



City Council Meeting Synopsis

Tuesday, February 26, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



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

- **Call to Order and Roll Call**

9:06 a.m.- Closed Session, Call to Order in Council Chambers
Absent: Davis

1:31 p.m.- Regular Session, Council Chambers, City Hall

6:15 p.m.- Public Hearings, Council Chambers, City Hall

- **Invocation**

The South Bay Trombone Choir performing “Fanfare” with Andrew C. Fox provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo, with 4th Graders from Rosemary Elementary School led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved with Sunshine waiver for Items 4.1 and 4.3
(10-0. Absent: Davis)

- **Closed Session Report**

No report.

1. CEREMONIAL ITEMS

1.1 Mayor Liccardo and Councilmember Raul Peralez presented a proclamation to recognize March 2, 2019 as National Play Outside Day.

1.2 Mayor Liccardo and Councilmember Raul Peralez presented a commendation to recognize the San José State University's Technology Education Satellite Program.

1.3 Mayor Liccardo and Councilmember Dev Davis presented a proclamation to recognize February as American Heart Month.

1.4 Mayor Liccardo and Councilmember Magdalena Carrasco presented a commendation for Synopsys Science Fair.

Heard in the evening

1.5 Mayor Sam Liccardo presented a commendation to the selected authors from the Litterature Poetry Contest for contributing their creativity, poetry, and vision to beautify the landscape of San José.

Heard in the evening

2. CONSENT CALENDAR

The Consent Calendar was approved as recommended, with Item 2.8 pulled and voted on separately, and the below listed actions taken as indicated.

(10-0-1. Absent: Davis)

2.3 Approval of Council Committee Minutes.

(a) 18-1951 Approval of Council Committee Minutes.

Recommendation:

- (a) Regular Rules and Open Government Committee Meeting Minutes of June 21, 2017.
- (b) Regular Rules and Open Government Committee Meeting Minutes of November 29, 2017.
- (c) Regular Transportation and Environment Committee Meeting Minutes of April 2, 2018.
- (d) Regular Transportation and Environment Committee Meeting Minutes of August 13, 2018.
- (e) Regular Transportation and Environment Committee Meeting Minutes of September 10, 2018.
- (f) Regular Neighborhood Services and Education Committee Meeting Minutes of September 13, 2018.
- (g) Regular Smart Cities and Service Improvements Committee Meeting Minutes of September 6, 2018.

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

Approved.

2.4 18-1950 Mayor and Council Excused Absence Requests.**Recommendation:**

(a) Request for an excused absence for Councilmember Jimenez, from the Regular Meeting of Public Safety, Finance & Strategic Support Committee on February 21, 2019, due to authorized City business at the League of California Cities Board of Directors meeting in Grass Valley, CA.

(b) Request for an excused absence for Councilmember Carrasco, from the City Council meeting on June 18, 2019, due to City business at the Third Annual National Symposium of Solutions to End Youth Homelessness, in New York, NY.

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

Approved.

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 18-1919 Retroactive Approval of State of the District Sponsored by Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.****Recommendation:**

As recommended by the Rules and Open Government Committee on February 6, 2019:

(a) Retroactively approve the State of the District scheduled on January 30, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

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

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

[Rules Committee referral 2/6/19 - Item G.1.c]

Approved.

2.8 18-1921 Approval of an Additional General Plan Hearing for Affordable Housing Projects.**Recommendation:**

As recommended by the Rules and Open Government Committee on February 6, 2019, hold an additional General Plan Amendment Hearing in the spring of each year to expedite the land use approval of 100% affordable housing communities.

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

[Rules Committee referral 2/6/19 - Item G.4]

Approved as Recommended.

(10-0-1. Absent: Davis).

2.9 18-1930 Amendment to the AMS-SJC JV Airport Retail Concession Agreement for the Hudson Grab and Go Concession at the Airport.**Recommendation:**

Approve the Eighth Amendment to the AMS-SJC JV Airport Retail Concession Agreement to add a Hudson Grab and Go concession at the San José International Airport, and to establish the percentage fee paid as revenue to the Airport for this specific location.

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

Approved as Recommended.

