

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, SEPTEMBER 11, 2018

The Council of the City of San José convened in Regular Session at 9:35 a.m. in the Council Chambers at City Hall.

9:40 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: All Present

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.

6:00 p.m.- None. Evening meeting Canceled per Orders of the Day.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:40 a.m. to a Closed Session in Room W133; (A) to Confer with Legal Counsel, Anticipated Litigation, pursuant to Section 54956.9(d)(4) of the Government Code: Number of matter(s) to be discussed: One (1); (B) to Confer with Legal Counsel – Existing Litigatin Pursuant to Government Code Section 54956.9(d)(1): (1) Ruiz v. City, et al.; Names Of Partie(s) Involved: Fernando Ruiz, individually and on behalf of a Class of Persons similarly situated, Daniel Bufano, Elijah El-Amin, John J. Ferguson, Clay Morgan-Parks, individual, City of San José, Chief Eduardo Garcia, Officer Samuel Marquardt, Sgt. Mario Brasil, Officer Adam Jenkins, Cpt. Anthony Ciaburro, Officer Blackerby, Officer Shin, Officer Prim and Does 1-10; Court: U.S. District Court, Northern District of California, San José Division; Case No. 5:17-CV-06488-LHK; Amount of Money or Other Relief Sought: Damages according to proof; (2) State of California v. Alex M. Azar II, et al.; Names Of Partie(s) Involved: State of California, et al., Alex M. Azar II, in his official capacity as Acting Secretary of the U.S. Department of Health and Human Services, the Little Sisters of the Poor Jeanne Jugan Residence, March for Life Education and Defense Fund; Cour: U.S. Court of Appeals, Ninth Circuit; Amount of Money or Other Relief Sought: Damages according to proof; (3) Mozilla Corporation, et al. v. Federal Communications Commissions and United States of America; Names Of Partie(s) Involved: Mozilla Corporation, Federal Communications Commission, United States of America; Court: U.S. Court of Appeals, District of Columbia; Case No.: 18-1051(L); Amount of Money or Other Relief Sought: Damages according to proof; (4) Jacquez v. City, et al.; Names Of Partie(s) Involved: Gloria Jacquez, individually; R.J., a minor, by and through his guardian ad litem Monica Mendoza, individually and as a successor-in -interest to Decedent Richard Jacquez; City of San José, Jacob Morris, and Does 1-50; Court: U.S. District Court, Northern District of California, San José

CLOSED SESSION (Cont'd.)

Division; Case No. 16-CV-05330-NC; 16-CV-05343-NC; Amount of Money or Other Relief Sought: Damages according to proof; (C) Conference Regarding Potential Threat to Public Services or Facilities Pursuant to Government Code Section 54957(a) Consultation with: Chief of Police; (D) 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 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: wages/salaries, hours, working conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement - City of San José and San José Police 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 Closed Session at 11:07 a.m.; Council reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

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

Absent Councilmembers: All Present.

INVOCATION (District 8)

Overfelt High School Royal Theater Club performed a series of monologues for the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Chappie Jones, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with items 3.3, 3.4 and 3.5 deferred to September 18, 2018. Item 10.2 was deferred to next available evening meeting, and the evening Council meeting for September 12, 2018 was canceled. (11-0.)

CEREMONIAL ITEMS

- 1.1** Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Talon Marks, Storyteller, and Saldy Suriben, producer of The Drag Queen, Over the Rainbow Storytime. (Peralez)
- 1.2** Mayor Sam Liccardo presented a proclamation recognizing September as Pain Awareness Month and, on September 9, 2018, illuminate the Tower and Rotunda in blue to show solidarity with residents who are suffering from chronic pain. (Mayor)
- 1.3** Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Jimenez, Rocha and Peralez presented a proclamation declaring the month of September 2018 as "Hispanic Heritage Month" in the City of San José. (Arenas, Carrasco, Jimenez, and Peralez)

CONSENT CALENDAR

Upon motion Vice Mayor Carrasco, seconded by Councilmember Don 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.

18-1055 Approval of City Council Minutes.

- (a) Education & Digital Literacy City Council Study Session Meeting Minutes of May 7, 2018
- (b) Regular City Council Meeting Minutes of May 1, 2018
- (c) Regular City Council Meeting Minutes of May 15, 2018
- (d) Regular City Council Meeting Minutes of May 22, 2018

Documents Filed: (1) Special Minutes of the City Council Study Session of May 7, 2018; (2) Regular Minutes of the City Council, dated May 1, May 15, and May 22, 2018.

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

2.2 Final Adoption of Ordinances.

(a) Ord. No. 30139 - An Ordinance of the City of San Jose Amending Sections 3.49.030 of Chapter 3.49 of Title 3 of the San José Municipal Code to Amend the Definition of Compensation.

Action: Ordinance No. 30139 was adopted. (11-0.)

