



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, NOVEMBER 28, 2017

The Council of the City of San José convened in Regular Session at 1:32 p.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - Carrasco

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

None provided.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room W133 to (A) confer with Legal Counsel anticipated litigation: Initiation of litigation pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: 2; (B) confer with Legal Counsel-Existing Litigation Pursuant To Government Code Section 54956.9(d)(1): 1. Case Name: In re: Claim of Lino; Names of Partie(s); Court; Case No.: Amount of Money or Other Relief Sought: Administrative Appeal; 2. Case Name: In re: Claim of Boales; Name(s) of Parties(s): Amount of Money or Other Relief Sought: Administrative Appeal; (3) Case Name: Huckabay, et al. v. Pacific Gas and Electric Company, City, et al; Names of Partie(s): Darlene Huckabay, Clifford Huckabay, Pacific Gas and Electric Company, City of San Jose, County of Santa Clara, James Ferguson, R., as an individual and trustee of the James W. Ferguson Jr., Family Trust and does 1-40; Court: Superior Court of California, County of Santa Clara; Case No.: 17-cv-315409; Amount of Money or Other Relief Sought: Damages according to proof. 4 Case Name: City of San José v. City of Santa Clara; Name(s) of Parties(s): City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No: 16-Civ-02303; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; 5. City of Santa Clara v. City of San José, et al.; Name(s) of Parties(s) City of Santa Clara, City of San José, City of San José City Council, Does I Through X; Federal Realty and Investment Trust, and Does 1-20. Court: Superior Court of California, County of San Mateo; Case No: 17-CIV-00547; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; Under Negotiation. The direction will concern

(Item Continued on the Next Page)

Access the video, the agenda, and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccenter/ty>. 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.)

price and terms of payment. Likely Range of Value Property: Negotiated price based on appraisal and comparable property values. 6. Case Name: Federated City Employees' Retirement System v. City of San Jose Norberto Duenas in his Official Capacity as The City Manager of the City_ of San Jose; Name(s) of Parties(s) Involved: Federated City Employees' Retirement System, City of San Jose, Norberto Duenas in his Official Capacity as The City Manager of the City of San Jose, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No: 16CV302829; Amount of Money or Other Relief Sought: Writ of Mandate; 7. Case Name: San José Retired Employees Association, et al. v. City of San José et al; Name(s) of Parties(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, The Board of Administration for The Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV/-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (C) to confer regarding potential threat to public services or facilities pursuant to Government Code Section 54957(a): Consultation with: IT Department; (D) to confer with Real Property Designated Representatives pursuant to Government Code Section 54956.8: (1) 255 South Montgomery Street (APN 261-37-025); 8 South Montgomery Street (APN 259-38-130); 102 South Montgomery Street (APN 259-48-012) 510 West San Fernando Street (APN 259-48-011, 259-48- 013); 150 South Montgomery Street (APN 259-48-053) 105 South Montgomery Street (APN 261-35-003, 261-35- 006, 261-35-010) 645 Park Avenue (APN 261-35-014) 525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 259-28-043, 259-28-044) 697 W. San Carlos (261-37-030) No address (261-37-028). Negotiating Parties: Nanci Klein for the City of San Jose and Jay Bechtel for Google. Under Negotiation: The direction will concern price and terms of payment. (E) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Organization or Name and Title of Unrepresented Employees: Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Organization or Name and Title of Unrepresented Employees: Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Organization or Name and Title of Unrepresented Employees: 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. Benefit & Compensation Summary. (4) Organization or Name and Title of Unrepresented Employees: 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) Organization or Name and Title of Unrepresented Employees: 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 Confidential Employees' Organization, AFSCME Local 101 and City of San José. (6) Organization or Name and Title of Unrepresented Employees: 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 (IAFF), Local 230. (7) Organization or Name and Title of Unrepresented Employees: International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries,

(Item Continued on the Next Page)

CLOSED SESSION (Cont'd.)

Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Local 332 (IBEW. (8) Organization or Name and Title of Unrepresented Employees: 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 Municipal Employees' Federation, AFSCME Local 101, AFL-CIO. (9) Organization or Name and Title of Unrepresented Employees: 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 (OE#3). (10) Organization or Name and Title of Unrepresented Employees: City of San José and San José Police's Association, (SJPOA); Nature of negotiations: wages/salaries, hours, working conditions, etc.; Name of Existing Memorandum of Agreement — City of San José and Contract or MOA: Association of Legal Professionals of San José. (11) Organization or Name and Title of Unrepresented Employees: 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 between City of San Jose and Association of Legal Professionals of San José (ALP).

By unanimous consent, Council recessed from the Closed Session at 11:15 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

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

Absent: Councilmembers - Jimenez, Carrasco.

INVOCATION

Jeff Kramer, CEO/Owner, ComedySportz San José, provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo, accompanied by Third Graders from Lynhaven Elementary School, led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Tam Nguyen and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Items 3.3 and 4.1 deferred to December 5, 2017.
(9-0-2. Absent: Peralez, Carrasco.)

