



City Council Meeting

Agenda

Tuesday, March 27, 2018

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

- **Call to Order and Roll Call**

9:00 a.m.- Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

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

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

- **Invocation (District 3)**

Reverend Dana Bainbridge of First Christian Church and Founder of Recovery Café

- **Pledge of Allegiance**

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

- | | | |
|------------|---------------|---|
| 1.1 | 18-393 | Presentation of a commendation to the Blue Tarp Project for showing us through portraits, the individuality of our unhoused residents, and reminding us that, they do not fit popular stereotypes, yet we all share a sense of hope. (Jimenez)
TO BE HEARD IN THE EVENING |
| 1.2 | 18-395 | Presentation of a proclamation recognizing the month of March 2018 as Red Cross Month in the City of San José. (Mayor) |
| 1.3 | 18-409 | Presentation of a commendation to the Silver Creek High School Key Club for their dedication and services to the community. (Arenas)
TO BE HEARD IN THE EVENING |
| 1.4 | 18-426 | Presentation of a proclamation declaring the month of March 2018 as Youth Arts Month. (Mayor) |

2. CONSENT CALENDAR

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

2.1 18-389 Approval of City Council Minutes.

Recommendation: Regular Council Meeting Minutes of October 3, 2017.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.2 18-401 Final Adoption of Ordinances.

Recommendation: (a) ORD. NO. 30078 - An ordinance of the City of San José rezoning certain real property of approximately 1.89-gross acres located on the northeast corner of East Santa Clara and North 17th Streets (Assessor's Parcel Numbers 467-13-001, 467-13-002), from the CG Commercial General Zoning District and LI Light Industrial Zoning District to the PQP Public/Quasi Public Zoning District
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-037- Council District 3
[Deferred from 2/27/18 - Item 10.1(a)]

(b) ORD. NO. 30079 - An ordinance of the City of San José rezoning certain real property of approximately 1.2-gross acre site located northeast of the intersection of North 4th street and East Rosemary Street (1302 North 4th Street), from the LI Light Industrial Zoning District to the CIC Combined Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), and Supplemental EIR to Envision San José 2040 General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval.
(Planning Building and Code Enforcement)
C18-004- Council District 3

(c) ORD. NO. 30080 - An ordinance of the City of San José rezoning certain real property of approximately 0.3 acre portion of a 0.46 acre property located on the southeast corner of Lick Avenue and Goodyear Street (1102 Lick Avenue), from the LI Light Industrial Zoning District to the R-2 Two- Family Residence Neighborhood Zoning District.
CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to the San Jose 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Planning Commission recommends approval (6-0-1; Vora absent). (Planning, Building and Code Enforcement)

2.3 18-380 Approval of Council Committee Minutes.

Recommendation: (a) Rules and Open Government Committee Minutes of February 7, 2018. (Mayor)
(b) Rules and Open Government Committee Minutes of February 14, 2018. (Mayor)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

2.4 Mayor and Council Excused Absence Requests.**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7 18-382 Actions Related to Vice Mayor Carrasco's Travel to Chicago, Illinois.**

Recommendation: Authorize travel for Vice Mayor Carrasco to Chicago, Illinois on April 10-April 13, 2018 for the Policy Link Equity Summit, and authorize and excused absence from the Rules and Open Government Committee on April 11, 2018. Source of Funds: District 5 Office Budget.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Carrasco)

2.8 18-383 Actions Related to Councilmember Diep's Travel to Okayama, Japan.

Recommendation: (a) Authorize international travel for Councilmember Lan Diep to Okayama, Japan from April 7-12, 2018 to join San José's Sister Cities delegation;
(b) Approve the receipt of gifts received in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.040(c);
(c) Excuse Councilmember Diep from the City Council meeting on April 10, 2018 and from the Treatment Plant Advisory Committee on April 12, 2018. Source of Funds: District 4 Office Budget (Personal travel after April 12, 2018 will be paid for using personal funds).
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Diep)

2.9 18-384 Actions Related to Councilmember Diep's Travel to Seattle, Washington.

Recommendation: Authorize Councilmember Lan Diep's travel to Seattle, Washington from May 23-24, 2018 for the City Age Conference. Source of Funds: District 4 Office Budget (Personal travel after May 24, 2018 will be paid for with personal funds).
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (Diep)

2.10 18-402 Approval of Vista Park Neighborhood Beautification Day Sponsored By Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 14, 2018:
(a) Approve the Vista Park Neighborhood Beautification Day scheduled on April 28, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 3/14/18 - Item G.1.a]

2.11 18-404 Approval of the Scottish Flag Raising Sponsored By Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 14, 2018:
(a) Approve the Scottish Flag Raising scheduled on April 6, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)
[Rules Committee referral 3/14/18 - Item G.1.b]

2.12 18-405 Retroactive Approval of Faith Leaders Panel Sponsored By Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 14, 2018:
(a) Retroactively approve the Faith Leaders Panel scheduled on March 9, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 3/14/18 - Item G.1. c]

2.13 18-406 Retroactive Approval of Sound the Alarm Sponsored By Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 14, 2018:
(a) Retroactively approve the Sound the Alarm scheduled on February 24, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 3/14/18 - Item G.1.d]

2.14 18-407 Retroactive Approval of Children's Dental Health Fair Sponsored By Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on March 14, 2018:
(a) Retroactively approve the Children's Dental Health Fair scheduled on February 21, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 3/14/18 - Item G.1.e]

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:00 A.M.

