



## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, JUNE 27, 2017**

The Council of the City of San José convened in Regular Session at 9:03 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, 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 9:05 a.m. to a Closed Session in Room W133; (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(4) with respect to anticipated litigation in (1) one matter; (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(e)(3) with respect to anticipated litigation (Claim Not Filed): in (1) matter; Facts: POA FLSA issue; (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) Watson, Lee Darnell v. City of San José; Matthew Brackett; Ryan Hansen; Ronald Hughes, et al.; Names Of Partie(s) Involved: Watson, Lee Darnell, City of San José; Matthew Brackett; Ryan Hansen; Ronald Hughes and Does 1-10; Court: U.S. District Court, Northern Division; Case No. 15-CV-04054-NC; Amount of Money or Other Relief Sought: Damages according to proof; (2) Nichols, Felicia v. City of San José, et al.; Names Of Partie(s) Involved: Felicia Nichols, City of San José, Officer Schipke (#3910), Officer Ferguson (#3030) and Does 1-25; Court: U.S. District Court, Northern Division; Case No. 14-CV-03383 BLF; Amount of Money or Other Relief

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

## CLOSED SESSION (Cont'd.)

Sought: Damages according to proof; (3) Paulino, Eliel v. Marco Cruz, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Eliel Paulino, Marco Cruz, Individually and as an Officer of the San José Police Department, Gerardo Silva, Individually and as an Officer of the San José Police Department; Gurbaksh Sohal, Individually and as an Officer of the San José Police Department, and Does 1-10; (4) Blanco, David v. City of San José, et al.; Names Of Partie(s) Involved: David Blanco, City of San José, Berryessa Union School District, and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-297724; (5) 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 Santa Clara; Case No.: 16-CIV-02303; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (6) City of Santa Clara v. City of San José, et al.; 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; (7) San José Police Officers' Association v. City, et al; Names Of Partie(s) Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of the City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara, Sixth District Court of Appeal; Case No.: 1-12-CV-225926; H0402979; H042074; Amount of Money or Other Relief Sought: Declaratory and injunctive relief; (8) 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. (9) 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. (10) 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 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. (11) 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; (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and

## CLOSED SESSION (Cont'd.)

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; (13) 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; (14) 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; (D) to Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address, Parcel Number, or other Unique Reference of Property: 255 South Montgomery Street (APN 261-37-025), 8 South Montgomery Street (APN 259-38-130), 102 South Montgomery Street (APN 259-48-012), 510 West San Fernando Street (APN 259-48-011, 259-48-013), 150 South Montgomery Street (APN 259-48-059), 105 South Montgomery Street (APN 261-35-003, 261-35-006, 261-35-010), 645 Park Avenue (APN 261-35-014), 525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 529-28-043, 259-28-044) West San Carlos Street (261-37-030) No Address (261-37-028); Negotiating Parties: Nanci Klein for the City of San José and Jay Bechtel for Google; Under Negotiation: The direction will concern price and terms of payment. (E) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) 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

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

Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (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 11:40 p.m. and reconvened to Regular Session at 12:38 p.m. in the Council Chambers.

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

Absent: Councilmembers - All Present.

## **INVOCATION**

Olivia Owen presented an original piece of literature for the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **CEREMONIAL ITEMS**

### **1.1 Administer the Oath of Office to the Youth Commissioners. (City Clerk)**

City Clerk Toni Taber administered the Oath of Office to the Youth Commissioners for the City.

*Heard in the Evening.*

- 1.2 Presentation of a commendation to San José Jr. Sharks Girls 19AA Ice Hockey team for winning the Girls 19U Tier II USA Hockey National Championship. (Davis)**  
 Mayor Sam Liccardo and Councilmember Dev Davis presented a commendation to San José Jr. Sharks Girls 19AA Ice Hockey team in recognition of winning the Girls 19U Tier II USA Hockey National Championship.  
*Heard in the Evening.*
- 1.3 Presentation of a commendation to Expedition Rangers from The Royal Rangers Ministry of Bethel Church of San Jose for earning their Citizenship Merit. (Davis)**  
 Mayor Sam Liccardo presented a commendation to Expedition Rangers from The Royal Rangers Ministry of Bethel Church of San José for earning their Citizenship Merit Badge.  
*Heard in the Evening.*
- 1.4 Presentation of a commendation to San José’s first Make Music Day for bringing communities together to celebrate through music. (Arenas)**  
 Councilmember Arenas, Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Chappie Jones, Councilmember Dev Davis and Councilmember Tam Nguyen presented a commendation to the San José Office of Cultural Affairs in honor of San José’s Make Music Day.
- 1.5 Commendation to the City of San José Department of Parks, Recreation and Neighborhood Services for its commitment to building healthy communities through people, parks and programs and in recognition of July as National Parks and Recreation Month. (Mayor)**  
 Councilmember Donald Rocha, Mayor Sam Liccardo and Councilmember Sergio Jimenez presented a commendation to the City of San José Department of Parks, Recreation and Neighborhood Services.

## **ORDERS OF THE DAY**

Upon motion by Councilmember Donald Rocha, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 4.1 to be deferred to August 2017, Item 4.3 deferred to August 8, 2017, and the portion of Item 7.1 relating to the settlement to be deferred, and with Item 3.5 not to be heard before 4:30 p.m. (11-0.)

## **CONSENT CALENDAR**

Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.1 Approval of City Council Minutes.**
- (a) Study Session Minutes of December 12, 2016.**
  - (b) Closed Session Special Meeting Minutes of December 19, 2016.**
  - (c) Closed Session Special Meeting Minutes of December 20, 2016.**

## 2.1 (Cont'd.)

- (d) **Closed Session Special Meeting Minutes of December 29, 2016.**
- (e) **Closed Session Special Meeting Minutes of January 3, 2017.**
- (f) **Regular Minutes of February 7, 2017.**
- (g) **Regular Minutes of February 14, 2017.**

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

Documents Filed: (a) Study Session Minutes dated December 12, 2016. (b) Closed Session Special Minutes dated December 19, 20, 29, 2016 and January 3, 2017. (c) Regular Council Minutes dated February 7 and 14, 2017.

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

## 2.2 Final Adoption of Ordinances:

- (a) **ORD. NO. 29951 – An ordinance of the City of San José rezoning certain real property of approximately 0.2 acre, situated approximately 50 feet east of Bird Avenue on the north side of Lorraine Avenue (0 Lorraine Avenue and 543 Lorraine Avenue), from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District. CEQA: Determination of Consistency with the Final Program EIR for the Diridon Station Area Plan (Resolution No. 77096), the Final Program 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 77617). Council District 3.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29951 executed on June 16, 2017, submitted by the City Clerk.

Action: Ordinance No. 29951 was adopted. (11-0.)

- (b) **ORD. NO. 29952 – An ordinance of the City of San José rezoning certain real property of approximately 0.89 gross acre situated on the east side of South Winchester Boulevard, approximately 590 feet south of Stevens Creek Boulevard (350 South Winchester Boulevard) from the CG Commercial General Zoning District to the CG(PD) Planned Development Zoning District. CEQA: 350 S. Winchester Mixed-Use (“Volar”) Project Environmental Impact Report. Council District 6.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29952 executed on June 16, 2017, submitted by the City Clerk.

Action: Ordinance No. 29952 was adopted. (11-0.)

2.2 (Cont'd.)

- (c) **ORD. NO. 29953** – An ordinance of the City of San José rezoning certain real property of approximately 3.4 gross acres situated on the southwest corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway) from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District. CEQA: Addendum to the Final Initial Study/Mitigated Negative Declaration for the Downtown College Preparatory Relocation Project. Council District 7.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29953 executed on June 16, 2017, submitted by the City Clerk.

Action: Ordinance No. 29953 was adopted. (11-0.)

- (d) **ORD. NO. 29959** – An ordinance of the City of San José amending Sections 12.12.400, 12.12.430, 12.12.440 and adding Sections 12.12.450 and 12.12.460 to Chapter 12.12 of Title 12 of the San José Municipal Code to require Lobbyists engaged in lobbying activities to file weekly reports and to make other clerical and technical changes. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy.

Documents Filed: Proof of Publication of the Title of Ordinance No. 29959 executed on June 16, 2017, submitted by the City Clerk.

Action: Ordinance No. 29959 was adopted. (11-0.)

- (e) **ORD. NO. 29960** – An ordinance of the City of San José repealing Chapter 12.08 of Title 12 of the San José Municipal Code related to the City's Gift Ordinance. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy.

*Please note: Approval of this item requires 8 or more affirmative votes (2/3).*

Documents Filed: Proof of Publication of the Title of Ordinance No. 29960 executed on June 23, 2017, submitted by the City Clerk.

Motion: Vice Mayor Magdalena Carrasco moved to decline implementation of Ordinance No. 29960, recommending a deferral to the August 8, 2017 City Council Meeting. Councilmember Donald Rocha seconded the motion.

Action: On a call for the question, the motion carried unanimously, and Ordinance No. 29960 was deferred to the Council Meeting of August 8, 2017. (11-0.)

**2.3 Approval of Council Committee Minutes.**

- (a) **Smart Cities and Service Improvements Committee Minutes of June 1, 2017. (Jones)**
- (b) **Transportation and Environment Committee Minutes of June 5, 2017. (Carrasco)**
- (c) **Rules and Open Government Committee Minutes of June 7, 2017. (Mayor)**
- (d) **Neighborhood Services and Education Committee Minutes of June 8, 2017. (Rocha)**

Documents Filed: (1) Smart Cities and Service Improvements Committee Minutes of June 1, 2017. (2) Transportation and Environment Committee Minutes of June 5, 2017. (3) Rules and Open Government Committee Minutes of June 7, 2017. (4) Neighborhood Services and Education Committee Minutes of June 8, 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**

None provided.

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

None provided.

**2.7 Approve an ordinance to amend Section 25.08.700 of Chapter 25.08 of Title 25 of the San José Municipal Code to require Ground Transportation providers to pay fees and charges to be set by City Council, including fees, if any, for discharging passengers at the Norman Y. Mineta San José International Airport and to allow registration in lieu of permits for limited operators. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involves no changes in the physical environment. (Airport)**

Documents Filed: Memorandum from Interim Director of Aviation, John Aitken, A.A.E., dated June 5, 2017, recommending adoption of an ordinance.

