



City Council Meeting

Amended Agenda

Tuesday, October 3, 2017

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1

SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3

LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5

DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7

SYLVIA ARENAS, DISTRICT 8

DONALD ROCHA, DISTRICT 9

JOHNNY KHAMIS, DISTRICT 10



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov 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 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

[17-181](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

[17-182](#) Closed Session Agenda - Successor Agency

Attachments [Closed Session Agenda - Successor Agency](#)

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

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

- Invocation (District 9)

San José Youth Shakespeare

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA TO BE
HEARD IMMEDIATELY AFTER CONSENT CALENDAR

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- 1.1 [17-101](#) Presentation of a proclamation declaring the week of October 15th
"National Retirement Security Week" in the City of San José. (Khamis)

- 1.2 [17-153](#) Presentation of a commendation to Services, Immigrant Rights and Education Network (SIREN) for their 40 years of work by empowering low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy and legal services. (Carrasco)
- 1.3 [17-171](#) Presentation of a proclamation declaring the month of October 2017 as "Domestic Violence Awareness Month" in the City of San José. (Carrasco)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

[17-154](#) Approval of City Council Minutes:

Recommendation:

- (a) Regular Minutes of April 11, 2017.
 - (b) Regular Minutes of April 18, 2017.
 - (c) Regular Minutes of April 25, 2017.
 - (d) Regular Minutes of May 2, 2017.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

Attachments [Minutes - April 11, 2017](#)
 [Minutes - April 18, 2017](#)
 [Minutes - April 25, 2017](#)
 [Minutes - May 2, 2017](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[17-152](#)

Approval of Council Committee Minutes:

Recommendation:

(a) Public Safety, Finance and Strategic Support Committee Minutes of June 15, 2017.

(b) Community and Economic Development Committee Minutes of June 26, 2017.

(c) Transportation and Environment Committee Minutes of September 11, 2017.

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

Attachments[PSFSS Minutes - June 15, 2017](#)[CED Minutes - June 26, 2017](#)[T&E Minutes - September 11, 2017](#)**2.4 Mayor and Council Excused Absence Requests.****2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7** [17-151](#)

Approval of Adjusted Campaign Contribution Limits.

Recommendation:

Approve the adjusted campaign limits and adopt a resolution approving the adjusted campaign contribution limits in accordance with San José Municipal Code Section 12.06.210.C. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Clerk)

Attachments[Memorandum](#)[Resolution](#)**2.8** [17-155](#)

Mayor Liccardo and Mayor's Staff Travel to New York, NY.

Recommendation:

Retroactively authorize travel by Mayor Liccardo and Mayor's staff, Khanh Russo, Director of Strategic Partnerships, to New York City on September 28, 2017 as official representatives of the City of San José for meetings with philanthropic organizations regarding San José's key initiatives. Source of Funds: Mayor's Office Budget. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor)

Attachments[Memorandum](#)

2.9 [17-100](#) Actions Related to the Problem Gambling Assessment Services.

Recommendation: Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the General Fund:

- (a) Eliminate the Problem Gambling Reserve in the amount of \$75,000; and
- (b) Establish a City-Wide expense appropriation for Problem Gambling to the Department of Parks, Recreation, and Neighborhood Services in the amount of \$75,000.

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

Attachments [Memorandum](#)

2.10 [17-143](#)

Actions Related to the 8036 - Del Monte Park Phase II Project.

Recommendation:

- (a) Approve a Service Agreement with the San Jose Water Company for the Del Monte Park Phase II project, in the amount of \$142,790.
- (b) Approve an ordinance designating as additional public right-of-way, a 10-foot wide strip on the south side of Auzerais Avenue from Sunol Street to Los Gatos Creek, all of which is currently City-owned property, to accommodate the Del Monte Park improvements.
- (c) Approve an increase to the construction contingency from 5 percent to 10 percent for the Del Monte Park Phase II project in the amount of \$215,840 for a total contingency of \$431,680.
- (d) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction and Conveyance Tax Fund: Parks Purposes Council District 6:
 - (1) Increase the Beginning Fund Balance by \$3,000; and
 - (2) Increase the Del Monte Park Expansion Phase II Master Plan and Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$3,000.
- (e) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund:
 - (1) Increase the Beginning Fund Balance by \$512,000;
 - (2) Increase the Del Monte Park Expansion Phase II appropriation to the Parks, Recreation and Neighborhood Services Department by \$572,000; and
 - (3) Decrease the Future PDO/PIO Projects Reserve appropriation by \$60,000.

