



# **City Council Meeting Amended Agenda**

**Tuesday, December 19, 2017**

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

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

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

[17-538](#)      **Closed Session Agenda**

**Attachments**    [Closed Session Agenda](#)

- **Call to Order and Roll Call**

9:00 a.m. Closed Session, Call to Order in Council Chambers  
Open Session, Labor Negotiations Update (See Item 3.2)  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
See Separate Agenda

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

- **Invocation (Mayor)**

Pastor Dace

- **Pledge of Allegiance**

- **Orders of the Day**

ADJOURNMENT: This meeting is adjourned in memory of Dajuana Lashon Wilson. Dajuana passed away on November 29, 2017. She touched the lives of so many people with her smile, wit, generosity, and strength. She was a woman of God, and her faith carried her through her three-year battle with cancer. Left to cherish her memories are her loving husband, Donald Wilson, their beloved son, Donovan Wilson, her parents, Estis and Dorothy, her sister Kim, the rest of her family members, and a host of neighbors, colleagues, classmates, and friends. (Rocha)

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

- 1.1    [17-292](#)      Presentation of a commendation to Shesha Krishnapura, IT CTO - Intel Corporation, for an exemplary partnership with the City of San José in the mission of making our city as innovative as the community we serve. (Mayor's Office of Innovation / IT Department)

## **2. CONSENT CALENDAR**

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

## 2.1 Approval of City Council Minutes.

[17-493](#)

**Approval of City Council Minutes:**

**Recommendation:**

(a) Regular Minutes of June 6, 2017.

(b) Regular Minutes of June 13, 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. (City Clerk)

**Attachments**

[Minutes - June 6, 2017](#)

[Minutes - June 13, 2017](#)

## 2.2 Final Adoption of Ordinances.

[17-511](#)

**Final Adoption of Ordinances.**

**Recommendation:**

(a) Ordinance No. 30044 - An ordinance of the City of San José amending Chapters 3.28, 3.36, 3.57 and 3.58 of Title 3 of the San Jose Municipal Code to clarify the effective date of the election by employees out of the Defined Retiree Healthcare Benefit Plan to the Voluntary Employee Beneficiary Association Plan. CEQA: Not a Project; PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

(b) Ordinance No. 30046 - An ordinance of the City of San José granting a commercial solid waste and recyclables collection franchise to Eco Box Recycling Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

(c) Ordinance No. 30047 - An ordinance of the City of San José rezoning certain real property of an approximately 3.3-gross acre site located at the northeast corner of Mabury Road and Timothy Drive (967 Mabury Road), from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District. CEQA: Determination of Consistency with the Final Program Environmental Impact Report 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)  
C17-044 - Council District 4

(d) Ordinance No. 30048 - An ordinance of the City of San José rezoning certain real property of approximately 0.41 gross acre situated on the south side of West San Carlos Street, approximately 500 feet east of Sunol Street (750 West San Carlos Street) from the HI Heavy Industrial Zoning District to the R-M(PD) Planned Development Zoning District. CEQA: Addendum to Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto. (Planning, Building and Code Enforcement)  
PDC16-045 & PD16-031 - Council District 6

(e) Ordinance No. 30049 - An ordinance of the City of San José

rezoning certain real property of approximately 0.48 gross acre situated on the south side of Carlton Avenue, approximately 290 feet westerly of National Avenue (15980 Carlton Avenue) from the R-M Multiple Residence Zoning District to the R-M (PD) Planned Development Zoning District. CEQA: 15980 Carlton Avenue Residential Project Initial Study/Mitigated Negative Declaration. Planning Commission recommends approval (6-0-1; Ballard absent). (Planning, Building and Code Enforcement)

PDC17-049, PD17-023 & PT17-050 - Council District 9

(f) Ordinance No. 30051 - An ordinance of the City of San José rezoning certain real property of approximately 1.07 acres situated at the northwestern corner of Julian Street and Stockton Avenue (715 and 739 West Julian Street), from the LI Light Industrial Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Julian Street General Plan Amendment, Diridon Station Area Plan Amendment & Rezoning Project Addendum to the Diridon Station Area Plan FEIR (Resolution No. 77096) and Addendum thereto. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

