



## **MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, MAY 23, 2017**

The Council of the City of San José convened in Regular Session at 9:35 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - All Present.

### **STRATEGIC SUPPORT SERVICES**

#### **3.2 Accept Labor Negotiations Update.**

There was no report.

### **CLOSED SESSION**

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) with respect to anticipated litigation (Claim Not Filed and Facts Unknown) in one (2) matters; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) with respect to anticipated litigation (Claim Not Filed and Facts Known) in one (1) matter; Facts: U.S. Supreme Court Denied cert on Flores v. City of San Gabriel Case; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) and 54956.9(e)(3) and 54956.9(e)(5) with respect to anticipated litigation (Claim Filed); (1) in re: Claim of Negrete; City Department: Office of Emergency Services; (2) in re: Claim of Martinez; City Department: Office of Emergency Services; (3) in re: Claim of Falconio; City Department: Office of Emergency Services; (D) to confer with Legal Counsel Pursuant to Government Code Section 54956.9(d)(4) with respect to anticipated litigation in (3) matters; (E) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation; (1) in re: Claim of Brunson; Amount of Money or Other Relief Sought: Administrative Appeal; in re: Claim

## **CLOSED SESSION (Cont'd.)**

of Sanchez; Amount of Money or Other Relief Sought: Administrative Appeal; (3) City of San José v. American Metal and Iron, Inc.; Names Of Partie(s) Involved: City of San José, American Metal & Iron, Inc., and L&M Auto Dismantling Co., Inc., California Corporations, Howard Misle, an individual; Court: Superior Court of California, County of Santa Clara; Case No.: 1-15-CV-279738; Amount of Money or Other Relief Sought: Damages according to proof; (4) City of San José v. City of Santa Clara; Names Of Partie(s) Involved: City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No. 16-CIV-02303; Amount of Money or Other Relief Sought: Writ of Mandate and Complaint for Declaratory Relief; (5) City of Santa Clara v. City of San José ; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José City Council, Does I through X; Federal Realty and Investment Trust, and Does 1-20; Court: Superior Court of California, County of San Mateo; Case No.: 17-CIV-00547; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (6) Ted Smith v. City, et al.; Names Of Partie(s) Involved: Ted Smith, City of San José, a municipal entity; San José Redevelopment Agency, a municipal entity; Harry Mavrogenes, in his official capacity as Executive Director of the San José Redevelopment Agency; Mayor Chuck Reed, in his official capacity as Mayor of the City of San José; Pete Constant, in his official capacity as a Councilmember for the City of San José; Ash Kalra, in his official capacity as a Councilmember for the City of San José; Sam Liccardo, in his official capacity as a Councilmember for the City of San José; Pierluigi Oliverio, in his official capacity for the City of San José; Madison Nguyen, in her official capacity as a Councilmember for the City of San José; Rose Herrera, in her official capacity as Councilmember for the City of San José; Judy Chirco, in her official capacity as Councilmember for the City of San José; Kansen Chu, in his official capacity as Councilmember for the City of San José; Nora Campos, in her official capacity as a Councilmember for the City of San José; Nancy Pyle, in her official capacity as a Councilmember in the City of San José; Court: Santa Clara County Superior Court; Sixth Appellate District; Supreme Court of California; Case No.: 1-09-CV-150427; H039498; S218066; Amount of Money or Other Relief Sought: Damages according to proof; (7) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660; H040979; H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (8) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement

## CLOSED SESSION (Cont'd.)

Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: City of San José, John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928; H040979; H042074; Amount of Money or Other Relief Sought: Challenge to Measure B; (12) Peter Constant, Steven Haug and Silicon Valley Taxpayers' Association v. Superior Court; Names Of Partie(s) Involved: Peter Constant, Steven Haug, Silicon Valley Taxpayers' Association, a California non-profit Corporation, Proposed Intervenors, Appellants and Petitioners, Superior Court of California, County of Santa Clara, Respondent, the People of the State of California ex. Rel. San José Police Officers Association, Plaintiff, Respondent and Real Party in Interest, City of San José, City Council of San José, Defendants, Respondents and Real Parties in Interest; Court: Sixth District Court of Appeal; Case No.: H043540; Amount of Money or Other Relief Sought: Petition for Writ of Mandate or, In the Alternative, Supersedeas, or Other Appropriate Relief; (13) San José Retired Employees Association, et al. v. City of San José, et al; Names of Partie(s) Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, the Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City medical plan; (E) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of

## **CLOSED SESSION (Cont'd.)**

Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW; (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 10:45 p.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha, Liccardo.

Absent: Councilmembers - All Present.

## **INVOCATION**

Tanya Benitez offered a musical performance for the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a proclamation recognizing the week of May 21 - 27, 2017 as National Public Works Week in the City of San José. (Jones)**

Mayor Sam Liccardo and Councilmember Chappie Jones presented a proclamation to the Director of Public Works Barry Ng declaring the Week of May 21-27, 2017 as "National Public Works Week" in the City of San José.

**1.2 Presentation of a commendation to Hope Cahan for her outstanding neighborhood leadership and service on the City of San José Planning Commission. (Rocha)**

Mayor Sam Liccardo and Councilmember Donald Rocha presented Hope Cahan with a commendation in honor of her leadership and service to the City of San José Planning Commission.

**1.3 Presentation of a proclamation declaring the month of May 2017 as Foster Care Awareness Month in the City of San José. (Davis)**

Mayor Sam Liccardo, Councilmember Dev Davis, Vice Mayor Magdalena Carrasco, Councilmember Johnny Khamis and Councilmember Raul Perez presented a proclamation to members of the Silicon Valley Children's Fund declaring May 2017 "Foster Care Awareness Month" in the City of San José.

**1.4 Presentation of a commendation to the Department of Parks, Recreation and Neighborhood Services iViva Parks! Program for its outstanding support and passionate advocacy for the youth and families of San José. (Carrasco)**

Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco presented a commendation to representatives from iViva Parks! In honor of the work they do for the City and the surrounding community.

*Heard in the Evening.*

**1.5 Recognition of local schools for their participation and engagement in Earth Day and Earth Month activities: Oak Grove High School and Yerba Buena High School for their engagement in the Great American Litter Pick-Up Mayor's Challenge; Blackford Elementary and Monroe Middle Schools for their participation in the Recycle Cup Challenge. (ESD/Mayor)**

Mayor Sam Liccardo and Councilmember Chappie Jones presented a commendation to local schools for their participation in Earth Day recycling activities.

*Heard in the evening.*

**ORDERS OF THE DAY**

Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Chappie Jones and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

**CONSENT CALENDAR**

Upon motion by Councilmember Raul Perez, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

## 2.1 Approval of Council Minutes:

None provided.