2.10 18-1931**Amendment to the Airport Advertising Concession Agreement with Clear Channel Outdoor, Inc.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute a Sixth Amendment to the Airport Advertising Concession Agreement (“Agreement”) between the City of San José and Clear Channel Outdoor, Inc. (“Clear Channel”) to:

- (a) Extend the term of the agreement for an additional seven years from June 30, 2020 through June 30, 2027;
- (b) Effective July 1, 2020, adjust the Minimum Annual Guarantee (“MAG”) to increase annually by 2.5%, for a total MAG of \$15,472,232 to the City over the additional seven-year term;
- (c) Require a minimum capital investment of \$6.5 million by Clear Channel for its advertising facilities at the Airport, which converts currently approved static advertising sites to digital where practicable;
- (d) Effective nine (9) months from the execution of the Sixth Amendment, modify the percentage fees payable by Clear Channel for Options I (Fixed Display In-Terminal Advertising), II (Outdoor Advertising), and III (Transit/Bus Shelter Advertising) from 65% of Gross Revenues for Options I and II and 50% of Gross Revenues for Option III to 55% of Gross Revenues for each Option;
- (e) Add an additional advertising package “New Digital Program” at a percentage fee of 55% of Gross Revenues; and
- (f) Delegate authority to the Director to revise the media types and exhibit locations of all advertising packages.

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

Resolution No. 78988 Adopted.

(10-0-1. Absent: Davis)

2.11 18-1932**Amendment to the Agreement with Fairbank, Maslin, Maullin, Metz & Associates, Inc. for Consultant Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to execute the Continuation and First Amendment to the Agreement for Consultant Services between the City of San José and Fairbank, Maslin, Maullin, Metz & Associates, Inc. (FM3) through December 31, 2020 and an increase in compensation of up to \$381,500 for a total amount not to exceed \$1,000,000.

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

Deferred to 3/5/19 per Administration

2.12 18-1933

Ordinance Amending Chapter 3.36 of Title 3 of the San José Municipal Code to Allow Limited Reemployment of Retired Fire Employees of the City of San José's Police and Fire Department Retirement Plan.**Recommendation:**

Approve an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to allow for the limited reemployment of retired Fire employees of the City of San José's Police and Fire Department Retirement Plan.

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

Ordinance No. 30225 Passed for publication.

(10-0-1. Absent: Davis)

2.13 18-1934

Amendment to the Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc. for Construction Management and Inspection Services for the San José -Santa Clara Regional Wastewater Facility Capital Improvement Program.**Recommendation:**

Approve the First Amendments to the Master Consultant Agreements with Kennedy/Jenks Consultants Inc. and MNS Engineers, Inc., for construction management and inspection services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility, to allow for overtime pay, as may be required by the City, with no extension to the term or increase to the maximum total compensation.

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

(Environmental Services/Public Works)

Approved as Recommended.

2.14 18-1935

Actions Related to the Purchase Order for Digester Dome Coating Rehabilitation Services.**Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with National Coating & Lining Company (Murrieta, CA) for digester dome coating rehabilitation services for the Environmental Services Department at the San José-Santa Clara Regional Wastewater Facility for an initial twelve-month period, starting on or about April 1, 2019 and ending on or about March 31, 2020, for an amount not to exceed \$240,000; and

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about March 31, 2024, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP19-015, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Resolution No. 78989 Adopted.

Approved as Recommended.

(10-0-1. Absent: Davis)

2.15 19-005 Retroactive Approval of Project Hope Litter Pick-up and Dumpster Day at Roundtable Drive and Welch Park Co-Sponsored by the Mayor's Office and The Parks, Recreation, and Neighborhood Service's Project Hope as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 13, 2019:
(a) Retroactively approve the Project Hope Litter Pick-up and Dumpster Day at Roundtable Drive (D2) and Welch Park (D8) scheduled on February 23, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 2/13/19 - Item G.1.a]
Approved as Recommended.

2.16 19-006 Approval of the San José Earthquakes Flag Raising Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 13, 2019:
(a) Approve the San José Earthquakes Flag Raising scheduled on February 28, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perales)
[Rules Committee referral 2/13/19 - Item G.1.b]
Approved as Recommended.

