



City Council Meeting Agenda

Tuesday, August 28, 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



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speakers Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerks table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

9:30 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 7)

INSERT INVOCATION NAME

- 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

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 Approval of City Council Minutes.

18-1055 Approval of City Council Minutes.

Recommendation: (a) Regular City Council Meeting Minutes of January 23, 2018.
(b) Regular City Council Meeting Minutes of February 6, 2018.
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 Final Adoption of Ordinances.

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 18-1123 Actions Related to the Purchase Orders for Landscape Management and Maintenance Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Orders 55189 and 55191 with Bayscape Landscape Management (San José, CA) to increase the not-to-exceed amount for each purchase order from \$290,000 to \$490,000 for the initial year through December 18, 2018, for a combined total maximum compensation of \$980,000;
- (b) Exercise the first option to extend the term through December 18, 2019, at the same rates as the initial year, subject to the annual appropriation of funds; and
- (c) Exercise up to five one-year options to extend the term through December 18, 2024, with price adjustments to reflect increased costs such as prevailing/living wage requirements, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

2.8 18-1125 Naming of the New Park Located at East Mission Street and North Tenth Street.

Recommendation: Approve the name “Cannery Park” for the park site located at the intersection of East Mission Street and North Tenth Street in the Northside Neighborhood of San José.

CEQA: Mitigated Negative Declaration for Cannery Park/Hanover, File Nos. GP15-001, PDC15-001, PD15-004, and PT15-001. Council District 3. (Parks, Recreation and Neighborhood Services)

2.9 18-1126 Vacation of Light and Air Easements (Setback Easements) Within Tract No. 470.

Recommendation: (a) Adopt a resolution of intention to vacate the 20- to 25-foot, 15-foot, and 12.5-foot light and air easements (setback easements) located within Tract No. 470.

(b) Set a Public Hearing on Tuesday, September 18, 2018, at 1:30 p.m., for consideration of the vacation.

(c) Direct the City Clerk to file the vacation map and advertise said public hearing.

CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, File No. PP18-063. Council District 6. (Public Works)

2.10 18-1127 Vacation of Light and Air Easement (Setback Easements) Within Tract 65.

Recommendation: (a) Adopt a resolution of intention to vacate the 25-foot and 12.5-foot light and air easements located (setback easements) within Tract No. 65.
(b) Set a Public Hearing on Tuesday, September 18, 2018, at 1:30 p.m., for consideration of the vacation.
(c) Direct the City Clerk to file the vacation map and advertise said public hearing.
CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, File No. PP18-061. Council District 6. (Public Works)

2.11 18-1048 Actions Related to the Happy Hollow Park and Zoo Security Improvements Project.

Recommendation: Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction and Conveyance Tax Fund: Citywide Parks Purposes:
(1) Increase the Beginning Fund Balance by \$324,000;
(2) Decrease the Alum Rock Park Bridge Repair appropriation by \$322,000; and
(3) Increase the Happy Hollow Park and Zoo Security Improvements appropriation in the amount of \$646,000.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301 (a), Existing Facilities, File No. PP18-065. (Parks, Recreation and Neighborhood Services/City Manager)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 18-1026 Tier 1 Rehire Amortization Costs Side Letter and Ordinance.

Recommendation: (a) Adopt a resolution to approve the terms of a Side Letter Agreement related to the Tier 1 Amortization Costs between the City of San José and its' eleven bargaining units.
(b) Approve an ordinance to amend various sections of Chapter 3.28 and Chapter 3.36 of Title 3, of the San José Municipal Code to clarify

certain provisions of the Alternative Pension Reform Settlement Framework Agreement with the City's employee bargaining units. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-1130 Actions Related to the Multifamily Underwriting Guidelines.

Recommendation: (a) Accept the staff report on the proposed underwriting guidelines and update regarding the upcoming Notice of Funding of Availability.
(b) Adopt a resolution approving the Underwriting Guidelines proposed by the Housing Department for use in underwriting and structuring affordable housing transactions.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-1128 Actions Related to the Norman Y. Mineta San José International Airport Commercial Paper Program.

Recommendation: (a) Hold a TEFRA ("Tax Equity and Fiscal Responsibility Act") hearing with respect to the proposed issuance by the City of one or more issues of Series B subordinated commercial paper notes in an aggregate principal amount not to exceed \$600,000,000 pursuant to a plan of finance in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in or are consistent with the Airport Master Plan for the Mineta San José International Airport.
(b) Adopt a resolution authorizing the City's designated officers to negotiate, execute and deliver the following agreements related to the City of San José, San José International Airport Subordinated Commercial Paper Notes:
(1) Letter of Credit and Reimbursement Agreement with Bank of America N.A., and the associated fee letter;
(2) First Amendment to the Third Amended and Restated Issuing

and Paying Agent Agreement with U.S. Bank National Association; and
(3) Fourth Amended and Restated Dealer Agreements with each of Barclays Capital Inc., and Citigroup Global Markets Inc., and authorizing the City's designated officers to take other necessary actions in connection therewith.

