



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, FEBRUARY 27, 2018

The Council of the City of San José convened in Regular Session at 9:00 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - None.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:05 a.m. to a Closed Session in Room W133; (A) Public Employment/Public Employee Evaluation Pursuant to Government Code Section 74597; Title: City Auditor; Name: Sharon Erickson; (B) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) Ward; Amount of Money or Other Relief Sought: Administrative Appeal; (2) Sutter’s Place, Inc., dba Bay 101 v. City of San José; Names Of Partie(s) Involved: Sutter’s Place, Inc., dba Bay 101 v. City of San José; Division of Gaming Control; Case No. 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof; (C) to Confer with Real Property Designated Representatives, Pursuant to Government Code Section 54956.8; Property Street Address, Parcel Number, or other Unique Reference of Property: 1770 Alum Rock Avenue; San José, 95116; APN: 481-18-057; Unique Reference of Property: a strip of property 10,224 sq. ft.; Negotiating Parties: Nanci Klein for the City of San José and Richard A. Keit for the Successor Agency City of San José; Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values; (D) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI; (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing

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

CLOSED SESSION (Cont'd.)

Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:50 a.m. and reconvened to Regular Session at 1:35 p.m. in the Council Chambers.

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

Absent: Councilmembers - All present.

INVOCATION

Father Saju Joseph of St. Julie Billiart Parish provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Tam Nguyen, and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing March 3, 2018 as National Play Outside Day. (Peralez)

CONSENT CALENDAR

Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Johnny Khamis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.2 18-269 **Final Adoption of Ordinances:**

(a) ORD.NO. 30069 - An ordinance of the City of San José amending Chapter 4.79 and Chapter 4.80 of Title 4 of the San Jose Municipal Code and amending Chapter 14.32 of Title 14 of the San Jose Municipal Code to establish the Library Parcel Tax Capital Fund, the Convention and Cultural Affairs Capital Fund, the Convention Center Facility District Revenue Fund, and the Convention Center Facility District 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.

Documents Filed: Proof of Publication of the Title of Ordinance No. 30069 executed on December 15, 2017, submitted by the City Clerk.

Action: Ordinance No. 30069 was adopted. (11-0.)

(b) ORD. NO. 30073 - An ordinance of the City of San José rezoning certain real property of approximately 0.48 acre situated at the west side of Meridian Avenue, approximately 370 feet southerly of Fruitdale Avenue (923 and 927 Meridian Ave), from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District.

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. Director of Planning, Building and Code Enforcement recommends approval.

Documents Filed: Proof of Publication of the Title of Ordinance No. 30073 executed on December 15, 2017, submitted by the City Clerk.

Action: Ordinance No. 30073 was adopted. (11-0.)

2.2 Final Adoption of Ordinances (Cont'd.)

(c) ORD. NO. 30074 - An ordinance of the City of San José rezoning certain real property of approximately 14.0-gross acres situated on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) from the IP(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District.
CEQA: Addendum to North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

Documents Filed: Proof of Publication of the Title of Ordinance No. 30074 executed on December 15, 2017, submitted by the City Clerk.

Action: Ordinance No. 30074 was adopted. (11-0.)

(d) ORD. NO. 30075 - An ordinance of the City of San José rezoning certain real property of approximately 1.54-gross acres situated at the northeast corner of Commercial Street and Oakland Road (1202 Oakland Road) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.
CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration.

Documents Filed: Proof of Publication of the Title of Ordinance No. 30075 executed on December 15, 2017, submitted by the City Clerk.

Action: Ordinance No. 30075 was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

18-211 Approval of Council Committee Minutes.

(a) Transportation and Environment Committee Minutes of December 2, 2017. (Carrasco)
(b) Rules and Open Government Committee Minutes of December 13, 2017. (Mayor)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Documents Filed: (1) Transportation and Environment Committee Minutes of December 2, 2017; (2) Rules and Open Government Committee Minutes, dated December 13, 2017.

Public Comment: Blair Beekman offered comments regarding the IPA Study Session.

Action: The Council Committee Minutes were accepted. (11-0.)

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.

Councilmember Dev Davis reported out on the February 15th meeting of the Federated Board. She reported on post-employment benefits and noted a decrease in unfunded liability.