## 2.2 Final Adoption of Ordinances.

- (a) **ORD. NO. 29907** – An ordinance of the City of San José amending Chapter 3.36 of Title 3 of the San José Municipal Code to allow limited reemployment of retired police employees who are members of the Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Manager)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29907 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29907 was adopted. (11-0.)

- (b) **ORD. NO. 29913** – An ordinance of the City of San José amending Part 8 to Chapter 17.23 of Title 17 of the San José Municipal Code extending the termination date and amending the definition of rental unit. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy change that involves no changes in the physical environment. (Housing)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29913 executed on May 15, 2017 by the City Clerk.

Councilmember Johnny Khamis pulled Item 2.2(b) to register a “No” vote.

Action: Ordinance No. 29913 was adopted. (10-1. Noes: Khamis.)

- (c) **ORD. NO. 29914** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to All Points Roll Off, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29914 executed on April 14, 2017 by the City Clerk.

Action: Ordinance No. 29914 was adopted. (11-0.)

- (d) **ORD. NO. 29915** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Allied Waste Services of North America, LLC DBA Republic Services, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

## 2.2 (Cont'd.)

- (d) Documents Filed: Proof of Publication of the Title of Ordinance No. 29915 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29915 was adopted. (11-0.)

- (e) **ORD. NO. 29916 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to American Debris Box Service, Inc. DBA American Portables. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29916 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29916 was adopted. (11-0.)

- (f) **ORD. NO. 29917 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises, Inc. DBA Chip It Recycling. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29916 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29916 was adopted. (11-0.)

- (g) **ORD. NO. 29918 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to City-Wide Fibers, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29918 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29918 was adopted. (11-0.)

- (h) **ORD. NO. 29919 – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Environmental Resource Recovery, Inc. DBA Valley Recycling. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)**

- (h) Documents Filed: Proof of Publication of the Title of Ordinance No. 29919 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29919 was adopted. (11-0.)

- (i) **ORD. NO. 29920** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Evergreen Waste Services. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29920 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29920 was adopted. (11-0.)

- (j) **ORD. NO. 29921** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Corporation. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29921 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29921 was adopted. (11-0.)

- (k) **ORD. NO. 29922** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Corporation DBA Ferma Greenbox, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29922 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29922 was adopted. (11-0.)

- (l) **ORD. NO. 29923** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Francisco Toca DBA Toca Debris Box. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29923 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29923 was adopted. (11-0.)



- (m) **ORD. NO. 29924** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Waste Connections of California, Inc. DBA GreenTeam of San Jose. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29924 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29924 was adopted. (11-0.)

- (n) **ORD. NO. 29925** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Greenwaste Recovery, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29925 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29925 was adopted. (11-0.)

- (o) **ORD. NO. 29926** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Greenwaste Recovery, Inc. DBA \$99.00 Debris Box Service. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29926 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29926 was adopted. (11-0.)

- (p) **ORD. NO. 29927** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Greenwaste Recovery, Inc. DBA GW Debris Service. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29927 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29927 was adopted. (11-0.)

- (q) **ORD. NO. 29928** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Guadalupe Rubbish Disposal Co., Inc. DBA Guadalupe Recycling Disposal Facility. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29928 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29928 was adopted. (11-0.)

- (r) **ORD. NO. 29929** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Richard W. Jones DBA Haul Away Today. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29929 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29929 was adopted. (11-0.)

- (s) **ORD. NO. 29930** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Jonna Corporation, Inc. DBA Premier Recycle. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29930 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29930 was adopted. (11-0.)

- (t) **ORD. NO. 29931** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to M & G Hauling, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29931 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29931 was adopted. (11-0.)

- (u) **ORD. NO. 29932** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29932 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29932 was adopted. (11-0.)

- (v) **ORD. NO. 29933** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Mission Trail Waste Systems, Inc. DBA Recycle West. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29933 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29933 was adopted. (11-0.)

- (w) **ORD. NO. 29934** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Peninsula Debris Box Service, LLC. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29934 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29934 was adopted. (11-0.)

- (x) **ORD. NO. 29935** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Lam Hauling, Inc. DBA 7 Days Box. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29935 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29935 was adopted. (11-0.)

- (y) **ORD. NO. 29936** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to R. & D. Mendes Enterprises, Inc. DBA Accurate Cleaning Systems. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29936 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29936 was adopted. (11-0.)

- (z) **ORD. NO. 29937** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Phi Ta DBA Ta Trucking. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29937 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29937 was adopted. (11-0.)

- (aa) **ORD. NO. 29938** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Rachel Varela DBA All American Dumpsters. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29938 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29938 was adopted. (11-0.)

- (bb) **ORD. NO. 29939** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Recology South Bay DBA Recology Silicon Valley. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29939 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29939 was adopted. (11-0.)

- (cc) **ORD. NO. 29940** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29940 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29940 was adopted. (11-0.)

- (dd) **ORD. NO. 29941** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Sergio Barajas and Clemente Estrada DBA Bay Area Dumpsters. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29941 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29941 was adopted. (11-0.)

- (ee) **ORD. NO. 29942** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to United Recycle Services, LLC. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29942 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29942 was adopted. (11-0.)

- (ff) **ORD. NO. 29943** – An ordinance of the City of San José granting a Commercial Solid Waste and Recyclables Collection Franchise to Uriel Del Toro DBA Del Toro Trucking. CEQA: Exempt, File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29943 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29943 was adopted. (11-0.)

- (gg) **ORD. NO. 29944** – An ordinance of the City of San José amending Part 12 of Chapter 4.80 of Title 4 of the San José Municipal Code to replace all references to the consolidated potable water utility operating fund in Part 12, including the Title, with “Municipal Water System Operating Fund” and to revise Section 4.80.630 to align provisions related to expenditure of funds in the Municipal Water System Operating Fund with updated cost of service study, including provisions regarding establishment and funding of reserves, and to delete outdated provisions and unnecessary requirements related to general fund transfers, historic staffing ratios, and periodic audits. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities; and Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involve no changes in the physical environmental. (Environmental Services)

Documents Filed: Proof of Publication of the Title of Ordinance No. 29944 executed on May 15, 2017 by the City Clerk.

Action: Ordinance No. 29944 was adopted. (11-0.)

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

- (a) **Transportation and Environment Committee Minutes of May 1, 2017.** (Carrasco)
- (b) **Rules and Open Government Committee Minutes of May 3, 2017.** (Mayor)
- (c) **Smart Cities and Service Improvements Committee Minutes of May 4, 2017.** (Khamis)

**CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk)**

Documents Filed: (1) Transportation and Environment Committee Minutes of May 1, 2017. (2) Rules and Open Government Committee Minutes dated May 3, 2017. (3) Smart Cities and Service Improvements Committee Minutes of May 4, 2017.