(b) Ord. No. 30140 - An Ordinance of the City Council of the City of San Jose Levying Special Taxes Within Community Facilities District No. 17 (Capitol Expy - Evergreen Place).

This ordinance is to be effective as of September 11, 2018.

Action: Ordinance No. 30140 was adopted. (11-0.)

(c) Ord. No. 30141 - An Ordinance of the City of San Jose Rezoning Certain Real Property of Approximately 2.66 Acres Situated on the Southwest Corner of Oakland Road and Horning Street from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

Action: Ordinance No. 30141 was adopted. (11-0.)

(d) Ord. No. 30142 - An Ordinance of the City of San Jose Rezoning Certain Real Property of Approximately 0.61-Gross Acre Situated at the Northeast Corner of South De Anza Boulevard and Via Vico (1090 South De Anza Boulevard) from the CP(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District.

Action: Ordinance No. 30142 was adopted. (11-0.)

(e) Ord. No. 30145 - An Ordinance of the City of San Jose Amending Various Sections of Chapters 3.28 And 3.36 of Title 3 of the San Jose Municipal Code to Implement the Terms of the Alternative Pension Reform Settlement Framework Agreement with City Employee Bargaining Groups.

Action: Ordinance No. 30142 was adopted, with revisions to be provided per Director of Employee Relations, Jennifer Schembri. (11-0.)

(f) Ord. No. 30146 - An Ordinance of the City of San Jose Rezoning Certain Real Property of Approximately 0.20 Gross Acre Situated On the Northwest Corner of South Second Street and Martha Street (895 South Second Street) from the CN Commercial Neighborhood Zoning District to the R-M(PD) Planned Development Zoning District.

Action: Ordinance No. 30146 was adopted. (11-0.)

2.3 Approval of Council Committee Minutes.

None provided.

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 18-1169 Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to the 18-19 Completion of Projects (Cont'd.)

- (a) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes:
 - (1) Increase the Beginning Fund Balance by \$41,035; and
 - (2) Increase the Turnout Cleaning appropriation to the Fire Department by \$41,035.
- (b) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund:
 - (1) Increase the Beginning Fund Balance by \$403,000;
 - (2) Increase the North San Pedro Area Parks Master Plans appropriation to the Parks, Recreation and Neighborhood Services Department by \$390,000; and
 - (3) Increase the Communications Hill Turnkey Park Design Review and Inspection appropriation to the Parks, Recreation and Neighborhood Services Department by \$13,000.
- (c) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Parks and Recreation Bond Projects Fund:
 - (1) Increase the Beginning Fund Balance by \$22,000; and
 - (2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation and Neighborhood Services Department by \$22,000.
- (d) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
 - (1) Increase the Beginning Fund Balance by \$188,000; and
 - (2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation and Neighborhood Services Department by \$188,000.

2.7 18-1169 (Cont'd.)

(e) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-wide Parks Purposes:

(1) Increase the Beginning Fund Balance by \$39,000; and

(2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation and Neighborhood Services Department by \$39,000.

(f) Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5:

(1) Increase the Beginning Fund Balance by \$95,000; and

(2) Increase the Alum Rock Avenue and 31st Street Park Phase 2 appropriation to the Parks, Recreation and Neighborhood Services in the amount of \$95,000.

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. (City Manager)

Documents Filed: Memorandum from Budget Director Margaret McCahan, dated August 27, 2018, recommending adoption of appropriation ordinances and funding sources resolution amendments.

Action: Ordinance No. 30147, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes for Turnout Cleaning; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 78769, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes”; Ordinance No. 30148, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Subdivision Park Trust Fund for the North San Pedro Area Parks Master Plans and the Communications Hill Turnkey Park Design Review and Inspection; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 78770, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Subdivision Park Trust Fund”; Ordinance No. 30149, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Parks and Recreation Bond Projects Fund for the Arcadia Softball Facility; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 78771, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Parks and Recreation Bond Projects Fund”; Ordinance No. 30150, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes for the Arcadia Softball Facility Maintenance Yard; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 78772, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Construction Tax and Property Conveyance Tax Fund: Parks

Maintenance Yards Purposes”; Ordinance No. 30151, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: City-Wide Parks Purposes for the Arcadia Softball Facility; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 78773, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Construction Tax And Property Conveyance Tax Fund: City-Wide Parks Purposes”; Ordinance No. 30152, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5 for Alum Rock Avenue and 31st Street Park Phase II; Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; Resolution No. 78774, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #5”, were adopted. (11-0.)

2.8 18-1189 Mayor's Staff Travel to Philadelphia, PA and Washington, D.C.

Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Shireen Santosham, as a City representative to attend the Knight Foundation's Smart Cities Summit in Philadelphia, PA and continue on to Washington, D.C. to participate in a PoliticoLive event "The New Age of Innovation: The state of play in 5G in the U.S." CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Documents Filed: Memorandum from Mayor Sam Liccardo, dated August 27, 2018, requesting authorization to travel.