- 2.7 18-233** Adopt a resolution authorizing “Free Use” for private, ticketed events and activities held at City Hall for the Innovation and Impact Symposium on Thursday, May 31, 2018 co-hosted by the City of San José Mayor’s Office and Prospect Silicon Valley.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Mayor)

Documents Filed: Memorandum from Mayor Sam Liccardo, dated February 12, 2018, recommending adoption of a resolution.

Action: Resolution No. 78516, entitled: “A Resolution of the Council of the City of San José Authorizing “Free Use” for Private, Ticketed Events and Activities Held at City Hall for the Innovation and Impact Symposium on Thursday, May 31st, 2018 Co-Hosted by the City of San José Mayor’s Office and Prospect Silicon Valley”, was adopted. (11-0.)

- 2.8 18-245** As recommended by the Rules and Open Government Committee on February 7, 2018:
(a) Retroactively approve the Ryan Dumpster Day scheduled on January 27, 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. (Carrasco)

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated January 31, 2018, requesting retroactive approval for a City Council sponsored special event.

Action: The Ryan Dumpster Day as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.9 18-246** As recommended by the Rules and Open Government Committee on February 7, 2018:
- (a) Retroactively approve the Community Meeting scheduled on January 20, 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.

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated January 31, 2018, requesting retroactive approval for a City Council sponsored special event.

Action: The D5 Community meeting as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.10 18-247** As recommended by the Rules and Open Government Committee on February 7, 2018:
- (a) Retroactively approve the Participatory Budget Celebration scheduled on January 4, 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.

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated January 31, 2018, requesting retroactive approval for a City Council sponsored special event.

Action: The D5 Participatory Budget Celebration as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.11 18-244** Approve the following Neighborhoods Commission appointments:
- (a) District 7 Seat: Appoint Jonathan Velasquez for the term February 27, 2018 through June 30, 2018; and
 - (b) District 8 Seat: Appoint Jeremy Barousse for the term February 27, 2018 through June 30, 2020.
- CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 16, 2018, transmitting the recommendations for approval of Neighborhoods Commission appointments.

Councilmember Tam Nguyen pulled Item 2.11 to ask questions regarding conflicts of interest. City Clerk Toni J. Taber, CMC offered clarification and responded to questions.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Tam Nguyen and carried unanimously, the appointments to the Neighborhoods Commission were approved. (11-0.)

- 2.12 18-243** Approve an ordinance amending Part 13 of Chapter 4.80 of Title 4 of the San José Municipal Code to amend Section 4.80.670 and add new Sections 4.80.680 and 4.80.690 to establish the General 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. (City Manager)

Documents Filed: Mid-Year Budget Review with transmittal memorandum from Budget Director Margaret McCahan, dated January 31, 2018, recommending approval of the report and adoption of an ordinance.

Action: Ordinance No. 30076, entitled “An Ordinance of the City of San José Amending Part 13 of Chapter 4.80 of Title 4 of the San José Municipal Code to establish the General Purpose Parking Capital Fund and to Make Technical and Clarifying Changes”, was passed for publication. (11-0.)

- 2.13 18-178** Approve the Master Agreements with Haley & Aldrich, Inc. and Langan Engineering & Environmental Services, Inc. from the date of execution through December 31, 2022 in an amount not to exceed \$1,000,000 for each agreement. CEQA: Not a Project, File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)

Documents Filed: City Council Action Request from Director of Public Works John Cicerelli, dated February 13, 2018, recommending approval of Master Agreements.

Action: The Master Agreements were approved. (11-0.)

- 2.14 18-180** **Amendment to Master Agreement with GHD, for City Trail Projects.**

Recommendation: Approve the First Amendment to the Master Agreement with GHD, Inc. extending the expiration of the agreement from June 30, 2018 to June 30, 2020 for the limited purpose of allowing the Consultant to complete services for the Coyote Creek Trail (Brokaw Rd - UPRR) under Service Order No. 8, at no additional cost to the City. CEQA: Mitigated Negative Declaration for the Coyote Creek Trail Master Plan (Montague Expressway to Watson Park), File No. PP09-218. Council District 4. (Public Works)

Documents Filed: City Council Action Request from Director of Public Works John Cicerelli, dated February 14, 2018, recommending approval of Master Agreements.

Action: The Master Agreements were approved. (11-0.)