CEREMONIAL ITEMS

- 1.1 17-388 Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a proclamation recognizing November 2017 as Sikh Awareness Month in the City of San José.
- 1.2 17-403 Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing December 1st as World Aids Day in the City of San José.
- 1.3 17-431 Mayor Sam Liccardo presented a commendation to Ed Mosher for his long-standing downtown store Mosher's Ltd. and for his contributions to the City of San José and his alma mater San José State University.
- 1.4 17-204 Councilmembers Donald Rocha, Raul Peralez and Johnny Khamis presented a commendation to ComedySportz commemorating its 30th anniversary as the longest running show in Silicon Valley.
Heard in the Evening
- 1.5 17-432 Councilmember Donald Rocha presented a commendation to Victor M. Arrañaga, Jr. for leadership and service to The First Tee of Silicon Valley and San José Youth.
Heard in the Evening

CONSENT CALENDAR

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, the Consent Calendar was approved, with Item 2.5 pulled, and the below listed actions taken as indicated.
(9-0-2. Absent: Peralez, Carrasco.)

2.1 Approval of Council Minutes:

None provided.

2.2 17-365 Final Adoption of Ordinances.

Recommendation: (a) ORDINANCE NO. 30028 An ordinance of the City of San José amending the San Jose Municipal Code to add Title 26 for Community Energy. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.
(City Attorney/City Manager)

Action: Ordinance No. 30028 was adopted.
(9-2. Absent: Carrasco, Peralez)

(b) ORDINANCE NO. 30029 - An ordinance of the City of San José amending Sections 20.10.040, 20.50.100, 20.70.100, 20.80.760, 20.80.765, 20.80.775, 20.80.780, 20.80.790, 20.100.1530, 20.100.1535, and 20.100.1540 of Title 20 (Zoning) of the San José Municipal Code relating to medical and non-medical marijuana to change "Medical Marijuana Collective" to "Medical Cannabis Collective," "Medical Marijuana Collective Cultivation Site Only," to "Medical Cannabis Collective Cultivation Site

(Item Continued on the Next Page)

2.2 17-365

Final Adoption of Ordinances. (Cont'd)

Only,” “Medical Marijuana Collective Dispensary Site Only,” to “Medical Cannabis Collective Dispensary Site Only,” and to add “Medical Cannabis Business,” and “Non-Medical Cannabis Business” as newly enumerated restricted uses in specified industrial zoning districts and the downtown primary commercial zoning district and to make other technical, formatting, non-substantive changes. CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. (Planning, Building and Code Enforcement/Police)
PP17-070 - Citywide

Action: Ordinance No. 30029 was adopted.
(9-2. Absent: Carrasco, Peralez)

(c) ORDINANCE NO. 30030 - An ordinance of the City of San José amending Chapter 6.88 of Title 6 of the San José Municipal Code pertaining to Medical Cannabis Collectives, Medical Cannabis Businesses, Non-Medical Cannabis Businesses and to the personal cultivation and use of cannabis. CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. (Planning, Building and Code Enforcement/Police)
PP17-070 – Citywide

Action: Ordinance No. 30030 was adopted.
(9-2. Absent: Carrasco, Peralez)

(d) ORDINANCE NO. 30031 - An ordinance of the City of San José amending Part 12 to Chapter 17.23 of Title 17 of the San José Municipal Code to modify the definition of rental unit, to modify the scope of the exception to the material or habitual lease violation cause for eviction, and to repeal Section 17.23.1290, which suspended Part 6 and Part 7 of this Chapter. CEQA: Statutorily Exempt, File No. PP17-030, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

Action: Ordinance No. 30031 was adopted.
(9-2. Absent: Carrasco, Peralez)

(Item Continued on the Next Page)

2.2 17-365 Final Adoption of Ordinances. (Cont'd)

(e) ORDINANCE NO. 30032 - An ordinance of the City of San José amending Parts 1 through 8 and adding a new Part 9 to Chapter 17.23 of Title 17 of the San José Municipal Code to revise the Apartment Rent Ordinance. CEQA: Statutorily Exempt, File No. PP17-075, CEQA Guidelines Section 15061(b)(3), No potential for causing a significant effect on the environment. (Housing)

Action: Ordinance No. 30032 was adopted.
(9-2. Absent: Carrasco, Peralez)

2.3 Approval of Council Committee Minutes.

None provided.

2.4 19-374 Mayor and Council Excused Absence Requests

Recommendation: (a) Retroactive request for an excused absence for Councilmember Jimenez from the Regular Meeting of the Public Safety, Finance and Strategic Support Committee on November 16, 2017 due to personal travel. (Jimenez)
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.

Action: Excused absence for Councilmember Jimenez from the Regular Meeting of Public Safety, Finance, and Strategic Support Committee on November 16, 2017 was approved.
(9-2. Absent: Carrasco, Peralez)

2.5 City Council Travel Reports.

Councilmember Johnny Khamis provided a report of his 2017 visit to the City of Tainan, Taiwan as City of San José representative to the 40th Anniversary of the Sister City relationship. He presented a plaque to Mayor Sam Liccardo on behalf of the City of Tainan, Taiwan

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez, and carried unanimously, the report was approved.
(10-1. Absent: Carrasco)

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 17-270 Agreement with Steve P. Rados, Inc., for Design and Construction of Fourth Street Street 84-inch Interceptor Phase VI-A Project.

Recommendation: Adopt a resolution:
(a) Approving the final rankings of the design-build entity that responded to the Request for Proposals for the 4880 - Fourth Street 84-inch Interceptor Phase VI-A Project ("Project"); and

(Item Continued on the Next Page)

2.7 17-270 Agreement with Steve P. Rados, Inc., for Design and Construction... (Cont'd)

(b) Authorizing the Director of Public Works to negotiate a Design-Build contract for the Project with Steve P. Rados, Inc.

