



## MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, FEBRUARY 13, 2018

The Council of the City of San José convened in Regular Session at 1:30 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - All present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no Update.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:30 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel - anticipated litigation: initiation of litigation pursuant to Sections 54956.9(d)(4) of the Government Code— re: 1 matter. (B) to confer with Legal Counsel - existing litigation pursuant to Government Code Section 54956.9(d)(1): 1. Sutter's Place, Inc. dba Bav 101 v. City of San Jose; Name(s) of Parties(s) Involved: Sutter's Place, Inc. dba Bay 101; City of San Jose; the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof; (2) Zhou, Yuefenq and Yinq Shi v. City of San Jose; Name(s) of Parties(s) Involved: Yuefeng Zhou and Ying Shi; City of San Jose and Does 1-25, inclusive; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-299426; Amount of Money or Other Relief Sought: Damages according to proof; (3) McMahon, Maeve v. Santa Clara Valley Transportation Authority, et al. Name(s) of Parties(s) Involved: Maeve McMahon, Santa Clara Valley Transportation Authority, County of Santa Clara, City of San Jose; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 16-CV-291461; Amount of Money or Other Relief Sought: Damages according to proof; (4) Peter Constant, Steven Haug, and Silicon Valley Taxpayers' Association v. Superior Court; Name(s) of Parties(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court Of California, County Of Santa Clara, Respondent, The People Of The State Of California ex rel. San Jose Police Officers Association, Plaintiff, Respondent, and Real Party in Interest, City of San Jose, City Council of San Jose, Defendants, Respondents, and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Appeal of dismissal of Quo Warranto;

Access the video, the agenda, and related reports for this meeting by visiting the City's website at <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.)**

(C) 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 - 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 -- 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 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, Local 332 (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Local 332 (IBEW); (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.; Name of Existing Contract or MOA: Memorandum of Agreement -- City of San Jose and ALP.

By unanimous consent, Council recessed from the Closed Session at 10:02 a.m. and reconvened to Regular Session at 1:30 p.m. in the Council Chambers.

Present: Councilmembers - Liccardo, Jones, Khamis, Arenas, Davis, Diep, Jimenez, Nguyen, Peralez, Carrasco, (10:00 a.m.); Rocha, (9:55 a.m.)

Absent: Councilmembers - All present.

## **INVOCATION**

Micaiah Irmeler, (Lead and Founding Pastor of the Southridge Church), 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 Chappie Jones and carried unanimously, the Orders of the Day and the Amended Agenda were approved.. (11-0)

**Heard after Ceremonial Items.**

## CEREMONIAL ITEMS

- 1.1 17-350** Mayor Sam Liccardo presented a commendation to the San José Walk n' Roll Task Force Advisory Board Members for their leadership and support to over 65 schools in promoting walking, biking, or rolling to school and sustaining/expanding the program to advance pedestrian safety and healthy lifestyles in our City.  
**Heard in the evening.**
- 1.2 18-181** Mayor Sam Liccardo and Councilmember Johnny Khamis presented a commendation to the Iranian Federated Women's Club for outstanding volunteer and charitable efforts throughout 2017.  
**Heard in the Evening**
- 1.3 18-206** Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Evolve Sense, Philz Coffee, Casino M8trix and the Sierra Club Loma Prieta Chapter for their commitment to beautifying and supporting our communities during the 2017 Great American Litter Pick Up.
- 1.4 18-240** Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a proclamation recognizing February 2018 as Children's Dental Health Month in the City of San José.

## CONSENT CALENDAR

Upon motion by Councilmember Tam Nguyen, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Consent Calendar was approved, with item 2.2 deferred to 3/13/18, Item 2.14 pulled for language correction, and the below listed actions were taken as indicated. (10-1. Absent: Arenas)

- 2.1 18-184 Approval of City Council Minutes**
- (a) Regular Council Meeting Minutes of 6/20/17  
(b) Regular Council Meeting Minutes of 6/27/17  
(c) Regular Council Meeting Minutes of 8/8/17  
(d) Regular Council Meeting Minutes of 8/15/17  
(e) Regular Council Meeting Minutes of 9/12/17  
(f) Regular Council Meeting Minutes of 9/19/17  
(g) Regular Council Meeting Minutes of 9/26/17  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
- Documents Filed: (1) Regular Council Meeting Minutes, dated June 20, 2017.  
(2) Regular Council Meeting Minutes, dated June 27, 2017. (3) Regular Council Meeting Minutes, dated August 8, 2017. (4) Regular Council Meeting Minutes, dated August 15, 2017. (5) Regular Council Meeting Minutes, dated September 12, 2017. (6) Regular Council Meeting Minutes, dated September 19, 2017. (7) Regular Council Meeting Minutes, dated September 26, 2017  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Finance Purchasing's Mark Giovannetti commented on Item 2.14, which had been pulled for language correction that; the date on recommendation #3 should read February 12, 2023 if all the options are exercised, not 2024.

Action: The Council Meeting Minutes were approved. (10-1. Absent: Arenas)

2.2 18-208

**Final Adoption of Ordinances**

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

CEQA: Subsequent Environmental Impact Report to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392). Planning Commission Recommends approval (5-0-1-1, Bit-Badal absent, Vora abstained). (Planning, Building and Code Enforcement)

Action: Deferred to March 13, 2018.

2.3 18-183

**Approval of Council Committee Minutes**

(a) Neighborhood Services and Education Committee Minutes of November 9, 2017. (Rocha)

(b) Community and Economic Development Committee Minutes of November 27, 2017. (Khamis)

(c) Rules and Open Government Committee Minutes of January 24, 2018. (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) The Neighborhood Services and Education Committee Minutes of November 9, 2017. (2) The Community and Economic Development Committee Minutes of November 27, 2017. (3) The Rules and Open Government Committee Minutes of January 24, 2018.

Public Comments: Blair Beekman -commented on Consent Calendar's approval of Council Committee Minutes; the IPA process of June, and the process of technology and law enforcement.

Action: The Council Committee Minutes were approved. (10-1. Absent: Arenas)

2.4 18-207

**Mayor and Council Excused Absence Requests.**

Request for an excused absence for Councilmember Sylvia Arenas from the Public Safety, Finance, and Strategic Support on February 15, 2018 due to authorized City Business.

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

Documents Filed: Memorandum from Councilmember Arenas, dated February 2, 2018, requesting an excused absence due to authorized City business: travel.

Action: The absence request was approved. (10-1. Absent: Arenas)

2.5

**City Council Travel Reports.**

None provided.

**2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

**2.7 18-188 Actions Related to City Auditor's Travel to Denver, Colorado.**

Authorize travel for City Auditor Sharon Erickson to Denver, Colorado on March 5-9, 2018 to participate in a peer review of the Office of the Auditor of the City and County of Denver, Colorado. Source of Funds: Travel expenses reimbursed by the Office of the Auditor of the City and County of Denver, Colorado.