Action: The travel request was approved. (11-0.)

2.9 18-1163 Actions Related to the Agreement with California Department of Transportation for Public Art Murals on Caltrans Property.

Adopt resolutions authorizing the City Manager or his designees to negotiate and execute maintenance agreements with the California Department of Transportation (Caltrans), and accept maintenance responsibility for a public art mural to be created by the City at the following locations:

(a) On the columns under Caltrans Interstate 680 located at the intersection of Capitol Expressway. (b) On the columns under Caltrans Interstate 680 located at the intersection of Jackson Ave.

(c) On the retaining walls under Caltrans Interstate 680 located at the intersection of King Road.

(d) On the residential side of a Caltrans Highway 101 soundwall located at the intersection of Havana Drive and Midfield Avenue.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 5 & 7. (Economic Development)

2.9 (Cont'd.)

Documents Filed: Four (4) City Council Action Requests from Deputy City Manager/Director of Economic Development Kim Walesh, dated August 28, 2018, requesting adoption of resolutions.

Action: Resolution No. 78775, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute a Maintenance Agreement with the California Department of Transportation (Caltrans) and Accept Maintenance Responsibility for a Public Art Mural to be Created by the City of San José on the Columns Under Caltrans Interstate 680 Located at the Intersection of Capitol Expressway”; Resolution No. 78776, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute a Maintenance Agreement with the California Department of Transportation (Caltrans) and Accept Maintenance Responsibility for a Public Art Mural to be Created by the City of San José on the Columns Under Caltrans Interstate 680 Located at the Intersection of Jackson Avenue”; Resolution No. 78777, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute a Maintenance Agreement with the California Department of Transportation (Caltrans) and Accept Maintenance Responsibility for a Public Art Mural to be Created by the City of San José on the Retaining Walls Under Caltrans Interstate 680 Located at the Intersection of King Road”; Resolution No. 78778, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute a Maintenance Agreement with the California Department of Transportation (Caltrans) and Accept Maintenance Responsibility for a Public Art Mural to be Created by the City of San José on the Residential Side of a Caltrans Highway 101 Soundwall Located at the Intersection of Havana Drive and Midfield Avenue”, were adopted. (11-0.)

2.10 18-1164 Agreement with Concourse Business Center, LLC.

Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a new lease agreement with Concourse Business Center, LLC commencing October 1, 2018, for the use of approximately 14,976 square feet of office space located in District 4 of the City of San José. The initial term of the lease is five years with one five-year renewal option. The City shall pay an initial annual base rent payment (including the common area charge) of \$301,920. The annual rent increase for cost of living adjustment is 3%, following the completion of the initial 12-month lease term, ending on September 30, 2019. The total rental cost for the five-year term of this lease is \$1,603,000 subject to annual budget appropriation by the City. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 4. (Economic Development)

Documents Filed: City Council Action Request from Deputy City Manager/Director of Economic Development Kim Walesh, dated August 30, 2018, requesting adoption of a resolution.

Action: Resolution No. 78779, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute a New Lease Agreement with Concourse Business Center, LLC, Commencing October 1, 2018 for an Initial Term of Five Years and Total Rental Cost of \$1,603,000 Subject to Annual Budget Appropriation by the City of San José, for the Use of Approximately 14, 976 Square Feet of Office Space Located in Council District 4”, was adopted. (11-0.)

- 2.11 18-1088 Agreements with Signet Inc., Construction Testing Services Inc., and Intertek/PSI Inc. for Special Inspection Services.**
Approve the master agreements with Signet Inc., Construction Testing Services Inc., and Intertek/PSI Inc. for Special Inspection services from the date of execution through December 31, 2020, in an amount not to exceed \$750,000 for each agreement. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works) [Deferred from 8/21/2018]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated September 11, 2018, recommending approval. (2) City Council Action Request from Director of Public Works, Matt Cano, dated August 21, 2018, recommending approval of the agreements.

Action: The master agreements were approved. (11-0.)