CEQA: Del Monte Park - Phase II Mitigated Negative Declaration (Resolution No. 77930), File No. PP16-023. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Attachments

[Memorandum](#)
[Agreement - Part \(a\)](#)
[Ordinance - Part \(b\)](#)

- 2.11** [17-113](#) Amendment to the Agreement with Santa Clara Valley Transportation Authority (VTA) for the BART Extension to Berryessa.

Recommendation: Approve the Second Amendment to Cooperative Agreement #7 with the Santa Clara Valley Transportation Authority (VTA) to retroactively extend the term of the Agreement to June 30, 2018. CEQA: Determination of Consistency with the BART Extension to Milpitas, San José, and Santa Clara Final Environmental Impact Report, the BART Extension to Milpitas, San José, and Santa Clara Final Supplemental Environmental Impact Report, and the BART Silicon Valley Phase 1 - Berryessa Extension Final 2nd Supplemental Environmental Impact Report, and Addenda thereto (Resolution No. 76126). Council District 4. (Public Works)

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

- 2.12** [17-162](#) District 6 Coffee Chat.

Recommendation: As recommended by the Rules and Open Government Committee on September 20, 2017:
(a) Retroactively approve the Councilmember Coffee Chat held on September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Retroactively 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 9/20/17 - Item G.1.a.]

Attachments [Memorandum](#)

2.13 [17-157](#) Ratification of Final Expenditures for 2016-2017.

Recommendation:

(a) Adopt an ordinance ratifying final 2016-2017 expenditures in various appropriations as detailed in the report to Council.

(b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:

(1) Increase the Construction and Conveyance Tax estimate by \$4,671,408;

(2) Increase the Needs-Based Allocation Transfer to District 1 by \$412,729;

(3) Increase the Needs-Based Allocation Transfer to District 2 by \$203,375;

(4) Increase the Needs-Based Allocation Transfer to District 3 by \$174,616;

(5) Increase the Needs-Based Allocation Transfer to District 4 by \$240,178;

(6) Increase the Needs-Based Allocation Transfer to District 5 by \$313,354;

(7) Increase the Needs-Based Allocation Transfer to District 6 by \$300,115;

(8) Increase the Needs-Based Allocation Transfer to District 7 by \$209,710;

(9) Increase the Needs-Based Allocation Transfer to District 8 by \$309,299;

(10) Increase the Needs-Based Allocation Transfer to District 9 by \$271,356;

(11) Increase the Needs-Based Allocation Transfer to District 10 by \$211,634;

(12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$1,324,181; and

(13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$700,861.

(c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

(1) Increase the Construction and Conveyance Tax estimate by \$12,942; and

(2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$12,942.

(d) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the 1943 Gas Tax Maintenance and Construction Fund:

- (1) Increase the Gas Tax estimate by \$103,901; and
- (2) Increase the Transfer to the General Fund for Street Maintenance appropriation by \$103,901.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project with may result in a potentially significant physical impact on the environment. (City Manager)
RENUMBERED FROM ITEM 3.6

Attachments [Memorandum](#)

- 2.14** [17-158](#) Amendment to Ground Leases for the Lease Riders on the Japantown Seniors, Donner Lofts and Ford Road Family Affordable Housing Projects.

Recommendation: Adopt a resolution authorizing the Director of Housing to negotiate and execute lease riders amending the ground-leases for three existing affordable housing projects (Japantown Senior Apartments at 685 North 6th Street, Ford Road Family at 215 Ford Road and Donner Lofts at 156 E. St. John Street) in favor of the California Tax Credit Allocation Committee (“TCAC”) subject to satisfaction of certain conditions, and authorizing Director of Housing to execute a lender’s consent to the TCAC lease rider. CEQA: Japantown Senior Apartments Environmental Impact Report (Resolution No. 74384), GP 07-03-04, PDC08-010; Addendum to the San José Downtown Strategy 2000 Final Environmental Impact Report for the Donner Lofts, C09-009/H09-004; Ford Road Family Apartments Mitigated Negative Declaration, File No. PDC09-022. Council District 3. (Housing)
RENUMBERED FROM ITEM 4.6

Attachments [Memorandum](#)

2.15 [17-134](#) Amendment to the Agreement with California High Speed Rail Authority for the California High Speed Rail Project.