Action: Ordinance No. 29967, entitled “An Ordinance of the City of San José Amending Section 25.08.700 of Chapter 25.08 of Title 25 of the San José Municipal Code to Require Ground Transportation Providers to Pay Fees and Charges to be Set by City Council, Including Fees, if Any, for Discharging Passengers or Packages at the Mineta San José International Airport and to Allow Registration In Lieu of Permits for Limited Operators”, was passed for publication. (11-0.)

- 2.8 Adopt a resolution authorizing the City Attorney to negotiate and execute a Fourteenth Amendment to the Agreement for Legal Services with Hogan Lovells US LLP for legal services related to aviation matters at the Norman Y. Mineta San José International Airport, extending the term of the Agreement from June 30, 2017 to June 30, 2018, with no increase in total compensation. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 15, 2017, recommending adoption of a resolution.

Action: Resolution No. 78241, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Fourteenth Amendment to the Agreement with for Legal Services with Hogan Lovells US LLP” was adopted. (11-0.)

- 2.9 Authorize international travel to Rotterdam, Utrecht, and Amsterdam in the Netherlands and Lille, France for James Ortbal, Director of Transportation, and Nanci Klein, Assistant Director of Economic Development as the City Manager’s designated representatives on the Knight Foundation Study Tour designed for policymakers and executive staff who are engaged in the remaking of San José’s Diridon Station and the Diridon Station Area, July 9 – July 14, 2017. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated June 12, 2017, recommending authorization of travel.

Action: International travel for James Ortbal, Director of Transportation, and Nanci Klein, Assistant Director of Economic Development as the City Manager’s designated representatives on the Knight Foundation Study Tour designed for policymakers and executive staff who are engaged in the remaking of San José’s Diridon Station and the Diridon Station Area, July 9 – July 14, 2017, was approved. (11-0.)

- 2.10 Adopt a resolution authorizing the City Manager to negotiate and execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association (SJDA) to include additional marketing, promotional, placemaking and concession services to the scope of services and increase compensation to an amount not to exceed \$475,150, subject to the appropriation of funds by the City Council. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Economic Development)**

Documents Filed: City Council Action Request from Deputy City Manager/Director of Economic Development Kim Welsh, dated June 27, 2017, recommending adoption of a resolution.

**2.10 (Cont'd.)**

Action: Resolution No. 78242, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement for Consultant Services between the City of San José and the San José Downtown Association to Include Additional Marketing, Promotional, Placemaking and Concession Services to the Scope of Services and Increase Compensation to an Amount not to Exceed \$475,150, Subject to the Appropriation of Funds by the City Council”, was adopted. (11-0.)

- 2.11 (a) Conduct a Public Hearing regarding an economic development subsidy in connection with the incentive to Cupertino Electric Inc. in the amount of \$221,082, pursuant to California Government Code Section 53083; and**
- (b) Approve the industrial incentive fee waiver with Cupertino Electric Inc., in which the City will provide a traffic impact fee reduction of \$36,847 per qualifying net new vehicular trip at identified Policy Interchange Intersections under the US-101 /Oakland/Mabury Transportation Development Policy, for a total of six qualifying trips at a value of \$221,082, to enable expansion of the City’s manufacturing and industrial base in a key employment area.**

**CEQA: North San José Development Policies EIR, Resolution No. 72768 and Addenda thereto; and Flea Market EIR, Resolution No. 73956 and Addenda thereto. Council District 3. (Economic Development)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated June 6, 2017, recommending conducting a public hearing and approving a fee waiver.

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: The industrial incentive fee waiver with Cupertino Electric Inc., in which the City will provide a traffic impact fee reduction of \$36,847 per qualifying net new vehicular trip at identified Policy Interchange Intersections under the US-101 /Oakland/Mabury Transportation Development Policy, for a total of six qualifying trips at a value of \$221,082, to enable expansion of the City’s manufacturing and industrial base in a key employment area, was approved. (11-0.)

**2.12 Adopt a resolution authorizing the City Manager to:**

- (a) Execute an Agreement with First Alarm Security & Patrol, Inc., doing business as First Security Services (San José, CA) to provide on-call airport terminal support services at the Norman Y. Mineta San José International Airport for an initial one-year term ending on June 30, 2018, with maximum compensation not to exceed \$405,000.**
- (b) Exercise up to four one-year options to extend the term of the agreement through June 30, 2022, subject to the appropriation of funds.**

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

## 2.12 (Cont'd.)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 5, 2017, recommending adoption of a resolution.

Action: Resolution No. 78243, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute an Agreement with First Alarm Security & Patrol, Inc., Doing Business as First Security Services to Provide On-Call Airport Terminal Support at the Mineta San José International Airport for an Initial One-Year Term Ending on June 30, 2018, with Maximum Compensation not to Exceed \$405,000; and (2) Exercise up to Four One-Year Options to Extend the Term of the Agreement through June 30, 2022, Subject to the Appropriation of Funds”, was adopted. (11-0.)

## 2.13 Adopt a resolution authorizing the City Manager to:

- (a) **Execute the First Amendment to the Agreement with Vanderlande Industries, Inc. for Airport Baggage Handling Conveyor System Services at the Norman Y. Mineta San José International Airport, to increase compensation for maintenance and repair services by \$742,016 to a revised not-to-exceed amount of \$11,988,275 for the initial five-year term, subject to the appropriation of funds; and**
- (b) **Execute change orders and/or amendments to the Agreement for unanticipated repairs to the baggage handling conveyor system, or to account for changes in the volume of passenger bags, subject to the appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance)**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 5, 2017, recommending adoption of a resolution.

Action: Resolution No. 78244, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute a First Amendment to the Agreement with Vanderlande Industries, Inc. for Airport Baggage Handling Conveyor System Services at the Mineta San José International Airport, to Increase Compensation for Maintenance and Repair Services by \$742,016 to a Revised Not-To-Exceed Amount of \$11,988,275 for the Initial Five-Year Term, Subject to the Appropriation of Funds and (2) Execute Change Orders and/or Amendments to the Agreement for Unanticipated Repairs to the System, or to Account for Changes in the Volume of Passenger Bags, Subject to the Appropriation of Funds”, was adopted. (11-0.)

## 2.14 Approve the Third Amendment to the Master Service Agreement between the City of San José and Langham Consulting Services, LLC dated May 21, 2014, extending the term from July 31, 2017 to December 31, 2017, and increasing the maximum total compensation from \$1,260,000 to \$1,348,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance/Environmental Services)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper and Director, Environmental Services, Kerrie Romanow, dated June 27, 2017, recommending approval of a third amendment to a master service agreement.

**2.14 (Cont'd.)**

Action: A Third Amendment to the Master Service Agreement between the City of San José and Langham Consulting Services, LLC dated May 21, 2014, extending the term from July 31, 2017 to December 31, 2017, with related compensation, was approved. (11-0.)

**2.15 Adopt a resolution authorizing the City Manager to:**

- (a) Negotiate and execute an Agreement with TIG Consulting Corporation (Las Vegas, NV) to reconfigure and deploy modifications to the Hyperion budgeting software platform for a term through December 31, 2018, with maximum compensation not-to-exceed \$300,000; and**
- (b) Execute amendments and/or change orders for additional services that may be required to complete the modifications to the Hyperion budgeting software for up to \$75,000.**

**CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance/City Manager)**

Documents Filed: (1) Joint memorandum from Director of Finance Julia H. Cooper and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated June 7, 2017, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Finance Julia H. Cooper and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated June 20, 2017, reflecting the legal name of the company with whom the City is entering into an agreement.

Action: Resolution No. 78245, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute an Agreement with TIG Consulting Corporation to Reconfigure and Deploy Modifications to the Hyperion Budgeting Software Platform for a Term Through December 31, 2018, with maximum Compensation Not-to-Exceed \$300,000; and (2) Execute Amendments and/or Change Orders for Additional Services that may be Required to Complete the Modifications to the Hyperion Budgeting Software for up to \$75,000”, was adopted. (11-0.)

**2.16 Adopt a resolution authorizing the City Manager to:**

- (a) Negotiate and execute an Agreement with Innovative Interfaces Inc. (Emeryville, CA) for ongoing Integrated Library System software subscriptions and ongoing support and maintenance services, for an initial three-year term commencing on or about July 1, 2017, and ending on or about June 30, 2020, with the first year compensation of \$185,084, and a maximum compensation not-to-exceed amount of \$540,792, for the three-year term, subject to the annual appropriation of funds;**
- (b) Execute change orders to cover any unanticipated changes or requirements or for future enhancements not-to-exceed amount of \$20,000, subject to the appropriation of funds; and**
- (c) Execute one-year options to extend the term of the Agreement after the initial three-year term, to provide ongoing support and maintenance, subject to the annual appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance)**

## 2.16 (Cont'd.)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78246, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute an Agreement with Innovate Interfaces Inc. for Ongoing Integrated Library System Software Subscriptions and Ongoing Support and Maintenance Services, for an Initial Three-Year Term Commencing on or About July 1, 2017, and Ending on or About June 30, 2020, with the First Year Compensation of \$185,084, and a Maximum Compensation Not-to-Exceed Amount of \$540,792 for the Three-Year Term, Subject to the Annual Appropriation of Funds; and (2) Execute Change Orders to Cover any Unanticipated Changes or Requirements or for Future Enhancements for a Not-to-Exceed Amount of \$20,000, Subject to the Appropriation of Funds; and (3) Execute One-Year Options to Extend the Term of the Agreement After the Initial Three-Year Term, to Provide Ongoing Support and Maintenance, Subject to the Annual Appropriation of Funds”, was adopted. (11-0.)

## 2.17 **Adopt a resolution authorizing the City Manager to execute a purchase order with San Diego Police Equipment Co. (San Diego, CA) for the purchase of ammunition for a one-year term commencing on July 1, 2017 through June 30, 2018, in an amount not-to-exceed \$450,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78247, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order with San Diego Police Equipment Company, Inc. for the Purchase of Ammunition, for a Term of July 1, 2017 through June 30, 2018, in an Amount Not-to-Exceed \$450,000”, was adopted. (11-0.)

