

## MINUTES of the CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, SEPTEMBER 18, 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: None.**

**1:32 p.m.-** Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: None.**

Mayor Sam Liccardo noted that the Hope Development item was not agendized within the 72-hour window, so a unanimous vote would be needed in order to discuss this item today. Councilmember Johnny Khamis moved approval of the Hope Development item to be heard at today's Council meeting. The motion was seconded by Councilmember Dev Davis.  
(7-0-4. Absent: Arenas, Jones, Nguyen, Rocha.)

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:39 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 Real Property Designated Representatives Pursuant to Government Code Section 54956.8: Property Street Address, Parcel Number, or other Unique Reference of Property: 255 South Montgomery Street (APN 261-37-025), 8 South Montgomery Street (APN 259-38-130), 102 South Montgomery Street (APN 259-48-012), 510 West San Fernando Street (APN 259-48-011, 259-48-013), 150 South Montgomery Street (APN 259-48-059), 105 South Montgomery Street (APN 261-35-003, 261-35-006, 261-35-010), 645 Park Avenue (APN 261-35-014), 525 West Santa Clara Street/566 West Julian Street (APN 259-28-031, 259-28-041, 529-28-043, 259-28-044) West San Carlos Street (261-37-030) No Address (261-37-028); Negotiating Parties: Nanci Klein for the City of San José and Jay Bechtel for Google; Under Negotiation: The direction will concern price and terms of payment. Likely Range of Value of Property: Negotiated price based on appraisal and comparable property values. (C) to Confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1) 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; (Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

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

By unanimous consent, Council recessed from Closed Session at 12:10 p.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)**

Students from the San José Youth Ballet offered ballet dance performances for the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with ITEM 3.8, "Actions Related to Mayor and Councilmembers' Travel to Seattle, WA for the Silicon Valley Organization Annual Study Mission" was added under Orders of the Day. A determination was made by a two-thirds (2/3) vote of the members of the Council present at the meeting. (11-0.)

## **CEREMONIAL ITEMS**

- 1.1** Mayor Sam Liccardo presented a proclamation declaring September 19, 2018 as Shirley Lewis Day in the City of San José. (Mayor Liccardo).
- 1.2** Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing the month of September as Ovarian Cancer Awareness Month in the City of San José. (Peralez)
- 1.3** Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a proclamation declaring the month of September 2018 as "National Literacy Month" in the City of San José. (Arenas)

## **CONSENT CALENDAR**

Upon motion Vice Mayor Carrasco, seconded by Councilmember Dev Davis 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.**

None provided.

## **2.2 Final Adoption of Ordinances.**

### **(a) 18-1293 Final Adoption of Ordinances.**

(a) Ordinance 30155 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Harjeet Singh, an Individual DBA Bay Area Recycling and Dumpster Services.

Action: Ordinance No. 30155 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 18-1205 City Manager's Travel to Seattle, Washington.**

Authorize travel for City Manager David Sykes to Seattle, Washington on October 3 - 5, 2018 to participate in the Silicon Valley Organization 2018 Annual Study Mission. Source of Funds: City Manager's Non-Personal Appropriation.

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

Documents Filed: Memorandum from City Manager, David Sykes, dated September 5, 2018, requesting authorization to travel.

Action: The travel for City Manager David Sykes to Seattle, Washington on October 3 - 5, 2018 was approved. (11-0.)

**2.8 18-1206 Stormwater Permit Annual Report 2017 - 2018.**

Adopt a resolution authorizing certification and submittal of the FY 2017-2018 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2018, in conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit requirements, pursuant to the Federal Clean Water Act.

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

Documents Filed: (1) Memorandum from Director, Environmental Services, Kerrie Romanow, dated September 6, 2018, recommending adoption of a resolution. (2) Supplemental memorandum from Director, Environmental Services, Kerrie Romanow, dated September 14, 2018, correcting the number of stormwater treatment systems installations referenced.