GP17-006, GPT17-008 & C17-031 - Council District 6

(g) Ordinance No. 30052 - An ordinance of the City of San José amending Section 20.50.110 relating to commercial support uses in the IP Industrial Park Zoning District and Table 20-110, of Title 20 (Zoning) of the San José Municipal Code relating to commercial support uses within the boundaries of the North San José Area Development Policy Area. CEQA: Determination of Consistency with the Final Program EIR for the North San José Development Policies Update (Resolution No. 72768) and Addenda thereto, and the Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

GPT17-007 & PP17-051 - Council Districts 3 & 4

### **2.3 Approval of Council Committee Minutes.**





**2.7**     [17-479](#)     **Boards and Commissions Appointments.****Recommendation:**

Approve the following Boards and Commissions appointments.

(a) Arts Commission:

(1) District 3 Seat: Appoint Tamiko Rast to a term expiring 6/30/20.

(b) Clean Energy Community Advisory Commission: DEFERRED

(1) CAAC-Nominated Seat 1: Appoint to a seat for the term 1/1/18 to 12/31/19;

(2) CAAC-Nominated Seat 2: Appoint to a seat for the term 1/1/18 to 12/31/19;

(3) CAAC-Nominated Seat 3: Appoint to a seat for the term 1/1/18 to 12/31/19;

(4) CAAC-Nominated Seat 4: Appoint to a seat for the term 1/1/18 to 12/31/21;

(5) CAAC-Nominated Seat 5: Appoint to a seat for the term 1/1/18 to 12/31/21;

(6) CAAC-Nominated Seat 6: Appoint to a seat for the term 1/1/18 to 12/31/21;

(7) At-Large Seat 1: Appoint to a seat for the term 1/1/18 to 12/31/19;

(8) At-Large Seat 2: Appoint to a seat for the term 1/1/18 to 12/31/21;  
and

(9) At-Large Seat 3: Appoint to a seat for the term 1/1/18 to 12/31/21.  
PART (b) DEFERRED TO 1/23/18

(c) Downtown Parking Board:

(1) Downtown Parking Representative Seat: Appoint to a term expiring 6/30/20.

(d) Housing and Community Development Commission:

(1) Mobilehome Resident Representative Seat: Appoint Martha O'Connell to a term expiring 12/31/18.

(e) Human Services Commission:

(1) District 6 Seat: Appoint Rita Holiday to a term expiring 12/31/20.

(f) Parks and Recreation Commission:

(1) District 3 Seat: Appoint Larry Ames to a term expiring 6/30/21.

(g) Senior Citizens Commission:

(1) District 5 Seat: Appoint Robert Gill to a term expiring 6/30/21.

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

**Attachments** [Arts Commission - Code Review.pdf](#)  
[Arts Commission - Conflict of Interest.pdf](#)  
[Replacement Memorandum.pdf](#)  
[Downtown Parking Board - Code Review.pdf](#)  
[Downtown Parking Board - Conflict of Interest.pdf](#)  
[Housing and Community Development - Conflict of Interest Rev.](#)  
[Housing and Community Development Commission - Code Revi](#)  
[Application - Martha O'Connell.pdf](#)  
[Human Services Commission - Code Review.pdf](#)  
[Human Services Commission - Conflict of Interest.pdf](#)  
[Parks and Recreation Commission - Code Review.pdf](#)  
[Parks and Recreation Commission - Conflict of Interest.pdf](#)  
[Senior Citizens Commission - Code Review.pdf](#)  
[Senior Citizens Commission - Conflict of Interest Review.pdf](#)  
[Application - Robert Gill.pdf](#)  
[Application - Rita Holiday.pdf](#)  
[Supplemental Memorandum](#)  
[Application - Lawrence Ames.pdf](#)  
[Application - Tamiko Rast.pdf](#)