- 2.12 18-1177 Actions Related to the PG&E On-Bill Financing Program Loan for LED Streetlight Conversion.**

- (a) Approve an On-Bill Financing Program Loan Agreement with PG&E in the amount of \$441,000, to support the conversion of additional non-LED streetlights to LED streetlights.
(b) Adopt a resolution to authorize the City Manager or designee to negotiate and execute an On-Bill Financing Program Loan Modification Agreement with PG&E upon verification of final project costs and energy savings, if necessary.
(c) Adopt the following 2018-2019 Funding Source Resolution and Appropriation Ordinance amendments in the General Fund:
(1) Increase Other Revenue in the amount of \$441,000; and
(2) Increase the Non-Personal/Equipment - Department of Transportation appropriation in the amount of \$441,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Transportation/City Manager)

Documents Filed: Joint memorandum from John Ristow, Deputy Director of Department of Transportation and Budget Director Margaret McCahan, dated August 27, 2018, recommending approval of a Program Loan Agreement and adoption of a resolution and adoption of an appropriation ordinance and funding sources resolution amendment

Action: Resolution No. 78780, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager or Designee to Negotiate and Execute an On-Bill Financing Program Loan Modification Agreement with PG&E in the Amount of \$441,000 Upon Verification of Final Project Costs and Energy Savings, if Necessary”; Resolution No. 78781, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78672 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2018-2019 to Adjust Revenues in the General Fund”; and Ordinance No. 30153, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the General Fund for the Non-Personal/Equipment Appropriation to the Department of Transportation; Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (10-0-1. Absent: Peralez.)

2.13 18-1166 Amendment to the Agreement with HDR Engineering for the California High Speed Rail Authority High Speed Train System.

Approve the Second Amendment to the Master Consultant Agreement with HDR Engineering to increase the compensation by \$150,000, from \$250,000 to \$400,000, and extend the term of the Agreement to December 31, 2019.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 2, 3, 6, 7 & 10. (Transportation)

Documents Filed: City Council Action Request from John Ristow, Deputy Director of Department of Transportation, dated August 30, 2018, recommending approval of an agreement to a Master Consultant Agreement.

Action: The Second Amendment to the Master Consultant Agreement with HDR Engineering was approved. (11-0.)

2.14 18-1229 Approval of Disability Awareness Day Sponsored By Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on September 5, 2018:

1. Approve the Disability Awareness day scheduled on October 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. 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. (Jones)

[Rules Committee referral 09/05/18 - Item G.1.a]

Documents Filed: Memorandum from Councilmember Chappie Jones, requesting approval for sponsorship of a City Council sponsored special event.

Action: The Disability Awareness Day Sponsored By Council District 1 as a City Council Sponsored Special Event was approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (11-0.)

2.15 18-1230 Approval of the 6th Annual July 4th Family Fun Festival and Fireworks Show 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.

As recommended by the Rules and Open Government Committee on September 5, 2018:

1. Approve the 6th Annual July 4th Family Fun Festival & Fireworks Show scheduled on Thursday, July 4, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

2.15 (Cont'd.)

2. 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 09/05/18 - Item G.1.b]

Documents Filed: Memorandum from Councilmember Johnny Khamis, requesting approval for sponsorship of a City Council sponsored special event.

Action: The 6th Annual July 4th Family Fun Festival and Fireworks Show Sponsored By Council District 10 as a City Council Sponsored Special Event was approved. (11-0.)

2.16 18-1231 **Approval of Bark in the Park Sponsored By Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on September 5, 2018:

1. Approve the Bark in the Park scheduled on September 15, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. 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. (Peralez)
[Rules Committee referral 09/05/18 - Item G.1.c]

Documents Filed: Memorandum from Councilmember Raul Peralez, dated August 23, 2018, requesting approval for sponsorship of a City Council sponsored special event.

Action: The Bark in the Park Sponsored By Council District 3 as a City Council Sponsored Special Event was approved. (11-0.)

2.17 18-1232 **Approval of Shred A Thon and E-Waste Collection Day Sponsored By Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on September 5, 2018:

1. Approve the Shred-a-thon and E-Waste Collection scheduled on Saturday, September 22, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. 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. (Councilmembers last name)

2.17 (Cont'd.)

Documents Filed: Memorandum from Councilmember Chappie Jones, dated August 23, 2018, requesting approval for sponsorship of a City Council sponsored special event.

Action: The Shred-a-thon and E-Waste Collection Sponsored by Council District 1 as a City Council Sponsored Special Event was approved. (11-0.)

2.18 18-1233 **Approval of the Coastal Clean Up Day as a City Council Sponsored Special Event, to Expend City Funds and Authorization to Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on September 5, 2018:

1. Approve the Coastal Cleanup Day scheduled on September 15, 2018 as a City Council sponsored event and approve the expenditure of funds; and
2. 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. (Mayor Liccardo)
[Rules Committee referral 09/05/18 - Item G.1.e]

Documents Filed: Memorandum from Mayor Sam Liccardo, dated August 28, 2018, requesting approval for sponsorship of a City Council sponsored special event.

Action: The Coastal Cleanup Day as a City Council Sponsored Special Event was approved. (11-0.)

2.19 18-1234 **Retroactive Approval of Philippine Flag Raising 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.**

As recommended by the Rules and Open Government Committee on September 5, 2018:

1. Retroactively approve the Philippine Independence Day Flag Raising scheduled on June 12, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
2. Retroactively 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 09/05/18 - Item G.1.f]

Documents Filed: Memorandum from Councilmember Sylvia Arenas, dated August 20, 2018, requesting approval for sponsorship of a City Council sponsored special event.