- 2.15 18-215** (a) Report on bids and award of a construction contract for the Park Avenue Green Bike Lane Enhancement Project, to the low bidder, Chrisp Company in the amount of \$454,517.
(b) Approve a 10% contingency in the amount of \$45,572.
CEQA: Exempt, File No. PP13-069, CEQA Guidelines Section 15301(c), Existing Facilities and 15304(h), Minor Alterations to Land.
Council Districts 3 & 6. (Transportation)

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated February 5, 2018, recommending acceptance of a report.

Action: The report on bids and award of a construction contract for the Park Avenue Green Bike Lane Enhancement Project, to the low bidder, Chrisp Company in the amount of \$454,517, with related contingency, was accepted. (11-0.)

- 2.16 18-255** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Retroactively approve the District 4 Office Hours event scheduled on February 22, 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.

Documents Filed: Memorandum from Councilmember Lan Diep, dated February 6, 2018, requesting retroactive approval for a City Council sponsored special event.

Action: The District 4 Office Hours event as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.17 18-249** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Retroactively approve the Traffic Safety Meeting scheduled on January 29, 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.

Documents Filed: Memorandum from Councilmember Sylvia Arenas, dated January 30, 2018, requesting retroactive approval for a City Council sponsored special event.

Action: The Traffic Safety Meeting as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.18 18-250** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Approve the Dumpster Day scheduled on March 10, 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.

Documents Filed: Memorandum from Councilmember Donald Rocha, dated February 8, 2018, requesting approval for a City Council sponsored special event.

Action: The Dumpster Day scheduled on March 10, 2018 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.19 18-251** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Approve the San Jose Earthquakes Flag Raising scheduled on February 28, 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. (Peralez)

Documents Filed: Memorandum from Councilmember Raul Peralez, dated February 8, 2018, requesting approval for a City Council sponsored special event.

Action: The San Jose Earthquakes Flag Raising as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.20 18-252** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Approve the Cesar Chavez Day Flag Raising Ceremony scheduled on March 22, 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. (Peralez)

Documents Filed: Memorandum from Councilmember Raul Peralez, dated February 8, 2018, requesting approval for a City Council sponsored special event.

Action: The Cesar Chavez Day Flag Raising as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.21 18-253** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Retroactively approve the Coffee with the Chief scheduled on February 10, 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.

Documents Filed: Memorandum from Councilmember Sergio Jimenez, dated February 8, 2018, requesting approval for a City Council sponsored special event.

Action: The Coffee with the Chief event as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.22 18-254** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Approve the District 4 Spring Cleaning Event scheduled on April 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.

Documents Filed: Memorandum from Councilmember Sergio Jimenez, dated February 8, 2018, requesting approval for a City Council sponsored special event.

Action: The D4 Spring Cleaning event as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.23 18-257** As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Approve the 13th Annual Santos Family Car Show scheduled on September 1, 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.

Documents Filed: Memorandum from Councilmember Lan Diep, dated February 8, 2018, requesting approval for a City Council sponsored special event.

Action: The 13th Annual Santos Family Car Show as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.24 18-261** Authorize travel for Councilmember Peralez to Tokyo-Okayama, Japan on April 5- April 15, 2018 for Okayama Sister Cities Delegations Trip, and excuse his absence from the Regular Meeting of the City Council on April 10, 2018 and Neighborhood Services and Education Committee on April 12, 2018. Source of Funds: District 3 Office Funds (Personal Travel or activities on April 6-7, 2018 and April 13-14, 2018 will be paid for using personal funds).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Peralez)

Documents Filed: Memorandum from Councilmember Raul Peralez, dated February 14, 2018, requesting approval for travel and excused absences for meetings.

Action: Authorization for travel and excused absences for Councilmember Raul Peralez were approved. (11-0.)

- 2.25 18-267** (a) Authorize travel for Mayor Liccardo to Washington D.C. to attend the Silicon Valley Leadership Group Advocacy Trip from February 27-28, 2018, as an official representative of the City of San José.
(b) Authorize an excused absence for Mayor Liccardo from the following meetings due to Authorized City Business:
(1) Any duration of the February 27, 2018 meeting of the San José City Council after Mayor Liccardo departs the San José International Airport.
(2) February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole. Source of Funds: Mayor/Council Travel Budget.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Mayor)

Documents Filed: Memorandum from Mayor Sam Liccardo, dated February 15, 2018, requesting authorization to travel and excused absences for meetings.

Action: Authorization for travel and excused absences for Mayor Sam Liccardo were approved. (11-0.)