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

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated January 31, 2018, requesting authorized travel to Denver, Colorado on March 5-9, 2018 to participate in a peer review of the Office of the Auditor of the City and County of Denver, Colorado.

Action: The travel request was approved. (10-1. Absent: Arenas)

**2.8 18-189 Actions Related to City Auditor's Travel to Colorado Springs, Colorado.**

Authorize travel for City Auditor Sharon Erickson to Colorado Springs, Colorado on May 6-8, 2018 to participate in the Association of Local Governments Auditors 2018 Annual Conference. Source of Funds: City Auditor non-personal appropriation and professional development.

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

Documents Filed: Memorandum from City Auditor Sharon W. Erickson, dated January 31, 2018, requesting authorized travel to Colorado Springs, Colorado on May 6-8, 2018 to participate in the Association of Local Government Auditors 2018 Annual Conference.

Action: The travel request was approved. (10-1. Absent: Arenas)

**2.9 18-126 Approval of the Updated Guaranteed Purchasing Power Benefit Costing for the Settlement Agreement with the San Jose Retired Employees' Association (SJREA).**

Approve the updated Guaranteed Purchasing Power benefit costing for the San Jose Retired Employees' Association (SJREA) Settlement Agreement and authorize the changes to the Guaranteed Purchasing Power included in the Settlement Agreement. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project with may result in a potentially significant physical impact on the environment.  
(City Manager)

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**2.9 18-126 Approval of the Updated Guaranteed Purchasing Power Benefit Costing (Cont'd)**

Documents Filed: Memorandum from Employee Relations Director Jennifer Schembri, dated January 29, 2018, recommending approval of the updated guaranteed purchasing power benefit costing for the settlement agreement with the San Jose Retired Employees' Association (SJREA).

Action: The updated Guaranteed Purchasing Power benefit costing for the San Jose Retired Employees' Association (SJREA) Settlement Agreement and changes to the Guaranteed Purchasing Power included in the Settlement Agreement, were approved. (10-1. Absent: Arenas)

**2.10 18-152 Amendment to the Agreement with History San Jose.**

Approve an amendment to extend the term of the current agreement with History San Jose (HSJ) to operate and maintain History Park, the Peralta Adobe - Fallon House Historic Site, and the Collection Center at the City Central Service Yard for a period of three months through June 30, 2018.

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

Documents Filed: (1) Memorandum from Economic Development Director Kim Welsh, dated January 22, 2018, recommending approval of an amendment to extend the term of the current agreement with History San Jose, (HSJ). (2) Third Amendment to Amended and Restated Operation Agreement between the City of San Jose and History San Jose (Formerly The History Museums of San Jose)

Action: An amendment to extend the term of the current agreement with History San Jose (HSJ) to operate and maintain History Park, the Peralta Adobe - Fallon House Historic Site, and the Collection Center at the City Central Service Yard for a period of three months through June 30, 2018, was approved. (10-1. Absent: Arenas)

**2.11 18-141 Amendment to the Master Service Agreement with Hydroscience Engineers, Inc. for the Regional Wastewater Facility.**

Adopt a resolution authorizing the City Manager to execute a Second Amendment to the Master Service Agreement with HydroScience Engineers, Inc. to extend the term of the Agreement through December 31, 2018.

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

Documents Filed: (1) City Council Action Request from Environmental Services Director, Kerrie Romanow, recommending the adoption of a resolution. (2) Amendment to Master City of San Jose Consultant Agreement. (3) The Treatment Plant Advisory Committee, (TP AC) Supplemental, dated February 8, 2018.

Action: Resolution No. 78502, entitled, "A Resolution of the Council of the City of San Jose authorizing the City Manager to execute a Second Amendment to The Master Service Agreement with Hydroscience Engineers, Inc. to extend the term of The Master Service Agreement through December 31, 2018", was adopted. (10-1. Absent: Arenas)

2.12 18-149

**Actions Related to the Purchase Order 54415 with Enviser for Temporary Electrician Services.**

Adopt a resolution authorizing the City Manager to:

(a) Amend Purchase Order 54415 with Enviser (Garden Grove, CA) for temporary electrician staffing services, to increase compensation by \$193,257, for a revised maximum compensation not-to-exceed \$483,257 for the current term ending June 30, 2018; and

(b) Purchase additional services as needed, subject to the same pricing and terms and conditions of the Purchase Order, and the appropriation of funds.

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

Documents Filed: City Council Action Request from Finance Director, Julia H. Cooper, recommending the adoption of a resolution.

Action: Resolution No. 78503 entitled, "A Resolution of the Council of the City of San Jose authorizing the City Manager to: (a) Amend Purchase Order 54415 with Enviser (Garden Grove, CA) for temporary electrician staffing services, to increase compensation by \$193,257, for a revised maximum compensation not-to-exceed \$483,257 for the current term ending June 30, 2018; and (b) purchase additional services as needed, subject to the same pricing and terms and conditions of the Purchase Order, and the appropriation of funds", was adopted. (10-1. Absent: Arenas)

2.13 18-150

**Report on Request for Proposal for Landscaping Maintenance Services for Civic Grounds and Small Parks**

Accept the report on the Request for Proposal for Landscaping and Maintenance Services for Civic Grounds and Small Parks and adopt a resolution authorizing the City Manager to:

(a) Execute an Agreement with Bayscape Management Inc. (San José, CA) for Landscaping Maintenance Services for Civic Grounds and Small Parks for an initial twelve-month term commencing on or about February 13, 2018 and ending on or about February 12, 2019 with maximum compensation not-to-exceed \$835,000;

(b) Negotiate and execute amendments and/or change orders to add or delete sites, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.

(c) Execute up to five one-year options to extend the term of the Agreement with the final option year ending on or about February 12, 2024, subject to the appropriation of funds.

CEQA: Exempt, File No. PP13-057, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Documents Filed: (1) Memorandum from Finance Director Julia H. Cooper, dated January 16, 2018, recommending acceptance of the report on the request for proposal for landscaping and maintenance services for civic grounds and small parks and adoption of a resolution. (2) Agreement for landscaping maintenance services for civic grounds and small parks between the City of San Jose and Bayscape Management, Inc.

