

SPECIAL MEETING MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, MARCH 8, 2018

The Council of the City of San José convened in Closed Session at 8:36 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Arenas, Davis, Diep, Jones, Khamis, Nguyen (9:00 a.m.), Peralez, Rocha; Liccardo.

Absent: Councilmembers - Carrasco, Jimenez.

By unanimous consent, Council recessed from the Closed Session at 9:20 a.m., and reconvened to Regular Session at 9:29 a.m. in the Council Chambers.

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

Absent: Councilmembers - Carrasco.

ORDERS OF THE DAY

Upon motion by Councilmember Chappie Jones, seconded by Councilmember Raul Peralez and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (10-0-1. Absent: Carrasco.)

STRATEGIC SUPPORT

3.1 18-344 Actions Related to the Evergreen Senior Homes Initiative Amending the Envision San José 2040 General Plan.

- (a) Accept the Elections Code 9212 report, as revised, analyzing the Petition Initiative Amending the Envision San José 2040 General Plan (Initiative).
- (b) As directed by Council on February 13, 2018, adopt a resolution calling an election to submit the Initiative to the voters at the next General Election on June 5, 2018.
- (c) Council discussion and consideration of whether the full text of the Initiative should be printed in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

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/civiccenter/tv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

3.1 (Cont'd.)

- (d) Council discussion and consideration of whether to permit rebuttal arguments and authorize the City Council or any member or members of the City Council to submit a rebuttal argument in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election;
- (e) Council discussion and consideration of whether the City Council or any member or members of the City Council to submit an argument against the Initiative on the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election;
- (f) Council discussion and consideration of whether to direct the City Clerk to transmit a copy of the measure to the City Attorney to prepare an Impartial Analysis, pursuant to Elections Code Section 9280; and
- (g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, General Election.

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

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated March 5, 2018, recommending adoption of a resolution and direction to City staff. (2) Memorandum from Councilmember Sylvia Arenas, dated March 5, 2018, recommending acceptance of the Mayor's recommendations. (3) Memorandum from Councilmember Donald Rocha, dated March 5, 2018. (4) Two (2) supplemental memoranda from City Attorney Richard Doyle, dated March 7 and March 8, 2018. (5) Powerpoint Presentation, dated March 8, 2018.

Motion: Councilmember Sylvia Arenas moved approval of the Mayor's memorandum, dated March 5, 2018, approving Item 3.7 (a), (b), (c), and (g) as outlined on the Council Agenda for March 6, 2018. Councilmember Tam Nguyen seconded the motion.

Action: On a call for the question, the motion carried, the Mayor's memorandum approving Item 3.7 (a), (b), (c), and (g) as outlined on the Council Agenda for March 6, 2018, was accepted, to: (a) Consider a Council-sponsored charter amendment or other measure(s) for the June 5, 2018 general election to specify requirements for the conversion of employment land to residential use, including review of the associated environmental and fiscal impacts; urban sprawl mitigation; and other related potential measures.

(b) If Council wishes to proceed with a charter amendment or other measure(s), adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 5, 2018, to submit a charter amendment or other measure(s) to the electors of the City of San José;

(c) Council discussion and consideration of whether the full text of the proposed City measure should be printed in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election;

(g) Direct the City Clerk to take all actions necessary to place this measure for a June 5, 2018, Special Municipal Election, if needed;
and

2. Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 5, 2018, to submit a City Charter Amendment to the electors of the City of San Jose titled: An Act to Limit Urban Sprawl and the Fiscal and Environmental Effects of Specified Development in Outlying Areas, and attached herewith;

3.1 (Cont'd.)

3. Authorize the Mayor to: i. Submit an argument in favor of the City Charter Amendment (by March 13, 2018) in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election; and,
ii. Submit a rebuttal argument in favor of the City Charter Amendment (by March 20, 2018) in the June 5, 2018, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election.

4. Authorize the City Attorney to: iii. Prepare an impartial analysis (by March 20, 2018) pursuant to Elections Code Section 9280; and

5. Authorize the City Clerk to: iv. Include the full text of the proposed City Charter Amendment in the June 5, 2018, Voter's Sample Ballot, to be incorporated in the resolution calling the election.

Including a language change to section 1902 (a) of the proposed Charter Amendment to remove the following sentence: "Notwithstanding the foregoing, "Threatened Employment Lands" shall not include lands with the San José General Plan designation of Public/Quasi-Public or Agriculture or land acquired or designated for public parks, public trails, public open space, or other public uses."

And replace it with the following sentence: "Notwithstanding the foregoing, this Act shall not apply to the conversion of Threatened Employment Lands to a designation of San José General Plan Public/Quasi Public or Agriculture, or to proposed conversions of threatened employment lands for public parks, public trails, public open space, or other public uses."

And adding an Oxford Comma (or serial comma) after "Coyote Valley" to the ballot question so it will read as follows:

"Shall San José's Charter be amended, notwithstanding any measure on the June 5, 2018 ballot or other San José law, to restrict development of non-employment uses on designated lands in outlying areas near San José's Urban Growth Boundary, including Almaden Valley, Coyote Valley, and Evergreen foothills, unless the City Council determines such development will not adversely affect the City financially, will satisfy increased affordable housing requirements, and will mitigate environmental impacts and pay appropriate fees for road improvements to address traffic impacts?"

Resolution No. 78530, entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice of, on its Own Motion, the Submission to the Electors of the City of San José at a Special Municipal Election, to be Consolidated with the Next General Election on June 5, 2018, a Ballot Measure Proposal to Amend the San Jose City Charter to Enact a New Article XIX Entitled "An Act to Limit Urban Sprawl and the Fiscal And Environmental Effects of Specified Development in Outlying Areas", was adopted.

(9-1-1. Noes: Rocha. Absent: Carrasco.)

ADJOURNMENT

The Special Meeting of the City Council adjourned at 10:02 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

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