2.17 19-007 Approval of the Cesar E. Chavez Day Flag Raising Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 13, 2019:
(a) Approve the Cesar E. Chavez Day Flag Raising scheduled on Wednesday, March 27, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Perales)
[Rules Committee referral 2/13/19 - Item G.1.c]
Approved as Recommended.

2.18 19-008 Retroactive Approval of the I Love ESSJ Leadership Reception Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 13, 2019:
(a) Retroactively approve the I Love ESSJ Leadership Reception scheduled on February 15, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 2/13/19 - Item G.1.d]
Approved as Recommended.

2.19 19-009 Retroactive Approval of the Gridley/Golf Public Safety Meeting Sponsored by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 13, 2019:
(a) Retroactively approve the Gridley/Golf Public Safety Meeting scheduled on February 6, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 2/13/18 - Item G.1.e]
Approved as Recommended.

2.20 19-010 Retroactively Approve the Dumpster Day Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 13, 2019:
(a) Retroactively approve the Dumpster Day event scheduled on February 23, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)
[Rules Committee referral 2/13/19 - Item A.1.a]
Approved as Recommended.

2.21 19-027 Approval of Creek Cleanup Support as a City Council Sponsored Special Event Series to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 20, 2019:
(a) Approve the Creek Partners events as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Mayor)
[Rules Committee referral 2/20/19 - Item G.1.a]
Approved as Recommended.

2.22 19-028 Retroactive Approval of Celebration and Ceremonial Oath of Office at the Camden Community Center Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 20, 2019:
(a) Retroactively approve the Celebration and Ceremonial Oath of Office at the Camden Community Center scheduled on Wednesday, February 6, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 2/20/19 - Item G.1.b]
Approved as Recommended.

2.23 19-029 VEBA Advisory Committee Appointment.

Recommendation: As recommended by the Rules and Open Government Committee on February 20, 2019, approve the appointment of Laura Almaguer, nominated by the Federated Unions, to the Voluntary Employees' Beneficiary Association (VEBA) Advisory Committee to a term ending May 31, 2022.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
[Rules Committee referral 2/20/19 - Item F.1]
Approved as Recommended.

2.24 19-030 Retroactive Approval of Councilmember Carrasco's Swearing in Celebration by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 20, 2019:
(a) Retroactively approve Councilmember Carrasco's Swearing-in celebration scheduled on December 26, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 2/20/19 - Item A.1.a]
Approved as Recommended.

2.25 19-031 Retroactive Approval of the Ribbon Cutting of Marten Avenue Crosswalk by Council District 5 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 20, 2019:
(a) Retroactively approve the Ribbon Cutting of the Marten Avenue Crosswalk scheduled on January 11, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)
[Rules Committee referral 2/20/19 - Item A.1.a]
Approved as Recommended.

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

3.3 18-1936 Status Report on Deferred Maintenance and Infrastructure Backlog. -

Recommendation: As recommended by the Transportation & Environment Committee on February 4, 2019, accept the status report on the City's Deferred Maintenance and Infrastructure Backlog.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)
[Transportation & Environment Committee referral 2/4/19 - Item d(1)]
Deferred to 3/12/19 per Administration

4. COMMUNITY & ECONOMIC DEVELOPMENT**4.1 18-1937 PP18-092 - Amendment to Title 20 (The Zoning Ordinance) of the San José Municipal Code to Add Safe Parking as a New Enumerated Use.**

Recommendation: (a) Adopt a resolution adopting the Incidental Safe Parking Municipal Code Amendment Negative Declaration, for which an Initial Study was prepared, all in accordance to the California Environmental Quality Act, as amended.

**Resolution No. 78990 Adopted
(10-0-1. Absent: Davis)**

(b) Approve an ordinance of the City of San José amending and adding sections to Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code (the Zoning Code) to allow Safe Parking as a new use to provide shelter to homeless people in vehicles on existing City-owned sites and sites consisting of legal assembly uses constructed and operating in compliance with the San José Municipal Code; adding the definitions of "Incidental Safe Parking" and "Safe Parking Area" to Chapter 20.80; and making other technical, formatting or non-substantive changes within the Zoning Code.