Action: The Philippine Independence Day Flag Raising scheduled on June 12, 2018 as a City Council sponsored Special Event was retroactively approved. (11-0.)

2.20 18-1235 2018-2019/2019-2020 City Budget Calendar and Budget Study Session Schedule

Approve the proposed 2018-2019/2019-2020 City Budget Calendar as presented in Attachment A of the staff memorandum and the detailed schedule for City Council Budget Study Sessions for the 2018-2020 Operating Budget, 2019-2020 Capital Budget and 2020-2024 City Capital Improvement Program, and 2019-2020 Fees and Charges Report as presented in Attachment B of the staff memorandum and explained in the memorandum to Council. (City Manager)
[Rules Committee referral 09/05/18 - Item D.2]

Documents Filed: Memorandum from Budget Director Margaret McCahan, dated August 29, 2018, recommending approval of the proposed City Budget Calendar.

Action: the 2018-2019/2019-2020 City Budget Calendar and Budget Study Session Schedule was approved. (11-0.)

2.21 18-1236 VEBA Advisory Committee Appointments.

Approve the appointment of the following individuals to the Voluntary Employees Beneficiary Association (VEBA) Advisory Committee:
(1) Patrick Chung, nominated by San José Firefighters, IAFF Local 230, to a term ending May 31, 2021;
(2) Ben Lam, nominated by the San José Police Officers' Association, to a term ending May 31, 2020;
(3) Farheen Sultana, nominated by the Federated unions, to a term ending May 31, 2022; and
(4) Elsa Cordova, nominated by the City Manager, to a term ending May 31, 2019. (City Manager)
[Rules Committee referral 09/05/18 - Item F.1.a]

Documents Filed: Memorandum from Director of Employee Relations, Jennifer Schembri, dated August 29, 2018, recommending appointment of individuals to the VEBA Committee.

Action: The VEBA Advisory Committee Appointments were approved. (11-0.)

STRATEGIC SUPPORT

3.3 18-1190 Council Travel Policy: Official International Delegations.

As referred by the Community and Economic Development Committee on August 27, 2018 without recommendation, accept this report and adopt a resolution approving a revised City Council Policy No. 9-5, "Travel by Elected and Appointed City Officials".

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Economic Development/City Clerk)

[Community and Economic Development Committee referral 8/27/18 - Item d.2]

Deferred to 9/18/18 per the Rules and Open Government Committee

3.4 18-1168 Actions Related to Mayor and Councilmembers' Travel to Seattle, WA for the Silicon Valley Organization Annual Study Mission.

Approve travel to Seattle, WA and request for an excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Silicon Valley Organization Annual Study Mission:

(a) Councilmember Davis (Source of Funds: District 6 Council Office Budget & Personal Funds; Dates: October 3-5, 2018; Meetings: October 3, 2018 Rules & Open Government, October 4, 2018 Smart Cities and Service Improvements, Caltrain Joint Powers Board Meeting, & VTA Board of Directors (Alternate))

(b) Councilmember Jimenez (Source of Funds: District 2 Council Office Budget; Dates: October 2-5, 2018; Meetings: none missed)

(c) Vice Mayor Carrasco (Source of Funds: District 5 Council Office Budget; Dates: October 2-5, 2018; Meetings: October 2, 2018 Council, October 3, 2018 Rules & Open Government)

(d) Mayor Liccardo (Source of Funds: Mayor's Office Budget; Dates: October 3-5, 2018; Meetings: October 3, 2018 Rules and Open Government Committee)

(e) Councilmember Khamis (Source of Funds: District 10 Council Office Budget & Personal Funds; Dates: October 3-9, 2018; Meetings: October 4, 2018 Police and Fire Retirement Plan Board of Administration, October 4, 2018 Smart Cities and Service Improvements).

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Deferred to 9/18/18 per the Orders of the Day.

3.5 18-1167 Actions Related to Mayor and Councilmembers' Travel to Dublin, Ireland as part of the Sister City Delegation.

(a) Approve travel to Dublin, Ireland and request excused absence for the following Councilmembers from the following meetings due to Authorized City Business: Dublin Sister City Delegation.

(1) Vice Mayor Carrasco (Source of Funds: District 5 Office Budget; Dates October 8-11, 2018; Meetings: October 10, 2018 Rules and Open Government Committee, October 11 VTA Policy Advisory Committee).

(2) Councilmember Diep (Source of Funds: District 4 Office Budget and Personal Funds; Dates October 6-14 2018; Meetings: October 11, 2018 Treatment Plant Advisory Committee).

(b) Approve Delegation Leader and related travel costs from the Mayor/Council Travel Budget.