CEQA: Determination of Consistency with the Mitigated Negative Declaration for Sewer Interceptor Phase VIA Public Project (Resolution No. 77626), File No. PP10-160. (Public Works) (Deferred from 11/7/17 - Item 2.9 to 11/28/17)

Action: Resolution No. 78417 was adopted, and staff recommendation was approved. (9-2. Absent: Carrasco, Peralez)

2.8 17-359 Actions Related to the Concession Agreement with PRI-San José, LLC.

Recommendation:

Approve the Airport Retail Merchandising Unit Concession Agreement ("Agreement") with PRI-San José, LLC (PRI) for a term of five (5) years from the Commencement Date, with a concession fee payable to the City of San José of the greater of a minimum annual guarantee ("MAG") or an annual percentage fee of 2.25%. The MAG is established at Year 1 at \$54,000 and escalates annually to Year 5 of the Agreement to \$60,778, for a total minimum guarantee of \$286,695.

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

Action: The Airport Retail Merchandising Unit Concession Agreement was approved. (9-2. Absent: Carrasco, Peralez)

2.9 17-360 Actions Related to the Agreement with ALD Development, Inc. dba The Club at SJC.

Recommendation:

(a) Approve the Third Amendment to the Airport Concession Agreement between the City of San José ("City") and ALD Development, Inc. dba The Club at SJC (ALD) to extend the term through January 31, 2025, add a minimum Mid-Term Refurbishment Capital Expenditure to be made by ALD of \$225,000, increase the Gross Revenue percentage fee payable to the City to 13%, retroactive to June 1, 2016, and revise the minimum annual guarantee ("MAG") to account for impacts from the opening of the new shared use lounge in Terminal A.

(b) Approve a separate Shared Use Lounge Concession Agreement between the City and ALD to design, construct, and operate a new shared use lounge in Terminal A through January 31, 2025, with a minimum of \$2,000,000 in capital investment to be made by ALD, and a concession fee payable to the City of the greater of a MAG of \$136,600 or a percentage fee of 13% of gross revenue annually.

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

Action: The Third Amendment to the Airport Concession Agreement between the City of San José ("City") and ALD Development, Inc., was approved, and a separate Shared Use Lounge Concession Agreement between the City and ALD to design, construct, and operate a new shared use lounge in Terminal A through January 31, 2025, (9-2. Absent: Carrasco, Peralez)

2.10 17-361 Grant Application for the Airfield Electrical System Rehabilitation Project at the Airport.

Recommendation: Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration (FAA) for the construction portion of the Airfield Electrical System Rehabilitation project at the Norman Y. Mineta San José International Airport in a total amount not to exceed \$8,050,000.
CEQA: Determination of Consistency with the Final Environmental Impact Report, as Supplemented, for the San José International Airport Master Plan Update (Resolution Nos. 67380 and 71451), File No. PP17-079. (Airport)

Action: Resolution No. 78418 was adopted.
(9-2. Absent: Carrasco, Peralez)

2.11 17-382 Termination of the Proclamation of the Existence of a Local Emergency.

Recommendation: Adopt a resolution terminating the proclamation of the existence of a local emergency as a result of flooding. CEQA: Exempt, Section 15269, Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)

Action: Deferred to 12/5/17 per Administration.

2.12 17-364 Actions Related to the Purchase Order with Aegis ITS, Inc. for Fiber Optic Cable Services.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute a Purchase Order with Aegis ITS, Inc. (Anaheim, CA) for fiber optic cable repair, splicing and testing services for a three-year term starting on or about November 28, 2017 and ending on or about November 27, 2020, for an amount not-to-exceed \$354,864; and
(b) Purchase additional services as needed, subject to the same unit pricing, terms, and conditions, 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)

Action: Resolution No. 78419 was adopted, and staff recommendation was approved.
(9-2. Absent: Carrasco, Peralez)

2.13 17-357 Sale of a Portion of City-Owned Property Located Northeasterly Corner of Berryessa Road and Mercado Way.

Recommendation: Adopt a resolution:
(a) Declaring 783 square feet of vacated street on Berryessa Road, east of Mercado Way, surplus to the needs of the City;
(b) Authorizing the City Manager or his designee to execute a Purchase and Sale Agreement with the adjacent property owner S.J. Mercado Properties, LLC. in an amount not to exceed \$1,000; and

(Item Continued on the Next Page)

2.13 17-357 Sale of a Portion of City-Owned Property Located Northeasterly... (Cont'd)

(c) Authorizing the City Manager or his designee to execute the sale agreement, the quitclaim deed, and all other documents necessary to complete the transaction.
CEQA: Determination of Consistency to the San José Flea Market General Plan Amendment & Planned Development Rezoning EIR (Resolution No. 73956), GP06-04-01 and PDC03-108. (CEDC)

Action: Resolution No. 78420 was adopted, and staff recommendation was approved.
(9-2. Absent: Carrasco, Peralez)

2.14 17-387 Mayor's Staff Travel to Baltimore, MD.

Recommendation: Approve travel payments and authorize travel for Mayor's staff, Khanh Russo, Director of Strategic Partnerships, to Baltimore, Maryland, from December 4, 2017 to December 5, 2017 for the 21st Century Cities Symposium. Source of Funds: John Hopkins University. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor)

Action: Travel payments and authorized travel for Mayor's staff, Khanh Russo, to Baltimore, Maryland, from December 4, 2017 to December 5, 2017, was approved.
(9-2. Absent: Carrasco, Peralez)

2.15 17-358 Vacation of Setback Easement Located at 1199 Crescent Drive.