## 2.18 **Adopt a resolution authorizing the City Manager to:**

- (a) **Execute a Purchase Order with Advanced Helicopter Services (Woodland, CA) for inspection, maintenance, and repair services for the Police Department helicopter for a twelve-month term of July 1, 2017 through June 30, 2018, in an amount not-to-exceed \$330,000;**
- (b) **Approve a contingency of \$50,000 to cover any unforeseen repairs that may be required to maintain the helicopter, subject to the appropriation of funds; and**
- (c) **Execute up to three one-year options to extend the term through June 30, 2021, subject to appropriation of funds.**

**CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Finance)**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 27, 2017, recommending adoption of a resolution.

Councilmember Donald Rocha pulled Item 2.18 to pose questions to Housing Division staff, Patrick Heisinger.

**2.18 (Cont'd.)**

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Donald Rocha and carried unanimously, Resolution No. 78248, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order with Advanced Helicopter Services for Inspection, Maintenance, and Repair Services for the Police Department Helicopter, for a Term of July 1, 2017 through June 30, 2018, in an Amount Not-to-Exceed \$330,000 with a \$50,000 Contingency, and to Execute up to Three One-Year Options to Extend the Term, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Carrasco.)

**2.19 Adopt a resolution authorizing the City Manager to:**

- (a) Amend Purchase Order 53021 with Hi Tech Emergency Vehicle Services, Inc. (Oakdale, CA) for fire apparatus maintenance and repair services including spare parts, to increase compensation by \$260,000, for a revised maximum compensation not to exceed \$550,000, for the current term ending on August 31, 2017; and**
- (b) Execute the final one-year option to renew the Purchase Order for the term September 1, 2017 through August 31, 2018, for ongoing maintenance and repair services, subject to the appropriation of funds.**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78249, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Amend Purchase Order 53021 with Hi-Tech Emergency Vehicle Service, Inc., for Fire Apparatus Maintenance and Repair Services Including Spare Parts, to Increase Compensation to an Amount Not to Exceed \$550,000 for the Current Term Ending August 31, 2017 and to Execute the Final One-Year Option to Extend the Term Through August 31, 2018, Subject to the Appropriation of Funds”, was adopted. (11-0.)

**2.20 Adopt a resolution authorizing the City Manager to:**

- (a) Execute Purchase Orders with California Roofing (San José, CA) and Roofline Builders (Pleasanton, CA) for roofing repairs and maintenance as required for City facilities, for an initial twelve-month period commencing July 1, 2017 through June 30, 2018, in an aggregate amount not-to-exceed \$760,000; and**
- (b) Execute up to four additional purchase orders with one-year terms, with the final term ending on June 30, 2022, subject to the appropriation of funds.**

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78250, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Execute Purchase Orders with California Roofing and Roofline Builders for Roofing Repairs and Maintenance as Required for City Facilities

## 2.20 (Cont'd.)

for an Initial Twelve-Month Period Commencing July 1, 2017 through June 30, 2018, in an Aggregate Amount Not-to-Exceed \$760,000; and (2) Execute up to Four Additional Purchase Orders with One-Year Terms, with the Final Term Ending on June 30, 2022, Subject to the Appropriation of Funds”, was adopted. (11-0.)

## 2.21 Adopt a resolution to:

- (a) **Set a Public Hearing for Tuesday, August 8, 2017, at 1:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, to approve the placement of the 2017-2018 annual Residential Solid Waste Collection Service Charges on the 2017-2018 Santa Clara County Secured Property Tax Roll based upon the annual Residential Solid Waste Collection Service Charge report of the Director of Finance; and**
- (b) **Direct the City Clerk to publish notice of the filing of the Director’s report, and the time and place of the Public Hearing.**

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

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 5, 2017, recommending setting a public hearing.

Action: Resolution No. 78251 entitled: “A Resolution of the Council of the City of San José Setting a Public Hearing on the Annual Residential Solid Waste Collection Service Charges Pursuant to Sections 9.10.1202 and 9.10.1204 of the San José Municipal Code”, was adopted. (11-0.)

## 2.22 Adopt a resolution to:

- (a) **Set a Public Hearing for Tuesday, August 8, 2017, at 1:30 p.m., or as soon thereafter as the matter may be heard, to approve the placement of the 2017-2018 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge assessments on the 2017-2018 Santa Clara County Secured Property Tax Roll based upon the annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge reports of the Director of Finance;**
- (b) **Direct the Director of Finance to file the Fiscal Year 2017-2018 annual Sanitary Sewer Service and Use Charge report with the City Clerk on or before July 17, 2017 instead of July 5, 2017; and**
- (c) **Direct the City Clerk to publish notice of the filing of the Director’s reports, and the time and place of the Public Hearing.**

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

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 5, 2017, recommending setting a public hearing.

## 2.22 (Cont'd.)

Action: Resolution No. 78252 entitled: “A Resolution of the Council of the City of San José to Set a Public to Approve the Placement of the 2017-2018 Annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments on the 2017-2018 Santa Clara Secured Property Tax Roll; Direct the Director of Finance to File the 2017-2018 Sanitary Sewer Service and Use Charges Report on or Before July 17, 2017; and Direct the City Clerk to publish a Notice of the Filing of the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Reports, and the Time and Place of the Public Hearing”, was adopted. (11-0.)

## 2.23 Report on Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) **Negotiate and execute an Agreement with Vision Technology Solutions, LLC, doing business as Vision (El Segundo, CA), for a fully hosted web content management system, including software subscription, web design, implementation and configuration, migration, training, support and maintenance, and related professional services for an initial five-year term ending on June 30, 2022, with a maximum compensation not-to-exceed \$350,000 for the initial twelve month period, and \$608,674 for the full five-year term, subject to the annual appropriation of funds;**
- (b) **Negotiate and execute amendments and/or change orders to cover any additional requirements including, but not limited to, new project sub-sites, features, and future website enhancements, subject to the appropriation of funds; and**
- (c) **Execute up to five one-year options to extend the term of the Agreement through June 30, 2027, subject to the annual appropriation of funds.**

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 5, 2017, recommending negotiation and execution of amendments.

Action: Resolution No. 78253, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to (1) Negotiate and Execute an Agreement with Vision Technology Solutions, LLC for a Fully Hosted Web Content Management System, Including Software Subscription, Web Design, Implementation and Configuration, Migration, Training, Support and Maintenance, and Related Professional Services for an Initial Five-Year Term on June 30, 2022, with a Maximum Compensation Not-to-Exceed \$350,000 for the Initial Twelve Month Period, and \$608,674 for the Full Five-Year Term, Subject to the Annual Appropriation of Funds; and (2) Negotiate and Execute Change Orders to Cover any Additional Requirements Including, but not Limited to, New Project Sub-sites, Features and Future Website Enhancements, Subject to the Appropriation of Funds; and (3) Execute up to Five One-Year Options to Extend the Term of the Agreement through June 30, 2027, Subject to the Annual Appropriation of Funds”, was adopted. (11-0.)

- 2.24 Approve Lease Amendments to modify the Affordability Restriction for the Vermont House and Plaza Hotel from 30% of the Area Median Income (AMI) to 50% of AMI. CEQA: Exempt, File No. PP15-109 (Vermont House), CEQA Guidelines Section 15302, Replacement or Reconstruction, and File No. PP15-078 (Plaza Hotel), CEQA Guidelines Section 15301, Existing Facilities. Council Districts 3 and 6. (Housing)**

Documents Filed: (1) City Council Action Request from Director of Housing Jacky Morales-Ferrand, dated June 27, 2017, recommending approval of Lease Amendments. (2) Letter from Housing for All Alliance dated June 25, 2017, urging a “no” vote for changing the lease.

Action: Lease Amendments to modify the Affordability Restriction for the Vermont House and Plaza Hotel from 30% of the Area Median Income (AMI) to 50% of AMI, were approved. (11-0.)

- 2.25 Adopt a resolution to amend the City of San José Pay Plan effective July 2, 2017, to create the Retirement Investment Operations Supervisor U (7508) classification with a salary range of \$113,505.60- \$138,944.00 annually. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy, Title 3. (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources, Joe Angelo, dated June 8, 2017, recommending adoption of a resolution.

Action: Resolution No. 78254, entitled: “A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications”, was adopted. (11-0.)

- 2.26 Adopt a resolution to amend the City of San José Pay Plan effective July 2, 2017, to change the salary range for the following classifications:**

- (a) Architect/Landscape Architect I (3841) with a salary range of \$72,943.58-\$92,283.02 annually;
- (b) Architect/Landscape Architect II (3852) with a salary range of \$76,592.94-\$96,959.46 annually;
- (c) Associate Architect/Landscape Architect (3843/3848) with a salary range of \$88,633.65-\$112,234.33 annually;
- (d) Associate Structure/Landscape Designer (3855) with a salary range of \$88,633.65-\$112,234.33 annually; and
- (e) Senior Architect/Landscape Architect (3844) with a salary range of \$106,763.08-\$135,044.25 annually.

Documents Filed: Memorandum from Director of Employee Relations, Jennifer Schembri, dated June 16, 2017, recommending adoption of a resolution.

Action: Resolution No. 78255, entitled: “A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications”, was adopted. (11-0.)

- 2.27 Adopt a resolution authorizing the City Manager to execute a Third Amendment to the Master Agreement with CPS HR Consulting, for Recruitment/Hiring and Job Classification/Compensation Analysis projects, extending the term to June 30, 2019, and increasing the amount of compensation by \$210,001 for a total compensation amount not to exceed \$500,000, with each service order subject to appropriation of funds. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Human Resources)**

Documents Filed: City Council Action Request from Director of Human Resources, Joe Angelo, dated June 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78256, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Third Amendment to the Agreement with CPS HR Consulting for Recruitment, Hiring and Job Classification and Compensation Analysis Projects”, was adopted. (11-0.)

- 2.28 Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Agreement with Hargis & Associates for professional services to design, develop and validate promotional assessments for Police and Fire sworn classifications, to increase the amount of total compensation from \$269,999 to \$400,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Human Resources)**

Documents Filed: City Council Action Request from Director of Human Resources, Joe Angelo, dated June 27, 2017, recommending adoption of a resolution.