(c) Approve the receipt of gifts received by the Sister City Delegation in an official capacity as a representative of the City in accordance with San José Municipal Code Section 12.08.120.B

CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Deferred to 9/18/18 per the Rules and Open Government Committee

3.6 18-1171 Fourth Quarter Financial Reports for Fiscal Year 2017-2018.

As recommended by the Public Safety, Finance and Strategic Support Committee on August 16, 2018, accept the following Fourth Quarter (period ending June 30, 2018) Financial Reports for Fiscal Year 2017-2018 for the following programs:

(a) Debt Management;

(b) Investment Management; and

(c) Revenue Collection.

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

[Public Safety, Finance and Strategic Support Committee referral 8/16/18 - Item (d)(1)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated August 31, 2018, recommending approval of reports.

Mayor Sam Liccardo had questions for staff.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, the Fourth Quarter Financial Reports for Fiscal Year 2017-2018 were accepted. (11-0.)

3.7 18-1172 Disaster Preparedness, Public Safety and Infrastructure General Obligation Bond Ballot Measure: Projects Proposed Categorization.

Approve the proposed project categories for the November 2018 General Obligation Bond Measure for the acquisition, construction and completion of certain municipal improvements related to Disaster Preparedness, Public Safety, and Infrastructure.

CEQA: Not a Project. File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmembers Peralez, Diep, Davis and Khamis, dated September 7, 2018. (2) Memorandum from Councilmember Johnny Khamis, dated September 10, 2018, recommending staff's suggestions with additional requirements. (3) Memorandum from Director of Public Works, Matt Cano, dated August 30, 2018, recommending approval of proposed project categories.

A presentation was provided by Director of Public Works, Matt Cano, Director of Transportation Jim Ortbal and Chief of Staff, Office of the City Manager, Lee Wilcox.

Public Comments: Andrew Collison with the Open Space Authority encouraged approval, advocating wetland restoration and flood protection. Shaunn Cartwright complained that first responders live too far away, and Blair Beekman offered comments regarding LED lighting.

Motion: Councilmember Johnny Khamis moved approval of the memorandum he coauthored with Mayor Sam Liccardo and Councilmembers Peralez, Diep and Davis, including staffs' recommendations. Councilmember Chappie Jones seconded the motion.

Extensive Council discussion followed. Mayor Sam Liccardo suggested that a study session be held prior to election day.

Action: On a call for the question, the motion carried unanimously, and the memorandum from Councilmember Johnny Khamis, dated September 7, 2018 that the staff recommendation be approved with the addition of a requirement that, contingent upon the outcome of the ballot measure and before any bonds are issued or funds expended for the purposes of Environmental Protection Projects such as "water supply, flood control, open space and environmental protection of lands such as Coyote Valley," we hold a study session on Coyote Valley, and any other lands targeted for acquisition using bond funds, to hear from environmental leaders and Coyote Valley landowners, review the General Plan with respect to the target properties, understand the economic effects of taking jobs lands and converting them to flood protection open space, and discuss the City's proper role vis-a-vis flood protection. (11-0.)

3.8 18-1173 Bond Allocation Plan for General Obligation Bond Allocation for Affordable Housing.

Accept the staff report on the bond allocation plan for the proposed \$450 million general obligation bond for affordable housing.

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)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmembers Peralez, Diep and Davis, dated September 7, 2018, recommending acceptance of the staff report. (2) Joint memorandum from Councilmember Sergio Jimenez and Councilmember Donald Rocha, dated September 7, 2018, recommending acceptance of the staff report with modifications. (3) Memorandum from Director of Housing Jacky Morales-Ferrand, dated August 29, 2018, recommending acceptance of the staff report.

Director of Housing Jacky Morales-Ferrand provided a presentation and responded to questions.

Public Comments: Twelve members of the public offered support to Measure B. Shaunn Cartwright spoke off topic.

Councilmember Johnny Khamis indicated that he could not support the plan, indicating that it does not help ‘middle earners’.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Lan Diep the motion carried, and the staff report was accepted, including the memorandum from Mayor Sam Liccardo and Councilmembers Peralez, Diep and Davis, dated September 7, 2018 to accept the staff report of the allocation plan for Measure V bond revenues and including the memorandum from Councilmembers Jimenez and Rocha, dated September 7, 2018, to accept the staff report on the bond allocation plan for the proposed \$450 million general obligation bond measure for affordable housing with, the following modification: Restrict the allocation of funds for households earning between 80% and 120% of the Area Median Income (AMI) to a minimum \$75,000,000, not to exceed \$100,000,000. (10-0-1. Noes: Khamis)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-1174 Response to Santa Clara County Civil Grand Jury Report Entitled “Affordable Housing Crisis: Density Is Our Destiny.”

Accept staff’s response to the June 21, 2018 Civil Grand Jury of Santa Clara County Report on “Affordable Housing Crisis: Density is our Destiny.”