Action: The Council Committee Minutes were accepted. (11-0.)

## **2.4 Mayor and Council Excused Absence Requests.**

None provided.

## **2.5 City Council Travel Reports.**

Mayor Sam Liccardo pulled Item 2.5 to provide a travel report.

Action: Upon motion by Councilmember Tam Nguyen, seconded by Councilmember Chappie Jones and carried unanimously, the report was accepted. (11-0.)

## **2.6 Report from the Council Liaison to the Retirement Boards**

None provided.

- 2.7 Approve travel by Vice Mayor Carrasco to Monterey, California on June 30, 2017 to July 1, 2017 to attend the League of California Cities Executive Board Meeting. Source of Funds: Mayor and Council Travel Funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Carrasco)**

Documents Filed: Memorandum from Vice Mayor Magdalena Carrasco, dated May 9, 2017, requesting authorization to travel.

Action: The travel authorization was approved. (11-0.)

- 2.8 Setting Public Hearings on the Downtown Business Improvement District, Hotel Business Improvement District, and Japantown Business Improvement District for FY 2017-2018 Budget Reports.**

- (a) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018 and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.
- (b) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018 and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.
- (c) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for Fiscal Year 2017-2018, to suspend collection of the Downtown BID assessments for businesses that qualify for the business tax financial hardship exemptions under the City's general business tax ordinance and set June 6, 2017 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments.

**CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council District 3. (Economic Development)**

Documents Filed: Two memoranda from Deputy City Manager/Director of Economic Development Kim Walesh, both dated May 1, 2017, recommending adoption of resolutions.

Action: Resolution No. 78169, entitled: "A Resolution of the Council of the City of San José Declaring its Intent to Levy Assessments for Fiscal Year 2017-2018 in the Hotel Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing"; Resolution No. 78170, entitled: "A Resolution of the Council of the City of San José Declaring its Intent to Levy Assessments for Fiscal Year 2017-2018 in the Japantown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989; and Setting a Date and Time for the Public Hearing"; and Resolution No. 78171, entitled: "A Resolution of

## 2.8 (Cont'd.)

the Council of the City of San José Declaring its Intent to Levy Assessments for Fiscal Year 2017-2018 in the Downtown Business Improvement District and Suspend Collection of the Assessments for Businesses that Qualify for the Business Tax Financial Hardship Exemptions Under the City's General Business Tax Ordinance; and Setting a Date and Time for the Public Hearing", were adopted. (11-0.)

## 2.9 **Approve travel payments and authorize travel for Mayor's staff, Shireen Santosham, Chief Innovation Officer, to Phoenix, AZ from May 24, 2017 to May 25, 2017 for the 2017 Summit on Government Performance and Innovation hosted by Governing Magazine and Living Cities. Source of Funds: e.Republic (flights and hotel); Mayor's budget (food and ground transportation). CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Mayor)**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated May 5, 2017, requesting acceptance of travel payments and authorization to travel for a member of the Mayor's staff.

Action: The travel authorization was approved. (11-0.)

## 2.10 **Adopt a resolution initiating proceedings and setting June 27, 2017, at 1:30 p.m. for Council consideration of the reorganization of territory designated as McKee 137, which involves the annexation to the City of San José of approximately 0.46-gross acre of land located on the north side of McKee Road, approximately 400 feet east of N. White Road, and the detachment of the same from the appropriate special districts, including the Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1). CEQA: Envision 2040 General Plan Final Program EIR, Resolution No. 76041. Council District 5. (Planning, Building and Code Enforcement)**

Documents Filed: City Council Action request from Director, Planning, Building and Code Enforcement Harry Freitas, dated May 23, 2017, recommending adoption of a resolution.

Public Comment: Hanh N. Vo, representing Lien Hoa Tu Monastery, offered support to the project.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Lan Diep and carried unanimously, Resolution No. 78172, entitled: "A Resolution of the Council of the City of San José Initiating Reorganization Proceedings for the Annexation and Detachment of Certain Uninhabited Territory Designated as McKee 137, Described More Particularly Herein, and Setting the Date, Time and Place for Consideration of Such Reorganization", was adopted. (11-0.)



**2.11 Adopt a resolution:**

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of 86 square feet of right of way at the northeasterly corner of North Fourth Street and East Santa Clara Street (“Subject Portion”);
- (b) Summarily vacating the Subject Portion, which is excess right of way not needed for street purposes; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

**CEQA: Addendum to the Downtown Strategy 2000 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) for SP17-009 SJSC Towers Mixed-Use Project. Council District 3. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending adoption of a resolution.

Action: Resolution No. 78173, entitled: “A Resolution of the Council of the City of San José Summarily Vacating a Portion of the Northeasterly Corner of North Fourth Street and East Santa Clara Street”, was adopted. (11-0.)

**2.12 Report on bids and award of contract for the 8360 - Sanitary Sewer Repairs 2016-17 Package V Project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,455,130 and approval of a contingency in the amount of \$145,513. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council Districts 2, 3, 4, 5, 6, 8 and 10. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending acceptance of a report on bids and award of a contract.

Action: The report on bids and award of contract for the 8360 - Sanitary Sewer Repairs 2016-17 Package V Project to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,455,130, with related contingencies, was approved. (11-0.)

**2.13 Report on bids and award of contract for the 7488 - Carmel and Arbor Drive Sanitary Sewer Replacement Project to the low bidder, Cratus, Inc., in the amount of \$1,415,822 and approval of a contingency in the amount of \$141,582. CEQA: Exempt, File No. PP17-031, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2 and 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending acceptance of a report on bids and award of a contract.

Action: The report on bids and award of contract for the 7488 - Carmel and Arbor Drive Sanitary Sewer Replacement Project to the low bidder, Cratus, Inc., in the amount of \$1,415,822, with related contingencies, was approved. (11-0.)

- 2.14 Report on bids and award of contract for the 8355 – Sanitary Sewer Condition Assessment 2016-2017 Package III Project to the low bidder, Coastline Water Resources, Inc., in the amount of \$1,247,750 and approve a contingency in the amount of \$124,775. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council Districts 6, 7, 9 and 10. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending acceptance of a report on bids and award of a contract.

Action: The report on bids and award of contract for the 8355 – Sanitary Sewer Condition Assessment 2016-2017 Package III Project to the low bidder, Coastline Water Resources, Inc., in the amount of \$1,247,750, with related contingencies, was approved. (11-0.)