Recommendation: Adopt a resolution of intention to vacate the 25-foot and 15-foot light and air easements located at 1199 Crescent Drive and set a Public Hearing on Tuesday, December 19, 2017, at 1:30 p.m. CEQA: Exempt, File No. PP17-069, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 6. (Public Works)

Action: Resolution No. 78421 was adopted.
(9-2. Absent: Carrasco, Peralez)

2.16 17-389 District 2 Community Events.

Recommendation: As recommended by the Rules and Open Government Committee on November 15, 2017:

- (a) Retroactively approve the Dumpster Day held on November 11, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the Dumpster Day scheduled on December 9, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve the District 2 Holiday Appreciation Party scheduled on December 6, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 11/15/17 - Item G.1.a.]

(Item Continued on the Next Page)

2.16 17-389 District 2 Community Events. (Cont'd)

Action: The Dumpster Day Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(9-2. Absent: Carrasco, Peralez)

2.17 17-390 Celebrate Cambrian Festival.

Recommendation: As recommended by the Rules and Open Government Committee on November 15, 2017:

(a) Approve the Celebrate Cambrian Festival scheduled on August 26, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.

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

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Rocha)

[Rules Committee referral 11/15/17 - Item G.1.b.]

Action: The Celebrate Cambrian Festival Special Event was approved, and expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(9-2. Absent: Carrasco, Peralez)

3. STRATEGIC SUPPORT

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

None provided.

3.2 Labor Negotiations Update. Accept Labor Negotiations Update.

None provided.

3.3 17-281 Retirement Services Audit.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on October 19, 2017, accept the audit of Retirement Services. 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 [Public Safety, Finance, and Strategic Support Committee referral 10/19/17 - Item (d)5] (Deferred from 11/7/17 - Item 3.3 to 11/28/17 - Item 3.3)

Action: Deferred to 12/5/17 per Administration.

3.4 17-265 Actions Related to the Request for Proposal for Transportation Incident Management Center Event Tracking System.

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Parsons Transportation Group, Inc. (La Palma, CA) for the purchase and deployment of a Transportation Incident Management Center Event Tracking System, including software, and professional services for project management, software development, implementation, configuration, training and ongoing support and maintenance for an initial term of twelve years ending on or around December 2029, with a maximum compensation not-to-exceed \$1,678,351, including ten years of post-implementation maintenance and support, subject to the appropriation of funds; and
- (b) Execute amendments and change orders as may be required for any unanticipated changes to the City's requirements, not to exceed \$255,000, subject to 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)
(Deferred from 11/7/17 - Item 3.6 to 11/28/17 - Item 3.4)

There was no presentation for this item.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Sergio Jimenez, and carried unanimously, staff report was accepted, and Resolution No. 78422 was adopted.
(10-1. Absent: Carrasco)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 17-085 Report on the Implementation of the Urban Village Component of the Envision San José 2040 General Plan.

Recommendation: Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.
(Economic Development/Planning, Building and Code Enforcement)
(Deferred from 5/23/17 - Item 4.1, 6/6/17 - Item 4.1, et al, and 11/14/17 - Item 4.

Action: Deferred to 12/5/17 per Administration.

4.2 17-303

Envision San José 2040 General Plan Annual Performance Review.

Recommendation:

Accept the Envision San José 2040 General Plan Annual Performance Review 2017 report. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Planning, Building and Code Enforcement)

Planning, Building, and Code Enforcement Director, Rosalyn Hughey, and Division Manager Jared Hart gave a presentation and responded to questions.

Public Comments: Nicole Minto, (representing Silicon Valley@Home), commented on the Envision San José 2040 General Plan Annual Performance Review 2017 report.

Action: Upon motion by Councilmember Donald Rocha to move approval, seconded by Councilmember Sergio Jimenez and carried unanimously, the Envision San José 2040 General Plan Annual Performance Review 2017 report was accepted, including acceptance of Memorandum from Mayor Sam Liccardo to:

Accept the 2017 Envision San Jose 2040 General Plan Annual Performance Review, with direction to the City Manager to implement Council-approved objectives of the General Plan, and accelerate development of housing to address our critical needs by:

A. Returning to City Council in Spring 2018 with General Plan Text Amendment to:

1. Identify criteria enabling landowners to redevelop “opportunity sites”/“locally undesirable land uses” with mixed-use developments that implement Council-approved direction of Recommendations f.2 and 4 of the April 10, 2015 memorandum of Mayor Liccardo, Vice Mayor Carrasco, and Councilmember Jones, and further outlined by Recommendation 2.D.1 of Mayor Liccardo’s September 28, 2017 memorandum approved by the Rules Committee.

2. Develop criteria that allows mixed-use development to occur on commercial lands in Neighborhood Business Districts that are currently not within existing Urban Villages, using the “Signature Project” criteria as a model.

3. Move Urban Villages located on fixed rail transit or Bus Rapid Transit to Horizon 1, that implements Council-approved direction of Recommendation 2.e. of the April 10, 2015 memorandum of Mayor Liccardo, Vice Mayor Carrasco, and Councilmember Jones to identify Urban Villages best timed to proceed based on current or imminent infrastructure investments.