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**2.13 18-150**

**Report on Request for Proposal for Landscaping Maintenance Services Cont'd**

Action: Staff recommendation was accepted, and Resolution No. 78515, entitled, “A Resolution of the Council of the city of San Jose authorizing the City Manager to: (a) execute an agreement with Bayscape Management Inc. (San Jose, CA) for landscaping maintenance services for civic grounds and small parks for an initial twelve-month term commencing on or about February 13, 2018 and ending on or about February 12, 2019 with maximum compensation not-to-exceed \$835,000; (b) negotiate and execute amendments and/or change orders to add or delete sites, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds; and (c) execute up to five one-year options to extend the term of the agreement with the final option year ending on or about February 12, 2024, subject to the appropriation of funds, was adopted. (10-1. Absent: Arenas)

**2.14 18-151**

**Actions Related to the Purchase Orders for Preventative Maintenance and Repair Services for HVAC Systems.**

Adopt a resolution authorizing the City Manager to:

(a) Execute Purchase Orders with Accel Air Systems, Inc. (Santa Clara, CA), Kinetics Mechanical Service (Livermore, CA), and Prime Mechanical (Livermore, CA) for preventative maintenance and repair services for HVAC systems, for an initial twelve-month period, starting on or about February 13, 2018 and ending on or about February 12, 2019, for a total aggregate amount not-to-exceed \$750,000;

(b) Approve a contingency of \$75,000 in the event actual service needs exceed estimates; and

(c) Execute up to four additional one-year options to extend the term of the Purchase Orders, with the last option year ending on or about February 12, 2024, subject to the annual appropriation of funds.

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

Documents Filed: City Council Action Request from Finance Director, Julia H. Cooper, recommending the adoption of a resolution.

Action: Staff recommendation was accepted, and Resolution No. 78504, entitled, “A Resolution of the Council of the City of San Jose authorizing the City Manager to: (a) execute purchase orders with Accel Air Systems, Inc. (Santa Clara, CA), Kinetics Mechanical Service (Livermore, CA) and Prime Mechanical (Livermore, CA) for preventative maintenance and repair services for HVAC systems, for an initial twelve-month period, starting on or about February 13, 2018 and ending on or about February 12, 2019, for a total aggregate amount not-to-exceed \$750,000; (b) approve a contingency of \$75,000 in the event actual service needs exceed estimates; and (c) execute up to four additional one-year options to extend the term of the purchase orders, with the last option year ending on or about February 12, 2023, subject to the annual appropriation of funds” was adopted, with the last option year to end on or about February 12, 2023 and NOT 2024. (10-1. Absent: Arenas)

**2.15 18-148**

**Naming of New Park Located at William Manly Street and Jayhawkers Place.**

Approve the name “William Lewis Manly Park” for the park site located near the intersection of William Manly Street and Jayhawkers Place within the Communications

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**2.15 18-148**

**Naming of New Park Located at William Manly Street and Jayhawkers Cont'd)**

Hill Neighborhood in South San José.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. Council District 7.

(Parks, Recreation, and Neighborhood Services)

Documents Filed: Memorandum from Parks, Recreation, and Neighborhood Services Director, Angel Rios, Jr., dated January 16, 2018, recommending approval of the name "William Lewis Manly Park" for the park site located near the intersection of William Manly Street and Jayhawkers Place.

Action: Naming of the new Park at William Manly Street and Jayhawkers Place was approved. (10-1. Absent: Arenas)

**2.16 18-193**

**Actions Related to Councilmember Jimenez's Travel to Washington, DC.**

Authorize travel for Councilmember Sergio Jimenez to Washington, DC from March 10, 2018 to March 18, 2018, and excuse absences from the Regular meeting of the City Council on March 13, 2018, and Public Safety, Finance, and Strategic Support Council Committee on March 16, 2018. Source of Funds: District 2 Office funds and personal funds (personal travel or activities on March 15, 2018-March 18, 2018 will be paid using personal funds).

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 8, 2018, transmitting the recommendations of the Rules and Open Government Committee.

Action: Authorized travel for Councilmember Sergio Jimenez to Washington, DC from March 10, 2018 to March 18, 2018, and excused absences from the Regular meeting of the City Council on March 13, 2018, and Public Safety, Finance, and Strategic Support Council Committee on March 16, 2018, were approved. (10-1. Absent: Arenas)

**2.17 18-210**

**Actions Related to Councilmember Khamis's Travel to Washington, DC.**

Authorize travel for Councilmember Johnny Khamis to Washington, DC from February 27, 2018 to March 1, 2018 for Silicon Valley Leadership Group and excuse absence from the February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole for travel on City business.

Source of Funds: District 10 Office funds.

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 8, 2018, transmitting the recommendations of the Rules and Open Government Committee.

Action: Authorized travel for Councilmember Johnny Khamis to Washington, DC from February 27, 2018 to March 1, 2018 for Silicon Valley Leadership Group and excused absence from the February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole for travel on City business, were approved. (10-1. Absent: Arenas)

**2.18 18-212**

**Actions Related to Councilmember Jones's Travel to Washington, DC.**

**Recommendation:**

Authorize travel for Councilmember Chappie Jones to Washington, DC from February 27, 2018 to March 1, 2018 to attend the Silicon Valley Leadership Group's 2018 Spring Advocacy Trip, and excuse absence from the Regular Meeting of the Rules and Open Government Committee on February 28, 2018. Source of Funds: Mayor/Council Travel Fund.

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 8, 2018, transmitting the recommendations of the Rules and Open Government Committee.

Action: Authorized travel for Councilmember Chappie Jones to Washington, DC from February 27, 2018 to March 1, 2018 to attend the Silicon Valley Leadership Group's 2018 Spring Advocacy Trip, and excused absence from the Regular Meeting of the Rules and Open Government Committee on February 28, 2018, were approved. (10-1. Absent: Arenas)

**2.19 18-219**

**Approval of Community Events Sponsored by Council District 7 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

**Recommendation:**

As recommended by the Rules and Open Government on February 7, 2018:

(a) Retroactively approve the Meet and Greet at Almaden Family Apartments on January 18, 2018 at the Almaden Family Apartments as a City Council Sponsored Event and approve the expenditure of funds.

(b) Retroactively approve the Seven Trees Neighborhood Association Clean Up on February 3, 2018 at Seven Trees Community Center as a City Council Sponsored Special Event and approve the expenditure of funds.

(c) Retroactively approve the Los Lagos Golf Course Community Meeting on February 5, 2018 at the Los Lagos Golf Course as a City Council Sponsored Special Event and approve the expenditure of funds.

(d) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:

(1) TET Festival Celebration at Seven Trees on February 10, 2018 at Seven Trees Library and Community Center;

(2) TET Festival Celebration at Tully Library on February 24, 2018 at Tully Library and Community Room;

(3) TET Festival Celebration at Vietnamese American Community Center on February 24, 2018 at the Vietnamese American Community Center;

(4) One Year Anniversary of Coyote Creek Flood BBQ on February 26, 2018 at Shirakawa Elementary School;

(5) Clean Up with Tam on March 3, 2018 at College Connection Academy;

(6) Easter Egg Hunt on March 23, 2018 at Los Lagos Golf Course;

(7) Immigration Forum on March 21, 2018 at Saint Maria Goretti Church.

(8) Dump Your Junk on April 7, 2018 at Yerba Buena High School; and

(9) Clean Up with Tam on April 14, 2018 at Midfield and Havana.