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)

4.1 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated September 10, 2018, accepting the Councilmembers' recommendations, including additional elements. (2) Joint memorandum from Vice Mayor Carrasco and Councilmembers Peralez, Rocha and Jimenez, dated September 7, 2018, recommending acceptance of staffs' recommendations with the exception of Finding 4b. (3) Memorandum from Director of Housing Jacky Morales-Ferrand, dated August 29, 2018, providing a response to the Grand Jury Report. (4) 2018 California Housing Profile from NLIHC.org

Director of Housing Jacky Morales-Ferrand provided an introduction.

Public Comments: Offering support to the recommendations were Mathew Reed, Craig Mizushima (Housing Trust of Silicon Valley); Jean Cohen (UA Local 393); Josue Garcia (MEPS); Blair Beekman; Jeffrey Buchanan (Working Partnerships USA); Shaunn Cartwright; and Sandy Perry (Affordable Housing Network/CHAM). Eddie Truong, representing the Silicon Valley Organization, offered that this will create disincentives and is not the right approach.

Council discussion followed, and staff offered clarification regarding consideration of a Nexus Study.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez, the motion carried, and the staff's response to the June 21, 2018 Civil Grand Jury of Santa Clara County Report on "Affordable Housing Crisis: Density is our Destiny", was accepted, including approval of the memorandum from Vice Mayor Magdalena Carrasco and Councilmembers Peralez, Rocha and Jimenez, dated September 7, 2018, accepting the staff response to the Santa Clara County Civil Grand Jury Report, with the exception of Staff Response Finding 4b and with agendaization of consideration of a Nexus Study for a City-wide Commercial Linkage Fee (CLF) for the September 18, 2018 City Council meeting. (9-0-2. Noes: Davis, Khamis.)

4.2 18-1175 **Actions Related to the Summary Vacation of the Westerly Half Street of Terraine Street Northerly Terminus.**

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the westerly half street of Terraine Street northerly terminus;
 - (b) Summarily vacating the westerly half street of Terraine Street northerly terminus which has been determined to be excess right-of-way not required for street purposes; and
 - (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
- CEQA: North San Pedro Apartments Project Initial Study / Addendum to the Final Environmental Impact Report and Environmental Impact Report for the Brandenburg Mixed Use Project / North San Pedro Housing Sites, Resolution No. 72170 (CP11-034 / GPT03-03-01).
Council District 3. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Matt Cano, dated August 28, 2018, recommending holding a public hearing and adoption of a resolution.

4.2 (Cont'd.)

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: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78782, entitled: "A Resolution of the Council of the City of San José Summarily Vacating the Westerly Half Street of Terraine Street Northerly Terminus", was adopted. (11-0.)

NEIGHBORHOOD SERVICES

5.1 18-1176 **Actions Related to the Interior Safety Barriers at Dr. Martin Luther King, Jr. Library.**

- (a) Accept the staff report regarding recent renovations to the interior atrium at the Dr. Martin Luther King, Jr. Library.
- (b) Adopt the following 2018-2019 Appropriation Ordinance amendments in the Library Construction and Conveyance Tax Fund:
 - (1) Decrease the Dr. Martin Luther King, Jr. Library Escalator Replacements appropriation by \$469,000;
 - (2) Decrease the Dr. Martin Luther King, Jr. Library Major Maintenance appropriation by \$750,000;
 - (3) Decrease the Dr. Martin Luther King, Jr. Library Sprinkler Replacements appropriation by \$399,000;
 - (4) Decrease the Acquisition of Materials appropriation by \$500,000;
 - (5) Establish an appropriation to the Library Department for the Dr. Martin Luther King, Jr. Library Atrium Project in the amount of \$1,243,000; and
 - (6) Establish a Dr. Martin Luther King, Jr. Library Improvements Reserve of \$875,000.
- (c) Approve the \$1,242,824 expenditure for the installation of interior safety barriers at the Dr. Martin Luther King Jr. Library.
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. (Library/City Manager)

Documents Filed: (1) Memorandum from Councilmember Johnny Khamis, dated September 7, 2018, recommending approval of staff recommendations. (2) Joint memorandum from Library Director Jill Bourne and Budget Director Margaret McCahan, dated August 29, 2018, recommending acceptance of a report and adoption of appropriation and ordinance amendments, including approval of expenditures for interior safety barriers.

Public Comments: Blair Beekman spoke to the issue of suicide prevention.

Library staff provided a presentation.

5.1 (Cont'd.)