B. Accepting permit applications in the North San Jose Area Development Policy area for processing 4,000 units of transit-oriented, mixed-use development with the requisite environmental clearances, pursuant to:

1. A clear schedule for staff to perform any work required to move forward those applications.

(Item Continued on the Next Page)

4.2 17-303

Envision San José 2040 General Plan Annual Performance Review.... (Cont'd)

2. Criteria approved by Council in April 2016, as reflected in the memorandum, dated April 8, 2016 by Mayor Liccardo and Councilmembers Manh Nguyen and Raul Peralez, (see Item A. 1 & 2).

3. Any additional criteria staff deems appropriate to encourage construction of rent-restricted affordable housing.

C. Adopting the specific criteria described in the November 11, 2017 memorandum co-authored by Councilmembers Rocha, Peralez and Jimenez for sites deed-restricted for 100% affordable housing, where criterion 6 is amended to ensure a predictable, objective measure for required mixed-use development in these projects, such as a minimum 25 FAR requirements for commercial, office, or other employment uses.

D. Accelerating development of the Urban Village Financing Plans by:

1. In the event that Council approves direction on the Urban Village Financing Plans on December 5, 2017, provide Council with an Information Memorandum defining the timeline for completion of the plan, and identifying any obstacles that Council might remove to ensure completion of those plans.

2. In light of our inability to move forward with any significant housing in any urban villages until the completion of the Financing Plans, prioritize the completion of the Financing Plans over all new urban village planning efforts.

3. Once the Financing Plans are completed, comply with prior Council direction regarding focusing future urban village planning efforts on villages located along light rail corridors.

E. Returning to Council in future years with clearly identified performance measures that will be consistently used from one year's report to the next to track progress.

This was addended with acceptance of Memorandum from Councilmembers Rocha, Peralez and Jimenez recommending:

That the Council adopt one of the following options:

Option 1: Direct staff to return to City Council during the spring general plan hearing with a City-initiated general plan amendment that would amend general plan policy H-2.9 to allow affordable housing to be built on properties bordered by residential on at least one side, instead of at least two sides as the policy is currently written. This change would be consistent with the policy text as originally recommended to the City Council by the General Plan Task Force in 2016. A redlined version of the policy is attached.

(Item Continued on the Next Page)

4.2 17-303 **Envision San José 2040 General Plan Annual Performance Review.... (Cont'd)**

Option 2: Defer this item to a later meeting so that the full Council can deliberate on this matter.

This was further modified with acceptance of a friendly amendment from Councilmember Chappie Jones for a potential reduction in commercial space on these sites and to maintain the existing, or initial commercial square footage, (whichever is higher), above whatever is produced in staff analysis.

(10-1. Absent: Carrasco)

4.3 17-362 **Declaration of Continued Shelter Crisis, Designation of Facilities, and Agreement with HomeFirst for Overnight Warming Location Activation**

Recommendation:

(a) Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the following four City owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:

- (1) Tully Community Library, 880 Tully Rd, San José, CA 95111;
- (2) Southside Senior Center, 5585 Cottle Rd, San José, CA 95123;
- (3) Alum Rock Library, 3090 Alum Rock Ave, San José, CA 95127; and
- (4) Roosevelt Community Center, 901 E Santa Clara St, San José, CA 95116.

(b) Approve the Second Amendment to an Agreement with HomeFirst increasing the amount of the agreement by \$506,000 to continue operating the Overnight Warming Locations during the 2017-2018 cold weather season.

CEQA: Exempt, File No. PP17-076, CEQA Guidelines Section 15301, Existing Facilities and Section 15269, Emergency Projects. Council Districts 2, 3, 5 & 7.
(Housing)

Housing Department Acting Deputy Director Ray Bramson, and Housing Policy and Plan Administrator, James Stagi gave a presentation and responded to questions.

Public Comments: Offering comments on the Declaration of Continued Shelter Crisis and Agreement with HomeFirst for Overnight Warming Location Activation, were: Alfonso, Peter hung Vu, Patty Fishburn, (representing the San José Action); Gary Fishburn, Robert Aguirre, Ron Johnson, (representing Affordable Housing Network of Santa Clara County); Gail Osmer Bruce and Ray Perez.

Action: Upon motion by Councilmember Dev Davis to move staff recommendation, seconded by Councilmember Sergio Jimenez, and carried unanimously, staff report was accepted as recommended, and Resolution No. 78423 was adopted.

(10-1. Absent: Carrasco)

5. NEIGHBORHOOD SERVICES

5.1 17-229 Greenprint and Financial Feasibility Study.

Recommendation: As recommended by the Neighborhood Services and Education Committee on October 12, 2017, accept the report from the Department of Parks, Recreation and Neighborhood Services on the status of the Greenprint Update and Parks Funding Feasibility Study. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Parks, Recreation and Neighborhood Services)
[Neighborhood Services and Education Committee referral 10/12/17 - Item (d)(3)]

Parks, Recreation, and Neighborhood Services Director Angel Rios, Assistant Director Matt Cano and Deputy Director Nicole Burnham gave a presentation and responded to questions.

Public Comments: Offering comments on the Greenprint and Financial Feasibility Study were: Vince Rocha, (representing the San José Santa Clara Valley Association of Realtors; Debra Arant, (representing the Shasta Hanchett Neighborhood Association); Larry Aimes, (representing the Greenprint Task Force); Linda Ruthrop, (representing the Santa Clara Valley chapter); Shanie Klinehouse, (advocate for Santa Clara Valley Audubon Society); Mackenzie Mossing, (representing the Santa Clara Valley Audubon Society); Anna Marquez, Dave Pochell, (representing the Sierra Club Loma Prieta Chapter); Bill Rankin, (President of Save Our Trails and the Coyote Meadows Coalition); Ernesto Castro and Joe Hill.