**2.8**     [17-429](#)     **Terms of Side Letter Agreement between the City of San José and the Municipal Employees' Federation, AFSCME, Local 101 (MEF) Related to the Public Safety Radio Dispatcher Classification Series.**

**Recommendation:**     Adopt a resolution approving the terms of a Side Letter Agreement between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF) to provide employees in the Public Safety Radio Dispatcher class series with overtime or compensatory time at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift for a period of fifteen (15) consecutive pay periods, effective December 3, 2017, and expiring on June 30, 2018. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

- 2.9 [17-494](#) **Approve the City’s Preexisting Agreements on Unclassified Temporary Employees with the International Union of Operating Engineers, Local No. 3 (OE#3) and the International Brotherhood of Electrical Workers, Local No. 332 (IBEW).**

**Recommendation:** Adopt a resolution approving the terms of preexisting agreements as follows:

(a) Approve the terms of a preexisting agreement dated February 26, 2007, on unclassified temporary operating engineers between the City of San José and the International Union of Operating Engineers, Local No. 3 (OE#3); and

(b) Approve the terms of a preexisting agreement dated April 27, 1998, on unclassified temporary electricians between the City of San José and the International Brotherhood of Electrical Workers, Local No. 332 (IBEW).

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

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

- 2.10 [17-475](#) **Amendment to the Easement for the Nordale Sewer Pump Station Replacement Project.**

**Recommendation:** Adopt a resolution authorizing the City Manager or his designee to execute the Second Amendment to the temporary construction easement for Nordale Sewer Pump Station Replacement Project, between the City of San José and Bich L. Nguyen (Grantor), allowing for continued use of approximately 452 square feet of easement area to complete the project construction. CEQA: Exempt, File No. PP14-038, CEQA Guidelines Section 15302, Replacement or Reconstruction. Council District 7. (Economic Development)

**Attachments** [Memorandum](#)  
[Agreement](#)

**2.11**    [17-473](#)            **Actions Related to Grant Funding from California State Library, First 5 of Santa Clara County, and Knight Foundation for the Library.**

**Recommendation:**    Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund to recognize grant funding received from the California State Library (\$118,000), First 5 of Santa Clara County (\$75,000), and Knight Foundation (\$2,500):

- (a) Increase the estimate for Revenue from State of California by \$118,000;
- (b) Increase the estimate for Revenue from Local Agencies by \$75,000;
- (c) Increase the estimate for Other Revenue by \$2,500; and
- (d) Increase the City-Wide Library Grants appropriation in the amount of \$195,500.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment; and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Library/City Manager)

**Attachments**    [Memorandum](#)

**2.12**    [17-457](#)            **Santa Clara Valley Open Space Authority Grant Application for Various Projects.**

**Recommendation:**    Adopt a resolution authorizing the City Manager to submit, negotiate, and execute grant Agreements with the Santa Clara Valley Open Space Authority for an amount up to \$100,000 for the following projects:

- (a) Guadalupe Oak Grove Park Vegetation Management Project for \$50,000; and
- (b) Viva CalleSJ (placemaking) for \$50,000.

CEQA: Exempt, File No. PP17-073, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of Natural Resources. Council Districts 3 & 10. (Parks, Recreation and Neighborhood Services)

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

**2.13**    [17-460](#)                    **Actions Related to the 7855 - Bramhall Park Restroom and Concession Building Project.**

**Recommendation:**    Adopt the following 2017-2018 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

(1) Increase the Bramhall Park Restroom and Concession Building Project appropriation to the Parks, Recreation and Neighborhood Services Department by \$86,000; and

(2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$86,000.