- 2.15 (a) Approve an increase of \$79,314 to the original construction contingency amount of \$93,978 for a revised total contingency amount of \$173,292 and increase the contract amount from \$939,783 to a total revised contract amount \$1,113,075 for the 7487-Tennant Avenue Sanitary Sewer Replacement Project (“Project”); and**
- (b) Approve Change Order No. 2 with Cratus, Inc. in the total amount of \$143,292, which is in excess of the original contingency amount of \$93,978 for the Project.**

**CEQA: Exempt, File No. PP13-076, CEQA Guidelines Section 15282(h), Other Statutory Exemptions. Council District 2. (Public Works)**

Documents Filed: City Council Action request from Director of Public Works Barry Ng, dated May 23, 2017, recommending approval of an increase of \$79,314 to the original construction contingency amount of \$93,978 for a revised total contingency amount of \$173,292 and to increase the contract amount from \$939,783 to a total revised contract amount \$1,113,075 for the 7487-Tennant Avenue Sanitary Sewer Replacement Project (“Project”); and to approve Change Order No. 2 with Cratus, Inc. in the total amount of \$143,292, which is in excess of the original contingency amount of \$93,978 for the Project, was approved. (11-0.)

- 2.16 Approve Master Agreements for consulting services related to the development of a Citywide Contracting Program with:**

- (a) Silvy Group in an amount not to exceed \$290,000 from date of execution through August 31, 2019; and**
- (b) Keen Independent Research LLC and Milagro Marketing LLC, a Joint Venture, in an amount not to exceed \$290,000 from date of execution through August 31, 2019.**

**CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending acceptance of a report on bids and award of a contract.

Councilmember Donald Rocha pulled Item 2.16 with recommendations to use a local contractor for the project.

## 2.16 (Cont'd.)

Public Comment: Dennis King, representing the Hispanic Chamber of Commerce, provided comments.

Director of Public Works Barry Ng responded to questions and concerns.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Chappie Jones and carried unanimously, the Master Agreements for consulting services related to the development of a Citywide Contracting Program with: (a) Silvy Group in an amount not to exceed \$290,000 from date of execution through August 31, 2019; and (b) with Keen Independent Research LLC and Milagro Marketing LLC, a Joint Venture, in an amount not to exceed \$290,000 from date of execution through August 31, 2019, were approved. (11-0.)

## 2.17 **Approve the proposed Fiscal Year 2016/17 - 2021/22 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and of the Fiscal Year 2015-2016 Rule 20B (In-Lieu Fee) Undergrounding Master Plan. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report that involve no approvals of any City Actions. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated May 1, 2017, recommending acceptance of the proposed Workplan.

Councilmember Johnny Khamis pulled Item 2.17 with questions for staff.

Director of Public Works Barry Ng offered clarifications regarding the workplan.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, the proposed Fiscal Year 2016/17 - 2021/22 Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program and of the Fiscal Year 2015-2016 Rule 20B (In-Lieu Fee) Undergrounding Master Plan, was approved. (11-0.)

## 2.18 **As recommended by the Rules and Open Government Committee on May 10, 2017:** **(a) Approve the SVCTBA Smart City Conference scheduled on June 2, 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. PP15-077, Temporary Special Events. (Khamis)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 11, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The SVCTBA Smart City Conference as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.19 As recommended by the Rules and Open Government Committee on May 17, 2017:**
- (a) Retroactively approve the Clean Up with Tam at Story Road and Ashworth Remillard on Friday, April 26 and Saturday, April 27, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
  - (b) Retroactively approve the Asian American and Pacific Islander Heritage Fest on Saturday, May 13, 2017 at Village Square Branch Library as a City Council sponsored Special Event and approve the expenditure of funds.**
  - (c) Approve and accept donations from various individuals, businesses or community groups to support the event.**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Clean Up with Tam at Story Road and Ashworth Remillard and the Asian American and Pacific Islander Heritage Fest as City Council Sponsored Special Events were retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, were retroactively approved. (11-0.)

- 2.20 As recommended by the Rules and Open Government Committee on May 17, 2017:**
- (a) Approve the Dumpster Day scheduled on Saturday, May 20, 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. PP15-077, Temporary Special Events. (Jimenez)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Dumpster Day scheduled on Saturday, May 20, 2017 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.21 As recommended by the Rules and Open Government Committee on May 17, 2017:**
- (a) Approve the Eritrean Flag Raising scheduled on Wednesday, May 24, 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. PP15-077, Temporary Special Events. (Mayor)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Eritrean Flag Raising as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

- 2.22 As recommended by the Rules and Open Government Committee on May 17, 2017, adopt a position of support for AB 1182 (Low): Teacher Housing Assistance Pilot Program. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Rocha)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Public Comment: Shelly Viramontez, representing Campbell Union School District, and Philip Gordillo, Santa Clara County Office of Education, offered support to AB 1182.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Donald Rocha and carried unanimously, a position of support for AB 1182 (Low): Teacher Housing Assistance Pilot Program, was approved. (11-0.)

- 2.23 As recommended by the Rules and Open Government Committee on May 17, 2017, adopt a position of support for AB 60 (Santiago and Gonzalez) (Coauthors: Assembly Members Cristina Garcia, Gomez, Rubio, McCarty, and Thurmond) (Coauthor: Senator Wiener): Subsidized child care and development services: eligibility periods. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Carrasco/Rocha/Arenas)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for AB 60 (Santiago and Gonzalez) (Coauthors: Assembly Members Cristina Garcia, Gomez, Rubio, McCarty, and Thurmond) (Coauthor: Senator Wiener): Subsidized child care and development services: eligibility periods, was approved. (11-0.)

- 2.24 As recommended by the Rules and Open Government Committee on May 17, 2017, and pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position in support of AB 646 so that the City's legislative representatives can continue to advocate the City's position in support of AB 646. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (City Manager)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from Anil Babbar, Vice President of Public Affairs, California Apartment Association, dated May 22, 2017, taking an oppose unless amended position on AB 646.

Public Comment: Stacie Shih, representing Assembly Member Ash Kalra offered support to AB 646, and Anil Babbar (CAA) urged attention to the California Apartment Associations letter of May 22, 2017.

## **2.24 (Cont'd.)**

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez and carried unanimously, a reaffirmation of a position of support for AB 646 so that the City's legislative representatives can continue to advocate the City's position in support of AB 646, was approved. (11-0.)