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**2.19 18-219**

**Approval of Community Events Sponsored by Council District 7 as City (Cont'd)**

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

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment and File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Nguyen) [Rules Committee referral 02/07/18 - Item G.1.a]

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated February 8, 2018, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Meet and Greet at Almaden Family Apartments on January 18, 2018 as a City Council Sponsored Event, the Seven Trees Neighborhood Association Clean Up as a City Council Sponsored Special Event, the Los Lagos Golf Course Community Meeting as a City Council Sponsored Special Event, and District 7 events as City Council sponsored Special Events were retroactively approved and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, were approved.

(10-1. Absent: Arenas)

**END OF CONSENT CALENDAR**

**STRATEGIC SUPPORT SERVICES**

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

None provided.

**3.2 Labor Negotiations Update.**

Heard at 9:30 a.m.

**3.3 18-140 Approval of the 2017-2018 Mid-Year Budget Review Report.**

(a) Approve the 2017-2018 Mid-Year Budget Review Report.

(b) Approve an ordinance:

(1) Amending Section 4.79.020 and adding a new Section 4.79.030 to Chapter 4.79 of Title 4 of the San José Municipal Code to establish the Library Parcel Tax Capital Fund and to make technical and clarifying changes;

(2) Amending Part 8 of Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Section 4.80.430 to establish the Convention and Cultural Affairs Capital Fund and to make technical and clarifying changes;

(3) Amending Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code to amend Section 14.32.300 and add new Sections 14.32.310 and 14.32.320 to establish in the Municipal Code the Convention Center and Facility District Revenue Fund which had been established previously through the annual budget process, and to establish the Convention Center Facility District Capital Fund and to make technical and clarifying changes; and

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**Approval of the 2017-2018 Mid-Year Budget Review Report. (Cont'd)**

(4) Amending Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code to amend Section 14.32.300 and add new Sections 14.32.310 and 14.32.320 to establish in the Municipal Code the Convention Center Facility District Revenue Fund which had been established previously through the annual budget process, and to establish the Convention Center Facility District Revenue Fund and the Convention Center Facility District Capital Fund and to make technical and clarifying changes.

(c) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2017-2018 Mid-Year Budget Review Report. Amendments in the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund shall be effective on the dates on which the ordinances establishing the Library Parcel Tax Capital Fund, Convention, and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund become effective.

(d) Approve the following revisions to the City Manager's Office staffing in 2017-2018: Add 1.0 Deputy City Manager; add 1.0 Director; and delete 1.0 Senior Deputy City Manager.

(e) Accept a gift of \$1,000,000 from FCL Tech, Inc. into the Gift Trust Fund to support digital inclusion, work force development, and education programs.

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: (1) Mid-Year Budget 2017-2018 (2) An Ordinance of the City of San Jose Amending Chapter 4.79 and Chapter 4.80 of Title 4 of the San Jose Municipal Code. (3) Memorandum from Councilmember Chappie Jones, dated February 9, 2018, recommending approval of staff recommendations and appropriation ordinances. (4). Staff presentation, entitled, "2017 -2018 Mid -Year Budget Review Report", dated February 13, 2018.

Budget Director Margaret McCahan, gave a presentation and responded to questions.

Action: On call of the question, staff recommendations, were approved and Ordinance No. 30069, entitled, "An Ordinance of the Council of City of San Jose 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", was passed for publication. Ordinance No. 30070, entitled, "An Ordinance of the Council of City of San Jose amending Ordinance No. 29962 to appropriate moneys in the General Fund and various Special and Capital Funds; and providing that this Ordinance shall become effective immediately upon adoption, except that amendments in the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking

*(Item Continued on the Next Page)*

**Approval of the 2017-2018 Mid-Year Budget Review Report. (Cont'd)**

Capital Fund, and Convention Center Facility District Capital Fund shall be effective on the dates on which the Ordinances establishing those funds become effective”, was adopted; and Resolution No. 78505, entitled, “A Resolution of the Council of the City of San Jose amending Resolution No. 78229 setting forth the estimated sources of funds for the Fiscal Year 2017-2018 to adjust revenues in the General Fund and various Special and Capital Funds; and providing that this Resolution shall become effective immediately upon adoption, except that amendments in the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund shall be effective on the dates on which the Ordinances establishing those funds become effective”, was adopted. Additionally, revisions to the City Manager’s Office staffing in 2017-2018: adding 1.0 Deputy City Manager; adding 1.0 Director; and deleting 1.0 Senior Deputy City Manager, were approved. Finally, acceptance of a gift of \$1,000,000 from FCL Tech, Inc. into the Gift Trust Fund to support digital inclusion, work force development, and education programs, were approved, including approval of the Memorandum by Councilmember Jones to:

1. Approve staff recommendations with the following modifications:
2. Adopt the following 2017-2018 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:
  - a. Establish the Pueblo De Dios Master Plan and Design project in the amount of \$525,000;
  - b. Decrease the Pueblo de Dios Parksit Improvements project by \$210,000; and
  - c. Decrease the Future PDO/PIO Projects Reserve appropriation by \$315,000.
3. Adopt the following 2017-2018 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose Council District #1:
  - a. Establish the Pueblo De Dios Master Plan and Design project in the amount of \$250,000; and
  - b. Eliminate the Pueblo de Dios Parksit Improvements Reserve in the amount \$250,000. (10-1. Absent: Nguyen)

**Annual Summary of Labor Negotiations.**

Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations.

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)

Documents Filed: (1) Memorandum from City Manager David Sykes, dated February 1, 2018, recommending acceptance of staff report and public input on the Annual Summary of Upcoming Labor Negotiations. (2). Staff presentation, entitled, “Annual Summary of Labor Negotiations”, dated February 13, 2018.

Employee Relations Director Jennifer Schembri, and City Manager Assistant, Marco Mercado, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Johnny Khamis and carried unanimously, staff recommendations were accepted, and staff report and public input on the Annual Summary of Labor Negotiations, were approved. (11-0)

3.5 18-147

**Actions Related to the Planning, Building, and Code Enforcement Department Organization/Staffing.**

Approve the following position additions effective February 11, 2018:

(a) Add 1.0 FTE Deputy Director (U) (Job Code 1640); and

(b) Add 1.0 FTE Assistant to the Director (Job Code 3548).

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

Documents Filed: (1) Memorandum from Economic Development Director Kim Welsh, and Budget Director Margaret McCahan, dated February 1, 2018, recommending Planning, Building and Code Enforcement Department Organization /Staffing approval. (2) Letter(s) from the Public. (3). Staff presentation, entitled, "PBCE Department Organization & Staffing", dated February 13, 2018.

Economic Development Director Kim Welsh, gave a presentation and responded to questions.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis, and carried unanimously, staff recommendations were approved, and the following position effective February 11, 2018, were added: (a) 1.0 FTE Deputy Director (U) (Job Code 1640); and (b) 1.0 FTE Assistant to the Director (Job Code 3548). (11-0)

3.6 18-167

**2017 Flood Recovery Construction Projects.**

(a) Accept the status report on the 2017 flood recovery projects.