- Recommendation:** (a) Approve the Standard Agreement Amendment (Agreement) between the City of San José and the California High Speed Rail Authority (Authority) for City support services related to the planning phase of development for the California High Speed Rail project in San José to:
- (1) Increase the reimbursement amount from \$270,000 to \$869,688;
 - (2) Amend the City staff hourly rates;
 - (3) Modify the deliverable schedule; and
 - (4) Permit the City to subcontract reimbursable work under the Agreement with prior approval of the Authority.
- (b) Adopt the following 2017-2018 Funding Source Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:
- (1) Increase the revenue estimate from the State of California to the City's Department of Transportation in the amount of \$599,688; and
 - (2) Increase the High Speed Rail appropriation in the amount of \$599,688.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 2, 3, 6, 7 & 10. (Transportation/City Manager)
RENUMBERED FROM ITEM 6.2

Attachments [Memorandum](#)
 [Agreement - Part \(a\)](#)

2.16 [17-175](#) Councilmember Nguyen's Travel to Houston, TX.

- Recommendation:** Retroactively approve travel by Councilmember Tam Nguyen to Houston, Texas as part of a delegation to present Hurricane Harvey relief funds to Mayor Sylvester Turner of Houston on September 29, 2017 to October 1, 2017. Source of Funds: Council District 7 Travel Fund. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Nguyen)

Attachments [Memorandum](#)

2.17 [17-176](#) District 2 Village Fest.

Recommendation: As recommended by the Rules and Open Government Committee on September 27, 2017:
(a) Approve the Village Fest event scheduled for October 14, 2017 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. (Jimenez)
[Rules Committee referral 9/27/17 - Item G.1.a.]

Attachments [Memorandum](#)

2.18 [17-177](#) Sherbourne Neighborhood Block Party.

Recommendation: As recommended by the Rules and Open Government Committee on September 27, 2017:
(a) Approve Sherbourne Neighborhood Block Party scheduled for September 30, 2017 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 9/27/17 - Item G.1.b.]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report)**3.2 Labor Negotiations Update. Accept Labor Negotiations Update.**

TO BE HEARD AT 9:30 A.M.

3.3 [17-140](#) Status of Open Audit Recommendations as of June 30, 2017.

Recommendation: Accept the Status of Open Audit recommendations as of June 30, 2017. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

Attachments [Status of Open Audit Recommendations](#)

3.4 [17-138](#) Terms of an Agreement with the San José Police Officers' Association (SJPOA) and the International Association of Fire Fighters, Local 230 (IAFF).

Recommendation: Adopt a resolution approving the terms of an Agreement between the City and the San José Police Officers' Association (SJPOA) and the International Association of Fire Fighters, Local 230 (IAFF) regarding additional amendments to the Alternative Pension Reform Framework Settlement Agreement, and authorizing the City Manager to execute an Agreement with those terms. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

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

3.5 [17-139](#) Ordinance Implementing Additional Changes from the Alternative Pension Reform Framework Agreement and Measure F.

Recommendation: Approve an ordinance amending various sections of Chapters 3.36 and 3.57 of Title 3 of the San José Municipal Code to implement additional revisions including but not limited to pension cost-sharing, the independent medical review panel, the Voluntary Employees' Beneficiary Association (VEBA) and retiree healthcare based on the implementation of the Alternative Pension Reform Framework and Measure F for members of the City of San José 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)

Attachments [Memorandum](#)
[Ordinance](#)

3.6 Ratification of Final Expenditures for 2016-2017. RENUMBERED TO ITEM 2.13

3.7 [17-098](#) CWA/PLA Task Force Committee Recommendations.