Action: Resolution No. 78783, entitled: “A Resolution of the Council of the City of San José Authorizing Certification and Submittal of the FY 2017-2018 Stormwater Permit Annual Report to the San Francisco Bay Regional Water Quality Control Board by September 30, 2018, in Conformance with the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit Requirements, Pursuant to the Federal Clean Water Act”, was adopted.

**2.9 18-1207 Actions Related to Purchase Orders for Hazardous Fluid Waste Recycling, Disposal, and Related Services.**

Adopt a resolution authorizing the City Manager to:

(a) Execute two Purchase Orders with Safety-Kleen Systems, Inc. (Norwell, MA) for hazardous fluid waste recycling, disposal, and related services, including all labor, material, and equipment necessary to perform such services, for the Departments of Public Works and Environmental Services for an initial twelve-month period beginning on or about September 19, 2018 and ending September 30, 2019 in a combined amount not to exceed of \$145,000;

(b) Approve a contingency of \$30,000 to amend purchase orders as required during the initial term in the event actual service needs exceed estimates, subject to the appropriation of funds; and

(c) Execute purchase orders for up to four additional one-year option terms to extend the services through September 30, 2023, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Documents Filed: (1) Letter from Patrick Kolstad, Vice Chair, for Sam Liccardo, Vice Chair, Treatment Plant Advisory Committee, dated September 13, 2018, providing recommendations. (2) City Council Action Request from Director of Finance Julia H. Cooper, dated September 5, 2018, recommending adoption of a resolution.

## 2.9 (Cont'd.)

Action: Resolution No. 78784, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager To 1) Execute Two Purchase Orders With Safety-Kleen Systems, Inc. (Norwell, Ma) for Hazardous Fluid Waste Recycling, Disposal, and Related Services, Including All Labor, Material, And Equipment Necessary to Perform Such Services, for the Departments of Public Works and Environmental Services for an Initial Twelve-Month Period Beginning on or About September 19, 2018 And Ending September 30, 2019 In A Combined Amount Not to Exceed Of \$145,000; 2) Approve a Contingency of \$30,000 to Amend Purchase Orders as Required During the Initial Term in the Event Actual Service Needs Exceed Estimates, Subject to the Appropriation of Funds; and 3) Execute Purchase Orders for up to Four Additional One-Year Option Terms to Extend the Services Through September 30, 2023, Subject to the Appropriation of Funds”, was adopted. (11-0.)

## 2.10 18-1208 **Actions Related to the Purchase Order for Interior/Exterior Building Air Quality Testing Services.**

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with ATC Group Services, LLC (Portland, OR) for interior/exterior building air quality testing services for the Department of Public Works for an initial twelve-month period, starting on or about October 1, 2018 and ending on or about September 30, 2019, for an amount not to exceed \$100,000, subject to the appropriation of funds; and

(b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about September 30, 2023, subject to the appropriation of funds.

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

(Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated September 5, 2018, recommending adoption of a resolution.

Mayor Sam Liccardo pulled item 2.10 for questions. Director of Public Works, Matt Cano responded.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Donald Rocha and carried unanimously, Resolution No. 78785, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to 1) Execute A Purchase Order With ATC Group Services, LLC (Portland, OR) for Interior/Exterior Building Air Quality Testing Services for the Department of Public Works for an Initial Twelve-Month Period, Starting on or About October 1, 2018 and Ending on or about September 30, 2019, for an Amount not to Exceed \$100,000, Subject to the Appropriation of Funds; and 2) Exercise up to Four One-Year Options to Extend the Term of the Purchase Order with the Last Option Year Ending on or about September 30, 2023, Subject to the Appropriation Of Funds”, was adopted. (11-0.)

**2.11 18-1209 Continuation of Active Wellness Agreement.**

Adopt a resolution authorizing the City Manager to execute a one year extension to the agreement with Active Wellness, LLC to continue providing a wellness program and services for the Fire Department in an amount not to exceed \$366,600.