- 2.26 18-276** As recommended by the Rules and Open Government Committee on February 14, 2018, approve Roberto Peña, as the representative nominated by the group of employees designated as “Management Employees” for a four-year term starting March 2, 2018 and ending on March 1, 2022 to the Deferred Compensation Advisory Committee.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Human Resources)

Documents Filed: Memorandum from Director of Human Resources, Caroline H. Krewson, dated February 7, 2018, requesting approval of a Deferred Compensation Advisory Committee appointment.

2.26 (Cont'.)

Action: Roberto Peña, was nominated as representative by the group of employees designated as “Management Employees” for a four-year term starting March 2, 2018 and ending on March 1, 2022 to the Deferred Compensation Advisory Committee (11-0.)

2.27 18-277

As recommended by the Rules and Open Government Committee on February 21, 2018:

(a) Approve the 2018 State of the District scheduled on March 3, 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 (Davis)

Documents Filed: Memorandum from Councilmember Dev Davis, dated February 15, 2018, requesting approval for a City Council sponsored special event.

Action: The 2018 State of the District scheduled on March 3, 2018 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.3 18-241

Approve the Professional Services Agreement for Data Management and Customer Call Center Services with Calpine Energy Solutions, LLC for San José Clean Energy for a period of two years from the date of execution in an amount not to exceed \$5,783,800, and up to two one-year agreement extension options, each for an additional \$4,950,000, for a total contract amount not to exceed \$15,683,800, with no expenditure of funds in 2017-2018 and subject to appropriation of funds in 2018-2019 and subsequent fiscal years.

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

Documents Filed: Memorandum from Director, Community Energy Department, Lori Mitchell, dated February 14, 2018, recommending approval of an Agreement.

Director, Community Energy Department, Lori Mitchell provided a presentation.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, the Professional Services Agreement for Data Management and Customer Call Center Services with Calpine Energy Solutions, LLC, was approved. (11-0.)

- 3.4 18-209** 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 to 3/6/18 per Administration.
- 3.5 18-179** Adopt a resolution authorizing the Director of Public Works to:
 (a) Award a construction contract for the 8713 FEMA - Watson Park - Turf Soccer Fields and Field Lighting (SCSJG82/PW-1169) Project to the lowest responsive and responsible bidder for the Base Bid, Repair Bid Alternates Nos. 1, 2, 3, and/or 4, and Bid Alternates Nos. 5, 6, and/or 7, in an amount not to exceed \$3,805,750 and to approve a fifteen (15) percent (of the Base Bid) change order reserve/contingency in an amount not to exceed \$395,000;
 (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project; and
 (c) Negotiate and execute any single and/or multiple change orders paid from the contingency for the project in any amount up to the amount of the contingency.
 CEQA: Determination of Consistency with the Watson Park Remedial Action Plan and Master Plan Mitigated Negative Declaration for FEMA-Watson Park Flood Repair Project, File No. PP17-074. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: Joint memorandum from Director of Public Works John Cicerelli and Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated February 5, 2018, recommending adoption of a resolution.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, Resolution No. 78517, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to (1) Award a Construction Contract for the 8713 FEMA – Watson Park – Turf Soccer Fields and Field Lighting (SCSJG82/PW-1169) Project to the lowest responsive and responsible bidder for the Base Bid, Repair Bid Alternates Nos. 1, 2, 3, and/or 4, and Bid Alternates Nos. 5, 6, and/or 7, in an amount not to exceed \$3,805,750 and to Approve a Fifteen (15) percent (of the Base Bid) Change Order Reserve/Contingency in an Amount Not to Exceed \$395,000; (2) Decide Any Timely Bid Protest(s), Make the City's Final Determination as to the Lowest Responsive Bidder that is Responsible, or Reject all Bids and Re-Bid the Project; and (3) Negotiate and Execute any Single and/or Multiple Change Orders Paid from the Contingency for the Project in any Amount up to the Amount of the Contingency", was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 18-217** (a) Receive the report on the design for the End of Watch Police Memorial design; and
(b) Continue to approve and accept donations from various individuals, businesses, and community groups to support the End of Watch Police Memorial project.
CEQA: Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. (Economic Development)

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated February 5, 2018.

Public Comments: John Montzeridas, Patricia McDonald, David Lake (San José Police Foundation) and Blair Beekman offered comments and support.