(b) Consider this item together with the request to approve the issuance of commercial paper notes in an amount not to exceed \$21 million to support funding of the necessary reconstruction work while insurance and FEMA payments are pending.

(c) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in the various funds as detailed in Attachment A to the staff memorandum to Council.

CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Parks, Recreation, and Neighborhood Services/Public Works/City Manager)  
**Heard jointly with SJFA Item 2 (File 18-166)**

Documents Filed: (1) Memorandum from Parks, Recreation, and Neighborhood Services Director, Angel Rios, Jr.; Public Works Acting Director, Jon Cicirelli; Office of Emergency Management Director, Ray Riordan; and Budget Director, Margaret McCahan, dated February 1, 2018, recommending acceptance of the status report on the 2017 flood recovery projects and adoption of Appropriation Ordinance and Funding Sources Resolution. (2). Staff presentation, entitled, "City of San Jose -2017 Storm Projects", dated February 13, 2018.

Parks, Recreation, and Neighborhood Services Assistant Director, Matt Cano; Transportation Assistant Director, Kevin O'Connell; Parks, Recreation, and Neighborhood Services Deputy Director Nicole Burnham, Office of Emergency Management Director, Ray Riordan; and Finance Director Julia Cooper, gave a presentation and responded to questions.

*(Item Continued on the Next Page)*

**2017 Flood Recovery Construction Projects. (Cont'd)**

Public Comments: Blair Beekman offered comments on the ideas of accountability, technology, Smart City stuff, 9/11, human rights, good democracy, and civil protections.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez and carried unanimously, staff recommendations were approved; and the status report on the 2017 flood recovery projects was accepted. Approval of the item together with the issuance of commercial paper notes in an amount not to exceed \$21 million to support funding of the necessary reconstruction work while insurance and FEMA payments are pending, was granted. Further, Ordinance 30071, entitled, "An Ordinance of the Council of City of San Jose amending Ordinance No. 29962 to appropriate moneys in the `construction and conveyance tax fund: City-wide parks purposes, construction tax and property conveyance tax fund: parks purposes central fund, construction excise tax fund, sewer service and use charge capital improvement fund, and storm sewer capital fund for the 2017 flood recovery projects; and providing that this Ordinance shall become effective immediately upon adoption", was adopted. And, Resolution 78506 entitled, "A Resolution of the Council of the City of San Jose amending Resolution No. 78229 setting forth the estimated sources of funds for the Fiscal Year 2017-2018 to adjust revenues in the construction and conveyance tax fund: City-wide parks purposes", was adopted. (11-0)

**Actions Related to the Petition Initiative Amending the Envision San José 2040 General Plan.**

- (a) Accept staff's report analyzing the Petition Initiative Amending the Envision San José 2040 General Plan (Initiative) pursuant to California Elections Code section 9212; and either
- (b) Direct staff to return on February 27, 2018 to adopt a resolution calling for an election to submit the Initiative to the voters at the next General Election to be held on Tuesday, June 5, 2018; or
- (c) If Council wishes to adopt the Initiative, without alteration, under the Elections Code, the Council must:
- (1) Call a special meeting, to occur by Friday, February 23, 2018, to adopt the Initiative's amendments to Envision San Jose 2040 General Plan and Evergreen-East Hills Development Policy, adopt the Initiative's Evergreen Senior Homes Specific Plan; and adopt the Initiative's changes to the Municipal Code and Zoning District Map; and
  - (2) Approve for passage for publication of title an ordinance to implement the Initiative's amendments to Title 5, Title 18, and Title 20 of the San Jose Municipal Code and Zoning District Map.
- (d) As recommended by the Rules and Open Government Committee on February 7, 2018:
- (1) Discuss of general principles and elements of potential City-sponsored ballot measure(s):
  - (2) Agendize for approval at a Council meeting on or before March 6, 2018, specific ballot measure(s) language proposed by the Mayor pursuant to the San Jose City Charter Article V, Section 501- for submittal to voters for the June 5, 2018 General Election; and
  - (3) Direct to the City Clerk to submit the Evergreen Senior Homes Initiative, without alteration, to the voters at the next General Election to be held on June 5, 2018.
- 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 Clerk)

Documents Filed: (1) Memorandum from Economic Development Director Kim Walesh, and Planning, Building, and Code Enforcement Acting Director Rosalynn Hughey, dated February 2, 2018, recommending acceptance of staff report and approval of an ordinance. (2) Memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Sylvia Arenas, Councilmember Sergio Jimenez, and Councilmember Raul Peralez, dated February 9, 2018 recommending approval of recommendations (a) and (c) as outlined in the staff report dated February 2, 2018. (3) Memorandum from Councilmember Johnny Khamis, dated February 13, 2018, recommending approval of the actions described in the Memorandum dated February 9, 2018 from Mayor Liccardo, Vice Mayor Carrasco, and Councilmembers Arenas, Jimenez, and Peralez. (4) Attachment A: Responses to Council Member Rocha's Additional Questions. (5) Attachment B: Review of Initiative Proposer's Environmental, Fiscal, and Transportation Analysis (6) Attachment C: Evergreen Senior Overlay Map. (7) Attachment D: San Jose Employment Lands Map (8) Attachment E: Evergreen Senior Homes Initiative. (9) An Ordinance of the Council of City of San Jose to add a new section to Chapter 5.08 of Title 5, Chapter 18.20 of Title 18, and Chapter 20.10 of Title 20 (10) Memorandum from City Clerk Toni J. Taber, dated February 8, 2018, transmitting the recommendations of the Rules and Open Government Committee. (11) Letter(s) from the Public. (12) Staff presentation, entitled, "Analysis of Evergreen Senior Homes Initiative", dated February 13, 2018. (13) (a) and (b) Modifications to 9212 Report.

Economic Development Director Kim Walesh, and Planning, Building, and Code Enforcement Planner I, Rina Shah, gave a presentation and responded to questions.

Public Comments: Offering comments on Actions Related to the Petition Initiative Amending the Envision San José 2040 General Plan were: Bonny Mace, Mike Flaher, Robert Reese, Mackenzie Mossing, (Santa Clara Audubon Society); Bob Levy, (representing the Santa Clara League of Conservation Voters); Daniel Reyes, Gail Osmer, (member of the Santa Clara County Senior Care Commission); Steve Bennett, (member of District 8 Roundtable); Dave Poeschel, Megan Medeiros, Mary Collins, (President, League of Women Voters of Santa Clara); Hilary Gibson, Sean Welch, Leslie Hamilton, Jeremy Barousse, and Alice Kaufman, (Committee for Green Foothills).