CEQA: Initial Study/Negative Declaration for the Incidental Safe Parking Municipal Code Amendment. File No. PP18-092. Planning Commission recommends approval (4-2, Vora and Yesney oppose).

(Planning, Building and Code Enforcement)

Ordinance No. 30226 Passed for publication, including approval, (with the changes below), of the memorandum from Mayor Liccardo, Vice Mayor Jones, Councilmembers Davis, and Arenas to:

1. Accept Planning Commission's recommendations with the following modifications:

- a. Allow Safe Parking providers to include supervised, outdoor food preparation and eating by either participants or the provider as part of the operator's site layout plan and service management plan, but continue to prohibit participants from lighting fires of any kind; such activity shall be consistent with the use;**
- b. Allow Safe Parking operators the discretion to allow participants- under unique conditions- to periodically sleep outside of cars if, for example, it would be dangerously hot to sleep inside the car, or a participant has marked pain or discomfort because of sleeping inside a car;**
- c. Return with proposed amendment to change setback to 30 feet; and**
- d. Require Safe Parking operators to maintain and publish a phone number that will allow operators to field any related community concerns or complaints, including those that might be made outside of regular business hours.**

2. Direct staff to reach out to Safe Parking operators with offers of City or partner services soon after plans are approved.

(10-0-1. Absent: Davis)

4.2 18-1938**PP18-101 - Amendment to Title 20 (The Zoning Ordinance) of the San José Municipal Code to Add Co-Living Facilities as a New Use in the Downtown.****Recommendation:**

Approve an ordinance of the City of San José adding Part 15.5 to Chapter 20.80 of Title 20 to establish rules and regulations related to Co-Living Facilities, to add Co-Living Facility as a newly enumerated use in the Downtown, adding the definition to Co-Living Facility to Chapter 20.200, and making other technical, non-substantive, or formatting changes related to this new use in Title 20.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR)

(Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental Program Environmental Impact Report (Resolution No. 77617) and Addenda thereto. File No. PP18-101. Planning Commission recommends approval (6-0).

Council District 3. (Planning, Building and Code Enforcement)

Ordinance No. 30227 passed for publication, including approval of the memorandum from Mayor Liccardo, Vice Mayor Jones, Councilmembers Peralez and Carrasco to accept the Planning Commission's recommendation with the following modifications [including a language change in original memo]:

- 1. Maintain the requirement that co-living projects provide Transportation Demand Management (TDM) measures even if they do not take advantage of parking reductions.**
- 2. Modify the baseline parking ratio for projects with 600 or more co-living units adjacent, across or within 500 feet of a Residential Neighborhood (RN) designated property to 0.60 per unit, prior to reductions.**
- 3. Encourage projects that require a TDM to work with organizations like the Silicon Valley Bicycle Coalition to include a programmatic component to educate and incentivize residents to use those TDM measures.**
- 4. Direct staff to report back no later than one year after issuance of the first Certificate of Occupancy to evaluate the effectiveness of the policy.**
(10-0-1. Absent: Davis)

4.3 18-1940**Agreement with the Santa Clara Valley Water District for Encampment Abatement and Revised Encampment Abatement Procedures.****Recommendation:**

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Agreement with the Santa Clara Valley Water District for Homeless Encampment Abatement within City boundaries.

(b) Accept the revised Homeless Encampment Abatement Procedures.

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

(Housing)

Resolution No. 78991 Adopted, including acceptance of Councilmember Khamis' motion to limit to encampments that are not in need of immediate abatement. This was addended with direction to staff to consider looking at heat stroke index data in determining what is safe.

(10-0-1. Absent: Davis)

5. NEIGHBORHOOD SERVICES

5.1 18-1941 Annual BeautifySJ Report.

Recommendation: As recommended by the Neighborhood Services & Education Committee on December 13, 2018, accept the BeautifySJ Annual report which includes updates pertaining to street landscape maintenance, illegal dumping, anti-graffiti, and anti-litter activities. 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/Environmental Services/Transportation) [Neighborhood Services & Education Committee referral - 12/13/18 (d)1]
Deferred to 3/26/19 per Rules and Open Government

5.2 19-026 Report on Office of Immigrant Affairs Activities.