CEQA: Exempt, File No. PP15-065, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Work/Parks, Recreation and Neighborhood Services/City Manager)

**Attachments**    [Memorandum](#)

**2.14**    [17-461](#)                    **Report on the San José Curb Café Pilot Program.**

**Recommendation:**    Accept staff report on the status of the reauthorized San José Curb Café pilot program and contemplated administrative regulations pursuant to San José Municipal Code Chapter 13.37 to create a formal Parklet Program. CEQA: Exempt, PP17-080, CEQA Guidelines Section 15301, Existing Facilities. (Public Works)

**Attachments**    [Memorandum](#)

**2.15**    [17-462](#)                    **Establishment of McKee Road Rule 20B Underground Utility District.**

**Recommendation:**    Adopt a resolution to consider the establishment of a Rule 20B Underground Utility District along McKee Road between Jose Figueres and North Jackson Avenues and setting a Public Hearing on January 23, 2018, at 1:30 p.m. CEQA: Determination of Consistency to the Mitigated Negative Declaration for the Citywide Utility Undergrounding Program and City-Issued Excavation/Encroachment Permits Project (approved in January 22, 2009), PP08-257. Council District 5. (Public Works)

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

**2.16**    [17-458](#)                    **Report on Bids and Award of Contract for the 8589 - Cast Iron Replacement 2017-2018 Package I Project.**

**Recommendation:**    Report on bids and award of contract for the 8589 - Cast Iron Replacement 2017-2018 Package I Project to the low bidder, Casey Construction, Inc., in the amount of \$1,133,346 and approve a contingency in the amount of \$113,335. CEQA: Exempt, File No. PP17-031, CEQA Guidelines Section 15301 Existing Facilities, dated April 25, 2017; Expiration Date: April 20, 2022. Council District 9. (Public Works)

**Attachments**    [Memorandum](#)

**2.17**    [17-466](#)                    **Fiscal Year 2017 Traffic Impact Fee Report.**

**Recommendation:**    Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 et seq.) on the status of the City's four traffic impact fee programs: North San Jose, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard. CEQA: Not a project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)

**Attachments**    [Memorandum](#)

**2.18** [17-425](#) **Boards and Commissions Appointments.****Recommendation:**

Approve the following Board and Commission appointments:

(a) Human Services Commission:

(1) District 1 Seat: Appoint Franklin Elieh to a term expiring 12/31/2018;  
and

(2) District 2 Seat: Appoint Jessica Dickinson Goodman to a term  
expiring 12/31/2018.

(b) Neighborhoods Commission:

(1) District 1 Seat: Appoint Franklin Nguyen to a term expiring  
6/30/2018;

(2) District 3 Seat: Appoint Nia Celestin to a term expiring 6/30/2018;

(3) District 4 Seat: Appoint Alan Hinman, Jr. to a term expiring  
6/30/2020;

(4) District 7 Seat: Appoint Bruce Sullivan to a term expiring 6/30/2018;  
and

(5) District 9 Seat: Appoint Michael Young to a term expiring  
6/30/2018.

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

(Deferred from 12/12/17 - Item 2.7 to 12/19/17)

**Attachments**

[Memorandum](#)

[2.18b4 supplemental memo](#)

[Neighborhoods Commission - Conflict of Interest](#)

[Human Services Commission - Conflict of Interest](#)

[Neighborhoods Commission - Code Review](#)

[Human Services Commission - Code Review](#)

[Application - Alan Hinman.pdf](#)

[Application - Bruce Sullavan.pdf](#)

[Application - Franklin Nguyen.pdf](#)

[Application - Franlin Elieh.pdf](#)

[Application - Jessica Goodman.pdf](#)

[Application - Michael Young.pdf](#)

[Application - Nia Celestin.pdf](#)



**2.19** [17-525](#) **City Council Committee and Board and Commission Appointments.****Recommendation:**

(a) Apprise the Council of the Mayor's appointments for each of the standing committees, as described in Exhibit "A" of the Memorandum to Council.

(b) Appoint councilmembers to each of the committees and assignments, as described in Exhibit "B" of the Memorandum to Council.