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

Documents Filed: City Council Action Request from Fire Chief Robert Sapien, Jr., dated September 6, 2018, recommending adoption of a resolution.

Action: Resolution No. 78786, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a One-Year Extension to the Agreement with Active Wellness, LLC to Continue Providing a Wellness Program and Services for the Fire Department in an Amount not to Exceed \$366,600”, was adopted. (11-0.)

**2.12 18-1210 DROP - Amendments to the City Pay Plan for Various Classifications.**

Adopt a resolution to amend the City of San José Pay Plan effective September 23, 2018, to create the classification of Mayor’s Senior Policy Advisor U (8050) with a salary range of \$150,000.00 - \$195,000.00 annually.

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

Action: Dropped per Administration.

**2.13 18-1211 Master Parking Rate Schedule Amendment to Include South Hall Parking and Diridon Area Parking Lots.**

Adopt a resolution amending the City’s Master Parking Rate Schedule for Municipal On and Off-street Parking Facilities to add parking facilities acquired from the Successor Agency to the Redevelopment Agency of the City of San José.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates & Fares without changes to or expansion of services. Council District 3. (Transportation)

Documents Filed: City Council Action Request from John Ristow, Deputy Director of Department of Transportation, dated September 6, 2018, recommending adoption of a resolution.

Action: Resolution No. 78787, entitled: “A Resolution of the Council of the City of San José Setting Forth the Master Parking Rate Schedule for Municipal on and Off-Street Parking Facilities to Adjust Parking Meter Rates in Parking Meter Zones Where Smart Meters Have Been Installed and to Repeal Resolution No. 78157”, was adopted. (11-0.)

**2.14 18-1300 Retroactive Approval of Community Events Sponsored by Council District 7 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 12, 2018:

1. Retroactively approve the La Ragione and Tully Road Streetlight Ribbon Cutting Ceremony scheduled on Monday, September 10, 2018 at corner of Tully and La Ragione Road as a City Council sponsored Special Event and approve the expenditure of funds.
2. Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
  - a. District 7 Townhall Meeting on Public Safety on Monday, September 24, 2018 at the Tully Branch Library and Community room;
  - b. 2nd Annual Anniversary Celebration of the Vietnamese American Cultural Center on Saturday, September 29, 2018 at the Vietnamese Cultural Center;
  - c. Mid-Autumn Festival on Saturday, September 29, 2018 at the Vietnamese American Cultural Center;
  - d. National Hispanic Celebration at SevenTrees on Saturday, October 6, 2018 at the SevenTrees Library and Community Center;
  - e. National Hispanic Celebration at Tully Library on Saturday, October 13, 2018 at the Tully Branch Library.
3. Approve and accept donations from various individuals, businesses, or community groups to support the event.

Documents Filed: Memorandum from Councilmember Tam Nguyen, dated September 6, 2018, requesting retroactive approval of community events.

Action: Retroactive approval of the Community Events Sponsored by Council District 7 was approved. (11-0.)

**2.15 18-1301 Approval of the Capitol Park Dumpster Sponsored by Council District 5 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 12, 2018:

1. Approve the Capitol Park Dumpster Day scheduled on 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.

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated September 25, transmitting the recommendations of the Rules and Open Government Committee.

Action: Approval of the Community Event Sponsored by Council District 5 was approved. (11-0.)

**2.16 18-1302 Response to Federal Administration Actions on Immigration.**

As recommended by the Rules and Open Government Committee on September 12, 2018, adopt a resolution denouncing the U.S. Department of Justice’s Zero Tolerance Policy that resulted in the inhumane separation of families and a call for the immediate reunification of existing separated families.

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

[Rules Committee referral 09/12/18 - Item G(3)]

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, dated September 25, 2018, transmitting the recommendations of the Rules and Open Government Committee. (2) Letter from Assemblymember Ash Kalra, dated September 11, 2018, offering support to the resolution.