Action: Resolution No. 78257, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Agreement with Kenneth Hargis DBA Hargis & Associates for Professional Services to Design, Develop and Validate Promotional Assessments for Police and Fire Sworn Classifications, to Increase the Amount of Total Compensation from \$269,999 to \$400,000, Subject to the Appropriation of Funds”, was adopted. (11-0.)

- 2.29 (a) Authorize travel for Mayor Liccardo to Barcelona on July 5, 2017 to July 8, 2017 for the VTA Transit Construction Study Trip. Source of Funds: Personal funds.**
- (b) Accept travel payments and authorize travel for Mayor Liccardo to Holland and France on July 8, 2017 to July 13, 2017 for the SPUR Study Tour. Source of Funds: SPUR.**

Documents Filed: Replacement memorandum from Mayor Sam Liccardo, dated June 26, 2017, requesting authorization to travel, replacing the previous memorandum and updating the source of funds.

Public Comment: Roland Lebrun spoke to the importance of the trip and offered further recommendations for high speed rail projects.

**2.29 (Cont'd.)**

Action: Upon motion by Councilmember Lan Diep, seconded by Vice Mayor Magdalena Carrasco and carried unanimously, the travel for Mayor Liccardo to Barcelona on July 5, 2017 to July 8, 2017 for the VTA Transit Construction Study Trip was approved. (11-0.)

**2.30 Accept travel payments and authorize travel for Councilmember Peralez' Chief of Staff, Christina Ramos, to Holland and France on July 8, 2017 to July 13, 2017 for the SPUR Study Tour. Source of Funds: SPUR and Council District 3 funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Peralez)**

Documents Filed: Memorandum from Councilmember Raul Peralez, dated June 12, 2017, requesting authorization to travel for Councilmember Raul Peralez' Chief of Staff.

Action: Acceptance of travel payments and authorization to travel for Councilmember Peralez' Chief of Staff, Christina Ramos, to Holland and France on July 8, 2017 to July 13, 2017 for the SPUR Study Tour, was approved. (11-0.)

**2.31 Adopt a resolution authorizing the Director of Public Works to:**

- (a) Award a construction contract for the Convention Center Restrooms Upgrades Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,800,000 and to approve a fifteen percent contingency in the amount of \$270,000;**
- (b) Consider any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project; and**
- (c) Execute change orders in excess of \$100,000 within the contingency amount. CEQA: Exempt, File No. PP16-053, CEQA Guidelines Section 15301, Existing Facilities. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 5, 2017, recommending adoption of a resolution.

Action: Resolution No. 78258, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to do the Following: (1) Award a construction contract for the Convention Center Restrooms Upgrades Project to the lowest responsive and responsible bidder in an amount not to exceed \$1,800,000 and to approve a fifteen percent contingency in the amount of \$270,000; (2) Consider any timely bid protest(s), to make the City's final determination as to the lowest responsive bidder that is responsible, or to reject all bids and re-bid the project; and (3) Negotiate and Execute any Single and/or Multiple Change Orders for the Project in Excess of \$100,000 up to the Amount of the Contingency", was adopted. (11-0.)

- 2.32 Approve the Third Amendment to the Master Agreement with David J. Powers & Associates, Inc. for the continuation of ongoing environmental consultant services supporting various City projects by extending the term of agreement from June 30, 2017 to June 30, 2018, at no additional cost for a total amount of \$500,000. CEQA: Not a Project, File No. PP10-066(d), Agreements & Contracts, Consultant Services. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated June 27, 2017, recommending approval of a third amendment to a master agreement.

Action: The Third Amendment to the Master Agreement with David J. Powers & Associates, Inc. for the continuation of ongoing environmental consultant services supporting various City projects by extending the term of agreement from June 30, 2017 to June 30, 2018, at no additional cost for a total amount of \$500,000, was approved. (11-0.)

- 2.33 Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2017-2018 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council Districts 2, 3, 4 & 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 5, 2017, recommending adoption of resolutions.

Action: Resolution No. 78259 through Resolution No. 78271, Approving Annual Budget Reports for Maintenance Districts: 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein, were adopted. (11-0.)

- 2.34 Adopt a resolution of intention to vacate a 25-foot light and air easement located at 4886 Kingwood Way and set a Public Hearing on August 8, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP17-036, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 5, 2017, recommending adoption of a resolution.

Action: Resolution No. 78272, entitled: “A Resolution of the Council of the City of San José Setting a Public Hearing to Consider Whether to Vacate a 25’ Setback Easement

- 2.35 Adopt a resolution of intention to conditionally vacate a portion of Old West Julian Street between North Autumn Street and Autumn Parkway with the reservation of a public service easement over the entire area being conditionally vacated and set a Public Hearing on August 8, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)**

**2.35 (Cont'd.)**

Documents Filed: Replacement memorandum from Director of Public Works Barry Ng, dated June 19, 2017, recommending adoption of a resolution and, due to errors, replacing original memo.

Action: Resolution No. 78273, entitled: “A Resolution of the Council of the City of San José Setting a Public Hearing to Consider Whether to Conditionally Vacate a 12,903 Square Foot Portion of Old West Julian Street Between North Autumn Street and Autumn Parkway”, was adopted. (11-0.)

**2.36 Report on bids and award of contract for the 8465-Sanitary Sewer Repairs 2016-17 Package VII to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,489,279, and approve a contingency in the amount of \$148,928. CEQA: Exempt, File No. PP17-029, CEQA Guidelines Section 15301, Existing Facilities and 15302, Replacement or Reconstruction. Council Districts 4, 5, 7 & 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Barry Ng, dated June 5, 2017, recommending acceptance of a report.

Action: Report on bids and award of contract for the 8465-Sanitary Sewer Repairs 2016-17 Package VII to the low bidder, Southwest Pipeline & Trenchless Corp., in the amount of \$1,489,279, with related contingencies, was approved. (11-0.)

**2.37 Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Community Facilities District No. 16 (Raleigh - Coronado) Fund:**

- (a) Increase the estimate for Special Assessments in the amount of \$345,132;
  - (b) Increase the Personal Services appropriation to the Department of Transportation in the amount of \$25,500;
  - (c) Increase the Non-Personal/Equipment appropriation to the Department of Transportation in the amount of \$136,105;
  - (d) Increase the Non-Personal/Equipment appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$57,656;
  - (e) Increase the Overhead appropriation to the Department of Finance in the amount of \$11,475; and
  - (f) Increase the Unrestricted Ending Fund Balance in the amount of \$114,396.
- CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. Council District 2. (Public Works/City Manager)**

Documents Filed: Memorandum from Director of Public Works Barry Ng and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated June 13, 2017, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

**2.37 (Cont'd.)**

Action: Resolution No. 78274, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78229 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2017-2018 to Adjust Revenues in the Community Facilities District #16 (Raleigh – Coronado) Fund”; and Ordinance No. 29968, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29962 to Appropriate Moneys in the Community Facilities District #16 (Raleigh – Coronado) Fund for the Personal Services and Non-Personal/Equipment Appropriations to the Department Of Transportation, the Non-Personal/Equipment Appropriation to the Department of Parks, Recreation and Neighborhood Services, and the Overhead Appropriation to the Department of Finance; And Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

**2.38 Approve an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a new residential permit parking zone in the Hoffman neighborhood. CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. Council District 10. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated June 5, 2017, recommending approval of an ordinance.

Action: Ordinance No. 29969, entitled “An Ordinance of the City of San José Amending Chapter 11.48 of Title 11 of the San José Municipal Code to Establish a New Residential Permit Parking Zone in the Hoffman Neighborhood”, was passed for publication. (11-0.)

**2.39 Adopt a resolution to repeal Resolution No. 78095 and set forth speed limits in the City of San José in compliance with State law to:**

- (a) **Re-establish speed limits with changes to three roadways; including portions of Cottle Road, Santa Clara Street, and San José Avenue;**
  - (b) **Establish a 15 mph school zone speed limit on portions of five roadways; including Cottle Avenue, Dry Creek Road, Cherry Avenue, Pine Avenue, and Willow Glen Way; and**
  - (c) **Make administrative corrections as described in the memorandum to Council.**
- CEQA: Exempt, File No. PP14-017, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 2, 3, 6 & 7. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Jim Ortbal, dated June 5, 2017, recommending adoption of a resolution.

Action: Resolution No. 78275, entitled: “A Resolution of the Council of the City of San José (1) Reestablishing Speed Limits with Changes on Four Roadway Segments; (2) Establishing a 15 MPH Speed Limit During School Hours, When Children are Present, on Five Roadway Segments; (3) Making a Technical Correction; and (4) Repealing Resolution No. 78095”, was adopted. (11-0.)

- 2.40 Approve the Fourteenth Amendment to the Parking Lot Lease Agreement between the City of San José and Boston Properties (dba BP Almaden Associates, LLP) for the Almaden/Woz Parking Lot, to extend the term of the lease from July 1, 2017 to June 30, 2022, in the amount of \$35,020 per month for the first year with 3% annual increases thereafter, for a maximum amount of \$2,231,111 over the five-year extended term. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation Jim Ortbal, dated June 27, 2017, recommending approval of a fourteenth amendment to a parking lot lease agreement.

Councilmember Donald Rocha pulled item 2.40 to pose questions to staff regarding convention center parking. Director, Department of Transportation, Jim Ortbal responded to questions.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Johnny Khamis and carried unanimously, the Fourteenth Amendment to the Parking Lot Lease Agreement between the City of San José and Boston Properties (dba BP Almaden Associates, LLP) for the Almaden/Woz Parking Lot, to extend the term of the lease from July 1, 2017 to June 30, 2022, in the amount of \$35,020 per month for the first year with 3% annual increases thereafter, for a maximum amount of \$2,231,111 over the five-year extended term, was approved. (11-0.)

**2.41 Adopt a resolution:**

- (a) Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2017-18 as filed or modified by Council;**
- (b) Confirming the individual assessments as proposed by the Downtown San José Property Owners Association, or as modified by Council;**
- (c) Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2017-18; and**
- (d) Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.**

**CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Assessments & Annual Reports. Council District 3. (Transportation/Public Works)**

Documents Filed: Memorandum from Director of Transportation Jim Ortbal and Director of Public Works Barry Ng, dated June 5, 2017, recommending adoption of a resolution.