Recommendation: (a) Accept the Community Workforce Agreement/Project Labor Agreement (CWA/PLA) Task Force Report; and
 (b) Provide further direction to City staff.
 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)
 DEFERRED FROM 10/3/17 TO 10/24/17 PER ADMINISTRATION

Attachments [Memorandum](#)
 [Letters from the Public](#)
 [Letter from ABC NorCal](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [17-114](#) Downtown High-Rise Residential Incentive for North San Pedro Tower III at 323 Terraine Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 323 Terraine Street in the amount of \$4,084,091, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C.
 CEQA: Addendum to the Brandenburg Mixed-Use Project/North San Pedro Housing Sites EIR, and the San José Downtown Strategy 2000 Final Environmental Impact Report, File No. H14-037. Council District 3. (Economic Development)

Attachments [Memorandum](#)
 [Memorandum from Councilmember Perez](#)

- 4.2 [17-115](#) Downtown High-Rise Residential Incentive for Park View Towers at 252 N. First Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 252 N. First Street in the amount of \$2,723,593, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the Final Supplemental Environmental Impact Report for the Park View Towers Project, and Downtown Strategy 2000 Environmental Impact Report, Planning File Nos. H14-009 and HA14-009-01. Council District 3. (Economic Development)

Attachments [Memorandum](#)
 [Memorandum from Councilmember Perez](#)

- 4.3 [17-116](#) Downtown High-Rise Residential Incentive for SJSC Towers at 33 N. Fifth Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 33 N. Fifth Street in the amount of \$8,475,023, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San José 2040 General Plan and the Envision San Jose 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Economic Development)

Attachments [Memorandum](#)
 [Memorandum from Councilmember Perez](#)

- 4.4 [17-117](#) Downtown High-Rise Residential Incentive for the Graduate at 88 E. San Carlos Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 88 E. San Carlos Street in the amount of \$3,628,503, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the San José Downtown Strategy 2000 Final Program EIR (Resolution No.72767), the Envision San José 2040 General Plan (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), File Nos. H16-036 and T16-048. Council District 3. (Economic Development)

Attachments [Memorandum](#)
 [Memorandum from Councilmember Peralez](#)

4.5 [17-133](#) Actions Related to the Issuance of Multifamily Housing Revenue Bonds, the Loan of Bond Proceeds for the Catalonia Apartments.

Recommendation:

Adopt a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Catalonia Apartments), Series 2017C (the “Bonds”) in a principal amount not to exceed \$17,713,027;
 - (b) Approving a loan of Bond proceeds to Catalonia Two, L.P., a California limited partnership created by Eden Housing, Inc., a California nonprofit corporation, to finance the acquisition and rehabilitation of the Catalonia Apartments located at 2036 Evans Lane, in San José;
 - (c) Approving in substantially final form the Indenture of Trust, Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (the “Bond Documents”);
 - (d) Authorizing and directing the City Manager, Director of Finance and Director of Housing, or their designees, to execute and deliver the Bond Documents and related documents as necessary; and
 - (e) Authorizing the Director of Housing to negotiate and execute amendments to existing City loan documents relating to the Catalonia Apartments consistent with the terms described below.
- CEQA: Exempt, File No. PP17-019, CEQA Guidelines Section 15301 for existing facilities. Council District 6. (Housing/Finance)

Attachments [Memorandum](#)
 [Indenture of Trust](#)
 [Loan Agreement](#)
 [Regulatory Agreement](#)
 [Resolution](#)

4.6 Amendment to Ground Leases for the Lease Riders on the Japantown Seniors, Donner Lofts and Ford Road Family Affordable Housing Projects. RENUMBERED TO ITEM 2.14

5. NEIGHBORHOOD SERVICES

- 5.1 [17-142](#) Application for 2017 Santa Clara County Grant Funding from the All-Inclusive Playgrounds Program.

Recommendation: (a) Approve the recommended park sites listed in Attachment B to the memorandum to Council for the City's application to apply for the County of Santa Clara grant for the development of all-inclusive playgrounds.
 (b) Allow Parks, Recreation and Neighborhood Services staff the flexibility in requesting funds when applying for the proposed nine park sites for the All-Inclusive Playgrounds Program grant.
 CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Parks, Recreation and Neighborhood Services)

Attachments [Memorandum](#)
 [Supplemental Memorandum](#)

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 [17-156](#) Formation of the Ad Hoc Advisory Committee on South Flow Aircraft Arrivals.