Public comments: Katherine Manning, representing the Law Foundation, and Eunice Hernandez (Sacred Heart) addressed family separation concerns and supported the proposed resolution.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Dev Davis and carried unanimously, Resolution No. 78788, entitled: “A Resolution of the Council of the City of San José Authorizing Denouncing the U.S. Department of Justice’s Zero Tolerance Policy that Resulted in the Inhumane Separation of Families and a Call for the Immediate Reunification of Existing Separated Families”, was adopted. (11-0.)

**2.17 18-1311 Proposition 6, Transportation Tax Repeal Initiative.**

As recommended by the Rules and Open Government Committee on September 12, 2018, adopt an oppose position for Proposition 6 on the November 6, 2018 statewide ballot.

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

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated September 25, transmitting the recommendations of the Rules and Open Government Committee.

(2)

Action: A position of Opposition was adopted. (11-0.)

**STRATEGIC SUPPORT**

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

**City Manager Dave Sykes announced Viva Calle SJ scheduled for this Sunday, September 23, which will temporarily close six miles of San Jose streets to bring communities together to walk, bike, skate, play and explore.**



### **3.3 18-1212 Status of Open Audit Recommendations as of June 30, 2018.**

Accept the Status of Open Audit recommendations as of June 30, 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. (City Auditor)

Documents Filed: (1) Memorandum from Councilmember Sylvia Arenas, dated September 17, 2018, recommending acceptance of the Auditor's report with additional recommendations. (2) Memorandum from City Auditor Sharon Erickson, dated September 7, 2018 providing the Status of Open Audit Recommendations.

City Auditor Sharon Erickson, joined by Brittney Harvey and Joe Royce offered a presentation on implementing an interactive dashboard and provided a demonstration. Staff responded to questions.

Public Comment: Josué Garcia spoke in support of Councilmember Sylvia Arenas' memorandum. K.D. Poynter spoke off topic.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Dev Davis and carried unanimously, the Status of Open Audit recommendations as of June 30, 2018 was accepted, including the memorandum from Councilmember Sylvia Arenas, dated September 17, 2018, to (1) Recommend that the Public Works Department continue working on their approach to address the outstanding issues identified in the Status of Open Audit, Report #17-02. This item references Recommendation #1A of the 3-20-17 Office of Equality Assurance Audit, addressing the procurement of a software solution to automate payroll review; (2) Request that the Office of the City Manager return to the City Council with an Information Memorandum before the Mid-Year Budget Review with a status report on the STIR challenge project, including the plan to fund the STIR project within existing resources. If the STIR project does not move forward, refer this item as a priority in the 2019-2020 budget process and direct the Administration to begin preparation of the Request for Proposal for the software system and evaluate the staff resources for the Office of Equality Assurance. (10-0-1. Absent: Rocha.)

### **3.4 18-1213 Approval of Citywide Insurance Renewals.**

Adopt a resolution authorizing the Director of Finance to select and purchase City property and liability insurance policies for the period October 1, 2018 to October 1, 2019, at a total cost not to exceed \$1,850,000, including a 15% contingency for additional property or assets scheduled, with the following insurance carriers:

- (a) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery.
- (b) Old Republic Aerospace, Phoenix Aviation Managers, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (including Excess Automobile and Employers' Liability) and Police Aircraft Hull & Liability including War Risks & Extended Perils Coverage.
- (c) The Travelers Indemnity Company of Connecticut for Automobile Liability (Airport fleet vehicles including Shuttle Buses, Regional Wastewater Facility fleet vehicles, and Airport Shuttle Bus physical damage).

### 3.4 (Cont'd.)

(d) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability.

(e) National Union Fire Insurance Company of Pittsburg, PA for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit.

(f) Berkley Regional Insurance Company for Government Fidelity/Crime Coverage.