## **2.25 As recommended by the Rules and Open Government Committee on May 17, 2017, adopt a position of support for SB 231 so that the City's legislative representatives can advocate the City's support for SB 231. CEQA: Not a Project; PP10-068, General Procedure & Policy Making. (Environmental Services)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for SB 231 so that the City's legislative representatives can advocate the City's support for SB 231, was approved. (11-0.)

## **2.26 As recommended by the Rules and Open Government Committee on May 17, 2017, approve a \$1,000.00 grant for Rocketship Fuerza to help pay for their rental of a theater for their spring concert. CEQA: Not a Project, File No. PP10-067(c), Non-Project Specific Funding Mechanism, Grants. (Carrasco)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 19, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: A \$1,000.00 grant for Rocketship Fuerza to help pay for their rental of a theater for their spring concert, was approved. (11-0.)

## **END OF CONSENT CALENDAR**

## **STRATEGIC SUPPORT SERVICES**

### **3.3 Continuation of the Proclamation of the Existence of a Local Emergency and Discussion of Current Flood Recovery Efforts.**

#### **Recommendation:**

- (a) Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding.**
- (b) Discussion of current flood recovery efforts.**

**CEQA: Statutory Exempt, Section 15269(c), Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated May 12, 2017, recommending adoption of a resolution.

Deputy City Manager, Civic Innovation & Digital Strategy, Kip Harkness and staff responded to questions.

### 3.3 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 78174, entitled: "A Resolution of the Council of the City of San José Continuing the Proclamation of Existence of Local Emergency Issues by the Director of Emergency Services", was adopted. (10-1. Absent: Rocha.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 **Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Economic Development)**

Action: Deferred to June 6, 2017 per Administration.

## TRANSPORTATION & AVIATION SERVICES

### 6.1 **Adopt a resolution:**

- (a) **Approving the proposed Airport Concession Disadvantaged Business Enterprise (ACDBE) program update in accordance with the regulations of the Federal Aviation Administration (FAA) for the Norman Y. Mineta San José International Airport;**
- (b) **Approving the three-year ACDBE race-neutral goal of 10.64% for all Airport Concessions, other than car rentals, for Federal Fiscal Years (FFY) 2018-2020;**
- (c) **Approving the three-year ACDBE race-neutral goal of 3.46% for rental cars for FFY 2018-2020;**
- (d) **Authorizing the City Manager to submit the three-year ACDBE program to the FAA; and**
- (e) **Authorizing the City Manager to make revisions to the three-year ACDBE plan as requested by the FAA.**

Documents Filed: Memorandum from Interim Director of Aviation, John Aitken, A.A.E., dated May 1, 2017, recommending adoption of a resolution.

Interim Director of Aviation, John Aitken, A.A.E. provided a presentation.

Action: Upon motion by Councilmember Chappie Jones, seconded by Khamis and carried unanimously, Resolution No. 78175, entitled: "A Resolution of the Council of the City of San José Approving (1) the Proposed Airport Concession Disadvantaged Business Enterprise (ACDBE) Program; (2) the Three-Year ACDBE Race-Neutral Goal of 10.64% for All Airport Concessions (Other than Rental Cars) for Federal Fiscal Years 2018-2020; and (3) the Three-Year ACDBE Race Neutral Goal of 3.46% for Rental Cars for FFY's 2018-2020; and Authorizing the City Manager to Submit the Airport's Three-Year ACDBE Program Plan for FFY's 2018-2020 to the Federal Aviation Administration and to Make Revisions to it as Requested by the FAA", was adopted. (8-0-3. Absent: Arenas, Carrasco, Khamis.)

**6.2 Adopt a resolution authorizing the Director of Aviation (or the Interim Director of Aviation, as applicable) to:**

- (a) Negotiate and execute amendments to Signatory Airline-Airport Lease and Operating Agreements and Airline-Airport Cargo Operating Agreements to extend the term for two (2) years, from July 1, 2017 through June 30, 2019;
- (b) Negotiate and execute amendments to Non-Signatory Airline-Airport Operating Agreements to extend the term for two (2) years, from July 1, 2017 through June 30, 2019;
- (c) Negotiate and execute new Signatory Airline-Airport Lease and Operating Agreements, Airline-Airport Cargo Operating Agreements, and Non-Signatory Airline-Airport Operating Agreements through June 30, 2019; and
- (d) Negotiate and execute agreements and amendments with airlines for leases of premises through June 30, 2019 that adhere to standard rates and charges.

**CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Airport)**

Documents Filed: Memorandum from Interim Director of Aviation, John Aitken, A.A.E., dated May 1, 2017, recommending adoption of a resolution.

Interim Director of Aviation, John Aitken, A.A.E. responded to questions from Council.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, Resolution No. 78176, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Aviation (or Interim Director of Aviation as Applicable) to Negotiate and Execute (1) Amendments to Signatory Airline-Airport Lease and Operating Agreements and Airline-Airport Cargo Operating Agreements to Extend the Term for Two Years, from July 1, 2017 through June 30, 2019; (2) amendments to Non-Signatory Airline-Airport Operating Agreements to extend the term for Two Years, from July 1, 2017 through June 30, 2019; (3) New Signatory Airline-Airport Lease and Operating Agreements, Airline-Airport Cargo Operating Agreements, and Non-Signatory Airline-Airport Operating Agreements through June 30, 2019; and (4) Agreements and Amendments with Airlines for Leases of Premises through June 30, 2019 that Adhere to Standard Rates and Charges”, was adopted. (11-0.)

**6.3 Approve an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish new residential permit parking zones in the Cadillac, Lynhaven, Via Monte, and West Berryessa neighborhoods. CEQA: Exempt, File No. PP14-069. Council Districts 1, 4 and 10. (Transportation)**

Documents Filed: (1) Joint memorandum from Councilmember Chappie Jones and Councilmember Johnny Khamis, dated May 19, 2017, recommending approval of staff recommendations with additional direction. (2) Memorandum from Councilmember Donald Rocha, dated May 22, 2017, expressing concerns regarding a residential parking permit zone. (3) Memorandum from Director of Transportation Jim Ortbal, dated May 1, 2017, recommending approval of an ordinance.

Director of Transportation Jim Ortbal and Associate Transportation Specialist Anthony Do, offered a presentation.



### 6.3 (Cont'd.)

Public Comments: Offering comments and suggestions regarding the proposed ordinance, were: Mark Jansen, Mariana Damian, Ravi Ramaswamy, Henry Martin and Mark Womack (Eden Neighborhood); Barbara Morrey (Westside Property & Homeowners Association); Dianne Marina (Cadillac Neighborhood); Kirk Nielsen; Robert Hox and Sarah Westford.