Director of Cultural Affairs/Deputy Director Economic Development, Kerry Adams Hapner provided and update and Chief of Police Edgardo Garcia offered additional comments.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Raul Peralez and carried unanimously, the report was accepted with direction to Continue to approve and accept donations from various individuals, businesses, and community groups to support the End of Watch Police Memorial project. (11-0.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 18-213** (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration to Southwest, Frontier Airlines, and Delta Air Lines.
(b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined in the tables below:

TABLE 1: Southwest Routes

Airline: Southwest
Market: Spokane
Airport: GEG
Frequency: 1 Daily
Support Period: 12 Months
Landing Fee Waivers: (\$115,474)
Marketing Funds: (\$25,000)

Airline: Southwest
Market: Houston
Airport: HOU
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)

6.1 Public Hearing on the Air Service Support Program (Cont'd.)

Marketing Funds: (\$50,000)

Airline: Southwest
Market: St. Louis
Airport: STL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

Airline: Southwest
Market: Chicago
Airport: MDW
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

Airline: Southwest
Market: Orlando
Airport: MCO
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

TABLE 2: Frontier and Delta Routes

Airline: Frontier
Market: Atlanta
Airport: ATL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$195,070)
Marketing Funds: (\$195,070)

Airline: Frontier
Market: Cincinnati
Airport: CVG
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$195,070)
Marketing Funds: (\$195,070)

Airline: Frontier
Market: Colorado Springs
Airport: COS
Frequency: 1 Daily

6.1 Public Hearing on the Air Service Support Program (Cont'd.)

Support Period: 12 Months
Landing Fee Waivers: (\$130,047)
Marketing Funds: (\$130,047)

Airline: Delta
Market: New York
Airport: JFK
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$196,136)
Marketing Funds: (\$50,000)

For each airline and corresponding route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

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

Documents Filed: Memorandum from Director of Aviation, John Aitken, A.A.E., dated January 29, 2018, recommending conducting a public hearing and adoption of a resolution.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Blair Beekman discussed concerns regarding technology.

Mayor Sam Liccardo closed the public hearing.

Director of Aviation, John Aitken, A.A.E. provided an update.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Sergio Jimenez and carried unanimously, Resolution No. 78518, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Aviation or Director's Designee to Provide Fee Waivers and/or Marketing Support to Southwest Airlines, Frontier Airlines and Delta Airlines, Pursuant to the Air Service Support Program at the Mineta San José International Airport", was adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 18-214 Climate Smart San José Plan.

Recommendation:

- (a) Accept the Climate Smart San José plan.
 - (b) Direct the City Manager to return to Council in fall 2018 with a progress update on Climate Smart San José.
- CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR, Supplemental EIR, and Addenda thereto, File No. PP18-009. (Environmental Services)
- Item heard directly after the Consent Calendar.*

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmembers Jimenez, Peralez, Davis and Arenas, dated February 23, 2018, accepting the report with additional recommendations. (2) Memorandum from Director, Environmental Services, Kerrie Romanow, dated February 5, 2018, recommending acceptance of the plan with direction to the City Manager. (3) Supplemental memorandum from Director, Environmental Services, Kerrie Romanow, dated February 22, 2018, providing additional information subsequent to the Town Hall Meeting. (4) Letter from Greenbelt Alliance, Committee for Green Foothills, Santa Clara Valley Audubon Society, California Native Plant Society, Keep Coyote Creek Beautiful, SAGE, Sierra Club and San José Downtown Residents Association, dated February 23, 2018; from Sierra Club Loma Prieta Chapter and Santa Clara Valley Audubon Society, dated February 24, 2018; Open Space Authority, dated February 26, 2018; League of Women Voters, dated February 26, 2018, and SPUR, dated February 27, 2018, all offering support to the City in its implementation of Climate Smart San José.

Director, Environmental Services, Kerrie Romanow, provided an introduction, followed by a presentation by Assistant City Manager Environmental Services, Ashwini Kantak and Price Waterhouse representatives Shaun Fernando and Britt Harter. Director, Environmental Services, Kerrie Romanow, concluded the presentation, and the floor was opened for discussion and Q&A.

Mayor Sam Liccardo opened the floor for public comment.

Public Comment: Twenty-four members of the public offered support, recommendations, and additional comments regarding Climate Smart San José.

Motion: Councilmember Raul Peralez moved acceptance of the plan, including the memorandum he coauthored with Mayor Sam Liccardo and Councilmembers Jimenez, Peralez, Davis and Arenas, dated February 23, 2018. Councilmember Dev Davis seconded the motion.

