



City Council Meeting Amended Agenda

Tuesday, February 13, 2018

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



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

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

- 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

[18-242](#) See Separate Agenda.

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- Invocation (District 2)

Pastor Micaiah Irmeler, Southridge Church

- Pledge of Allegiance

- Orders of the Day

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

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

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 [17-350](#) Presentation of a commendation to the San José Walk n' Roll Task Force Advisory Board Members for their leadership and support to over 65 schools in promoting walking, biking or rolling to school and sustaining/expanding the program to advance pedestrian safety and healthy lifestyles in our City. (Mayor)
- TO BE HEARD IN THE EVENING**

- 1.2 [18-181](#) Presentation of a commendation to the Iranian Federated Women's Club for outstanding volunteer and charitable efforts throughout 2017. (Khamis)
TO BE HEARD IN THE EVENING
- 1.3 [18-206](#) Presentation of a commendation to Evolve Sense, Philz Coffee, Casino M8trix and the Sierra Club Loma Prieta Chapter for their commitment to beautifying and supporting our communities during the 2017 Great American Litter Pick Up. (Peralez)
- 1.4 [18-240](#) Presentation of a proclamation recognizing February 2018 as Children's Dental Health Month in the City of San José. (Arenas)

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.

[18-184](#) **Approval of City Council Minutes.**

Recommendation: (a) Regular Council Meeting Minutes of 6/20/17
(b) Regular Council Meeting Minutes of 6/27/17
(c) Regular Council Meeting Minutes of 8/8/17
(d) Regular Council Meeting Minutes of 8/15/17
(e) Regular Council Meeting Minutes of 9/12/17
(f) Regular Council Meeting Minutes of 9/19/17
(g) Regular Council Meeting Minutes of 9/26/17
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments [Council Meeting Minutes - June 20, 2017](#)
[Council Meeting Minutes - June 27, 2017](#)
[Council Meeting Minutes - August 8, 2017](#)
[Council Meeting Minutes - August 15, 2017](#)
[Council Meeting Minutes - September 12, 2017](#)
[Council Meeting Minutes - September 19, 2017](#)
[Council Meeting Minutes - September 26, 2017](#)

2.2 Final Adoption of Ordinances.

[18-208](#)

Final Adoption of Ordinances.

Recommendation:

ORD. NO. 30067 - An ordinance of the City of San José rezoning Certain real property of approximately 63 gross acres situated at the terminus of America Center Drive, (APNs: 015-45-013, 024, 032, 048, 049, 050, 051, 051, 052, and 053) from the A(PD) Planned Development Zoning District.
CEQA: Subsequent Environmental Impact Report to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392). Planning Commission Recommends approval (5-0-1-1, Bit-Badal absent, Vora abstained). (Planning, Building and Code Enforcement)
DEFERRED FROM 2/13/18

2.3 Approval of Council Committee Minutes.

[18-183](#)

Approval of Council Committee Minutes.

Recommendation:

(a) Neighborhood Services and Education Committee Minutes of November 9, 2017. (Rocha)
(b) Community and Economic Development Committee Minutes of November 27, 2017. (Khamis)
(c) Rules and Open Government Committee Minutes of January 24, 2018. (Mayor)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

[NSE Minutes of November 9, 2017](#)
[CED Minutes of November 27, 2017](#)
[ROGC Minutes of January 24, 2018](#)

2.4 Mayor and Council Excused Absence Requests.

[18-207](#) **Mayor and Council Excused Absence Requests.**

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

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

Attachments [Memorandum](#)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-188](#) **Actions Related to City Auditor's Travel to Denver, Colorado.**

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

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

Attachments [Memorandum](#)

2.8 [18-189](#) **Actions Related to City Auditor's Travel to Colorado Springs, Colorado.**

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

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

Attachments [Memorandum](#)

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

Recommendation: Approve the updated Guaranteed Purchasing Power benefit costing for the San Jose Retired Employees' Association (SJREA) Settlement Agreement and authorize the changes to the Guaranteed Purchasing Power included in the Settlement Agreement.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project with may result in a potentially significant physical impact on the environment. (City Manager)

Attachments [Memorandum](#)

2.10 [18-152](#) **Amendment to the Agreement with History San Jose.**

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

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

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

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

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

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

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

2.12 [18-149](#) **Actions Related to the Purchase Order 54415 with Enviser for Temporary Electrician Services.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Order 54415 with Enviser (Garden Grove, CA) for temporary electrician staffing services, to increase compensation by \$193,257, for a revised maximum compensation not-to-exceed \$483,257 for the current term ending June 30, 2018; and
- (b) Purchase additional services as needed, subject to the same pricing and terms and conditions of the Purchase Order, and the appropriation of funds.