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

**Attachments** [Replacement Memo](#)

**2.20** [17-526](#) **City of San José Youth Commission Letter to Assemblymember Low.****Recommendation:**

Approve request from the Youth Commission to send letter to Assemblymember Evan Low's office opposing ACA10 bill to lower the voting age. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

**Attachments** [Youth Commission Letter dated October 3, 2017](#)

**3. STRATEGIC SUPPORT****3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

**3.3** [17-445](#) **Audit of Team San José's Performance 2016-2017.****Recommendation:**

As recommended by the Community and Economic Development Committee on November 27, 2017, accept the audit of the Team San José's Performance 2016-2017. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor)

[Community and Economic Development Committee referral 11/27/17 - Item (c)(3)]

**Attachments** [Memorandum](#)

**3.4**     [17-476](#)            **Actions Related to the Memorandum of Understanding with the Urban Area Security Initiative.**

**Recommendation:**

Adopt a resolution:

(a) Authorizing the City Manager or designee to execute an Updated Memorandum of Understanding (MOU) with the Urban Area Security Initiative; and

(b) Authorizing the City Manager or designee to execute amendments to the MOU to extend the term of the Agreement for up to four years and to make minor amendments to the Agreement for governance, operational efficiencies, and transfer of funds within the established City Manager authority.

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)

**Attachments**    [Memorandum Agreement](#)

**3.5**     [17-492](#)            **Actions Related to the Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.**

**Recommendation:**

(a) Adopt a resolution in support of adopting the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, referred to as the Women's Bill of Rights.

(b) Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to add a new Part 49 for the local implementation of the Women's Bill of Rights.

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

**Attachments**    [Memorandum Ordinance Resolution Memo from Vice Mayor Carrasco](#)

**3.6**    [17-446](#)            **Review of Airport Financial Projections.****Recommendation:**

As recommended by the Community and Economic Development Committee on November 27, 2017, accept the Audit of Airport Financial Projections: Balancing Ongoing Debt-Service Obligations with Increasing Operational Needs. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor)  
[Community and Economic Development Committee referral 11/27/17 - Item (d)(6)]

**Attachments**    [Memorandum](#)

**3.7**    [17-468](#)            **Amendment to Title 4 (Telecommunications Users Tax) for the Cap Program.****Recommendation:**

Approve an ordinance amending Chapter 4.70 of Title 4 of the San José Municipal Code to (1) extend the Cap Program for the Telecommunications Users Tax three years through December 31, 2020; and (2) change the 2% annual increase increment to an annual increase of 3% to take effect retroactively on January 1, 2018. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

**Attachments**    [Memorandum](#)  
[Ordinance](#)  
[Memo from Mayor Liccardo and CMs Jimenez, Peralez, Arenas &](#)  
[Memo from Vice Mayor Carrasco](#)

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

**4.1**    [17-455](#)            **Off-Site Advertising and Downtown Sign Intensification.****Recommendation:**

As recommended by the Community and Economic Development Committee on November 27, 2017, accept a status report on implementing the work plan to investigate removing existing barriers to off-premise (off-site) commercial advertising on City-owned and non-City-owned sites in the City of San José, and recommend that the City Council direct staff to implement a phased work plan which could allow:

- (a) New off-site advertising on City-owned sites throughout the City, including exchange of existing legal static billboards on other sites for new electronic billboards on city-owned sites;
- (b) Exchange of existing legal static to electronic billboards on non-City-owned existing freeway facing sites and new freeway facing sites in the North San José Development Policy Area;
- (c) New offsite advertising on non-City-owned sites in the Downtown Sign Zone, including exchange of existing legal static billboards on other sites for new electronic billboards in the Downtown Sign Zone.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development/Planning, Building & Code Enforcement)

[Community and Economic Development Committee referral 11/27/17 - Item (d)(2)]

**Attachments**

[Memorandum](#)

[4.1 Supplemental](#)

[CED Presentation](#)

[Letters from the Public](#)