Action: Upon motion by Councilmember Donald Rocha to move approval of his Memo, coauthored with Mayor Sam Liccardo, and Councilmembers Sergio Jimenez, seconded by Councilmember Sergio Jimenez, and carried unanimously, staff recommendation was accepted, including approval of the Memorandum by Mayor Sam Liccardo, and Councilmembers Sergio Jimenez and Donald Rocha to:

1. Accept the status report on the Greenprint update and the Parks Funding Feasibility Study.
2. Direct the City Manager to continue public engagement during "Phase 3" of the Greenprint, with a mechanism - such as Mapitas, or other digital tools - that allow residents to crowdsource identification and analysis of future park and trail development sites in San Jose. The tool - along with culturally & linguistically appropriate community outreach - should focus on leveraging community help to identify lower-cost opportunity sites in underserved neighborhoods, such as vacant neighborhood lots, long-abandoned buildings or railroad segments, desirable land held by another public agency (such as the Water District or CalTrans), and underutilized streets or cul-du-sacs.
3. Direct the City Manager to continue to study and prepare for a potential parks revenue measure in 2018 or 2020. Return to Council after "Phase 2" of the Funding Feasibility Study to update Council on the polling results.

(Item Continued on the Next Page)

5.1 17-229

Greenprint and Financial Feasibility Study. (Cont'd)

This was amended with approval of the supplemental staff direction to address Letters from the Public by:

- a) The Shasta / Hanchett Park Neighborhood Association; and,
- b) Audubon Sierra Club

This was further modified with approval of additional direction to refer items 3 and 4 from Councilmember Khamis' memorandum to the budget process as follows:

Item 3: Direct City Manager to pursue and implement the automation of processes such as reserving sports fields and park amenities (picnic areas, pavilions, and the like) to create efficiencies and drive additional revenues.

Item 4: Direct City Manager to provide a report to Council on policies that the City Council imposes that artificially raise costs or create barriers to volunteer activities that would make General Fund dollars go further. Further, have staff identify options for streamlining City operations or reducing costs - especially on non-core activities – to generate savings that can be used to improve park maintenance.
(10-1. Absent: Carrasco)

The Council of the City of San José recessed at 4:53 PM

The Council Meeting reconvened at 6:00 PM

Mayor Liccardo left the meeting at 5:15 PM

Councilmember Rocha chaired the remainder of the meeting.

5.2 17-363

Actions Related to the Tamien Park Phase II Project.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award a construction contract for the Tamien Park Phase II Project to the lowest responsive and responsible bidder in an amount not to exceed \$2,000,000 and to approve a five percent contingency in an amount not to exceed \$100,000; and
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project.

CEQA: Mitigated Negative Declaration for Tamien Park Master Plan (Resolution No. 77407), File No. PP14-057. Council District 3.

(Public Works/Parks, Recreation, and Neighborhood Services)

There was no presentation for this item.

City Attorney Rick Doyle noted a correction for the record that there's a typo. The title has \$1 million that should be corrected, the accurate number is \$2 million.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Chappie Jones, and carried unanimously. Resolution No. 78424 was adopted, and staff recommendation was approved, with notation that the title of the Resolution should read \$2,000,000 as it reads in the memo, text of the resolution, and text of the Agenda.

(8-3. Absent: Liccardo, Peralez, Carrasco).

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 17-309 **Actions Related to the 7382 - Digester and Thickener Facilities Upgrade Project at the San Jose-Santa Clara Regional Wastewater Facility.**

Recommendation:

(a) Approve a \$15,000,000 increase to the construction contingency amount of \$13,490,625 for a revised total contingency amount of \$28,490,625 and increasing the contract not-to-exceed amount from \$121,415,625 to a total revised contract amount not-to-exceed \$136,415,625 for the 7382 - Digester and Thickener Facilities Upgrade Project.

(b) Adopt the following 2017-2018 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Yard Piping and Road Improvements appropriation to the Environmental Services Department by \$8,000,000

(2) Decrease the Aeration Tanks and Blower Rehabilitation appropriation to the Environmental Services Department by \$7,000,000; and

(3) Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$15,000,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and San José-Santa Clara Regional Wastewater Facility Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Environmental Services/City Manager)

Environmental Services Deputy Director Julian Nguyen, Public Works Principal Engineer John Cannon, and Waste Water Program Manager, Collin Page gave a presentation and responded to questions.

Action: Upon motion by Councilmember Chappie Jones to move approval, seconded by Councilmember Raul Peralez, and carried unanimously. staff recommendation was Approved, and Ordinance No. 30035 adopted.
(9-2. Absent: Liccardo, Carrasco).

8. PUBLIC SAFETY

8.1 17-386 **2017 Fireworks Ordinance Workplan.**

Recommendation:

(a) Council determination that the amount of notice to the public is appropriate and therefore waive the 10-day noticing requirement for the distribution of the 2017 Fireworks Ordinance Workplan status report, and consider the following recommendation.

(b) Accept the 2017 Fireworks Ordinance Workplan status report.

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

(Item Continued on the Next Page)

8.1 17-386 2017 Fireworks Ordinance Workplan. (Cont'd)

Fire Chief Curtis Jacobson, Deputy Fire Chief Ryan Dulin, Assistant Fire Chief Robert Sapien Jr., SJPD Captain Mike Khimm, City Manager Assistant Michelle McGurk, Communications Director Rosario Neaves, and Assistant Finance Director Lisa Taitano gave a presentation and responded to questions.