Action: Upon motion by Councilmember Chappie Jones, seconded by Councilmember Johnny Khamis and carried unanimously, Ordinance No. 29910, entitled “An Ordinance of the City of San José Amending Chapter 11.48 Of Title 11 Of The San Jose Municipal Code To Establish New Residential Permit Parking Zones In The Cadillac, Lynhaven, Via Monte, And West Berryessa Neighborhoods”, was passed for publication, including direction as outlined in the memorandum from Councilmember Chappie Jones and Councilmember Johnny Khamis, dated May 19, 2017. (11-0.)

## ENVIRONMENTAL & UTILITY SERVICES

### 7.1 **Report on Bids and Award of Contract for 8332 – Nitrification Clarifiers Lighting Improvements Project Re-Bid at the San José-Santa Clara Regional Wastewater Facility**

- (a) **Reject all bids received and opened on February 2, 2017 for the Nitrification Clarifiers Lighting Improvements Project.**
- (b) **Reports on bids and award of a construction contract for 8332 – Nitrification Clarifiers Lighting Improvements Project Re-bid to the sole bidder Boscacci, Inc. for the base bid in the amount of \$500,000 and approval of a construction contingency of 15 percent in the amount of \$75,000.**

**CEQA: Exempt, File No. PP16-125, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services)**

Documents Filed: (1) Memorandum from Director, Environmental Services, Kerrie Romanow, dated April 26, 2017, recommending approval of contract and rejection of bids received/opened on February 2, 2017. (2) Letter from Sam Liccardo, Vice Chair, Treatment Plant Advisory Committee, dated May 19, 2017, providing recommendations.

Action : Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Johnny Khamis and carried unanimously, all bids received and opened on February 2, 2017 for the Nitrification Clarifiers Lighting Improvements Project were rejected, and Reports on bids and award of a construction contract for 8332 – Nitrification Clarifiers Lighting Improvements Project Re-bid to the sole bidder Boscacci, Inc. for the base bid in the amount of \$500,000 and approval of a construction contingency of 15 percent in the amount of \$75,000, was accepted. (11-0.)

- 7.2 Approve a Master Consultant Agreement with SCA Environmental, Inc. to provide industrial hygienist services for the Capital Improvement Program at the San José – Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2024, in a total amount not to exceed \$500,000, subject to the appropriation of funds. CEQA: Statutory Exempt, File No. PP10-066(d), Agreements & Contracts, Feasibility and Planning Studies with respect to the scope of work that is limited to this action. (Environmental Services)**

Documents Filed: (1) Memorandum from Director, Environmental Services, Kerrie Romanow, dated April 26, 2017, recommending approval of contract and rejection of bids received/opened on February 2, 2017. (2) Letter from Sam Liccardo, Vice Chair, Treatment Plant Advisory Committee, dated May 19, 2017, providing recommendations.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Tam Nguyen and carried unanimously, a Master Consultant Agreement with SCA Environmental, Inc. to provide industrial hygienist services for the Capital Improvement Program at the San José – Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2024, in a total amount not to exceed \$500,000, subject to the appropriation of funds, was approved. (11-0.)

- 7.3 (a) Reject all bids received and opened on December 8, 2016 for the Headworks Critical Improvements Project.**
- (b) Report on bids and award of construction contract for 8101 – Headworks Critical Improvements Project – Rebid to the low bidder, C. Overaa & Co., in the amount of \$1,499,000, and approval a 15 percent construction contingency in the amount of \$224,850.**
- (c) Adopt a resolution authorizing the Director of Public Works to negotiate and execute one or more change orders in excess of \$100,000 for the duration of the Project, not to exceed the total contingency amount approved for the Project.**

Documents Filed: (1) Joint memorandum from Director, Environmental Services, Kerrie Romanow and Director of Public Works Barry Ng, dated May 1, 2017, recommending approval of contract and rejection of bids received/opened on December 8, 2016, and adoption of a resolution. (2) Letter from Sam Liccardo, Vice Chair, Treatment Plant Advisory Committee, dated May 19, 2017, providing recommendations.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Tam Nguyen and carried unanimously, all bids received and opened on December 8, 2016 for the Headworks Critical Improvements Project were rejected; the report on bids and award of construction contract for 8101 – Headworks Critical Improvements Project – with a Rebid to the low bidder, C. Overaa & Co., in the amount of \$1,499,000, with related contingency was accepted; and Resolution No. 78177, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Negotiate and Execute any Single and/or Multiple Change Orders for the 8101 – Headworks Critical Improvements Project – Rebid Project in Excess of \$100,000 up to the Amount of the Contingency of \$224,850”, was adopted. (11-0.)

- 7.4 (a) **Hold a Public Hearing to confirm that the proposed Maximum Commercial Solid Waste Services Rates are consistent with the terms of the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreements between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services.**
- (b) **Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.**

**CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)**

Documents Filed: Memorandum from Director, Environmental Services, Kerrie Romanow, dated May 12, 2017, recommending holding a public hearing and adoption of a resolution.

Mayor Sam Liccardo opened the public hearing.

Public Comments: John Gallo, representing Republic Services, offered support to the recommendation.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78178, entitled: “A Resolution of the Council of the City of San José Fixing and Determining Maximum Commercial Solid Waste Services Rates in the City of San José Pursuant to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement Between the City of San José and Allied Waste Services of North America, LLC DBA Republic Services Including the Total Costs for Organics Processing Services, Effective July 1, 2017”, was adopted. (11-0.)

**7.5 As recommended by the Transportation and Environment Committee on May 1, 2017:**

- (a) **Approve a Green Infrastructure Plan Framework that describes the purpose, tasks, and timeframes for the development of a Green Infrastructure Plan; and**
- (b) **Authorize submittal of the Green Infrastructure Plan Framework in conformance with the Stormwater Permit requirements.**

**CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports. (Environmental Services)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated May 11, 2017, transmitting the recommendations of the Transportation and Environment Committee.

Public Comments: Lonnie C. Ross provided comments.

## 7.5 (Cont'd.)

Director, Environmental Services, Kerrie Romanow and staff provided a presentation and responded to questions from the Council.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez and carried unanimously, the Green Infrastructure Plan Framework that describes the purpose, tasks, and timeframes for the development of a Green Infrastructure Plan was approved, and the submittal of the Green Infrastructure Plan Framework in conformance with the Stormwater Permit requirements, was authorized. (9-0-2: Absent: Arenas, Carrasco.)