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

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, dated September 6, 2018, recommending approval Citywide Insurance Renewals. (2) Letter from Patrick Kolstad, Vice Chair, for Sam Liccardo, Vice Chair, Treatment Plant Advisory Committee, dated September 13, 2018, providing the Committees' recommendations.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez, the motion was carried, and Resolution No. 78789, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Finance to Select and Purchase Property and Liability Insurance Policies for the Period October 1, 2018 to October 1, 2019 at a Cost Not to Exceed \$1,850,000, Including a 15.0% Contingency for Additional Property or Assets Scheduled", was adopted. (10-0-0-1. Abstain: Khamis.)

### 3.5 18-1214 **Acceptance of Retirement Plans' Comprehensive Annual Investment Fee Report for Calendar Year 2017.**

Accept the following reports:

(a) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar year 2017.

(b) Federated City Employees' Retirement System Comprehensive Annual Fee report for calendar year 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. (Retirement Services)

Documents Filed: (1) Memorandum from Director of Retirement Services Roberto Peña, dated September 7, 2018, recommending approval of the report. (2) Police and Fire Retirement Plan Comprehensive Annual Fee Report for calendar years 2015, 2016 and 2017. (3) Federated City Employees' Retirement System Comprehensive Annual Fee reports for calendar years 2015, 2016 and 2017. (4) PowerPoint presentation Annual Investment Fee Report, Calendar Year 2017.

Director of Retirement Services Roberto Peña provided an introduction, and Chief Investment Officer Prabhu Palani offered a presentation.

Discussion and a question and answer period followed.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, the Retirement Plans' Comprehensive Annual Investment Fee Report for Calendar Year 2017 was accepted. (9-0-2. Absent: Carrasco, Jimenez.)

### 3.6 18-1238 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 from 9/11/18 Item 3.3 (18-1190)]

*Note: Items 3.6, 3.7 and 3.8 were heard concurrently.*

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated September 18, 2018, accepting staffs' recommendations with additional amendments as noted in his April 11, 2018 memorandum. (2) Memorandum from Councilmember Raul Peralez, dated September 17, 2018, presenting proposed modifications to the staff recommendations. (3) Memorandum from Councilmember Johnny Khamis, dated September 7, 2018. (4) Memorandum from City Clerk Toni J. Taber, CMC, dated September 18, 2018, providing recommendations of the Community and Economic Development Committee. (5) Memorandum regarding Sister Cities Travel Policy from City Clerk Toni J. Taber, CMC, dated April 12, 2018. (6) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated September 11, 2018, explaining changes made to the original posting. (7) Memorandum from Councilmember Sylvia Arenas, dated April 16, 2018, recommending direction to staff. (8) Memorandum from Councilmember Lan Diep, dated April 13, 2018, regarding the travel ban. (9) Memorandum from Councilmember Sergio Jimenez, dated April 17, 2018, with policy recommendations. (10) Memorandum from Councilmember Donald Rocha, dated April 16, 2018, providing recommendations. (11) Council Policy 9-5 "Travel by Elected and Appointed City Officials", red-lined to show changes. (12) Three letters from the public, dated April 2018, expressing taxpayers' concerns.

Senior Business Development Manager Chris Burton offered opening remarks.

Councilmember Raul Peralez moved approval of staffs' recommendations, including his memorandum dated September 17, 2018, and Councilmember Johnny Khamis' memorandum, dated September 7, 2018, to include allowance of travel by Council staff, paid for from the Council Office Budget, with the approval of the Councilmember. Councilmember Sylvia Arenas seconded the motion.

Mayor Sam Liccardo noted that he could not accept the motion on the floor, as he felt the office budget issue was unreasonable.