Action: Staff presented several edits to the report which are on file in the Office of the City Clerk. On call of the question, Council approved to defer acceptance of staffs' report analyzing the Petition Initiative Amending the Envision San Jose 2040 General Plan (Initiative) pursuant to California Elections Code section 9212 and directed staff to return on March 6, 2018 to adopt a resolution calling for an election to submit the Initiative to the voters at the next General Election to be held on Tuesday, June 5, 2018 as outlined in the staff report dated February 2, 2018 related to the petition initiative amending the San Jose 2040 General Plan; and return to Council on March 6, 2018 with proposed measure or measures for Council consideration.  
(11-0)



## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 18-177 **Actions Related to the Diridon Planning Reserve and Service Reimbursement Agreement.**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a Service Reimbursement Agreement with Google to pay for certain services associated with planning for development in the Diridon Station Area in the amount of \$1.33 million, subject to full appropriation.

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

(1) Establish a new City-Wide appropriation to the Office of Economic Development for Diridon Station Area Development Planning in the amount of \$415,000; and

(2) Decrease the Diridon Planning Reserve in the amount of \$415,000.

CEQA: Exempt, File No. PP17-001, Feasibility and Planning Studies that are statutorily exempt under CEQA Guidelines Section 15262.

(Economic Development/City Manager)

**Heard jointly with Item 9.1 (18-192)**

Documents Filed: (1) Memorandum from Economic Development Director Kim Walesh, and Budget Director Margaret McCahan, dated January 22, 2018, recommending adoption of a resolution and appropriation ordinance. (2) Letter(s) from the Public.

Economic Development Director Kim Walesh, gave a presentation and responded to questions.

Public Comments: Offering comments on Actions Related to the Diridon Planning Reserve and Service Reimbursement Agreement were: Blair Beekman, Salvador Bustamante, Eddie Truong, Jeffrey Buchanan, and Mr. Mccann.

Councilmember Dev Davis thanked staff for negotiating so hard and getting such a good deal for the City.

Action: Upon motion by Councilmember Dev Davis to move staff recommendation for both Items 4.1 and 9.1, seconded by Councilmember Johnny Khamis and carried unanimously, staff recommendations were accepted, Resolution No. 78507 entitled, "A Resolution of the Council of the City of San Jose authorizing the City Manager to negotiate and execute a service reimbursement agreement with Google to pay for certain services associated with planning for development in the Diridon Station Area in the amount of \$1.33 million, subject to full appropriation", was adopted. Ordinance No. 30072, entitled, "An Ordinance of the Council of the City of San Jose amending Ordinance No. 29962 to appropriate moneys in the general fund for the Diridon Station Area development planning; and providing that this ordinance shall become effective immediately upon adoption", was adopted. (11-0)

## 5. NEIGHBORHOOD SERVICES

## 6. TRANSPORTATION & AVIATION SERVICES

6.1 18-168

**Grant Agreement with Our City Forest for Rental Property Located at 646 N King Road.**

Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a new grant agreement between the City of San José and Our City Forest (OCF) to fund OCF’s rental of property located at 646 N King Road, San José, California, 95133 from on or around March 1, 2018 through June 30, 2019 in an amount not to exceed \$175,000.

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

Documents Filed: Memorandum from Transportation Director Jim Ortbal, dated January 29, 2018, recommending adoption of a resolution.

There was no presentation for this item. Transportation Assistant Director, Kevin O’Connell and Economic Development Manager Nanci Klein, responded to questions.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Tam Nguyen, and carried unanimously, Resolution No. 78508 entitled, “A Resolution of the Council of the City of San Jose authorizing the City Manager or his designee to negotiate and execute a new grant agreement between the City of San Jose and Our City Forest to fund OCF’s rental of property located at 646 N King Road, San Jose, CA, 95133 from on or around March 1, 2018 through June 30, 2019 in an amount not to exceed \$175,000”, was adopted.

(11-0)

**7. ENVIRONMENTAL & UTILITY SERVICES**

**8. PUBLIC SAFETY**

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

91 18-192

**Actions Related to the Compensation Agreement for Diridon Properties.**

(a) The City Council approve a Compensation Agreement by and among the Successor Agency to the Redevelopment Agency of the City of San José, the City of San José, the County of Santa Clara and other affected taxing entities under Health and Safety Code Section 34180 for real property including 8 South Montgomery Street, 105 South Montgomery Street; 510 West San Fernando Street/102 South Montgomery Street; 150 South Montgomery Street and 645 Park Avenue (collectively, “Properties”), for the purpose of transit oriented development consistent with the Diridon Station Area Plan, the Downtown Strategy and the City’s General Plan.

(b) The Successor Agency Board approve a Compensation Agreement by and among the Successor Agency to the Redevelopment Agency of the City of San José, the City of San José, the County of Santa Clara and other affected taxing entities under Health and Safety Code Section 34180 for real property including 8 South Montgomery Street, 105 South Montgomery Street, 150 South Montgomery Street, 510 West San Fernando Street/102 South Montgomery Street, and 645 Park Avenue for the purpose of transit oriented development consistent with the Diridon Station Area Plan, the Downtown Strategy and the City’s General Plan.

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

**Heard jointly with 4.1 (18-177)**

Documents Filed: (1) Memorandum from Economic Development Director Kim Welsh, and Successor Agency Managing Director, Richard Keit, dated January 30, 2018, recommending Approval of Compensation Agreement for Diridon Properties. (2) Compensation Agreement Pursuant to Health and Safety Code Section 34180(f) regarding the transfer of property for future development. (3) Staff presentation, entitled, "Compensation Agreement for Diridon Properties", dated, February 13 2019.

Public Comments: Offering comments on Actions Related to the Compensation Agreement for Diridon Properties were: Blair Beekman, Salvador Bustamante, Eddie Truong, Jeffrey Buchanan, and Mr. Mccann.

Councilmember Dev Davis thanked staff for negotiating so hard and getting such a good deal for the City.

Action: Upon motion by Councilmember Dev Davis to move staff recommendation for both Items 4.1 and 9.1, seconded by Councilmember Johnny Khamis and carried unanimously, staff recommendations were accepted. (11-0)

• **OPEN FORUM**

There were no cards.

**The Joint Meeting of the City Council and The Successor Agency to The Redevelopment Agency of the City of San Jose recessed at 5:32 p.m.**

**The Joint Meeting of the City Council and The Successor Agency to The Redevelopment Agency of the City of San Jose resumed at 6:05 p.m.**

**10. LAND USE**

**10.1 Land Use on Consent Calendar**

**(a) 18-142 Conforming Rezoning for Real Property Located at 923 & 927 Meridian Avenue.**

Consideration of an ordinance of the City of San José rezoning a 0.48-gross acre site, located at 923 & 927 Meridian Avenue from Agricultural Planned Development A(PD) Zoning District to Commercial Pedestrian (CP) Zoning District (Bhimla Trust 10/13/14, 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. Director of Planning, Building and Code Enforcement recommends approval.

