



City Council Meeting

Agenda

Tuesday, April 10, 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**

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

9:30 a.m.

18-511 See separate agenda.

Regular Session, Council Chambers, City Hall

1:30 p.m.

Public Hearings, Council Chambers, City Hall

6:00 p.m. - **CANCELLED**

- **Invocation (District 4)**

Pastor Andy Wood, Echo Church

- **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 Presentation of a proclamation recognizing the week of April 8 - 14, 2018 as "National Public Safety Telecommunicators Week" in the City of San José honoring the San José Police and Fire Public Safety Dispatchers for their vital contributions that help protect the people of our community. (Davis)
- 1.2 Presentation of a proclamation recognizing April 2018 as Sexual Assault Month in the City of San José. (Carrasco)

2. CONSENT CALENDAR

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

2.1 18-473 Approval of City Council Minutes.

Recommendation: Regular Council Meeting Minutes of October 24, 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 18-479 Final Adoption of Ordinances.

Recommendation: (a) ORD. NO. 30082 - An ordinance of the City of San José rezoning certain real property of approximately 0.30 gross acre situated at the northwest corner of South Baywood Avenue and Hemlock Avenue (375 and 383 South Baywood) 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 EIR (Resolution No.77571), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C18-001- Council District 6

(b) ORD. NO. 30083 - An ordinance of the City of San José rezoning certain real property of approximately 2.3 gross acres situated on the west side of Race Street, approximately 300 feet southerly of Park Avenue (237-253 Race Street & 216-280 Grand Avenue) from the A(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District.
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

2.3 Approval of Council Committee Minutes.

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 18-474 Actions Related to Councilmember Diep's Travel to Phoenix, AZ.

Recommendation: Authorize travel for Councilmember Lan Diep to Phoenix, AZ from May 5-6, 2018 to attend a media training for the minority elected officials organized by the New American Leaders. Source of Funds: The Fund for the City of New York and District 4 Funds.
CEQA: Not a Project, File No, PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Diep)

2.8 18-478 Neighborhoods Commission Caucus Process.

Recommendation: Approve the 2018 Caucus Process recommended by the Neighborhoods Commission to select Neighborhood Commissioners in Districts 1, 3, 5, 7, and 9. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council Districts 1,3,5,7, and 9. (City Manager)

2.9 18-477 Approval of City Hall Facility Free Use on Saturday, April 14, 2018, for Civic Leaders Academy Graduation.

Recommendation: Adopt a resolution authorizing “Free Use” for events and activities held at City Hall on Saturday, April 14, 2018 for the two Citywide Civic Leaders Academies graduation.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (City Manager)

2.10 18-471 Approval of City Hall Facility Free Use on Saturday, April 28, 2018, for Earth Ride.

Recommendation: Adopt a resolution authorizing “Free Use” for events and activities held at City Hall on Saturday, April 28, 2018 for Earth Ride.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Environmental Services)

2.11 18-484 Approval of Lake Cunningham Bike Park Grand Opening Ceremony 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 28, 2018:
(a) Approve the Lake Cunningham Bike Park Grand Opening Ceremony scheduled on April 14, 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 3/28/18 - Item G.1.b]

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 9:30 A.M.

4. COMMUNITY & ECONOMIC DEVELOPMENT

5. NEIGHBORHOOD SERVICES

5.1 18-453 Actions Related to the Request for Qualifications for the PRNS Comprehensive Capital Improvement Program Consultant Services.

Recommendation: (a) Accept the report on the Request for Qualifications for comprehensive Capital Improvement Program consultant services.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute Agreements with Verde Design (Santa Clara, CA); Callander Associates (San José, CA); Sasaki, Walker, and Associates Group (San José, CA); Moore, Iacofano, Goltsman, Inc. (San José, CA); and LPA, Inc. (San José, CA) for Capital Improvement Program consultant services for a five-year term commencing on or about May 1, 2018 and ending on or about April 30, 2023, with maximum compensation not to exceed \$3,750,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Parks, Recreation and Neighborhood Services)

6. TRANSPORTATION & AVIATION SERVICES**7. ENVIRONMENTAL & UTILITY SERVICES****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.

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) **18-450 Conforming Rezoning for Real Property Located at 951 Saratoga Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 0.84-gross acre site, located at the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Avenue) from the A(PD) Planned Development Zoning District and the R-1-8 Residential Zoning District to the CP Commercial Pedestrian Zoning District (Morningstar Education Group LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C17-053 - Council District 1
DEFERRED FROM 4/10/18 ITEM 10.1(a) TO 4/17/18 PER ADMINISTRATION

(b) 18-449 Planned Development Rezoning for Real Property Located at 1705 Berryessa Road.

Recommendation:

(a) Adopt a resolution adopting the 1705 Berryessa Gas Station Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

(b) Consideration of an ordinance of the City of San José rezoning a 1.04-gross acre site, located at the northwest corner of Berryessa Road and Lundy Avenue (1705 Berryessa Road) from the A(PD) Planned Development Zoning District to the CP(PD) Commercial Neighborhood Planned Development Zoning District to facilitate a future permit for the demolition of the existing kiosk, carwash building and the construction of an approximately 3,212-square foot new convenience store, 2,490-square foot retail/deli building, and 1,086 carwash tunnel (AU Energy, LLC Nick Goyal, Owner).

CEQA: Mitigated Negative Declaration for the 1705 Berryessa Gas Station Project. Planning Commission recommends approval (7-0-0).

(Planning, Building and Code Enforcement)

PDC15-027 - Council District 4

DEFERRED FROM 4/10/18 ITEM 10.1(a) TO 4/17/18 PER ADMINISTRATION

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 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

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