[Memo from CMs Peralez, Arenas and Rocha](#)

[Letter\(s\) from the Public](#)

**4.2**     [17-456](#)             **Amendment to Title 13 (Tree Removal Controls).****Recommendation:**

Consideration of an ordinance of the City of San José amending Chapter 13.32 of the San José Municipal Code to revise and add provisions pertaining to tree removal controls on private property, including amending Section 13.32.020 to add a definition of the term “Invasive Tree,” revise how height, tree diameter and circumference are measured to trigger application of tree removal controls, and expand the definition of “Unsuitable Tree” to include certain trees on land use types beyond single family dwellings, amending Sections 13.32.090 to and 13.32.120 to streamline the process for review of applications for removal of all trees that are not Unsuitable Trees, amending Sections 13.32.041, 13.32.110 and 13.32.130 to clarify tree removal permit requirements included as part of another Planning permit, requirements for tree replacement as a condition of approval for tree removal and provisions for safeguarding trees during construction, and making other technical, non-substantive, or formatting changes within Sections of Title 13 to add and amend regulations pertaining to Tree Removal Controls. CEQA: Pursuant to Section 15168 (c) (2) of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Final Program Environmental Impact Report (Final Program EIR) and Supplemental Program Environmental Impact Report (Supplemental Program EIR) for the Envision San José 2040 General Plan and addenda thereto, and does not involve new significant impacts beyond those analyzed in the above EIRs. Therefore, the City of San José may take action on the project as being within the scope of both the Final and Supplemental Program EIRs. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)  
PP17-072 - Citywide

**Attachments**     [Ordinance](#)  
                          [Replacement Memo](#)  
                          [Councilmember Davis Memo](#)

**4.3**     [17-489](#)            **Actions Related to the 2018-2019 Hazardous Vegetation Commencement Report.**

**Recommendation:**

Adopt a resolution:

- (a) Accepting the 2018-2019 Hazardous Vegetation Commencement Report compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance; and
- (c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail notices of a public hearing on January 30, 2018, at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San Jose Municipal Code and the Weed Abatement Agreement between the City of San Jose and the County of Santa Clara.  
CEQA: Exempt, File No. PP13-097, CEQA Guidelines Section 15301, Existing Facilities. (Planning, Building and Code Enforcement)

**Attachments**

[Resolution](#)

[Memorandum](#)

**4.4**     [17-459](#)            **Public Hearing on the Vacation of Setback Easements Located at 1199 Crescent Drive.**

**Recommendation:**

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot and 15-foot light and air easements (“setback easements”) located at 1199 Crescent Drive;
- (b) Vacating the 25-foot and 15-foot setback easements located at 1199 Crescent Drive; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.  
CEQA: Exempt, File No. PP17-069, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 6. (Public Works)

**Attachments**

[Memorandum](#)

[Resolution](#)

**4.5**    [17-497](#)            **Actions Related to the Leigh Avenue Senior Apartments.****Recommendation:**

Adopt a resolution:

(a) Authorizing an exception to the City's Policy for the issuance of Multifamily Housing Revenue Bonds for the Leigh Avenue Senior Apartments project, thereby allowing issuance by the California Housing Finance Agency; and

(b) Authorizing the Director of Housing to negotiate and execute such documents, and to take the other necessary actions to facilitate First Community Housing's participation in a limited-time opportunity to obtain tax credit financing for the Leigh Avenue Senior Apartments project.

CEQA: Not a Project File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
Council District 6. (Housing)

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

4.6 [17-464](#) **Actions Related to the Implementation of the Affordable Housing Impact Fee and Inclusionary Housing Ordinance Programs.**

**Recommendation:**

(a) Adopt a resolution amending the 2017-2018 City of San José Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish an In-Lieu Fee of \$158,343 per unit for rental developments subject to the Inclusionary Housing Ordinance Program effective January 1, 2018.