## REDEVELOPMENT – SUCCESSOR AGENCY

### 9.1 Successor Agency Board:

- (a) **Approve a Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Imwalle Properties as buyer to allow the sale of 1343 The Alameda (“Property”) for a purchase price of \$363,000.**
- (b) **Adopt a resolution terminating the Successor Agency’s use of the adjacent property located at 1345 The Alameda for parking purposes and authorizing the Managing Director to execute a Quitclaim Deed to terminate the Easement Agreement, dated May 19, 2009, between the former Redevelopment Agency of the City of San José and Lydia Tai (“Tai Property”) which allows the Tai Property to use two (2) parking spaces on the Property.**

**CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 6. (Successor Agency)**

Action: Deferred to June 6, 2017 per Administration.

- 9.2 Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and TC Agoge Associates, LLC as buyer to allow the sale of 551 West Julian Street for a purchase price of \$650,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)**

Action: Deferred to June 6, 2017 per Administration.

- 9.3 Successor Agency Board approve the Purchase and Sale and Assignment Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller and Germania Verein Inc. as buyer to allow the sale of the Revenue Participation Interest for the property located at 261 North Second Street for the purchase price of \$32,360. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. Council District 3. (Successor Agency)**

Action: Deferred to June 6, 2017 per Administration.

## OPEN FORUM

1. Leah Rowell Wiggs, from Renovate America, spoke on the HERO program and presented packets on the impact that the program has had in the City of San José.
2. Ray Perez asked the Council to reinstate the old library hours at Martin Luther King Library, keeping the library open until 10:00 p.m.

## ADJOURNMENT

Mayor Sam Liccardo recessed the meeting at 5:46 p.m.

## LAND USE

### 10.1 Land Use on Consent Calendar.

#### **Conforming Rezoning for the Real Property Located at 539 North 8th Street.**

- (1) **Adopt a resolution approving the Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617) in accordance with CEQA.**
- (2) **Consideration of an ordinance of the City of San José rezoning certain real property on a 0.15 gross acre site on the west side of North 8<sup>th</sup> Street approximately north of East Empire Street (539 North 8<sup>th</sup> Street) from the LI Light Industrial Zoning District to R-2 Two-Family Residence Zoning District (Barriga, Emilio, Owner).**

**CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041, SCH#2004102067) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (5-0-2, Ballard and Bit-Badal absent). (Planning, Building and Code Enforcement)  
C16-052 – Council District 3.**

Documents Filed: (1) Memorandum from Planning Commission Secretary, Harry Freitas, dated May 1, 2017, transmitting the Planning Commission recommendations. (2) Proof of Publication of Notice of Public Hearing, executed on April 14, 2017, submitted by the City Clerk.

Public Comments: Mayor Sam Liccardo opened the public hearing. There was no public testimony from the floor. Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez and carried unanimously, Resolution No. 78179, entitled: “A Resolution of the Council of the City of San José Adopting the 539 North 8<sup>th</sup> Street Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, all in Accordance with the California Environmental Quality Act, as Amended”, was adopted. (11-0.)

## **10.1 Land Use on Consent Calendar (Cont'd.)**

Action: (Continued): Ordinance No. 29946, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.15 Acre Situated on the West Side of North 8<sup>th</sup> Street Approximately 230 Feet North of East Empire Street (539 North 8<sup>th</sup> Street) from the LI Light Industrial Zoning District to the R-2 Two-Family Residence Zoning District”, was adopted. (11-0.)

### **END OF LAND USE CONSENT CALENDAR**

- 10.2 (a) Adopt a resolution certifying the Greyhound Residential Project Supplemental Environmental Impact Report, making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a statement of overriding consideration on historical resource and adopting a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended.**
- (b) Adopt a resolution approving Vesting Tentative Map No. T16-017 to combine four parcels into one parcel and then to resubdivide the parcel into 708 residential condominium units and 10 commercial condominium units on a 1.63 gross acre site, located on the southeast corner of Post Street and South Almaden Avenue at 70 South Almaden Avenue) (Greyhound Lines Inc., Owner); and**
- (c) Adopt a resolution approving Site Development Permit and Special Use Permit No. SP16-021 to allow the demolition of the existing Greyhound Bus Station (a City Historic Landmark candidate) and associated parking lot, to remove five street trees, and to permit the construction of 708 residential units with 13,974 square feet of ground floor retail in two high rise towers (23 and 24 stories respectively) on the subject property.**

**CEQA: Supplemental Environmental Impact Report for the Greyhound Residential Project to the “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and Supplemental Environmental Impact Report to the “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015. Planning Commission recommends approval (4-0-2-1; Abelite, Pham absent, Vora abstained). (Planning, Building and Code Enforcement)**  
**SP16-021 and T16-017 – Council District 3.**

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Raul Peralez and Councilmember Sylvia Arenas, dated May 19, 2017, offering approval to staff recommendations with additional direction. (2) Memorandum from Councilmember Raul Peralez, dated May 23, 2017, with additional direction to staff. (3) Memorandum from Planning Commission Secretary, Harry Freitas, dated May 16, 2017, transmitting the Planning Commission recommendations.

## 10.2 (Cont'd.)

(4) Planning Commission Staff Report for File No. SP16-021 and T16-017, dated May 3, 2017. (5) Letter from Miles Imwalle, Morrisson-Foerster, dated May 19, 2017; letter from Silicon Valley Organization President, Matthew R. Mahood, dated May 22, 2017; and from Teresa Alvarado, Director, SPUR San José, dated May 23, 2017, each offering support to the project. (6) Letter from Rachael Koss, Adams, Broadwell, Joseph & Cardoza, dated May 19, 2017, urging further review. (7) Letter from Terry Risse, President, Iron Mechanical, dated May 22, 2017, addressing accusation of false allegations. (3) Proof of Publication of Notice of Public Hearing, executed on April 21, 2017, submitted by the City Clerk.

Mayor Sam Liccardo opened the public hearing.

Mark Tersini, representing the Applicant, KT Urban Properties, expressed support.

Public Comments: Offering supportive comments and recommendations, were Victor Gomez (the SVO), Diallo Watson and Robert Godinez (IBEW 332), Terry Risse (Iron Mechanical), Josue Garcia (Building Trades Council), Ruby Lagunes, Scott Knies (SJDA), and Sassan Behjat. Expressing concerns, urging further review and offering additional comments were: Robert Lee Sanchez, Yianni Charitou, Eric Latona, Chris Olague, Robert Gil and Will Smith (IBEW 332 Electrician's Union); Ricardo Carrasco, Santiago Melaz Carrasco, Jon Paul Wolfe and Jeff Dreyer (Responsible Development); Peter Weston and Anthony Lao (Local 104 Sheet Metal Workers), Hubert Saintil, Al Gonzalez (UA Local 393 Plumbers), Raymond Arechiga, Kenneth Melin, Demetrius Vasquez and Dylan Boldt (Local 483 Sprinkler Fitters).