Extensive Council discussion followed.

Action: On a call for the question, the motion carried unanimously, and the Climate Smart San José plan was accepted, with direction for the City Manager to return to Council in Fall 2018 with a progress update on Climate Smart San José, and including the joint memorandum from Mayor Sam Liccardo and Councilmembers Jimenez, Davis and Arenas, dated February 23, 2018, to adopt Climate Smart San Jose with the following recommendations:

1. Direct the City Manager to ensure organizational commitment to implement Climate Smart San Jose (CSSJ) to meet our sustainability goals.

7.1 Climate Smart San José Plan (Cont'd.)

2. Develop CSSJ work plans, with an emphasis on priority items, and report progress on CSSJ to the City Council semi-annually.
 3. Direct City Cleric to update Council memo template to include an alignment with CSSJ.
 4. Where the following priorities have “green light” for staff capacity, prioritize the following items for the next 9 months:
 - a. Launch San Jose Clean Energy (SJCE) and stabilize the program fiscally;
 - b. Aggressively identify options for financing access to solar and energy-efficiency measures that provide benefits broadly — with a particular emphasis on providing access to low- and modest-income households — in collaboration with state, regional, non-profit, and private-sector partners. Return to Council with options within 6 months that specifically address the limitations and opportunities of PACE financing and power-purchase agreements, while exploring other tools and resources, including future SJCE revenues;
 - c. Create innovative policies and programs to spur commercial building energy efficiency initiatives through the grant-funded City Energy Project;
 - d. Develop an electric vehicle (EV) strategy to advance public and private charging infrastructure. The strategy should focus, in part, on fully exploring and leveraging opportunities for external funding - e.g., through PG&E, the Volkswagen settlement, the cap-and-trade program, and the Air Resources Board - to accelerate EV adoption as well as access to EV shared mobility options. Return to Council with a proposed strategy in the Fall of 2018, with specific numerical targets for public and private chargers;
 - e. Develop a community engagement plan to build awareness and to activate San Jose residents and businesses to provide feedback as we move toward implementing CSSJ. Engage council offices on community engagement plan, and report on this effort to the Transportation and Environment Committee in the first 6 months.
 5. Direct staff to work with the State of California, the Santa Clara Valley Open Space Authority, and other potential funding partners to agree upon a defined scope, and funding plan, for a Climate Smart San Jose Phase II spatially explicit analysis of the Plan area and incorporation of natural and working lands that addresses carbon sequestration on those lands as well as other ways that building on those lands can impact carbon emissions. Staff should return through the budget process with funding plan, scope of work, and timeline.
 6. Direct staff to report greenhouse gas emissions for the City through the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories, or other similar reporting protocol.
 7. Direct staff to collaborate with foundations, NGOs, universities, and agencies to advance CSSJ, including, in the short term, identifying funding opportunities and partners to develop data collection tools and an online dashboard to track continued progress on CSSJ. This work should leverage Smart City data efforts.
 8. Direct staff to convene technical experts annually to inform and help adaptively manage CSSJ. This group should draw on industry, labor, environmental NGOs, and academia to assist in this effort.
- (11-0.)

LAND USE

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 to March 13, 2018 per Administration.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

GENERAL PLAN HEARING (FIRST CYCLE) CONTINUED FROM FEBRUARY 13, 2018

- 10.2 18-144 **General Plan Text Amendment and Related Changes: Transportation Analysis Policy to Comply with Senate Bill 743.**

The City is updating its transportation analysis policy and related changes to conform with State law (SB 743) and to further the goals and policies of the General Plan by removing the vehicular Level of Service (LOS) metric from transportation analysis under the California Environmental Quality Act (CEQA) and replacing it with a Vehicle Miles Traveled (VMT) metric.

(a) Adopt a resolution approving the General Plan Text Amendment to reflect the new City Council Transportation Analysis Policy 5-1.

(b) Adopt a resolution approving a new City Council Policy 5-1 entitled "Transportation Analysis Policy" using VMT, rather than LOS, as the CEQA transportation metric, and amending City Council Policy 5-3 entitled "Transportation Impact Policy" providing a transition from LOS to VMT.

(c) Adopt a resolution designating Infill Opportunity Zones (IOZs) pursuant to SB 743 to align the City's participation in the regional Congestion Management Program with the new City Council Transportation Analysis Policy 5-1.