Action: Resolution No. 78276, entitled: “A Resolution of the Council of the City of San José (1) Approving the Downtown San José Property-Based Improvement District Annual Report Prepared by the Downtown San José Property Owners Association for Fiscal Year 2016-2017 as Filed or Modified by Council; (2) Confirming the Individual Assessments as Proposed by the Downtown San José Property Owners Association, or as Modified by Council, including the Assessment on City-Owned Property and the Assessment on Successor Agency-Owned Property; (3) Directing that the City Baseline Services

## 2.41 (Cont'd.)

Contribution in the Amount of \$365,000 be Continued in Fiscal Year 2016-2017; and (4) Directing the Director of Public Works to Deliver the Assessment Roll to the County of Santa Clara for Collection with the Property Taxes”, was adopted. (11-0.)

## 2.42 Recommendation:

- (a) **Report on bids and award of a construction contract for 8241 – Paint Shop Spray Booth Replacement Project to the low bidder Integra Construction Services, Inc. for the base bid in the amount of \$1,040,112 and approval of a construction contingency of 15 percent in the amount of \$156,017.**
- (b) **Adopt the following 2016-2017 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Capital Fund:**
  - (1) **Decrease the Lagoons and Drying Beds Retirement appropriation to the Environmental Services Department by \$1,400,000; and**
  - (2) **Increase the Plant Infrastructure Improvements appropriation to the Environmental Services Department by \$1,400,000.**
- (c) **Adopt the following 2016-2017 Appropriation Ordinance amendments in the San José-Santa Clara Treatment Plant Operating Fund:**
  - (1) **Decrease the Non-Personal/Equipment appropriation to the Environmental Services Department by \$450,000; and**
  - (2) **Increase the Unrestricted Ending Fund Balance by \$450,000.**

Documents Filed: (1) Memorandum from Treatment Plant Advisory Chair Sam Liccardo, dated June 16, 2017, providing TPAC’s review of items concerning the Water Pollution Control Plant. (2) Joint replacement memorandum from Director, Environmental Services, Kerrie Romanow and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated June 22, 2017, Recommending acceptance of a report on bids and award of a contract.

Action: Ordinance No. 29970, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the San Jose-Santa Clara Treatment Plant Capital Fund for the Plant Infrastructure Improvements; And Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Ordinance No. 29971, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the San José Santa Clara Treatment Plant Operating Fund for the Unrestricted Ending Fund Balance; And Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

## 2.43 **Accept travel payments and authorize international travel for Councilmember Lan Diep to Rotterdam, Utrecht, and Amsterdam in the Netherlands and Lille, France from July 8, 2017 to July 14, 2017 to join a SPUR study trip of train station design and economic development centered on transit hubs. Source of Funds: SPUR, a 501(c)(3) non-profit and District 4 office budget. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Diep)**

Documents Filed: Memorandum from Councilmember Lan Diep, dated June 15, 2017, requesting authorization for international travel.

**2.43 (Cont'd.)**

Action: Travel payments and authorize international travel for Councilmember Lan Diep to Rotterdam, Utrecht, and Amsterdam in the Netherlands and Lille, France from July 8, 2017 to July 14, 2017 to join a SPUR study trip of train station design and economic development centered on transit hubs. (11-0.)

**2.44 Recommendation:**

- (a) **Authorize travel for Councilmember Lan Diep to Washington, D.C., from September 26, 2017 to September 28, 2017 to join the Silicon Valley Leadership Group in its fall advocacy trip to speak with Members of Congress on issues important to the Bay Area generally, and San José specifically. Source of Funds: District 4 Office Budget.**
- (b) **Request for an excused absence for Councilmember Lan Diep from the Regular Meeting of the City Council on September 26, 2017, due to Authorized City Business: Silicon Valley Leadership Group Annual Washington, D.C. Advocacy Trip.**

Documents Filed: Memorandum from Councilmember Lan Diep, dated June 19, 2017, requesting authorization for travel.

Action: Travel for Councilmember Lan Diep to Washington, D.C., from September 26, 2017 to September 28, 2017 to join the Silicon Valley Leadership Group in its fall advocacy trip to speak with Members of Congress on issues important to the Bay Area, including an excused absence due to authorized City business, was authorized. (11-0.)

**2.45 Accept travel payments and authorize travel for Councilmember Sergio Jimenez to Austin, Texas on July 27, 2017 to July 30, 2017 for the Local Progress Annual Convening. Source of Funds: Local Progress and District 2 office funds. CEQA: Not a Project, File No. PP10-069(c), City Organizational & Administrative Activities, Travel. (Jimenez)**

Documents Filed: Memorandum from Councilmember Sergio Jimenez, dated June 21, 2017, requesting authorization for travel.

Action: Travel for Councilmember Sergio Jimenez to Austin, Texas on July 27, 2017 to July 30, 2017 for the Local Progress Annual Convening, was authorized. (11-0.)

**2.46 Adopt the following 2016-2017 Appropriation Ordinance and Funding Source Resolution Amendments in the General Fund:**

- (a) **Increase the estimate for Other Revenue by \$1,524.98; and**
  - (b) **Increase the appropriation to Council District 6 by \$1,524.98.**
- CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Clerk/City Manager)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC and Senior Deputy City Manager/Budget Director Jennifer Maguire, dated June 20, 2017, recommending approval of an appropriation ordinance and funding sources resolution amendment.

**2.46 (Cont'd.)**

Action: Ordinance No. 29972, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29762 to Appropriate Moneys in the General Fund for Council District #06; And Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 78277, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77796 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2016-2017 to Adjust Revenues in the General Fund”, were adopted. (11-0.)

**2.47 Authorize a three-month extension to the current Place-Based Rapid Rehousing Program and Tenant Based Rental Assistance (TBRA) Program by adopting a resolution authorizing the Director of Housing to negotiate and execute the following:**

- (a) **Third Amendment to the Place-Based Rapid Rehousing Services Agreement with San José Streets Team to increase the maximum funding by \$150,000, from \$2,180,000, to \$2,330,000 and extend the Agreement from June 30, 2017 through September 30, 2017.**
- (b) **Third Amendment to the Rental Subsidy Program Administrator Place-Based Rapid Re-Housing Agreement with the Health Trust to increase the funding by \$375,000 from \$3,300,000 to \$3,675,000 and extend the Agreement from June 30, 2017 through September 30, 2017.**
- (c) **Third Amendment to the TBRA Program Agreement with the Health Trust to increase the funding by \$600,000 from \$2,350,000 to \$2,950,000 and extend the Agreement from June 30, 2017 through September 30, 2017.**

**CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Housing)**

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated June 20, 2017, recommending extension of agreements for programs.

Action: Resolution No. 78278, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute Amendments to the Agreements with San José Streets Team and the Health Trust”, was adopted. (11-0.)

**2.48 As recommended by the Rules and Open Government Committee on June 21, 2017:**

- (a) **Retroactively approve the Community Code Enforcement Meeting scheduled on June 14, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.**

**CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 23, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Community Code Enforcement Meeting as a City Council Sponsored Special Event 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.)

- 2.49 As recommended by the Rules and Open Government Committee on June 21, 2017:**
- (a) Retroactively approve the Small Business Recognition Lunch scheduled on June 14, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.**
  - (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.**
- CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Carrasco)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated June 23, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Small Business Recognition Lunch as a City Council Sponsored Special Event 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.)

- 2.50 As recommended by the Rules and Open Government Committee on June 21, 2017, adopt a position of support for AB 71 (Chiu) Bring California Home Act: State Low-income housing tax credits, so the City's legislative representatives can advocate the City's position in support of AB 71. CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Housing)**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated June 23, 2017, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from Rick Smith, President, Santa Clara County Association of Realtors, dated June 23, 2017, expressing criticism of AB 71.

Public Comments: Vincent Rocha spoke against the position of support for AB 71 (Chiu).

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Sergio Jimenez, and carried, a position of support for AB 71 (Chiu) Bring California Home Act: State Low-income housing tax credits, so the City's legislative representatives can advocate the City's position in support of AB 71, was adopted. (7-3-1. Noes: Jones, Diep, Davis. Absent: Nguyen)

## **END OF CONSENT CALENDAR**

### **STRATEGIC SUPPORT SERVICES**

- 3.3 As recommended by the Salary Setting Commission on April 20, 2017:**
- (a) Approve an ordinance by the San José City Council authorizing the salaries and benefits of the Mayor and City Council for the next two Fiscal Years, the period July 1, 2017 through June 30, 2019, as follows:**
    - (1) For the Mayor, increase the authorized salary for FY 2017-18 and FY 2018-19 from the previously recommended \$125,000 annually to \$137,000 annually.**

**3.3 (Cont'd.)**

- (2) For each Councilmember, increase the authorized salary for FY 2017-18 and FY 2018-19 from the previously recommended \$92,000 annually to \$102,000 annually.**
  - (3) Retain the levels of health, dental, life insurance and other benefits through FY 2017-2019 in accordance with the benefits provided to management employees in Unit 99 including vision insurance, flexible spending accounts: medical reimbursement account and dependent care assistant program, deferred compensation, accidental death and disability insurance, basic life insurance, dependent life insurance, employee assistance program, long term disability insurance, personal accident insurance, and voluntary accident and critical illness insurance.**
  - (4) Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.**
  - (5) Retain the current vehicle allowance of \$500 per month for the Mayor and each member of the City Council.**
  - (6) Continue to require Councilmembers to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.**
- (b) Adopt a resolution approving an increase in the stipend for non-City employee members of the retirement boards from \$225 to \$250 per board meeting.**

**CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Clerk)**

Documents Filed: (1) Joint memorandum Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Jones, Peralez and Arenas, dated May 5, 2017, providing direction to the City Attorney to draft City Charter amendment that strips the City Council of any decision-making authority over its own salary setting, or over any persons responsible for setting Council salaries. (2) Joint memorandum from City Attorney Richard Doyle and City Clerk Toni J. Taber, CMC, dated April 28, 2017, transmitting the Salary Setting Commission report and recommending approval of an ordinance.

Public Comment: Offering comments regarding salaries, benefits and comments regarding the Salary Setting Commission report, were: Ray Perez, LRON; and Victorious Alexander.