Recommendation: As recommended by the Neighborhood Services & Education Committee on February 14, 2019, accept the Administration's report on accomplishments as it relates to the Welcoming SJ Plan and highlight significant activities. 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) [Neighborhood Services & Education Committee referral - 2/14/19 (d)1]
Deferred to 3/12/19 per Rules and Open Government

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-1942 Public Hearing on the Air Service Support Program.

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

Southwest and Alaska Airlines Routes

Airline: Southwest
Market: Nashville
Airport: BNA
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

6.1 18-1942 Public Hearing on the Air Service Support Program. (Cont'd.)

Airline: Southwest
Market: Honolulu
Airport: HNL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Maui
Airport: OGG
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Kona
Airport: KOA
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Southwest
Market: Lihue
Airport: LIH
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$174,521)
Marketing Funds: (-\$75,000)

Airline: Alaska
Market: Dallas
Airport: DAL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (-\$89,416)
Marketing Funds: (-\$25,000)

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

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

(Airport)

Approved as Recommended.

Resolution No. 78992 Adopted.

(10-0-1. Absent: Davis)

6.2 18-1944**Actions Related to the Downtown Airspace and Development Capacity Study.****Recommendation:**

As recommended by the Rules and Open Government on February 20, 2019, review and discuss, with no Council action:

(a) Accept a completed Downtown Airspace and Development Capacity Study, with selection of Scenario 4, which would affirm the City's development policy to use Federal Aviation Administration (FAA) obstruction evaluation determinations on a project-by-project basis as maximum building height limits in the Downtown Core and Diridon Station Area.

(b) Direct the Administration and City Attorney's Office to explore, and report back to Council on, the feasibility of establishing a "Community Air Service Support Fund" to financially mitigate air service impacts that might arise from implementation of Scenario 4 of the Downtown Airspace and Development Capacity Study.

(c) Direct the Administration to consider potential refinements to the development review process for projects subject to an FAA obstruction evaluation determination including:

(1) Requiring applicants to have the technical data on the FAA submittal forms be prepared by a licensed civil engineer and that the forms identify the location and elevation of the highest points of the proposed building, including any mechanical rooms, screens, antennas, or other accessory structure.

(2) Requiring applicants to also identify the location and elevation of the highest points of the proposed building and accessory extensions thereof, on their City development permit application plans, including any mechanical rooms, screens, antennas, or other accessory structure.

(3) Requiring that when the FAA requires a completed construction survey as part of an obstruction evaluation determination, that such survey be prepared by a licensed civil engineer for the highest-points of the structure, including accessory extensions thereof, and be completed prior to City issuance of an occupancy certification.

(4) Requiring a development permit amendment application for any proposed modification or addition to an existing or approved building that would create a new and/or relocated roof-top high point.

(5) Developing a construction crane policy in the Downtown Core and Diridon Station area to minimize impacts on airline service during construction.

(d) Direct the Administration to initiate amendments, as determined applicable, to the General Plan and other key policy documents to incorporate the above recommendations and conduct outreach with the downtown development community to provide information and guidance on development height restrictions.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment and File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (Airport)

[Community and Economic Development Committee referral 1/28/19 - Item (d)5]

Continued to the March 12 Council Agenda.

6.3 18-1945 Actions Related to the 2019 Major Streets Concrete & ADA Ramps Project.**Recommendation:**

(a) Approve award of a construction contract for the 2019 Major Streets Concrete & ADA Ramps Project #1, to the low bidder, Rosas Brothers Construction, Inc. in the amount of \$2,010,800.

(b) Approve a ten percent contingency in the amount of \$201,080.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 3, 4, 5, & 6.

(Transportation)

Approved as Recommended.

(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

7. ENVIRONMENTAL & UTILITY SERVICES**7.1 18-1946 Memorandum of Understanding with the Natural Resources Defense Council, Inc. for the American Cities Climate Challenge.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute the Memorandum of Understanding with the Natural Resources Defense Council, Inc. in support of the American Cities Climate Challenge, establishing the terms and conditions for a working agreement and the City of San José's American Cities Climate Challenge work plan, and further authorizing any amendments to the Memorandum of Understanding provided the value of the support to the City does not decrease.

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

(Environmental Services)

Resolution No. 78993 Adopted.