(b) Adopt a resolution that amends Resolution No. 77218 as previously amended by Resolutions No. 78010 and 78392 (collectively the “Housing Impact Fee Resolution”) to address the transition between the Affordable Housing Impact Fee and Inclusionary Housing Ordinance Programs providing that new rental projects whose applications for first approval are completed after March 31, 2018, will be subject to the Inclusionary Housing Ordinance; and that additional guidance will be provided in the regulations.

(c) Accept staff report and direct staff to bring to the City Manager for approval amendments to the Inclusionary Housing Ordinance Guidelines regarding (1) rental developments; (2) the transition from Affordable Housing Impact Fee including alternative process for projects built on land leased from a public agency; and (3) coordination with the existing Inclusionary Housing Policy.

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

**Attachments**

[Memorandum](#)

[Resolution - Part \(a\)](#)

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

[Memo from Mayor Liccardo, VM Carrasco and CMs Davis, Ngu](#)

[Memo from CM Jimenez](#)

[Replacement Memo from CM Rocha](#)

[Letter\(s\) from the Public](#)

## **5. NEIGHBORHOOD SERVICES**



**5.1**     [17-474](#)     **Actions Related to the 2017-2018 Annual Adjustment for Park Impact Fees and High-Rise Fees.**

**Recommendation:**

Adopt a resolution effective March 1, 2018 to:

(a) Establish the annual Schedule of Parkland Fees and Credits that sets forth the fees and credits charged to residential projects subject to Municipal Code Chapters 14.25 (Park Impact Ordinance) and 19.38 (Parkland Dedication Ordinance) pursuant to Ordinance number 27949;

(b) Authorize the City Manager to determine the applicable parkland in-lieu fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees and Credits based on the nearest Multiple Listing Service districts;

(c) Establish a new permanent park impact in-lieu fee rate within the Proposed Parkland Schedule of Fees and Credits for new Downtown Core Area high-rise units, based upon observed occupancy; and

(d) Amend Section 2 of Exhibit B of Resolution No. 73587, as amended, temporarily setting the park impact fees charged for high-rise multi-family residential projects of twelve (12) stories or more located in the Downtown Core at fifty percent (50%) of the applicable parkland fees for multi-family 5 plus units in the Downtown Area to:

(1) Redefine the ‘Downtown Core Area’ in Section 2.A.1 as the boundaries depicted in Attachment D of this memorandum and to align the definition of ‘Downtown Core Area’ in Section 2.A.1 to read “or as defined by the Envision San José 2040 General Plan and the Downtown Strategy 2000, as may be amended”; and

(2) Remove Section 2.E.2 for the Expiration of Temporary Reduction and Deferred Payment, which incorrectly set a cap on the maximum number of units eligible for the Downtown High-Rise Incentive Program, as consistent with Council direction adopted on December 13, 2016.

CEQA: Exempt, File No. PP17-005, CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges. (Parks, Recreation and Neighborhood Services/Economic Development)

**Attachments**     [Memorandum](#)  
                          [Resolution](#)  
                          [Supplemental Memorandum](#)  
                          [Memo from CM Jimenez](#)  
                          [Letter\(s\) from the Public](#)

## **6. TRANSPORTATION & AVIATION SERVICES**

**6.1**     [17-465](#)            **Agreement with Santa Clara Valley Transportation Authority (VTA) for the U.S. 101/De La Cruz Boulevard-Trimble Road Interchange Improvement Project.**

**Recommendation:**     (a) Approve the Funding Agreement between the City of San José and the Santa Clara Valley Transportation Authority (VTA) to initiate final design for the U.S. 101/De La Cruz Boulevard - Trimble Road Interchange Improvement Project (Project) to provide the City's share of funding in the not to exceed amount of \$3,000,000 for a term beginning at the date of full execution to June 30, 2020.  
(b) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute amendments to the Funding Agreement to include VTA's share of funding for the Project.  
CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council District 4. (Transportation)