(Planning, Building and Code Enforcement) C17-048 - Council District 6

Documents Filed: (1) City Council Staff Report from Planning, Building and Code Enforcement Acting Director Rosalynn Hughey, dated February 13, 2018, recommending adoption of the Conforming Rezoning (2) An Ordinance of the City of San Jose rezoning certain real property of Approximately 0.48 Acre

There was no presentation for this item. Planning, Building and Code Enforcement Acting Director Rosalynn Hughey was available to respond to questions.

*(Item Continued on the Next Page)*

(a) 18-142 **Conforming Rezoning for Real Property Located at 923 & 927 Meridian (Cont'd)**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones and carried unanimously, Ordinance No. 30073, entitled: "An Ordinance of the City of San Jose 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 Avenue), From The A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District", was passed for publication.

(b) 18-145 **Conditional Use Permit and Determination of Public Convenience or Necessity for Real Property Located at 5170 Stevens Creek Boulevard.**

Adopt a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale alcohol and on-sale of alcohol for instructional tasting and samples (Total Wine & More) in an existing 25,668-square foot commercial tenant space on a 10.5-gross acre site located on the south side of Stevens Creek Boulevard, approximately 210 feet easterly of Lawrence Expressway (5170 Stevens Creek Boulevard) (Stevens Creek, Inc., Owner). CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. Planning Commission recommends approval (6-0-1, Abelite absent). (Planning, Building and Code Enforcement) CP17-025 & ABC17-005 – Council District 1

Documents Filed: (1) Memorandum from Planning, Building and Code Enforcement Acting Director Rosalynn Hughey, dated January 31, 2018, transmitting the recommendations of the Planning Commission. (2) A Resolution of the Council of the City of San Jose. (3) Letter(s) from the Public.

Safeway Real Estate Manager Natalie Mattei urged Council to consider the changing retail landscape, and requested a two-week deferral of the item to discuss it further.

Total Wine & More's Steve Rawlings spoke to his quest to fill a space vacated by Sports Authority at a Shopping Center and reiterated the economic benefits to the community.

Planning, Building and Code Enforcement Acting Director Rosalynn Hughey responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Chappie Jones and carried unanimously, the Planning Commission's recommendations were Approved, and Resolution No. 78509, entitled: "A Resolution of the Council of the City of San Jose approving, subject to conditions, a conditional use permit to allow the off-sale alcohol and on-sale of alcohol for instructional testing and samples (Total Wine & More) in an existing 25,668-square foot commercial tenant space and granting the determination of public convenience or necessity for off-sale of alcohol for a proposed retail use on an approximately 10.5-gross acre site, located on the south side of Stevens Creek Boulevard, approximately 210 feet easterly of Lawrence Expressway (5170 Stevens Creek Boulevard)", was adopted. (10-1. Absent: Rocha)

(c) 18-146 **Planned Development Rezoning for Real Property Located at 370 West Trimble Road.**

(a) Adopt a resolution adopting the Addendum to the Final Program Environmental Impact Report for the North San José Development Policies Update, the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, and the Supplemental EIR ("SEIR") for the Envision San José 2040 General Plan, and Addenda thereto in accordance with the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 14.0-gross acre site, located on the southwest corner of West Trimble Road and Orchard Parkway from the Industrial Park IP(PD) Planned Development Zoning District to Industrial Park IP(PD) Planned Development Zoning District, to allow up to approximately 100,000 square feet for commercial uses and up to 250-room hotel (370 West Trimble Rd Corp, Owner).

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. Planning Commission recommends approval (6-0-1, Bit-Badel absent).

(Planning, Building and Code Enforcement) PDC17-026 – Council District 4

Documents Filed: (1) Memorandum from Planning, Building and Code Enforcement Acting Director Rosalynn Hughey, dated January 31, 2018, transmitting the recommendations of the Planning Commission. (2) A Resolution of the Council of the City of San Jose adopting the 370 Trimble Road Planned Development Rezoning. (3) An Ordinance of the City of San Jose rezoning certain real property of approximately 14.0-gross acres.

Planning, Building and Code Enforcement Acting Director Rosalynn Hughey responded to questions, clarified and read into the record that the base zoning for this site is Industrial Park and not Commercial neighborhood that was inadvertently listed prior.

Action: On call of the question, the Planning Commission's recommendations were approved, and Ordinance 30074, entitled: "An Ordinance of the City of San Jose 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", was passed for publication. (10-1. Absent: Rocha).

**END OF CONSENT CALENDAR**

**OPEN GENERAL PLAN AMENDMENT HEARING (FIRST CYCLE)**

10.2 18-143 **General Plan Amendment, Rezoning, Conditional Use Permit and Determination of Public Convenience or Necessity for Site Located at 1202 Oakland Road.**

(a) Adopt a resolution denying the application for a General Plan Amendment to change the General Plan Land Use Designation, denying the application to change the Zoning to the CIC Combined Industrial/Commercial Zoning District, and denying the application

*(Item Continued on the Next Page)*

**General Plan Amendment, Rezoning, Conditional Use Permit and (Cont'd)**

for a Conditional Use Permit and Determination of Public Convenience or Necessity to authorize the demolition of an existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers with the off-sale of beer and wine and 24-hour use; OR take the following actions in Item 10.2 (b) through (e):

(b) Adopt a resolution adopting the Rotten Robbie No. 67 Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

(c) Adopt a resolution approving a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial on an approximately 1.54-gross acre site, located on the northeast corner of Oakland Road and Commercial Street (1202 Oakland Road).

(d) Consideration of an ordinance of the City of San José rezoning an approximately 1.54 gross acres, located at 1202 Oakland Road, from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District (Robinson Oil Corporation).

(e) Adopt a resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, for the removal of existing building and fueling dispensers, and the construction of a 3,750-square foot convenience store, auto retail fueling dispensers, fuel island canopies, and card lock fueling dispensers with proposed off-sale of alcohol and 24-hour use, and to exceed the 55-decibel noise standard of the Zoning Ordinance at the residential property line by six decibels, on a 1.54-gross acre site. (1202 Oakland Road).

CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends denial (6-0-1, Ballard absent). (Planning, Building and Code Enforcement) File Nos. GP16-011, C17-008, CP17-015, & ABC17-007 - Council District 3

Documents Filed: (1) City Council Staff Report from Planning, Building and Code Enforcement Acting Director Rosalynn Hughey, recommending adoption of a resolution denying the General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial.

(2) Supplemental Memorandum from Planning, Building and Code Enforcement Acting Director Rosalynn Hughey, dated February 9, 2018, with Subject Line: File No. GP16-011: General Plan Amendment to Change the Land Use/Transportation Diagram Land Use Designation from Heavy Industrial to Combined Industrial/Commercial on an approximately 1.54-gross acre site. (3) Memorandum from Councilmember Raul Peralez, Councilmember Chappie Jones, Councilmember Lan Diep, Councilmember Don Rocha and Councilmember Johnny Khamis recommending acceptance of the staff supplemental memo dated February 9, 2019 and approve the ordinances and resolutions to adopt the Initial Study and Mitigated Negative Declaration. (4) A Resolution of the Council of the City of San Jose to deny the application for a General Plan amendment to change the General Plan Land Use designation to Combined Industrial/Commercial.