Motion: Councilmember Johnny Khamis moved approval of the staff recommendations, including a Council salary increase of 3% per fiscal year for 2 years, and including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Jones, Peralez and Arenas, dated May 5, 2017. The motion was seconded by Councilmember Donald Rocha.

Mayor Sam Liccardo interjected that he did not think this is a good year to vote on increasing Council salaries.

### 3.3 (Cont'd.)

City Clerk Toni J. Taber, CMC, responded to questions and clarified that the Council salary question is separate from the ballot issue that is designated for Fall 2018.

Action: On a call for the question, the motion carried, and Ordinance No. 29973, entitled “An Ordinance of the City of San José Adopting Salaries and Other Compensation for the Mayor and Councilmembers Recommended by the Salary Setting Commission Pursuant to City Charter Section 407”, was passed for publication, including amendments that the Council will receive 3% per fiscal year for 2 years; and Resolution No. 78279, entitled: “A Resolution of the Council of the City of San José Setting the Stipend for Non-City Employee Members of the Boards of Administration for the Federated City Employees Retirement System and the Police and Fire Retirement Plan, as Recommended by the Salary Setting Commission”, was adopted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Jones, Peralez and Arenas, dated May 5, 2017 to Direct the City Attorney to a draft City Charter amendment that strips the City Council of any decision-making authority over its own salary setting, or over any persons responsible for setting Council salaries. After consultation with the Salary-Setting Commission, return to Council by the end of 2017 for Council consideration and placement on the November 6, 2018 ballot. (9-2. Noes: Liccardo, Carrasco.)

### 3.4 Approve the following Board and Commissions appointments:

- (a) **Council Appointment Advisory Commission:**
  - (1) **District 4 Seat: Appoint Quynh Ho for the term 6/27/2017 to 12/31/2018.**
- (b) **Downtown Parking Board:**
  - (1) **San José State University Representative Seat: Appoint for the term 7/1/2017 to 6/30/2021.**
- (c) **Housing and Community Development Commission:**
  - (1) **District 4 Seat: Appoint Huy Tran for the term 6/27/2017 to 6/30/2019.**
- (d) **Human Services Commission:**
  - (1) **District 4 Seat: Appoint Thi Ly for the term 6/27/2017 to 12/31/2018.**
- (e) **Parks and Recreation Commission:**
  - (1) **District 4 Seat: Appoint Kelly Snider for the term 6/27/2017 to 6/30/2019.**
- (f) **Youth Commission:**
  - (1) **District 6 Seat: Appoint for the term 6/27/2017 to 5/31/2018; and**
  - (2) **Citywide Seat: Appoint for the term 6/27/2017 to 5/31/2019.**

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

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated June 16, 2017, recommending approval of Board and Commission appointments. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated June 22, 2017, providing additional nominations. (3) Memorandum from City Attorney Richard Doyle, dated June 19, 2017, regarding conflict review for the Housing and Development Commission. (4) Memorandum from City Attorney Richard Doyle, dated June 23, 2017, regarding conflict

### 3.4 (Cont'd.)

review for the Human Services Commission. (5) Memoranda from City Attorney Richard Doyle regarding conflict review for the Downtown Parking Board, Parks & Recreation, and Council Appointment Advisory Commissions. (6) Memorandum from Diane Buchanan, Deputy Director, Planning, Building and Code Enforcement, dated June 26, 2017, regarding applicant code review from the Council Appointment Advisory Committee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Rocha, and carried unanimously, the Boards and Commissions appointments were approved. (11-0.)

### 3.5 **Public Hearing on Recording Liens on Properties for the Reimbursement of the Cost of Sidewalk Repairs for the Fiscal Year 2017-2018 Santa Clara County Secured Property Tax Bill.**

- (a) **Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.**
- (b) **Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report.**
- (c) **Direct the recording of liens and the placement of charges as set forth therein on the 2017-2018 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.**

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

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 9, 2017, recommending conducting a public hearing and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on May 23, 2017, submitted by the City Clerk.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Lin Chan spoke on an unfair lien on her property tax due to sidewalk repairs, and asserted that she was not provided a notice of the work done by the City. Mayor Sam Liccardo referred Ms. Chan to Director, Department of Transportation, Jim Ortbal and Director of Finance, Julia Cooper for further discussion.

Mayor Sam Liccardo closed the public hearing.

Director, Department of Transportation, Jim Ortbal and Director of Finance, Julia Cooper responded to questions from the Council.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Donald Rocha and carried unanimously, Resolution No. 78280, entitled: "A Resolution

**3.5 (Cont'd.)**

of the Council of the City of San José Approving the Report of the Director of Finance on the Reimbursement of Cost for Sidewalk Repairs, Confirming the Assessments Contained in the Report and Directing the Recording of Liens on the Property Tax Roll for the Cost of Sidewalk Repairs", was adopted. (11-0.)

**3.6 As recommended by the Public Safety, Finance and Strategic Support Committee on June 15, 2017, accept the following Third Quarter Financial Reports for Fiscal Year 2016-2017:**

- (a) Debt Management Report;**
- (b) Investment Management Report; and**
- (c) Revenue Collection Report.**

**CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 23, 2017, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Johnny Khamis and carried unanimously, the Third Quarter Financial Reports for Fiscal Year 2016-2017 were accepted. (11-0.)

**3.7 Accept staff's recommendation to include socially responsible criteria in the upcoming Request for Proposals for Banking Services, including scoring of Bank's compliance with the Community Reinvestment Act (CRA) and Bank's commitment to corporate citizenship and practices which promote environmental stewardship, consumer protection, human rights, diversity, and participation in activities such as charitable programs and scholarships, with each Bank responding to be evaluated, in part, on their CRA rating. These criteria are not applicable to investment banking, underwriting, lending or trustee services related to the issuance and management of the City's and related entities debt portfolio. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance)**

Documents Filed: (1) Memorandum from Councilmember Sergio Jimenez, dated June 26, 2017, recommending acceptance of the staff recommendation. (2) Memorandum from Director of Finance Julia H. Cooper, dated June 23, 2017, providing recommendations regarding the Banking Services RFP.

Public Comment: Shaunn Cartwright expressed appreciation for the City's action in this matter.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Johnny Khamis, and carried unanimously, the staff's recommendation to include socially responsible criteria in the upcoming Request for Proposals for Banking Services, including scoring of Bank's compliance with the Community Reinvestment Act (CRA) and Bank's commitment to corporate citizenship and practices which promote environmental stewardship, consumer protection, human rights, diversity, and participation in activities

### 3.7 (Cont'd.)

such as charitable programs and scholarships, with each Bank responding to be evaluated, in part, on their CRA rating, were accepted. These criteria are not applicable to investment banking, underwriting, lending or trustee services related to the issuance and management of the City's and related entities debt portfolio. (10-0-1. Absent: Carrasco.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 Adopt a resolution:

- (a) **Approving the use of a Purchase and Sale Agreement between the City and Del Grande Properties for the sale of the City's 6,708 square feet of vacant surplus land at the corner of Almaden Blvd. and Carlisle St., Assessor's Parcel Number 259-35-029, in the amount of \$1,341,600; and**
- (b) **Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement, the deed, all other documents necessary to complete the transaction, and any amendments or modifications.**

**CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development)**

Action: Deferred to August 2017 per Orders of the Day.

### 4.2 Adopt a resolution:

- (a) **Supporting an Agreement to form a partnership with the San José Unified School District and Almaden Valley Youth Soccer to support the joint public use of any existing or future sports fields at Pioneer High School; and**
- (b) **Directing the City Manager or his designee to negotiate an agreement with the San José Unified School District, for review and approval by the City Council, outlining the terms for the transfer or use of a surplus City parcel to the San José Unified School District. CEQA: Exempt, File No. PP17-042.**

Documents Filed: Joint memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Deputy City Manager/Director of Economic Development Kim Walesh, dated June 12, 2017, recommending adoption of a resolution.

Public Comment: Mihad Trollas and Ed Fregoso offered support to the proposal.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Sergio Jimenez and carried unanimously, Resolution No. 78282, entitled: "A Resolution of the Council of the City of San José (1) Supporting an Agreement to Form a Partnership with the San José Unified School District and Almaden Valley Youth Soccer for the Joint Public Use of Any Existing or Future Sports Fields at Pioneer High School, and (2) Directing the City Manager to Negotiate an Agreement with the San José Unified School District, for Review and Approval by the City Council, Outlining the Terms for the Transfer or Use of a Surplus City Parcel to the San José Unified School District", was adopted. (9-0-2. Absent: Rocha, Liccardo.)

- 4.3 Conduct a Public Hearing and adopt a resolution ordering the reorganization of territory designated as McKee 137 which involves the annexation to the City of San José of approximately 0.46 gross acres of land generally 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 Santa Clara County 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: Determination of Consistency with 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). Council District 5. (Planning, Building and Code Enforcement)**

Action: Deferred to the August 8, 2017 Council Meeting per Orders of the Day.

- 4.4 (a) Consider and adopt a resolution approving the Initial Study/Negative Declaration for the Incidental Homeless Shelter Ordinance described in (b). Approve an ordinance amending Title 20 of the San José Municipal Code (the Zoning Code), to revise land use provisions for incidental shelter of homeless people, including: 1) Amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and adding Sections 20.80.1630 and 20.80.1640 to Part 17, Chapter 20.80, adding definitions of “Assembly Use”, “Incidental Shelter”, and “Places of Assembly”,**
- (b) creating standards for incidental shelter of homeless individuals and families, allowing the incidental shelter as an incidental permitted use to an existing legal assembly use where the shelter is provided inside existing buildings that are constructed and operating in compliance with the San José Municipal Code; and 2) Making other technical, formatting or non-substantive changes in the Zoning Code.**

**CEQA: Initial Study/Negative Declaration for the Incidental Homeless Shelter Municipal Code Amendment. (Planning, Building and Code Enforcement)**

**PP17-015 – Citywide**

Documents Filed: (1) Memorandum from Councilmember Donald Rocha, dated June 26, 2017, recommending deferral of action on this item with additional direction to the City Manager. (2) Memorandum from Councilmember Sergio Jimenez, dated June 26, 2017, recommending approval of the Planning Commission recommendations, including modifications. (3) Transmittal memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 15, 2017 transmitting the Planning Commission recommendations. (4) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 19, 2017, transmitting the Planning Commission recommendations. (5) Proof of Publication of Notice of Public Hearing, executed on May 26, 2017, submitted by the City Clerk. (6) Letter from Michael Ferrero, Director, Village House, dated June 24, 2017, requesting Council postpone action in order to revise the ordinance as outlined.

