocating to the California Public Utilities Commission on behalf of the City and customers of San Jose Water Company.

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

(Deferred from 9/12/17 - Item 7.2)

[Rules Committee referral 8/23/17 - Item G.2.]

TO BE HEARD IN THE EVENING

Attachments

[Memorandum](#)

[Staff Memorandum](#)

[Supplemental Memorandum](#)

[Memorandum from Councilmember Rocha](#)

[Memorandum from Mayor Liccardo and CMs Rocha and Khamis](#)

[Letters from the Public](#)

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) [17-090](#) **Conforming Rezoning for the Real Property Located at 524 East Brokaw Road.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.72-gross acre site located at 524 East Brokaw Road from HI Heavy Industrial Zoning District to CIC Combined Industrial/Commercial Zoning District (Bedrok, LLC, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617) and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement) C17-028 - Council District 3

Attachments [Memorandum](#)
[Ordinance](#)

- (b) [17-203](#) **Conforming Rezoning for the Real Property Located at 5952 Silver Creek Valley Road.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 2.18-gross acre site located at 5952 Silver Creek Valley Road from IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District (Buddy Silvercreek, LLC, Owner). CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement) C17-036 - Council District 2

Attachments [Memorandum](#)
[Ordinance](#)

END OF CONSENT CALENDAR

10.2 [17-094](#)**Conforming Rezoning, Special Use Permit and Development Exception for Real Property Located at 1657 Alviso-Milpitas Road.****Recommendation:**

(a) Adopt a resolution (i) approving the Water Supply Assessment and, then, (ii) certifying the 237 Industrial Center 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 to the California Environmental Quality, Act, as amended.

(b) Consideration of an ordinance of the City of San José Rezoning an approximately 64.59 gross acre site, located northwest of Highway 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road), from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District (Cilker Carl A And Kathleen C Trustee, Owners).

(c) Adopt a resolution approving (i) Special Use Permit No. SP16-053, subject to conditions, to allow the removal of eight ordinance sized and 14 non-ordinance sized trees, and construction of six buildings for a data center use totaling approximately 376,519 square feet with associated site improvements and 14 generators, and (ii) a Development Exception to allow a reduction in off-street parking.

CEQA: 237 Industrial Center Environmental Impact Report.

Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C15-054, SP16-053 & V17-004 - Council District 4

DEFERRED FROM 10/3/17 TO 10/24/17 PER

ADMINISTRATION

Attachments [Memorandum](#)
[Memorandum from Mayor Liccardo and CM Diep](#)
[Memorandum from Councilmember Jimenez](#)
[Planning Commission Staff Report](#)
[Attachment A - Draft Supplemental EIR](#)
[Attachment B - Draft CEQA Resolution](#)
[Attachment C - MMRP](#)
[Attachment D - Draft PC Ordinance and Resolution](#)
[Attachment E - Development Plans Set A](#)
[Attachment F - Development Plans Set B](#)
[Attachment G - Parking Study](#)
[Attachment H - Oakmead Pump Station](#)
[Resolution - Part \(a\)](#)
[Ordinance - Part \(b\)](#)
[Resolution - Part \(c\)](#)
[Letters from the Public](#)
[Letters from the Public 2](#)
[Letters from the Public 3](#)
[Letters from the Public 4](#)

10.3 [17-192](#)**Planned Development Rezoning and Planned Development Permit for Real Property Located at 1220 Curtiss Avenue.****Recommendation:**

Adopt a resolution denying (i) the proposed Planned Development Rezoning from the R-1-8 Single-Family Zoning District to the R-1-8(PD) Planned Development Zoning District, and (ii) Planned Development Permit to allow the demolition of an existing residence and accessory structures for the construction of three single-family detached residences on individual lots, including two flag lots on a 0.42-gross acre site in the R-1-8 Single-Family Residential Zoning District, located on the southeast side of Curtiss Avenue, approximately 650 feet southerly of Willow Street (1220 Curtiss Avenue) (Goldsilverisland Properties LLC, Owner). Planning Commission recommends denial (5-0-2, Bit-Badal and Vora absent). CEQA: Exempt per CEQA Guidelines 15270 for Projects Which Are Disapproved.

PDC17-018 & PD17-011 - Council District 6

Attachments

[Memorandum](#)

[Memo from Mayor Liccardo, Vice Mayor Carrasco and CMs Day
Resolution](#)

[Letters from the Public](#)

10.4 [17-207](#)**Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue.****Recommendation:**

(a) Conduct an Administrative Hearing and consider the Permit Appeal of the Planning Commission's approval of the Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels.

(b) Adopt a resolution denying the permit appeal and approving the Conditional Use Permit and Site Development Permit, subject to Conditions, to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels on an approximately on a 0.81-gross acre site located at 3702 South Bascom Avenue (southeast corner of South Bascom Avenue and Woodard Road).

CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction and 15332 for Infill Development Projects. Planning Commission approved the Conditional Use Permit and Site Development Permit (4-3-0; Phan, Bit-Badal opposed). (Planning, Building and Code Enforcement)

CP16-035 - Council District 9

TO BE HEARD AFTER ITEM 10.1

Attachments [Memorandum](#)
[Memorandum from Councilmember Rocha](#)
[Attachment A - Permit Appeal](#)
[Attachment B - Project Petition](#)
[Attachment C - Planning Commission Packet](#)
[Attachment D - Signed Planning Commission Resolution](#)
[Attachment E - Mitigation Management Plan](#)
[Attachment F - Noise Study](#)
[Attachment G - Plan Set](#)
[Letters from the Public](#)
[Letters from the Public 2](#)
[Letters from the Public 3](#)

- Open Forum
- Adjournment

[17-287](#)

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:

Tract-10429, Location - 3581 Bournemouth Dr., District 9, Developer - Castro Valley Edenbridge, Lots/Units-5/5, Type-SFD, Proposed Decision - Approval

This notice is to be posted with the City Council's regular agenda for 10/24/17.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.