**Attachments**     [Memorandum Agreement](#)

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

**7.1**     [17-463](#)            **Actions Related to the Wage Standards for Residential Garbage & Recycling Contracts.**

**Recommendation:**     (a) Accept staff report which provides information about labor standards applicable to residential garbage and recycling contracts.  
(b) Direct staff to return to the City Council with a recommendation for Modified Living Wages for Recycle Plus Facility Workers for future residential solid waste service contracts.  
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Public Works/Environmental Services)

**Attachments**     [Memorandum Memo from CMs Rocha, Peralez and Jimenez Letter\(s\) from the Public](#)

7.2 [17-478](#) **Actions Related to the Storm Sewer Funding Alternatives.**

**Recommendation:** (a) Accept the report on storm sewer funding alternatives to address obligations under the San Francisco Baykeeper Consent Decree.  
 (b) Direct staff to complete further analysis of the recommended funding mechanisms that will meet obligations under the Consent Decree, as well as other Stormwater funding needs, and return to Council in spring 2018, with recommendations for implementation of funding alternatives.  
 CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies; and File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services/Public Works/Transportation)

**Attachments** [Memorandum](#)  
[Letter\(s\) from the Public](#)

## **8. PUBLIC SAFETY**

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

- RECESS THE MEETING OF THE CITY COUNCIL AND CONVENE THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 [17-496](#) **Amended Administrative Budget and Recognized Obligation Payment Schedule.**

**Recommendation:** Successor Agency Board adopt resolutions approving:  
 (a) The Amended Administrative Budget for July 1, 2017 through June 30, 2018; and  
 (b) The proposed adjustments to the Recognized Obligation Payment Schedule 17-18 and authorizing payment for the amended amounts in the “B” period.  
 CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in potentially significant physical impact on the environment. (Successor Agency)

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

- ADJOURN THE MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE AND RECONVENE THE MEETING OF THE CITY COUNCIL

## **10. LAND USE**

**10.1** [17-207](#) **Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue.**

**Recommendation:**

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

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

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

CP16-035 - Council District 9

(Deferred from 10/24/17 - Item 10.4 and 11/28/17 - Item 10.2)

(Continued from 12/12/17 - Item 10.2)

**Attachments** [Memorandum](#)  
[Memorandum from Councilmember Rocha](#)  
[Attachment A - Permit Appeal](#)  
[Attachment B - Project Petition](#)  
[Attachment C - Planning Commission Packet](#)  
[Attachment D - Signed Planning Commission Resolution](#)  
[Attachment E - Mitigation Management Plan](#)  
[Attachment F - Noise Study](#)  
[Attachment G - Plan Set](#)  
[Letters from the Public](#)  
[Letters from the Public 2](#)  
[Letters from the Public 3](#)  
[Illingworth & Rodkin, Inc's \(I&R\) Environmental Noise Assessn](#)  
[Letters from the Public 4](#)  
[Appellant-Onsite Traffic Report](#)  
[Appellant-Traffic images and video link](#)  
[Supplemental Memorandum](#)  
[Noise Report Rebuttal](#)  
[Memorandum from Councilmember Rocha](#)  
[Letter from Law Office of Benjamin R. Levinson.pdf](#)  
[Letter from Smith Engineering & Management](#)  
[Letter from The Silicon Valley Organization](#)  
[Resolution - Part \(b\)](#)  
[Supplemental Memorandum 2](#)  
[Letter\(s\) from the Public](#)

- **Open Forum**

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

- **Adjournment**

This meeting is adjourned in memory of Dajuana Lashon Wilson. Dajuana passed away on November 29, 2017. She touched the lives of so many people with her smile, wit, generosity, and strength. She was a woman of God, and her faith carried her through her three-year battle with cancer. Left to cherish her memories are her loving husband, Donald Wilson, their beloved son, Donovan Wilson, her parents, Estis and Dorothy, her sister Kim, the rest of her family members, and a host of neighbors, colleagues, classmates, and friends. (Rocha)

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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

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