Mayor Sam Liccardo closed the public hearing.

Director, Planning, Building and Code Enforcement Harry Freitas provided a presentation.

Motion: Councilmember Raul Peralez moved approval of the staff recommendations including the memorandum he co-signed with Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmember Sylvia Arenas, dated May 19, 2017. Vice Mayor Magdalena Carrasco seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Resolution No. 78180, entitled: "A Resolution of the Council of the City of San José Certifying the Greyhound Residential Project Supplemental Environmental Impact Report to the Downtown Strategy 2000 Plan Environmental Impact Report (SCH #1991093009) and Making Certain Findings Concerning Significant Impacts, Mitigation Measures and Alternatives, and Adopting a Mitigation Monitoring and Reporting Program, all in Accordance With the California Environmental Quality Act, as Amended"; Resolution No. 78181, entitled: "A Resolution of the Council of the City of San José Approving a Vesting Tentative Map, Subject to Conditions, to Consolidate Four Parcels into One Parcel and to Resubdivide the Parcel into 708 Residential Condominium Units and 10 Commercial

## 10.2 (Cont'd.)

Condominium Units on a 1.63 Gross Acre Site, Located at the Southeast Corner of Post Street and South Almaden Avenue (70 South Almaden Avenue)”; and Resolution No. 78182, entitled: “A Resolution of the Council of the City of San José Approving a Special Use and Site Development Permits, Subject to Conditions, to Allow the Demolition of the Greyhound Bus Station and Associated Parking Lot, Removal of Five Street Trees, Allow the Construction of 708 Residential Units with 13,974 Square Feet of Ground Floor Retail Space in Two High Rise Towers (23 and 24 Stories, Respectively) and Allow the Development of 10 Commercial Condominium Units, all of which are Located on a 1.63 Gross Acre Site at the Southeast Corner of Post Street and South Almaden Avenue (70 South Almaden Avenue)” were adopted. (11-0.)

## ADJOURNMENT

The Council of the City of San José adjourned the Joint City Council/San José Financing Authority at 8:26 p.m. in the memory of David Carrasco, for his commitment and passion to our community in keeping our parks beautiful. David Carrasco passed away on March 21, 2017.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

Toni J. Taber, CMC  
City Clerk

rmk/05-23-17 MIN



**MINUTES OF THE JOINT CITY COUNCIL  
SAN JOSE FINANCING AUTHORITY**

**SAN JOSE, CALIFORNIA**

**TUESDAY, MAY 23, 2017**

**The Council of the City of San José convened at 6:29 p.m. in the Council Chamber at City Hall.**

Present: Council Members - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, T. Nguyen, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

- 2. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008CD (Hayes Mansion Refunding Project).**
  - (a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), and authorizing other related actions.**
  - (b) City of San José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), approving and authorizing the execution and delivery of a Second Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.**  
**CEQA: Not a Project, PP10-066, Agreements and Contracts. (Finance)**

Documents Filed: Memorandum from Director of Finance, Julia Cooper, dated May 4, 2017, recommending adoption of resolutions.

**2. (Cont'd.)**

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78183, entitled: “A Resolution of the Council of the City of San José Approving and Authorizing the Negotiation, Execution and Delivery of a First Amendment to Continuing Covenant Agreement Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), and Authorizing Related Actions”; and Finance Authority Resolution No. 134, entitled: “A Resolution of the Council of the City of San José Financing Authority Approving and Authorizing the Negotiation, Execution and Delivery of a First Amendment to Continuing Covenant Agreement Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008C (Hayes Mansion Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008D (Hayes Mansion Refunding Project), Approving and Authorizing the Execution and Delivery of a Second Amendment to Amended and Restated Indenture of Trust and Authorizing Other Related Actions”, were adopted. (11-0.)

**3. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008E (Ice Centre Refunding Project).**

- (a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), and authorizing other related actions.**
- (b) City of José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with U.S. Bank National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008E-1 and Series 2008E-2 (Ice Centre Refunding Project), approving and authorizing the execution and delivery of a Second Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.**

**CEQA: Not a Project, PP10-066, Agreements and Contracts. (Finance)**

Documents Filed: Memorandum from Director of Finance, Julia Cooper, dated May 4, 2017, recommending adoption of resolutions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78184, entitled: “A Resolution of the Council of the City of San José Approving and Authorizing the Negotiation, Execution and Delivery of a First Amendment to Continuing Covenant Agreement Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008E-1 (Ice Centre Refunding Project) and the City of San José Financing Authority Taxable Lease Revenue

**3. (Cont'd.)**

Bonds, Series 2008D (Hayes Mansion Refunding Project), and Authorizing Related Actions”; and Finance Authority Resolution No. 135, entitled: “A Resolution of the Council of the City of San José Financing Authority Approving and Authorizing the Negotiation, Execution and Delivery of a First Amendment to Continuing Covenant Agreement Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008E-2 (Ice Centre Refunding Project) Approving and Authorizing the Execution and Delivery of a Second Amendment to Amended and Restated Indenture of Trust and Authorizing Other Related Actions”, were adopted. (11-0.)

**4. Actions Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008f (Land Acquisition Refunding Project).**

- (a) City Council adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with Bank of America National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), and authorizing related actions.**
- (b) City of José Financing Authority Board adopt a resolution approving and authorizing the negotiation, execution and delivery of a First Amendment to the Continuing Covenant Agreement with Bank of America National Association relating to the City of San José Financing Authority Taxable Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), approving and authorizing the execution and delivery of a First Amendment to the Amended and Restated Indenture of Trust, and authorizing other related actions.**

**CEQA: Not a Project, PP10-066, Agreements and Contracts. (Finance)**

Documents Filed: Memorandum from Director of Finance, Julia Cooper, dated May 4, 2017, recommending adoption of resolutions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78185, entitled: “A Resolution of the Council of the City of San José Approving and Authorizing the Negotiation, Execution and Delivery of a First Amendment to Continuing Covenant Agreement Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project), and Authorizing Related Actions”; and Finance Authority Resolution No. 136, entitled: “A Resolution of the Council of the City of San José Financing Authority Approving and Authorizing the Negotiation, Execution and Delivery of a First Amendment to Continuing Covenant Agreement Related to the City of San José Financing Authority Lease Revenue Bonds, Series 2008F (Land Acquisition Refunding Project) Approving and Authorizing the Execution and Delivery of a Second Amendment to Amended and Restated Indenture of Trust and Authorizing Other Related Actions”, were adopted. (11-0.)

**Mayor Sam Liccardo adjourned the Joint City Council/San José Financing Authority.**