Motion: Councilmember Johnny Khamis moved his memorandum dated September 7, 2018. Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried unanimously, and the staff report regarding recent renovations to the interior atrium at the Dr. Martin Luther King, Jr. Library, including approval of the \$1,242,824 expenditure for the installation of interior safety barriers, were approved, and Ordinance No. 30154, entitled “An Ordinance of the City of San José Amending Ordinance No. 30124 to Appropriate Moneys in the Construction Tax and Property Conveyance Tax Fund: Library Purpose for the Dr. Martin Luther King, Jr. Library Atrium Project and the Dr. Martin Luther King, Jr. Library Improvements Reserve; Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. (11-0.)

TRANSPORTATION & AVIATION SERVICES

6.1 18-1165 **Agreement with Metropolitan Transportation Commission for Automated Traffic Signal Performance Measures.**

Approve two Grant Funding Agreements between the City of San José and the Metropolitan Transportation Commission, in an amount not to exceed \$1,872,556, to implement Automated Traffic Signal Performance Measures technology at 100 signalized intersections. CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP14-017. Council Districts 1, 2, 3, 5, 6, 7 & 8. (Transportation)

Documents Filed: Memorandum from John Ristow, Deputy Director of Department of Transportation, dated August 29, 2018, recommending approval of a Grant Funding Agreement.

Public Comments: Blair Beekman offered criticism to this use of technology.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Raul Peralez and carried unanimously, the two Grant Funding Agreements between the City of San José and the Metropolitan Transportation Commission were approved. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 18-1178 **Actions Related to the Recycle Plus Residential Solid Waste Agreements and China’s Policy on Importing Recyclable Material.**

[Deferred from 6/5/18 Item 7.4 (18-771); 6/26/18 Item 7.2 (18-939); 8/21/18 Item 7.1 (18-1058)]

Deferred to 9/18/18 per Administration.

- 7.2 18-1179 Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.**
 [Deferred from 6/5/18 Item 7.5 (18-774); 6/26/18 Item 7.3 (18-940); 8/21/18 Item 7.2 (18-1059)]
Deferred to 9/18/18 per Administration.
- 7.3 18-1180 Actions Related to the Living Wage Requirements for Recycle Plus Residential Garbage and Recycling Contracts.**
 [Deferred from 6/5/18 Item 7.6 (18-773); 6/26/18 Item 7.4 (18-941), 8/21/18 Item 7.3 (18-1060)]
Deferred to 9/18/18 per Administration.
- 7.4 18-1181 Actions Related to the Issuance of Non-Exclusive Franchise Agreement to Bay Area Recycling and Dumpster Services for Collection, Transport, and Disposal of Residential Clean-out Material and Construction and Demolition Debris.**
 (a) Conduct a Public Hearing on the application of Bay Area Recycling and Dumpster Services for a Non-Exclusive Franchise for the collection, transport, and disposal of residential clean-out material and construction and demolition debris.
 (b) Approve an ordinance granting the franchise.
 (c) Approve the Non-Exclusive Franchise Agreement for the collection, transport, and disposal of residential clean-out material and construction and demolition debris for a term from October 18, 2018 through June 30, 2019 with the option of two one-year extensions.
 CEQA: Categorically Exempt; File No. PP08-228, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Documents Filed: Memorandum from Director, Environmental Services, Kerrie Romanow, dated August 28, 2018, recommending conducting a public hearing, approval of an ordinance and approval of a franchise agreement.

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: Upon motion by Councilmember Donald Rocha, seconded by Councilmember Sergio Jimenez and carried unanimously, the Non-Exclusive Franchise Agreement for the collection, transport, and disposal of residential clean-out material and construction and demolition debris for a term from October 18, 2018 through June 30, 2019 with the option of two one-year extensions was approved; and Ordinance No. 30155, entitled “An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Harjeet Singh, and Individual DBA Bay Area Recycling and Dumpster Services”, was adopted. (11-0.)

LAND USE

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

10 Land Use - Regular Agenda

10.2 18-1187 **PDC14-051/PD16-019 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 4200 Dove Hill Road.**

(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 Commission recommends approval (5-0-2, Vora and Griswold absent). (Planning, Building and Code Enforcement)

PDC14-051 & PD16-019 - Council District 8

[Continued from City Council Meeting of August 28, 2018-Item 10.2 (File No. 18-1133)]

Documents Filed: Memorandum from Councilmember Sylvia Arenas, dated September 7, 2018, recommending continuing Item 10.2 to the next available land use meeting agenda, currently scheduled for September 25, 2018.

Action: Deferred per Orders of the Day.

OPEN FORUM

1. JD Poynter offered criticism regarding City grants being bestowed upon an organization allegedly guilty of fraud and grand theft and not in good standing with the State of California.
2. Blair Beekman indicated that MLK Library elevators are uncomfortable and escalators frequently break down. He urged open communication with the public, specifically regarding the MPC program.

ADJOURNMENT

Mayor Sam Liccardo adjourned the meeting of the City of San José City Council at 5:32 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

draft

Toni J. Taber, CMC
City Clerk

rmk/9-11-18 MIN