3.3 18-379 Status of Open Audit Recommendations as of December 31, 2017.

Recommendation: (a) Accept the Status of Open Audit Recommendations as of December 31, 2017, and either affirm or drop the recommendation from the City Council-accepted 2012 Audit of Environmental Services to eliminate the public art requirement for underground ratepayer-funded capital projects. (City Auditor)
(b) Close out the City Auditor's recommendation that the City Council amend the public art ordinance to eliminate the public art requirement for "The Administration should consider recommending that certain ratepayer-funded capital projects, including those related to underground utilities or the wastewater treatment process."
(City Manager)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-361 Reaffirming Existing Bond Issuance and Approving Post-Issuance Compliance Policies for Multifamily Housing Revenue Bonds.

Recommendation:

Adopt a resolution to:

- (a) Reaffirming the previously adopted Council Policy Number 1-16 entitled: “Issuance of Multifamily Housing Revenue Bonds”;
 - (b) Approve Post-Issuance Compliance Policies for Tax Exempt Multifamily Bonds in order to comply with the California Debt Limit Allocation Committee (“CDLAC”) Regulation 5031(c) and authorize the Directors of Housing and Finance to submit updates to the Guidelines to CDLAC without additional Council action; and
 - (c) Authorize the Director of Housing and Director of Finance, or respective designees, to take any and all necessary actions to execute, amend (including administrative procedures as needed from time to time), and deliver all documents relating to the issuance, reporting, and compliance monitoring of new and existing Multifamily Housing Revenue Bonds issued by the City of San José, to remain in compliance with CDLAC or other appropriate regulatory agencies.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing/Finance)

5. NEIGHBORHOOD SERVICES

5.1 18-364 Actions Related to Grant Agreements with Santa Clara County for the All-Inclusive Grant Playground Program.

Recommendation:

Adopt a resolution to:

- (a) Authorize the City Manager, or designee, to submit a grant application in an aggregate amount up to \$1,000,000 to Santa Clara County for the All-Inclusive Playground Grant for Alum Rock Park; and
 - (b) Authorize the City Manager, or designee, to submit, negotiate and execute agreements with Santa Clara County for All-Inclusive Playground Grants for Emma Prusch Farm Park in an amount not to exceed \$2,000,000, Lincoln Glen Park in an amount not to exceed \$1,000,000, and Alum Rock Park in an amount not to exceed \$1,000,000.
- CEQA: Exempt, File No. PP18-022 and PP18-023, CEQA Guidelines Section 15301, Existing Facilities. Council Districts 5 and 6. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-385 San José Complete Streets Design Guidelines.

Recommendation: As recommended by the Transportation and Environment Committee on February 5, 2018:
Accept the report on San José's Complete Streets Design Guidelines and adopt a resolution to:
(a) Adopt the San José Complete Streets Design Guidelines that will serve as the official street design guide to be used by staff in the design of San José streets for all roadway users;
(b) Adopt Complete Streets principles, implementation methods, and exceptions as required by the Valley Transportation Authority (VTA) to be eligible to receive VTA 2016 Measure B funding; and
(c) Endorse the National Association of City Transportation Officials' (NACTO) Design Guidance, which serves as a model for the City's Complete Streets Guidelines.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)
[Transportation and Environment Committee referral 2/5/18 - Item (d)1]
DEFERRED FROM 3/27/18 ITEM 6.1 TO 5/1/18 PER ADMINISTRATION

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-349 Professional Services Agreement with Northern California Power Authority for Wholesale Energy Services.

Recommendation: Approve the Professional Services Agreement for Wholesale Energy Services with Northern California Power Authority for San José Clean Energy for a period of two years and five months from the date of execution in an amount not to exceed \$1,400,000 and up to two one-year agreement extension options, each for an additional \$655,452 and \$668,561 in the third and fourth year respectively for a total contract amount not to exceed \$2,725,000 subject to appropriation of funds in 2018-2019 and subsequent fiscal years.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

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

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

10. LAND USE

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

10.1 Land Use on Consent Calendar

- (a) **18-363 Planned Development Zoning for Real Property Located at 375 and 383 South Baywood Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 0.3-gross acre site located at 375 and 383 South Baywood Avenue from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District. CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval.
(Planning, Building and Code Enforcement)
C18-001 - Council District 6

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 18-362 Planned Development Zoning for Real Property Located at 237-253 Race Street & 216-280 Grand Avenue.**

Recommendation: (a) Adopt a resolution adopting the Race Street and Grand Avenue Residential Development Project Mitigated Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended (CEQA), and adopting a related Mitigation Monitoring and Reporting Program.
 (b) Consideration of an ordinance of the City of San José rezoning an approximately 2.3-gross acre site located between Race Street and Grand Avenue, 300 feet southerly of Park Avenue (237-253 Race Street & 216-280 Grand Avenue) from the A(PD) Planned Development to the R-M(PD) Planned Development Zoning District to allow up to 206 dwelling units located in one six-story multi-family residential building and one five-story multi-family residential building (Race Street Investments LLC, Owner). CEQA: Initial Study/Mitigated Negative Declaration and Environmental Assessment for the Race and Grand Residential Project. Planning Commission recommends approval (6-0-1, Ballard absent).
(Planning, Building and Code Enforcement)
PDC17-019 - Council District 6

- Open Forum

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

- Adjournment