Public Comments: Offering comments on the 2017 Fireworks Ordinance Workplan were Blair Beekman and Ray Perez.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Chappie Jones, and carried unanimously, staff recommendation was approved, including the 'carve-out' pilot program, and instructions to 'sunset' and review it next year. Work on clarifying the language was recommended, with directives to release that information in a memo once it is developed.
(9-2. Absent: Liccardo, Carrasco).

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

(a) 17-263 **Conforming Rezoning of Real Property Located at 1087 Meridian Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.2-acre portion of a larger 1.13-gross acre site, located at 1087 Meridian Avenue (northwest corner of Meridian Avenue and Willow Street) from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District (Penco Association, 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)
C17-042 - Council District 6

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Tam Nguyen, and carried unanimously, the **Consent Calendar** was approved, Ordinance No. 30036 passed for publication, with items C and E pulled, and item H deferred to December 12, 2017, and the below listed actions taken as indicated.
(9-2. Absent: Liccardo, Carrasco).

(b) 17-269 Conforming Rezoning of Real Property Located at 771 Almaden Avenue.

Recommendation:

Consideration of an ordinance of the City of San José rezoning a 0.157-gross acre site, located at the west side of Almaden Avenue approximately 150 feet northerly of West Virginia Street (771 Almaden Avenue) from the CN Neighborhood Commercial Zoning District to the R-2 Two-Family Residence Zoning District (Sean Huang, Owner). CEQA: Exempt per CEQA Guidelines 15303(b) for New Construction or Conversion of Small Structures. (Planning, Building and Code Enforcement)
C17-011 - Council District 3

Action: Dropped. Withdrawn by Applicant.

(c) 17-356 Conforming Rezoning for Real Property Located at 1508 Murphy Avenue.

Recommendation:

Consideration of an ordinance of the City of San José rezoning an approximate 0.45-gross acre site, located at the southeast corner of Murphy Avenue and Ringwood Avenue (1508 Murphy Avenue) from the A Agricultural Zoning District to the R-M Multiple Residence Zoning District for residential uses (Long Ju Lin and Tsao Yu Chi, Owner). CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structure. (Planning, Building and Code Enforcement)
C17-020 - Council District 4

Action: Dropped. Renoticed per Administration.

(d) 17-377 Conforming Rezoning for Real Property Located at 440 West Julian Street.

Recommendation:

Consideration of an ordinance of the City of San José rezoning a 5.38-gross acre site, located at the northeast corner West Julian Street and North Autumn Street (440 West Julian Street) from Light Industrial and Heavy Industrial Zoning Districts to the Transit Employment Center Zoning District (Michael Akatiff, Owner). CEQA: Determination of Consistency with Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-038 - Council District 3

Action: Ordinance No. 30037 passed for publication.
(9-2. Absent: Liccardo, Carrasco).

(e) 17-378 Conforming Rezoning for Real Property Located at 1593 Monterey Road.

Recommendation:

Consideration of an ordinance of the City of San José rezoning a 0.3-gross acre site, located on the northwest corner of Monterey Road and Bellevue Avenue (1593 Monterey Road) from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-001 - Council District 7

(Item Continued on the Next Page)

(e) 17-378 **Conforming Rezoning for Real Property Located at 1593 Monterey.... (Cont'd)**

Hong Kai, representing the Applicant, and new operator of the subject property located at 1593 Monterey Road, addressed City Council. Foremost, he is committed to operating a new fast food restaurant, with no alcohol; secondly, operating his new gig with a renewed approach and on a different, special time scale, and thirdly, fully complying with all applicable City Codes and Ordinances. Further, he firmly believes his business operation will stimulate a great economic boom in the neighborhood, while making a positive contribution in fostering a healthy sense of community living and to the good of the City.

Councilmember Tam Nguyen expressed appreciation and gratitude to the numerous leaders and community members from the Alma Community who have worked hard collaboratively for the past three years to reclaim their neighborhood.

Public Comments: Offering comments on Conforming Rezoning for Real Property Located at 1593 Monterey Road were: Francisco Lomas, Jr., Alma Peralez, (representing the Neighborhood Association); Jerry Boyles, Isa Para, Edward Sam.

Action: Upon motion by Councilmember Tam Nguyen, seconded by Councilmember Chappie Jones, and carried unanimously, staff report was approved, and Ordinance No. 30038 passed for publication.
(9-2. Absent: Liccardo, Carrasco).

(f) 17-379 **Conforming Rezoning for Real Property Located at 6970 Santa Teresa Boulevard.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.51-gross acre site, located at the north east corner of Santa Teresa Boulevard and Realm Drive (6970 Santa Teresa Boulevard) from the IP Industrial Park Zoning District to the CP Commercial Pedestrian Zoning District (American Real Estate Group LLC, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval.

(Planning, Building and Code Enforcement) C17-039 - Council District 2

Action: Ordinance No. 30039 passed for publication.
(9-2. Absent: Liccardo, Carrasco).

OPEN GENERAL PLAN AMENDMENT HEARING THIRD CYCLE

(g) 17-353 **General Plan Amendment: Land Use/Transportation Diagram Located at 2720 Booksin Avenue.**

Recommendation: General Plan Amendment to change the Land Use/Transportation Diagram from Public Quasi-Public to Residential Neighborhood to allow for residential uses on a 1.65-gross acre site, located on the easterly corner of Booksin Avenue and the terminus of Wawona Drive (2720 Booksin Avenue) (Lincoln Glen Church, Owner).