CEQA: Revised Eleventh Addendum to the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report, (EIR) (Resolution No. 67380), and Final Supplemental EIR, (Resolution No. 71451), and Addenda thereto, File No. PP18-070. (Finance)

6.2 18-1135 Actions Related to the Airport Master Plan and New Aircraft Rescue and Fire Fighting Facility Project.

Recommendation: Adopt a resolution:

- (a) Adopting an Addendum to the Final Environmental Impact Report for the Norman Y. Mineta San Jose International Airport Master Plan Update, as supplemented and addended, all in accordance with the California Environmental Quality Act (CEQA), as amended;
- (b) Approving a Minor Amendment to the Airport Master Plan modifying the designated use of a vacant 4.5-acre site on the southwest side of the Airport from General Aviation development to Aviation Support/General Aviation development; and
- (c) Authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration (FAA) for the design and construction of the Aircraft Rescue and Fire Fighting facility project at the Norman Y. Mineta San José International Airport in a total amount not to exceed \$20,000,000.

CEQA: Addendum to the Final Environmental Impact Report for the San Jose International Airport Master Plan Update, as Supplemented, File No. PP18-075. (Airport)

6.3 18-1129 Actions Related to the Design-Build Procurement to Construct an Aircraft Rescue and Fire Fighting Facility at the Airport.

Recommendation: Adopt a resolution in accordance with San José Municipal Code Section 14.07.310:

- (a) Finding that the cost of the proposed design-build contract for the Aircraft Rescue and Fire Fighting Facility Project (the "Project") at the Norman Y. Mineta San Jose International Airport will exceed \$5,000,000, and that the use of the design-build delivery method process is likely to save money and/or result in faster Project completion than if the City used the traditional design-bid-build method

of project delivery;

(b) Approving the Request for Proposals (“RFP”) and the evaluation criteria and process by which the City shall select a design-build entity for the Project; and

(c) Authorizing the Director of Public Works to issue addenda to the RFP to add any additional requirements or to make such other revisions to the RFP that are consistent with the scope and selection criteria as approved by Council.

CEQA: Thirteenth Addendum to the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report, (EIR) (Resolution No. 67380), and Final Supplemental EIR, (Resolution No. 71451), and Addenda thereto, File No. PP18-075.
(Public Works)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum
- 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) **18-1131** **ST18-004 - Street Renaming of a Private Street from All Programmable Drive to Logic Drive.**

Recommendation: Adopt a resolution approving the renaming of a private street from All Programmable Drive to Logic Drive.

CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. (Planning, Building and Code Enforcement)
ST18-004 - Council District 9

- (b) **18-1132** **PDC17-005/PD17-003 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 895 South 2nd Street.**

Recommendation: (a) Consideration of an ordinance of the City of San José rezoning an approximately 0.2-gross acre site located on the northwest corner of South 2nd Street and Martha Street, at 895 South 2nd Street from the CN Commercial Neighborhood Zoning District to the R-M(PD) Planned Development Zoning District to allow up to three attached dwelling units(Jia Yan Yuan, Owner).

(b) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the construction of three (3) single-family attached residential units (townhomes).

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(a), for New Construction or Conversion of Small Structures, File Nos.

PDC17-005 and PD17-003. (Planning, Building and Code Enforcement)

PDC17-005 & PD17-003 - Council District 3

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 18-1133 PDC14-051/PD16-019 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 4200 Dove Hill Road.

Recommendation: (a) Adopt a resolution adopting the Dove Hill Medical Care Facility Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 21.0-gross acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway, from the A Agricultural Zoning District to the PQP(PD) Planned Development Zoning District to allow a Medical Care Facility with up to 248 beds on an approximately 3.0-acre portion of a 21-gross acre site, with the remaining 18.0 acres to be kept as open space (Kuehne Stanislaus and Eleanore Trustee & Et, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of approximately 25 buildings/structures, the construction of a Medical Care Facility with up to 248 beds, and the removal of seven ordinance-size trees on an approximately 3.0-acre portion of a 21.0-gross acre site.

CEQA: Mitigated Negative Declaration for Dove Hill Medical Care Facility Project, File Nos. PDC14-051 and PD16-019. (Planning, Building and Code Enforcement)

PDC14-051 & PD16-019 - Council District 8

- 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

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.