(4) A Resolution of the Council of the City of San Jose adopting the Rotten Robbie #67 Gas Station Project Mitigated Negative Declaration. (5) A Resolution of the Council of the City of San Jose amending the Envision San Jose 2040 General Plan.

*(Item Continued on the Next Page)*

**General Plan Amendment, Rezoning, Conditional Use Permit and (Cont'd)**

(6) An Ordinance of the City of San Jose rezoning certain real property of approximately 1.54-gross acres. (7) A Resolution of the Council of the City of San Jose approving, subject to conditions, a conditional use permit to allow the demolition of an existing building and fueling dispensers.

Planning, Building and Code Enforcement Acting Director Rosalynn Hughey noted that there was no staff presentation for this item, but acknowledged the revised conditions from Public Works Department for the record.

Planning, Building, and Code Enforcement Division Manager Sylvia Doe, noted that the Public Works minor revisions to the permit conditions are about the traffic impact fee related to Oakland Road/101. The Clerk's Office has the updated resolution to reflect these minor modifications.

Tom Robinson, (President of Robinson Oil), expressed his desire to build a Rotten Robbie, restated the investment's benefit to the Neighborhood and the City; and urged Council to pass the resolution to move forward.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Chappie Jones and carried unanimously, staff recommendation was approved. Resolution No. 78511, entitled: "A Resolution of the Council of the City of San Jose adopting the Rotten Robbie #67 gas station project mitigated negative declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program", was adopted. Resolution No. 78512 entitled, A Resolution of the Council of the City of San Jose amending the Envision San Jose 2040 General Plan pursuant to Title 18 of the San Jose Municipal Code to modify the Land Use/Transportation diagram to combined Industrial / Commercial at 1202 Oakland Road was adopted. Ordinance No. 30075 entitled, "An Ordinance of the City of San Jose 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", was passed for publication. Resolution No. 78513 entitled, "A Resolution of the Council of the City of San Jose approving, subject to conditions, a conditional use permit to allow the demolition of an existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers, interim fueling dispensers, and 24-hour use, and granting a determination of public convenience or necessity to allow the off-sale of alcohol of Beer and Wine (ABC Type 20 License) on the 1.54 gross acre site located at the northeast corner of Commercial Street and Oakland Road (1202 Oakland Road)", was adopted, including acceptance of Memorandum from Councilmembers Peralez, Jones, Diep, Rocha and Khamis to accept the staff supplemental memo dated February 9, 2018 and approve the ordinances and resolutions to adopt the Initial Study and mitigated negative declaration and approve the General Plan amendment, conforming rezoning, conditional use permit, and determination of public convenience or Necessity to allow the construction of a gas station with a carwash, 24-hour use, and the off-sale of beer and wine. (11-0)

**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 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. Adoption of the Transportation Analysis Policy is ministerial because it implements the directives from SB 743 to modify local environmental review processes by removing Transportation LOS as a CEQA transportation analysis metric and replacing it with VMT. The Infill Opportunity Zones are associated with the adoption of this new City Council Transportation Analysis Policy 5-1. (Planning, Building and Code Enforcement) GPT17-009 & PP17-082 - Citywide

**Deferred to 2/27/18 (afternoon session) per Administration**

**CONTINUE GENERAL PLAN AMENDMENT HEARING TO FEBRUARY 27, 2018**

• **OPEN FORUM**

1. Blair Beekman thanked Council for the Study Session last Friday on domestic violence and commented on women's rights in Mexico and the idea of openness.

• **Adjournment:**

This meeting is adjourned in memory of Peter Taber. Peter passed away on January 30, 2018. Peter was a longtime co-owner of the renowned Hobeas Restaurants, and served as their President for over 20 years. Peter cherished life and loved people, treating everyone with kindness and compassion; traits that were evident each and every time you visited one of his restaurants. Peter was also a gifted chef, as creator of Hobeas world-famous blueberry coffeecake. Peter passed with his husband and fellow former owner Edward Fike by his side after a yearlong battle with melanoma. Peter's energy, talent, generosity, and infectious smile will be missed. (Rocha)



• **JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA**

1:30 p.m.

February 13, 2018

CHAMBERS

**1 Call to Order and Roll Call**

**2. 18-166 Issuance of City of San José Financing Authority Commercial Paper Notes for the Flood Recovery Construction Projects of City Improvements.**

(a) City Council take the following actions:

(1) Conduct a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of flood recovery and construction for parks and community facilities.

(2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as "City of San José

Financing Authority Lease Revenue Commercial Paper Notes" to provide financing for the flood recovery and construction for parks and community facilities in an amount not to exceed \$21 million and to state the City Council's determination that there will be significant public benefits accruing from such financing.

(b) City of San José Financing Authority Board adopt a resolution to approve the issuance of City of San José Financing Authority Commercial Paper Notes to provide financing for the flood recovery construction project in an amount not to exceed \$21 million.

CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Finance)

**Heard Jointly with Item 3.6 (FILE 18-167)**

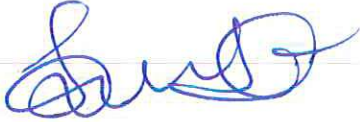
Documents Filed: (1) Memorandum from Finance Director Julia H. Cooper, dated February 2, 2018, recommending that City Council: a. Conduct a public hearing concerning San Jose Housing Authority and b. adopt a resolution. (2) A Resolution of the Council of the City of San Jose Authorizing the issuance of the City of San Jose Financing Authority Lease Revenue Commercial Paper Notes to finance flood recovery (3) A Resolution of the City of San Jose Financing Authority Authorizing the issuance of the City of San Jose Financing Authority Lease Revenue Commercial Paper Notes to Finance Flood Recovery Construction Projects

Action: Upon call of the question, staff recommendations were approved staff recommendations were approved, and a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of flood recovery and construction for parks and community facilities was conducted. Resolution No. 78514 entitled: "A Resolution of the Council of the City of San Jose authorizing the issuance of the City of San Jose Financing Authority Lease Revenue Commercial Paper Notes to finance flood recovery construction projects for parks and community facilities in an amount not to exceed \$21,000,000 and authorizing other related actions", was adopted. SJFA Resolution No. 141 entitled, A Resolution of the City of San Jose Financing Authority Authorizing the issuance of the City of San Jose Financing Authority Lease Revenue Commercial Paper Notes to finance flood recovery construction projects for parks and community facilities in an amount not to exceed \$21,000,000 and authorizing other related actions was adopted. (11-0)

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 6:55 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC  
City Clerk

lo/2-13-18 MIN