Recommendation: (a) As recommended by the Transportation and Environment Committee on September 11, 2017, approve staff's report to allow staff to work with Santa Clara County cities and the County to form the Ad Hoc Advisory Committee on South Flow Arrivals.
 If part (a) is approved:
 (b) Appoint a Councilmember and an alternate Councilmember to represent the City on the Committee.
 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Airport)
 [Transportation and Environment Committee referral 9/11/17 - Item (d)3]

Attachments [Memorandum](#)
 [Supplemental Memorandum](#)
 [Presentation to T&E Committee](#)
 [Letters from the Public](#)
 [Letters from the Public 2](#)
 [Letters from the Public 3](#)
 [Letters from the Public 4](#)

6.2 Amendment to the Agreement with California High Speed Rail Authority for the California High Speed Rail Project. RENUMBERED TO ITEM 2.15

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [17-118](#) Actions Related to the Alviso Storm Pump Station.

Recommendation:

- (a) Approve award of a construction contract for the Alviso Storm Pump Station Project (CPMS ID 6095) to the second low bidder, JMB Construction, Inc., in the amount of \$13,130,420 and approve a ten percent contingency in the amount of \$1,313,042.
 - (b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance Amendments in the Storm Sewer Operating Fund:
 - (1) Decrease the Capital Program Reserve by \$3,000,000; and
 - (2) Increase the transfer to the Storm Sewer Capital Fund by \$3,000,000.
 - (c) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Storm Sewer Capital Fund:
 - (1) Increase the estimate for Transfers and Reimbursements by \$3,000,000; and
 - (2) Increase the Alviso Storm Pump Station appropriation to the Public Works Department by \$6,800,000;
 - (3) Decrease the Outfall Rehabilitation - Capital appropriation to the Public Works Department by \$100,000;
 - (4) Decrease the Alviso Storm Pump Station Reserve by \$1,200,000;
 - (5) Decrease the Storm Pump Station Rehabilitation and Replacement appropriation to the Public Works Department by \$1,500,000;
 - (6) Decrease the Storm Sewer Master Plan - City-wide appropriation to the Public Works Department by \$300,000;
 - (7) Decrease the Condition Assessment Storm Sewer Repairs appropriation to the Public Works Department by \$200,000; and
 - (8) Decrease the Unrestricted Ending Funding Balance by \$500,000.
- CEQA: Determination of Consistency with the Alviso Storm Pump Station Initial Study and Mitigated Negative Declaration (Resolution No. 77721), File No. PP15-052. Council District 4. (Public Works/Environmental Services/City Manager)

Attachments [Memorandum](#)

- 7.2 [17-137](#) Amendment to the Agreement with Lennar Avenue One, LLC for Sanitary Sewer Improvements.

Recommendation: Approve an amendment to the subdivision improvement agreement with Lennar Avenue One, LLC (“Developer”) to retroactively reimburse the Developer for the upsizing of the existing, and installation of new, sanitary sewer mains on Raleigh Road and Charlotte Drive between Cottle Road and Endicott Boulevard in an amount not to exceed \$1,314,670. CEQA: Addendum to the Hitachi Campus and Mixed-Use Transit Village Project Environmental Impact Report (Resolution No. 72772), File No. PDC04-031. Council District 2. (Public Works)

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

- 7.3 [17-111](#) Audit of Environmental Services Department Consulting Services.

Recommendation: As recommended by the Transportation and Environment Committee on September 11, 2017, accept the audit report on ESD Consulting Services. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Auditor)
[Transportation and Environment Committee referral 9/11/17 - Item (d)4.]
DEFERRED FROM 9/26/17 TO 10/3/17 PER ADMINISTRATION

Attachments [Audit of ESD Consulting Services](#)
 [TPAC Supplemental](#)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

- 10.2** [17-174](#) Analysis of Proposed General Plan Land Use Overlay Amendments for Mobilehome Parks and Review of Recommendations from The Law Foundation of Silicon Valley Regarding Protection of Mobilehome Park Residents. DROP

Recommendation: Accept staff analysis of a proposed General Plan amendment to create overlay designations for mobilehome parks with residential designations with a recommendation of no action to amend the General Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Housing)
(Deferred from 9/19/17 - Item 10.2)
DROP

- 10.3** [17-094](#) Conforming Rezoning, Special Use Permit and Development Exception for Real Property Located at 1657 Alviso-Milpitas Road.