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

Attachments [Memorandum](#)

2.13 [18-150](#) **Report on Request for Proposal for Landscaping Maintenance Services for Civic Grounds and Small Parks.**

Recommendation:

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

- (a) Execute an Agreement with Bayscape Management Inc. (San José, CA) for Landscaping Maintenance Services for Civic Grounds and Small Parks for an initial twelve-month term commencing on or about February 13, 2018 and ending on or about February 12, 2019 with maximum compensation not-to-exceed \$835,000;
- (b) Negotiate and execute amendments and/or change orders to add or delete sites, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.
- (c) Execute up to five one-year options to extend the term of the Agreement with the final option year ending on or about February 12, 2024, subject to the appropriation of funds.

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

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

2.14 [18-151](#) **Actions Related to the Purchase Orders for Preventative Maintenance and Repair Services for HVAC Systems.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

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

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

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

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

(Finance)

Attachments [Memorandum](#)

2.15 [18-148](#) **Naming of New Park Located at William Manly Street and Jayhawkers Place.**

Recommendation:

Approve the name “William Lewis Manly Park” for the park site located near the intersection of William Manly Street and Jayhawkers Place within the Communications Hill Neighborhood in South San José.

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

Attachments [Memorandum](#)

2.16 [18-193](#) **Actions Related to Councilmember Jimenez's Travel to Washington, DC.**

Recommendation:

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

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

Attachments [Memorandum](#)

2.17 [18-210](#) **Actions Related to Councilmember Khamis's Travel to Washington, DC.****Recommendation:**

Authorize travel for Councilmember Johnny Khamis to Washington, DC from February 27, 2018 to March 1, 2018 for Silicon Valley Leadership Group and excuse absence from the February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole for travel on City business. Source of Funds: District 10 Office funds.

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

Attachments [Memorandum](#)

2.18 [18-212](#) **Actions Related to Councilmember Jones's Travel to Washington, DC.****Recommendation:**

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

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

Attachments [Memorandum](#)

2.19 [18-219](#) **Approval of Community Events Sponsored by Council District 7 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation:

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

- (a) Retroactively approve the Meet and Greet at Almaden Family Apartments on January 18, 2018 at the Almaden Family Apartments as a City Council Sponsored Event and approve the expenditure of funds.
 - (b) Retroactively approve the Seven Trees Neighborhood Association Clean Up on February 3, 2018 at Seven Trees Community Center as a City Council Sponsored Special Event and approve the expenditure of funds.
 - (c) Retroactively approve the Los Lagos Golf Course Community Meeting on February 5, 2018 at the Los Lagos Golf Course as a City Council Sponsored Special Event and approve the expenditure of funds.
 - (d) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - (1) TET Festival Celebration at Seven Trees on February 10, 2018 at Seven Trees Library and Community Center;
 - (2) TET Festival Celebration at Tully Library on February 24, 2018 at Tully Library and Community Room;
 - (3) TET Festival Celebration at Vietnamese American Community Center on February 24, 2018 at the Vietnamese American Community Center;
 - (4) One Year Anniversary of Coyote Creek Flood BBQ on February 26, 2018 at Shirakawa Elementary School;
 - (5) Clean Up with Tam on March 3, 2018 at College Connection Academy;
 - (6) Easter Egg Hunt on March 23, 2018 at Los Lagos Golf Course;
 - (7) Immigration Forum on March 21, 2018 at Saint Maria Goretti Church;
 - (8) Dump Your Junk on April 7, 2018 at Yerba Buena High School; and
 - (9) Clean Up with Tam on April 14, 2018 at Midfield and Havana.
 - (e) Approve and accept donations from various individuals, businesses, or community groups to support the events.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment and File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Nguyen)
[Rules Committee referral 02/07/18 - Item G.1.a]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update. Accept Labor Negotiations Update. TO BE HEARD AT 9:30 A.M.

3.3 [18-140](#) **Approval of the 2017-2018 Mid-Year Budget Review Report.**

Recommendation:

- (a) Approve the 2017-2018 Mid-Year Budget Review Report.
- (b) Approve an ordinance:
- (1) Amending Section 4.79.020 and adding a new Section 4.79.030 to Chapter 4.79 of Title 4 of the San José Municipal Code to establish the Library Parcel Tax Capital Fund and to make technical and clarifying changes;
 - (2) Amending Part 8 of Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Section 4.80.430 to establish the Convention and Cultural Affairs Capital Fund and to make technical and clarifying changes;
 - (3) Amending Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code to amend Section 14.32.300 and add new Sections 14.32.310 and 14.32.320 to establish in the Municipal Code the Convention Center and Facility District Revenue Fund which had been established previously through the annual budget process, and to establish the Convention Center Facility District Capital Fund and to make technical and clarifying changes; and
 - (4) Amending Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code to amend Section 14.32.300 and add new Sections 14.32.310 and 14.32.320 to establish in the Municipal Code the Convention Center Facility District Revenue Fund which had been established previously through the annual budget process, and to establish the Convention Center Facility District Revenue Fund and the Convention Center Facility District Capital Fund and to make technical and clarifying changes.
- (c) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2017-2018 Mid-Year Budget Review Report. Amendments in the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund shall be effective on the dates on which the ordinances establishing the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund become effective.
- (d) Approve the following revisions to the City Manager's Office staffing in 2017-2018: Add 1.0 Deputy City Manager; add 1.0 Director; and delete 1.0 Senior Deputy City Manager.
- (e) Accept a gift of \$1,000,000 from FCL Tech, Inc. into the Gift Trust Fund to support digital inclusion, work force development, and

education programs.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

Attachments [2017-2018 Mid-Year Budget Review Ordinance](#)
[Memorandum from Councilmember Jones Presentation](#)

3.4 [18-139](#) **Annual Summary of Labor Negotiations.**

Recommendation: Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

Attachments [Memorandum Presentation](#)

3.5 [18-147](#) **Actions Related to the Planning, Building, and Code Enforcement Department Organization/Staffing.**

Recommendation: Approve the following position additions effective February 11, 2018:
(a) Add 1.0 FTE Deputy Director (U) (Job Code 1640); and
(b) Add 1.0 FTE Assistant to the Director (Job Code 3548).
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)

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

3.6 [18-167](#) **2017 Flood Recovery Construction Projects.****Recommendation:**

- (a) Accept the status report on the 2017 flood recovery projects.
 - (b) Consider this item together with the request to approve the issuance of commercial paper notes in an amount not to exceed \$21 million to support funding of the necessary reconstruction work while insurance and FEMA payments are pending.
 - (c) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in the various funds as detailed in Attachment A to the staff memorandum to Council.
- CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Parks, Recreation and Neighborhood Services/Public Works/City Manager)
- TO BE HEARD JOINTLY WITH SJFA ITEM 2 (FILE 18-166)

Attachments [Memorandum](#)
 [Presentation](#)

3.7 [18-171](#) **Actions Related to the Petition Initiative Amending the Envision San José 2040 General Plan.**

Recommendation:

- (a) Accept staff's report analyzing the Petition Initiative Amending the Envision San José 2040 General Plan (Initiative) pursuant to California Elections Code section 9212; and either
- (b) Direct staff to return on February 27, 2018 to adopt a resolution calling for an election to submit the Initiative to the voters at the next General Election to be held on Tuesday, June 5, 2018; or
- (c) If Council wishes to adopt the Initiative, without alteration, under the Elections Code, the Council must:
- (1) Call a special meeting, to occur by Friday, February 23, 2018, to adopt the Initiative's amendments to Envision San Jose 2040 General Plan and Evergreen-East Hills Development Policy, adopt the Initiative's Evergreen Senior Homes Specific Plan; and adopt the Initiative's changes to the Municipal Code and Zoning District Map; and
 - (2) Approve for passage for publication of title an ordinance to implement the Initiative's amendments to Title 5, Title 18, and Title 20 of the San Jose Municipal Code and Zoning District Map.
- (d) As recommended by the Rules and Open Government Committee on February 7, 2018:
- (1) Discuss general principles and elements of potential City-sponsored ballot measure(s):
 - (2) Agendize for approval at a Council meeting on or before March 6, 2018, specific ballot measure(s) language proposed by the Mayor pursuant to the San José City Charter Article V, Section 501, for submittal to voters for the June 5, 2018 General Election; and
 - (3) Direct the City Clerk to submit the Evergreen Senior Homes Initiative, without alteration, to the voters at the next General Election to be held on June 5, 2018.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

- Attachments** [Memorandum](#)
[Memorandum from Mayor Liccardo; Vice Mayor Carrasco; CMs](#)
[Memorandum from Councilmember Khamis](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Ordinance](#)
[ROGC Memo - February 7, 2018](#)
[Letter\(s\) from the Public](#)
[Presentation](#)
[\(a\) Modifications](#)
[\(b\) Modifications](#)

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

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

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

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

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

CEQA: Exempt, File No. PP17-001, Feasibility and Planning Studies that are statutorily exempt under CEQA Guidelines Section 15262. (Economic Development/City Manager)

TO BE HEARD AFTER ITEM 9.1 (18-192)

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

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [18-168](#) Grant Agreement with Our City Forest for Rental Property Located at 646 N King Road.

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

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

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

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

9.1 [18-192](#) **Actions Related to the Compensation Agreement for Diridon Properties.**

Recommendation:

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

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

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

TO BE HEARD BEFORE ITEM 4.1 (18-177)

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

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

- **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.