(6-1-4. Abstained: Liccardo. Absent: Arenas, Carrasco, Davis, Esparza.)

8. PUBLIC SAFETY**9. REDEVELOPMENT – SUCCESSOR AGENCY****• Open Forum**

No cards

• Council recessed at 5:47 p.m.

• Council resumed at 6:15 p.m.

10. LAND USE

10.1 Land Use on Consent Calendar

**10.1 18-1947 C18-020 - Conforming Rezoning for Real Property Located at 10080
(a) Viewpoint Lane.**

Recommendation: Approve an ordinance rezoning an approximately 0.27-gross acre site, located on the South Side of Viewpoint Lane approximately 400 feet west of Almaden Road (10080 Viewpoint Lane) from the A Agriculture Zoning District to the R-1-5 Single-Family Residence Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C18-020. Council District 10. (Planning, Building and Code Enforcement)
Ordinance No. 30228 Adopted.
(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

**10.1 18-1948 C18-035 - Conforming Rezoning for Real Property Located at the Northwest
(b) Corner of Fox Avenue and North First Street.**

Recommendation: Approve an ordinance rezoning an approximately 0.43-gross acre site, located at the northwest corner at the intersection of Fox Avenue and First Street, from the CO Commercial Office and the R-1-8 Single-Family Residence Zoning District to the R-M Multiple Residence Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Program Environmental Impact Report (EIR) (Resolution No. 76041) the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. File No. C18-035.
Council District 3. (Planning, Building and Code Enforcement)
Ordinance No. 30229 passed for publication, including approval of memorandum from Councilmember Peralez to Accept staff recommendation and:

- 1. Direct Parks, Recreation, and Neighborhood Services (PRNS) to partner with the applicant to ensure that future residents are educated about the City's therapeutic services.**
- 2. Request that the developer conduct a robust community engagement process exceeding Council Policy 6-30.**

(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 18-1949 PDC16-036/PD17-014/PT17-023 - Planned Development Zoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 4300, 4320, 4340 and 4360 Stevens Creek Boulevard.

Recommendation:

(a) Adopt a resolution certifying the 4300 Stevens Creek Boulevard Mixed-Use Project Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended (CEQA);

Resolution No. 78994 Adopted, including acceptance of recommendations the staff shared during presentation.

(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

(b) Adopt an ordinance of the City of San José rezoning (File No. PDC16-036) an approximately 10-gross acre site generally located on the south side of Stevens Creek Boulevard, roughly between Kiely Boulevard and Palace Drive (4300-4360 Stevens Creek Boulevard; APNs: 294-40-009, 296-38-014, and 296-38-013) from the CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District;

Ordinance No. 30230 passed for publication.

(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

(c) Adopt a resolution approving a Vesting Tentative Map (File No. PT17-023), subject to conditions, to allow the subdivision of three existing parcels into four parcels and seven common parcels;

Resolution No. 78995 Adopted.

(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

(d) Adopt a resolution approving a Planned Development Permit (File No. PD17-014), subject to conditions, to allow the demolition of five buildings totaling approximately 105,980 square feet, the removal of 68 ordinance size trees and to construct a six-story approximately 233,000 square foot office building, a six-story parking garage, an eight story mixed-use building containing approximately 10,000 square feet of ground floor commercial and up to 289 residential units, and an eight-story residential building containing up to 293 residential units, and approximately 88 affordable residential units will be dispersed throughout the mixed-use and residential building; with four added Conditions of Approval related to FAA review, the privately-owned and maintained, but publicly accessible open space, the storefront modification, and the offsetting transportation improvements; and one modified Condition of Approval related to the fair share contribution towards the VTA Voluntary Mitigation Program.

CEQA: 4300 Stevens Creek Boulevard Mixed-Use Project Environmental Impact Report (EIR). File Nos. PDC16-036, PD17-014, and PT17-023. Planning Commission recommends approval (5-0-1, Ballard absent). Council District 1. (Planning, Building and Code Enforcement)

Resolution No. 78996 Adopted.

(7-0-4. Absent: Arenas, Carrasco, Davis, Esparza)

- **Open Forum**

No cards.

- **Adjournment:** 11.47 p.m.