Director of Housing, Jacky Morales-Ferrand offered a presentation.

#### 4.4 (Cont'd.)

Public Comment: Offering support, comments and recommendations regarding the proposed Incidental Homeless Shelter Ordinance, were: Moria Merriweather, Nancy Wallner, Robert Aquirre, Kathy Mattingly, Perry, Ceola Williams; Shelley Leiser and Kathryn Hedges, PACT; Shaunn Cartwright; Laura Tolkoff, SPUR; Phil Mastrocola, Jolene Jones, Rev. Rowan Fairgrove and Phil Garcia, Winter Faith Collaborative; Ruby Ramirez, Peter Miron-Conk, Perry Mistry, Troy Lemming; Liz Pense, Willow Glen United Methodist Church; Mike Ferrero, Village House Shelter; and Karen Gillette.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78281, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to the Agreement for Placement Services with FUSE Corps to Extend the Term through November 30, 2018, Modify the Scope of Services to Add Two Fellows, and Increase the Amount of Total Compensation to an Amount Not to Exceed \$490,000", was adopted; and Ordinance No. 29976, was passed for publication, including the memorandum from Councilmember Sergio Jimenez, dated June 26, 2017, approving the Planning Commission's recommendation to revise land use provisions for incidental shelter by establishing permanent regulations to allow year-round incidental shelter as a permitted use for legally established religious or non-religious assembly with locations not to house more than 50 people at time, and must not be used more than 50% of the time as incidental shelter with a maximum of 50 % of the building space shall not be used as an incidental shelter and to keep the interim ordinance in place to accommodate places of worship with a setback of less than 150 feet from a residential property line which would allow shelters for up to 30 individuals, for up to 90 days annually, at any one location to operate without a permit and not be subject to the 150-foot separation, as defined in the ordinance and to direct the Housing Department to return to Council with a revised ordinance in August 2017. (11-0.)

#### 4.5 Recommendation:

- (a) **Approve an ordinance amending Part 1 of Chapter 13.36 and adding a new Chapter 13.37 to Title 13 of the San José Municipal Code to govern private encroachments within the City's public right-of-way and other public easements.**
- (b) **Adopt a resolution approving the form of Encroachment Agreement with owners who construct or place encroachments within the City's public right-of-way and other public easements.**

**CEQA: Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), File No. PP17-045. (Public Works/Planning, Building and Code Enforcement)**

Documents Filed: Joint memorandum from Director of Public Works Barry Ng and Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement, dated June 5, 2017, recommending approval of an ordinance and adoption of a resolution.

#### 4.5 (Cont'd.)

Director of Public Works Barry Ng offered a presentation, and he and staff responded to questions from Council. City Attorney Richard Doyle offered further clarification.

Public Comment: Dennis Randall, representing Insight Realty, offered support and thanked Councilmember Johnny Khamis for taking on this project.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez, and carried unanimously, Ordinance No. 29966, entitled “An Ordinance of the City of San José Amending Part 1 of Chapter 13.36 of Title 13 of the San José Municipal Code to Govern Right-of-Way Work Permits and Adding a New Chapter to Title 13 to Govern Encroachments, was passed for publication; and Resolution No. 78284, entitled: “A Resolution of the Council of the City of San José Approving the Form of Encroachment Agreement with Owners Who Place, Install or Construct Certain Encroachments Within City-Owned or Controlled Public Right-Of-Way or Other Public Easements”, was adopted. (11-0.)

### TRANSPORTATION & AVIATION SERVICES

- 6.1 As recommended by the Rules and Open Government Committee on June 14, 2017, discuss, and possible action on, the naming of the North San José BART station. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no changes in the physical environment.**

Documents Filed: Memorandum from Mayor Sam Liccardo and Councilmember Lan Diep, dated June 23, 2017, recommending naming of the North San José BART station.

Public Comments: Sean Mulligan offered support to the recommendations provided by Mayor Sam Liccardo and Councilmember Lan Diep.

Action: Upon motion by Councilmember Lan Diep, seconded by Councilmember Raul Peralez and carried unanimously, submission of “Berryessa/North San José” was provided to the Valley Transportation Authority (VTA) for consideration as the formal name of the North San Jose BART station, as outlined in the joint memorandum from Councilmember Lan Diep and Mayor Sam Liccardo, dated June 23, 2017. (11-0.)

### ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) Approve the Cooperative Agreement and Fourth Amendment to the Franchises Agreement with Allied Waste Services of North America, LLC to resolve a dispute about the living wage requirements in the Commercial Solid Waste and Recyclables Collection Franchises Agreement for sorters and housekeepers at the Newby Island Recyclery**

Action: Deferred to August 2017 per Orders of the Day.

## 7.1 (Cont'd.)

- (b) **Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Cooperative Agreement and Fourth Amendment 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-Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/Public Works/City Attorney)**

Documents Filed: (1) Joint memorandum from Councilmember Raul Peralez, Councilmember Sergio Jimenez, Vice Mayor Magdalena Carrasco and Councilmember Donald Rocha, dated June 23, 2017, requesting deferral of the portion relating to the settlement to an August Council Session. (2) Joint memorandum from Director, Environmental Services, Kerrie Romanow and Director of Public Works Barry Ng, dated June 12, 2017, regarding adoption of a resolution. (3) Memorandum from City Attorney Richard Doyle, dated June 14, 2017, regarding the resolution of the dispute. (4) Letter from Rome Alouise, President, Teamsters Joint Council No. 7, dated June 23, 2017, expressing opposition to the proposed settlement between the City and Republic Services.

Motion: Councilmember Donald Rocha moved approval of the memorandum from June 23, 2017 he coauthored with Vice Mayor Magdalena Carrasco and Councilmembers Peralez and Jimenez, deferring this item to an August 2017 study session. Vice Mayor Magdalena Carrasco seconded the motion.

Public Comment: Doug Bloch, representing Teamsters Joint Council 7, offered support to the deferral.

Action: On a call for the question, this item was deferred to an August Council Session with the following direction: (1) Provide a Closed Session briefing prior to the item coming back to Council; and (2) Direct staff to address the concerns stated in the letter from the Teamsters Joint Council No. 7 dated June 23, 2017. (11-0.)

## PUBLIC SAFETY

- 8.1 **Adopt a resolution approving Volume 1 and the City of San José Annex, part of Volume 2, of the two-volume Santa Clara County Operational Area Hazard Mitigation Plan (SCC HMP), as the City of San José's local hazard mitigation plan. This action is pursuant to the Disaster Mitigation Act (DMA; Public Law 106-390), passed in 2000, which requires state and local governments to develop hazard mitigation plans as a condition for federal disaster grant assistance. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Fire)**

## 8.1 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 26, 2017, recommending approval of a study session related to the City's Comprehensive Emergency Management. (2) Memorandum from Director of Emergency Management, Ray Riordan, dated June 5, 2017, recommending adoption of a resolution and providing Volumes 1 and 2 of the Santa Clara County Operational Area Hazard Mitigation Plan.

Action: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Johnny Khamis, and carried unanimously, Resolution No. 78286, entitled: "A Resolution of the Council of the City of San José Approving Volume 1 and the City of San José Annex Within Volume 2 of the Two-Volume Santa Clara County Operational Area Hazard Mitigation Plan as the City of San José's Local Hazard Mitigation Plan", was adopted, including the memorandum from Mayor Sam Liccardo, dated June 26, 2017, recommending approval of a study session related to the City's Comprehensive Emergency Management . (10-0-1. Absent: Liccardo.)

## 8.2 **Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Fourth Amendment to the "911 Emergency Medical Services Agreement between the City of San José and the County of Santa Clara Emergency Medical Services Agency" (Agreement) to extend the Agreement for up to two years. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical changes to the environment. (Fire)**

Documents Filed: Memorandum from Fire Chief Curtis Jacobson, dated June 21, 2017, recommending adoption of a resolution.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Donald Rocha and carried unanimously, Resolution No. 78287, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute the Fourth Amendment to the 911 Emergency Medical Services Agreement Between the City of San Jose and the County of Santa Clara Emergency Medical Services Agency to Extend the Agreement for up to Two Years Through June 30, 2019", was adopted. (11-0.)

## 8.3 **Accept the 2016 Independent Police Auditor Year End Report. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports, Assessments and Annual Reports that involve no approvals of any City Actions. (Independent Police Auditor)**

Documents Filed: (1) Joint memorandum from Councilmember Johnny Khamis and Councilmember Donald Rocha, dated June 23, 2017, recommending acceptance of the report with additions. (2) Memorandum from Councilmember Sergio Jimenez, dated June 26, 2017, recommending approval of recommendations by Councilmembers Khamis and Rocha, with additional criteria. (3) 2016 Independent Police Auditor Year End Report, provided by Interim Independent Police Auditor Shivaun Nurre.

### 8.3 (Cont'd.)

Public Comments: Offering insight, recommendations and comments regarding the Police Auditor's report and public safety, were: Alice Lynch, Jennifer Goto and Rev. Rowan Fairgrove (PACT); Raylene Fedor, Scott Largent, K. Hedges, Jeff Moore, Blair Beekman and Robert Aguirre.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, the 2016 Independent Police Auditor Year End Report was accepted, including the Memorandum from Councilmember Johnny Khamis and Councilmember Donald Rocha, dated June 23, 2017, directing Staff to work with the Santa Clara County Office of Education to identify which school districts in San Jose are following the recommendations set forth by the Department of Education and the Department of Justice, which outline how school-based police officers should be trained and deployed, direct Staff to implement a policy for City personnel performing their City duties in secondary employment wherein they will only be allowed to work for school districts who provide the proper training and certify that training has been successfully completed before secondary employment commences, direct Staff to develop guidelines that clearly separate responsibilities between school administrators and City personnel providing security services on school campuses, and direct the Chief of Police to provide a written response to all recommendations in the IPA's annual year-end reports, consistent with other City audits. (11-0.)