- **Council will recess until 6:00 p.m.**

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

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

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

CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-048 - Council District 6

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

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

Recommendation:

Adopt a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale alcohol and on-sale of alcohol for instructional tasting and samples (Total Wine & More) in an existing 25,668-square foot commercial tenant space on a 10.5-gross acre site located on the south side of Stevens Creek Boulevard, approximately 210 feet easterly of Lawrence Expressway (5170 Stevens Creek Boulevard) (Stevens Creek, Inc., Owner).

CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. Planning Commission recommends approval (6-0-1, Abelite absent). (Planning, Building and Code Enforcement)

CP17-025 & ABC17-005 - Council District 1

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

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

Recommendation:

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

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

CEQA: Addendum to North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Commission recommends approval (6-0-1, Bit-Badel absent). (Planning, Building and Code Enforcement) PDC17-026 - Council District 4

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

OPEN GENERAL PLAN AMENDMENT HEARING (FIRST CYCLE)

10.2 [18-143](#)

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

Recommendation:

(a) Adopt a resolution denying the application for a General Plan Amendment to change the General Plan Land Use Designation, denying the application to change the Zoning to the CIC Combined Industrial/Commercial Zoning District, and denying the application for a Conditional Use Permit and Determination of Public Convenience or Necessity to authorize the demolition of an existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers with the off-sale of beer and wine and 24-hour use; OR take the following actions in Item 10.2 (b) through (e):

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

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

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

(e) Adopt a resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, for the removal of existing building and fueling dispensers, and the construction of a 3,750-square foot convenience store, auto retail fueling dispensers, fuel island canopies, and card lock fueling dispensers with proposed off-sale of alcohol and 24-hour use, and to exceed the 55-decibel noise standard of the Zoning Ordinance at the residential property line by six decibels, on a 1.54-gross acre site. (1202 Oakland Road). CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends denial (6-0-1, Ballard absent). (Planning, Building and Code Enforcement) File Nos. GP16-011, C17-008, CP17-015, & ABC17-007 - Council District 3

- Attachments** [Memorandum](#)
[Supplemental Memorandum](#)
[Memorandum from CMs Peralez, Jones, Diep, Rocha, and Kham](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)
[\(d\) Ordinance](#)
[\(e\) Resolution](#)

10.3 [18-144](#) **General Plan Text Amendment and Related Changes: Transportation Analysis Policy to Comply with Senate Bill 743.**

Recommendation:

The City is updating its transportation analysis policy and related changes to conform with State law (SB 743) and to further the goals and policies of the General Plan by removing the vehicular Level of Service (LOS) metric from transportation analysis under the California Environmental Quality Act (CEQA) and replacing it with a Vehicle Miles Traveled (VMT) metric.

- (a) Adopt a resolution approving the General Plan Text Amendment to reflect the new City Council Transportation Analysis Policy 5-1.
(b) Adopt a resolution approving a new City Council Policy 5-1 entitled “Transportation Analysis Policy” using VMT, rather than LOS, as the CEQA transportation metric, and amending City Council Policy 5-3 entitled “Transportation Impact Policy” providing a transition from LOS to VMT.
(c) Adopt a resolution designating Infill Opportunity Zones (IOZs) pursuant to SB 743 to align the City’s participation in the regional Congestion Management Program with the new City Council Transportation Analysis Policy 5-1.

CEQA: Pursuant to Section 21080(b)(1), the proposed adoption of the General Plan Text Amendment, adoption of new a City Council Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA. (Planning, Building and Code Enforcement)
GPT17-009 & PP17-082 - Citywide
(Deferred from 2/13/18 - Item 10.3)
TO BE HEARD AFTER 7.1

CONTINUE GENERAL PLAN AMENDMENT HEARING TO FEBRUARY 27, 2018

- **Open Forum**

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

- **Adjournment**

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

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

1:30 p.m.

February 13, 2018

CHAMBERS

1. Call to Order and Roll Call

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

Recommendation:

(a) City Council take the following actions:

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

(2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as "City of San José Financing Authority Lease Revenue Commercial Paper Notes" to provide financing for the flood recovery and construction for parks and community facilities in an amount not to exceed \$21 million and to state the City Council's determination that there will be significant public benefits accruing from such financing.

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

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

TO BE HEARD JOINTLY WITH ITEM 3.6 (FILE 18-167)

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

- Open Forum

ADJOURN THE JOINT MEETING OF THE CITY COUNCIL AND THE FINANCING AUTHORITY AND RECONVENE THE MEETING OF THE CITY COUNCIL

- Notice of City Engineer's Pending Decision on Final Maps

**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.