CEQA: 2700 Booksin Avenue General Plan Amendment Initial Study/Negativ Declaration. (Planning, Building and Code Enforcement) GP16-012 - Council District 9

Action: Dropped. Withdrawn per Applicant.

(h) 17-380 General Plan Amendment: Land Use/Transportation Diagram.

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a Resolution approving a General Plan Amendment to address Land Use/Transportation Diagram errors at locations within the boundaries of the Rincon South Urban Village, Jackson-Taylor Specific Plan, Martha Gardens Specific Plan, and Evergreen Village.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement) GP17-014 - Council Districts 3 and 8

Action: Deferred per Administration.

(i) 17-381 General Plan Text Amendment: Envision San José 2040 General Plan and the Alameda (East) Urban Village Plan.

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a resolution approving a General Plan Text Amendment to make minor modifications to the Envision San José 2040 General Plan and the Alameda (East) Urban Village Plan, including clarifying revisions to General Plan Policy IP-2.11 and The Alameda (East) Urban Village Policy LU-2.1, updates to Appendix 5 of the General Plan, and other minor grammatical and clarifying revisions.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement) GPT17-003 – Citywide

Action: Staff report was approved, and Resolution No. 78425 was adopted. (9-2. Absent: Liccardo, Carrasco).

(j) 17-383 **General Plan Text Amendment: General Plan Land Use Designations.**

Recommendation:

(a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

(b) Adopt a resolution approving a General Plan Text Amendment to clarify General Plan Land Use designations associated with the vacation or sale of City right-of-way and State freeways and transportation corridors.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement)

GPT17-004 – Citywide

Action: Staff report was approved, and Resolution No. 78426 was adopted.
(9-2. Absent: Liccardo, Carrasco).

(k) 17-384 **General Plan Text Amendment: Diridon Station Area Plan.**

Recommendation:

(a) Consider the Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), and Addenda thereto.

(b) Adopt a resolution approving a General Plan Text Amendment to add text from the adopted Diridon Station Area Plan Final Program Environmental Impact Report to the General Plan, and associated General Plan Amendment to reinstate the Downtown Core and modify the boundaries of the Midtown Specific Plan and the Downtown Growth Area.

CEQA: Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096) and Addenda thereto. Planning Commission recommends approval (7-0-0). (Planning Building and Code Enforcement)
GPT17-005/GP17-011 - Council District 3

Action: Staff report was approved, and Resolution No. 78427 was adopted.
(9-2. Absent: Liccardo, Carrasco).

(I) 17-385 **General Plan Text Amendment: Revision to Policy IP-5.10.**

Recommendation:

- (a) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto
- (b) Adopt a resolution approving a General Plan Text Amendment to revise Policy IP-5.10 to clarify that the commercial component of a Signature Project must be constructed before or concurrently with residential uses.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement) GPT17-006 – Citywide

Action: Staff report was approved, and Resolution No. 78428 was adopted. (9-2. Absent: Liccardo, Carrasco).

END OF CONSENT CALENDAR

10.2 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 - Item 10.4)

Action: Deferred to 12/12/17 by Applicant.

10.3 17-354

General Plan Amendment: Land Use/Transportation Diagram Located at 100 South Capitol Avenue.

Recommendation:

Adopt a resolution approving a General Plan Amendment to change the Land Use/Transportation Diagram from Neighborhood/Community Commercial to Residential Neighborhood on a 0.35-gross acre site., located on the southeast corner of South Capitol Avenue and Rose Avenue (100 South Capitol Avenue) (Nguyen Hiep Van Trustee, Owner). CEQA: Exempt per CEQA Guideline Section 15303 for New Construction or Conversion of Small Structures. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement) GP17-001 - Council District 5

There was no presentation for this item.

Planning, Building, and Code Enforcement Director, Rosalyn Hughey was available to respond to questions.

Action: Upon motion by Councilmember Chappie Jones to move approval, seconded by Councilmember Raul Peralez, and carried unanimously, Resolution No. 78429 was adopted and staff report was approved. (9-2. Absent: Liccardo, Carrasco).

10.4 17-355

General Plan Amendment: Land Use/Transportation Diagram Located at 370 West Trimble Road.

Recommendation:

(a) Adopt a resolution approving the 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration.
(b) Adopt a resolution approving a General Plan Amendment to change the Land Use/Transportation Diagram from Industrial Park to Combined Industrial/Commercial on a 19.4 gross acre site, located on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) (370 West Trimble Rd Corp, Owner). CEQA: 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement) GP17-007 - Council District 4

There was no presentation for this item.

Planning, Building, and Code Enforcement Director, Rosalyn Hughey was available to respond to questions.

Action: Upon motion by Councilmember Raul Peralez to move approval, seconded by Councilmember Chappie Jones, and carried unanimously, Resolution No. 78430 was adopted, and Resolution No. 78431 was adopted, (9-2. Absent: Liccardo, Carrasco).

• **Open Forum**

1. Shannon Sampson offered comments on the transportation system, the #181 Bus and B.A.R.T.
2. Blair Beekman commented on cold weather alerts, protecting people, and the future of Immigration.

• **ADJOURNMENT**

Councilmember Donald Rocha adjourned the Council meeting of the City of San José at 8:59 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

10/11-28-17 MIN

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

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

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

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