### 8.4 **Accept the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for CY 2016. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports, Assessments and Annual Reports that involve no approvals of any City Actions. (Police)**

Documents Filed: (1) Memorandum from Councilmember Sergio Jimenez, dated June 26, 2017, recommending acceptance of the report with a request for further review and discussion by Council. (2) Memorandum from Chief of Police Edgardo Garcia, dated June 5, 2017, recommending acceptance of the San José Police Department's Internal Affairs Unit report.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, the San José Police Department's Internal Affairs Unit report on Department Initiated Investigations for calendar year 2016 was accepted, with direction as outlined in Councilmember Sergio Jimenez' memorandum of June 26, 2017 to bring the report back for review and discussion before the City Council the Independent Police Auditor's 2014 Year End Report Recommendation #2, to require independent civilian oversight of all Department-Initiated Investigations (DII's) by the end of the year. (11-0.)

## LAND USE

### 10.1 Public Hearing on Consent Calendar.

- (a) **Consideration of an ordinance of the City of San José rezoning an 8.79-gross acre site (Presentation High School), located on the East side of Booksin Avenue, approximately 550 feet southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District (Presentation High School SJ, Owner). CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval (5-0-2, Abelite and Pham absent). (Planning, Building and Code Enforcement)  
C17-016 – Council District 6**
- (b) **Adopt a resolution approving a Planned Development Permit and a Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (ABC Type 21 License) of a full range of alcoholic beverages at a 42,640-square foot full-service grocery store (H-Mart) on a 7.5-gross acre site, in the A(PD) Planned Development Zoning District, located on the northeast corner of Oakland Road and Murphy Avenue (1710 Oakland Road) (ROIC California LLC, Owner). CEQA: Exempt per CEQA Guidelines Section 15303 for Existing Facilities. Planning Commission recommends approval (6-0-1; Bit-Badal absent). (Planning, Building and Code Enforcement)  
PD16-038 & ABC17-001 – Council District 4**

Documents Filed: (1) City Council Staff Report for File No. C17-017 from Planning Commission Secretary, Rosalynn Hughey, dated June 5, 2017. (2) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 6, 2017, transmitting the Planning Commission recommendations for PD16-038 and ABC17-001. (3) Proofs of Publication of Notice of Public Hearings for C17-016 executed on May 26, 2017 and for PD16-038 and ABC16-001, executed on June 2, 2017, submitted by the City Clerk.

Mayor Sam Liccardo opened the public hearing.

Public Comments: (1) Janet Mosher, asserted that the City of San José needs to rezone to accommodate the needs of Presentation High School. (2) Bob Hencken, representing the Board of Trustees for Presentation High School discussed the first steps for creating a master plan.

Mayor Sam Liccardo closed the public hearing.

## 10.1 (Cont'd.)

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Donald Rocha and carried unanimously, Ordinance No. 29974, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 8.79 Acres Situated on the East side of Booksin Avenue approximately 550 Feet Southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District”, was passed for publication; and Resolution No. 78288, entitled: “A Resolution of the Council of the City of San José Approving, Subject to Conditions, a Planned Development Permit and Granting a Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol (ABC Type 21 License) of a Full Range of Alcoholic Beverages at a 42,640 Square Foot Full-Service Grocery Store (H-Mart) on a 7.5-Gross Acre Site Located at the Northeast Corner of Murphy Avenue and Oakland Road (1710 Oakland Road)”, was adopted. (10-1. Absent: Arenas.)

### END OF CONSENT CALENDAR

- 10.2 (a) **Adopt a resolution approving the Initial Study/Addendum to the San José Lowe’s Final Environmental Impact Report for which an Initial Study was prepared, and adoption of a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.**
- (b) **Consideration of an ordinance of the City of San José rezoning certain real property on a 2.4 gross acre site, located at the northeast corner of Cottle Road and Poughkeepsie Road (5550 Cottle Road) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District on approximately 17.1 gross acre site (Lowe’s Inc, Owner).**
- (c) **Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow a 3867 square foot fast food restaurant with drive through use in the Lowe’s Shopping Center.**

**CEQA: Initial Study/Addendum to the San José Lowe’s Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto. Planning Commission recommends approval (6-0-1; Allen absent). (Planning, Building and Code Enforcement)**

#### **PDC17-003 & PD17-001 – Council District 2**

Documents Filed: (1) Transmittal memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 5, 2017 transmitting the Planning Commission recommendations, including City Council Staff Report for File No. PDC17-003 and PD17-001, dated June 7, 2017. (2) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 19, 2017, transmitting the Planning Commission recommendations. (3) Proof of Publication of Notice of Public Hearing, executed on May 26, 2017, submitted by the City Clerk. (4) email correspondence from Chris Allingham, received June 20, 2017, recommending that the drive-thru be disallowed.

## 10.2 (Cont'd.)

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78289, entitled: “A Resolution of the Council of the City of San José Adopting the Addendum to the San Jose Lowe’s Store Final Environmental Impact Report (SCH#2006012115) in Accordance with the California Environmental Quality Act, as Amended, and Adopting a Related Mitigation Monitoring and Reporting Program”, and Resolution No. 78290, entitled: “A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions, to Allow Development of a 3,867 Square Foot Public Eating Establishment (In-N-Out Burger) with Drive-Through Use on a 2.4 Gross Acre Site Located at the Northeast Corner of Cottle Road and Great Oaks Parkway (5550 Cottle Road), were adopted; Ordinance No. 29975, entitled “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 17.4 Acres Situated at the Northeast Corner of Cottle Road and Great Oaks Parkway, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District”, was passed for publication (10-1. Noes: Rocha; Liccardo.)

## 10.3 **Adopt a resolution approving a Conditional Use Permit and Determination of Public Necessity, subject to conditions, to allow the off-sale of beer and wine only (ABC Type 20 License) as part of a full-service grocery store (up to 120 square feet dedicated) on a 2.17-gross acre site, located at the northeasterly corner of Rancho Drive and Monterey Road (3840 Monterey Road) (Jason Noghrey, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(a), Existing Facilities. Planning Commission recommends approval (6-0-1, Bit-Badal absent). (Planning, Building and Code Enforcement)** **CP16-010 & ABC17-003 – Council District 7**

Documents Filed: (1) Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated May 24, 2017 transmitting the Planning Commission recommendations. (2) Planning Commission Staff Report, dated May 24, 2017, for File No. CP16-010 and ABC17-003. (3) Proof of Publication of Notice of Public Hearing, executed on May 12, 2017, submitted by the City Clerk.

Mayor Sam Liccardo opened the public hearing.

Public Comments: Applicant Sal Caruso spoke to the merits of the project.

Mayor Sam Liccardo closed the public hearing.

Action: Upon motion by Councilmember Tam Nguyen, seconded by Councilmember Donald Rocha and carried unanimously, Resolution No. 78291, entitled: “A Resolution of the Council of the City of San José Approving, Subject to Conditions, a Conditional Use Permit and Granting a Determination of Public Convenience or Necessity to Allow the Off-Sale Of Alcohol of Beer and Wine (ABC Type 20 License) at an Existing 13,200-Square Foot Full-Service Grocery Store (Mi Rancho Supermarkets) in an Existing Building and Shopping Center, on an Approximately 2.17 Gross Acre Site Located at the Northeast Corner of Monterey Road and Rancho Drive (3840 Monterey Road)”, was adopted. (11-0.)

## LAND USE

### 10.4 Continue General Plan Hearing from May 16, 2017 and June 13, 2017.

Action: Deferred to August 2017.

### 10.5 Adopt a resolution approving the Winchester and Santana Row/Valley Fair Urban Village Plans, and a General Plan Amendment modifying Plan boundaries and General Plan land use designations. CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval 5-0-2 (Abelita and Pham absent). (Planning, Building and Code Enforcement)

**GP17-008 – Council Districts 1 & 6**

Documents Filed: (1) Two Joint memoranda from Mayor Sam Liccardo, Councilmember Chappie Jones and Councilmember Dev Davis, both dated June 23, 2017, approving staff's recommendations with modifications, including establishing a multi-city group to discuss key regional issues affecting West San Jose, with a focus on transportation and circulation. (2) Transmittal memorandum from Planning Commission Secretary, Rosalynn Hughey, dated June 5, 2017 transmitting the Planning Commission recommendations. (3) Letter from the Law Offices of Alan Berger, dated June 26, 2017, offering objections. (4) Letter from United Communities for Sensible Development including 650 petition signatures, providing objections and recommendations.

Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement offered an introduction, and Division Manager, Michael Brilliot provided a presentation.

Public Comments: Offering criticism, comments and recommendations, were: Eunice Hernandez (Sacred Heart Community Service); Nicole Montojo (SV@Home); Kathryn Hedges (PACT); Michael Cheng, Ron Canario; Scott Bishop (Eden Neighborhood); Daphna Wooke (WONA); Abe Bromberg, Steve Kelly; Glen Ceridono (Syufy Enterprises); Kirk Vartan, Ken Pyle and Amir Zarkesh.

Action: Continued for action to August 8, 2017.

**10.6 Adopt a resolution approving the Stevens Creek Urban Village Plan, and General Plan amendment modifying the Plan boundary and General Plan land use designations. CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617). Planning Commission recommends approval (6-0-1; Allen absent). (Planning, Building and Code Enforcement)  
GP17-009 – Council District 1**

Planning, Building and Code Enforcement Division Manager, Michael Brilliot provided a presentation.

Public Comments: Offering criticism, comments and recommendations, were: Chris Becker, Greg Sasaki, James Andrews, Steven Scharf, Randy Shingai, Judy Algas, Robert Bencoter, Erik Schoennauer, Carlin Black, Hunter Oliver, Takahide Nishio, Naomi Makihara, Shaunn, Jackie Buchser, Charlotte Monte, Anna Kung, Jennifer Griffin, Ron Canario, Bob Levy; Kathryn Hedges (PACT); and Kirk Vartan.

Council discussion followed.

Action: Deferred to August 8, 2017.

**ADJOURNMENT**

Mayor Sam Liccardo adjourned the meeting at 10:32 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

Toni J. Taber, CMC  
City Clerk

rmk/mj06-27-17 MIN

- **NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS**

**In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:**

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10423	129 W. Julian Street	3	Trumark Construction Services Inc.	16/ 43	MFA