CEQA: Pursuant to Section 21080(b)(1), the proposed adoption of the General Plan Text Amendment, adoption of new a City Council

10.2 (Cont'd.)

Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA. (Planning, Building and Code Enforcement) GPT17-009 & PP17-082 - Citywide (Deferred from 2/13/18 - Item 10.3)

Documents Filed: (1) Joint memorandum from Councilmembers Jimenez and Rocha, dated February 23, 2018, offering approval of staff recommendations with modifications. (2) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated February 15, 2018 transmitting the Planning Commission recommendations, including the Planning Commission Staff Report, dated February 7, 2018. (3) Supplemental joint memorandum from Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement and Director of Transportation Jim Ortbal, dated February 22, 2018, regarding VMT impact. (4) Proof of Publication of Notice of Public Hearing, executed on February 8, 2018, submitted by the City Clerk. (5) Letters from Working Partnerships USA and from Friends of CalTrain, TransForm and Greenbelt Alliance (both February 23, 2018); Silicon Valley Leadership Group (January 16, 2018); Silicon Valley Organization (February 26, 2018); Santa Clara Valley Transportation Authority (February 26, 2018); from Sierra Club and Santa Clara Valley Audubon Society (February 27, 2018) and email from Dave Poeschel and Randy Shingai.

Director of Transportation Jim Ortbal, Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement and Division Manager, Department of Transportation, Jessica Zenk provided a presentation.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Kirk Vartran, Catalyze SV; Aboubacar Ndiaye, Working Partnerships USA; Brian Schmidt, Greenbelt Alliance, and Craig Mobeuk, City of Santa Clara, offered support and additional suggestions.

Mayor Sam Liccardo closed the public hearing.

Motion: Councilmember Chappie Jones moved approval of staffs' recommendations, including Items #1, #3a and 3b from the joint memorandum from Councilmembers Jimenez and Rocha, dated February 23, 2018. Councilmember Lan Diep seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Items #1, #3a and 3b from the joint memorandum from Councilmembers Jimenez and Rocha, dated February 23, 2018, was accepted, approving the staff recommendation with the following modifications:

1. Clarify that the fee listed for commercial development in table 2 on page 14 of the proposed policy 5-1 is intended to apply to both commercial and industrial development;
3. As part of Phase 2, direct staff to take the following actions: (a) Develop potential criteria for measuring "overriding benefits" and prepare a list of example benefits that could be proposed; (b) Evaluate whether it would be more desirable for the City, instead of project applicants, to hire consultants to prepare transportation and VMT analysis for EIRs, with costs charged to project applicants.

10.2 (Cont'd.)

Also including Resolution No. 78519, entitled: “A Resolution of the Council of the City of San José, Amending the Envision San Jose 2040 General Plan Pursuant to Title 18 of the San José Municipal Code to Establish Vehicle Miles Traveled as the City Of San Jose’s Metric for Evaluation of Transportation Impacts Under the California Environmental Quality Act Consistent With State Law (Senate Bill 743)”; Resolution No. 78520, entitled: “A Resolution of the Council of the City of San José (1) Approving Amendments to City Council Policy 5-3, Entitled “Transportation Impact Policy”; (2) Approving a New City Council Policy 5-1, Entitled “Transportation Analysis Policy” to Update Transportation Analysis Requirements Under the California Environmental Quality Act Pursuant to Senate Bill 743 and Envision San José 2040 General Plan; and (3) Delegating Authority to the City Manager or Designee to Promulgate Guidelines to Implement City Council Policy 5-1”; and Resolution No. 78521, entitled: “A Resolution of the Council of the City of San José Establishing Infill Opportunity Zones for Congestion Management Planning in the City Of San Jose Pursuant to California Government Code Section 65088.4”, were adopted. (11-0.)

GENERAL PLAN HEARING (FIRST CYCLE) WAS CLOSED.

• **Open Forum**

- (1) Blair Beekman spoke on community outreach and the need for transparency.
- (2) Manuel Vieira addressed inequities regarding parking enforcement of street parking.
The Mayor continued the discussion with Mr. Vieira following the meeting.

• **Adjournment**

The Council of the City of San José adjourned at 6:21 p.m.

18-299 Notice of City Engineer's Pending Decision on Final Maps.

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
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In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's **receipt** of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Developer</u>
10443	NE/C of Rosemar Ct & Rosemar Ave	5	3/3	SFD	Rosemar Enterprise Corporation

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/2-27-18/ MIN