Recommendation: (a) Adopt a resolution certifying the 237 Industrial Center Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Consideration and Mitigation, Monitoring and Reporting Program, all in accordance to the California Environmental Quality, Act, as amended.
(b) Consideration of an ordinance of the City of San José Rezoning an approximately 64.59 gross acre site, located northwest of Highway 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road), from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District (Cilker Carl A And Kathleen C Trustee, Owners).
(c) Adopt a resolution approving (i) Special Use Permit No. SP16-053, subject to conditions, to allow the removal of eight ordinance sized and 14 non-ordinance sized trees, and construction of six buildings for a data center use totaling approximately 376,519 square feet with associated site improvements and 14 generators, and (ii) a Development Exception to allow a reduction in off-street parking.
CEQA: 237 Industrial Center Environmental Impact Report.
(Planning, Building and Code Enforcement)
C15-054, SP16-053 & V17-004 - Council District 4
DEFERRED FROM 10/3/17 TO 10/24/17 PER
ADMINISTRATION

10.4 [17-159](#)

Amendment to the Development Agreement with Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project.

Recommendation:

Consideration of an ordinance to approve the Second Amendment to the Development Agreement by and between the City of San José and Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project (Ordinance No. 29528), as amended, for the property located at 696 North 6th Street. The Second Amendment to the Development Agreement would incorporate a one-year extension of the terms of the Agreement; authorize the use of the site by the City on a temporary basis for a farmer's market and public parking; require a Developer's Community Liaison for the Project under specified circumstances; and revise remedies available in the event of any delay by the Developer in performance or default of the Agreement. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (6-0-1; Pham absent). (Planning, Building and Code Enforcement)
DA17-001 - Council District 3

Attachments [Replacement Memorandum](#)
[Ordinance](#)

- Open Forum

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

- Adjournment

- JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA

1:30 p.m.

October 3, 2017

CHAMBERS

TO BE HEARD IMMEDIATELY AFTER CITY OF SAN JOSE CITY COUNCIL CONSENT
CALENDAR

1. Call to Order and Roll Call

2. [17-119](#) Actions Related to the Establishment of an Interim Financing Program to Finance Capital Improvements at the San José-Santa Clara Regional Wastewater Facility.

Recommendation:

- (a) Adopt resolutions of the City Council:
- (1) Providing for the allocation of Wastewater System Revenues, the pledge of Wastewater Net System Revenues, and establishing covenants to secure the payment of obligations payable from Wastewater Net System Revenue and repealing prior inconsistent resolutions; and
- (2) Approving the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes from time to time in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing Wastewater System and Treatment Plant Projects for the City of San José and/or refunding Prior Obligations issued or incurred for such purpose, approving and authorizing the execution and delivery of a Credit Agreement and a Fee Letter Agreement with Wells Fargo Bank, National Association, and a Subordinate Installment Purchase Contract, and authorizing other related actions in connection therewith.
- (b) Adopt a resolution of the City of San José Financing Authority Board authorizing the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes from time to time in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing Wastewater System and Treatment Plant Projects for the City of San José and/or refunding Prior Obligations issued or incurred for such purpose, approving and authorizing the execution and delivery of a Credit Agreement and a Fee Letter Agreement with Wells Fargo Bank, National Association, and a Subordinate Installment Purchase Contract, and authorizing other related actions in connection therewith.

CEQA: San José-Santa Clara Regional Wastewater Facility Master Plan EIR (Resolution No. 76858), File No. PP11-043. (Finance)

Attachments [Memorandum](#)
[Resolution - \(a\)\(1\)](#)
[Resolution - \(a\)\(2\)](#)
[Resolution - \(b\)](#)
[Credit Agreement](#)
[Fee Letter Agreement](#)
[Subordinate Installment Purchase Contract](#)

- Open Forum
- Adjournment

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

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

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