Action: On a call for the question, the motion carried, and Resolution No. 78790 was adopted, entitled: "A Resolution of the Council of the City of San José Approving an Amendment to City Council Policy No 9-5 "Travel by Elected and Appointed City Officials", was adopted, including the memorandum from Councilmember Johnny Khamis, dated September 7, 2018, approving Staff's recommendation, with the following modification: Allow travel by Council staff, paid for from the Council Office Budget, with the approval of the Councilmember, and including the memorandum from Councilmember Raul Peralez, dated September 17, 2017, recommending modifications to allow up to 5 elected members to travel at the same time, unless it knowingly affects a public meeting in which a quorum is needed. (9-2. Noes: Jimenez; Liccardo.)

**3.7 18-1237 Actions Related to Mayor and Councilmembers' Travel to Dublin, Ireland as part of the Sister City Delegation.**

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.

(a) 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, 2018 VTA Policy Advisory Committee).

(b) 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).

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

(d) 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 from 9/11/18 - Item 3.5 (18-1167)]

*Note: Items 3.6, 3.7 and 3.8 were heard concurrently.*

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated September 12, 2018, appointing Vice Mayor Magdalena Carrasco to lead the Sister City Delegation to Dublin, Ireland. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated September 18, 2018, recommending approval of actions related to Mayor and Councilmembers' Travel to Dublin, Ireland as part of the Sister City Delegation. (3) Replacement memorandum from Director of Public Works, Matt Cano, dated September 7, 2018, making technical adjustments provided in the Cost Summary/Implications section of the original memo.

Action: See Item 3.6 for action taken. (9-2. Noes: Jimenez; Liccardo.)

**3.8 18-1284 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 2-5, 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,

### 3.8 (Cont'd.)

October 3, 2018 Rules & Open Government)  
(d) 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).  
(e) Mayor Liccardo (Source of Funds: Mayor's Office Budget; Dates: October 2-5, 2018; Meetings: October 3, 2018 Rules & Open Government)\*  
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)  
[Deferred from 9/11/18 Item 3.4 (18.1168)]

*Note: Items 3.6, 3.7 and 3.8 were heard concurrently.*

Documents Filed: Replacement memorandum from Mayor Sam Liccardo, dated September 14, 2018, updating the recommendation language from his September 12, 2018 memorandum authorizing travel to attend the Silicon Valley Organization Study Mission Trip in Seattle, Washington.  
Action: See Item 3.6 for action taken. (9-2. Noes: Jimenez; Liccardo.)

*Councilmember Donald Rocha left the meeting at approximately 5 p.m.*

## COMMUNITY & ECONOMIC DEVELOPMENT

### 4.1 18-1215 **Overview of Activities Associated with the 2019 College Football Playoff National Championship and City of San José Preparations for Events and Visitors January 3-7, 2019.**

Accept a report on City staff preparations for events and visitors in San José for the 2019 College Football Playoff National Championship January 3-7, 2019.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 3. (Economic Development)

*Item heard concurrently with Item 4.2.*

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo and Councilmembers Davis, Peralez and Khamis, dated September 14, 2018. (2) Memorandum from Councilmember Raul Peralez, dated September 17, 2018, recommending acceptance of the Mayor's memorandum. (3) Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated September 6, 2018, recommending acceptance of the report.

Public Information Manager, Elisabeth Handler; Downtown Manager, Blage Zelalich and Events Director, Tammy Turnipseed, provided a presentation. Deputy City Manager/Director of Economic Development Kim Walesh and staff responded to questions.

## 4.1 (Cont'd.)

Public Comments: Mark Purdy and Patricia Ernstrom, Bay Area 2019 Host Committee offered enthusiastic support. Robert Aquirre expressed concerns regarding the displacement of homeless individuals.

Motion: Councilmember Dev Davis moved approval of the joint memorandum from Mayor Liccardo and Councilmembers Davis, Peralez, and Khamis, dated September 14, 2018 and the memorandum from Councilmember Raul Peralez, dated September 17, 2018. Councilmember Johnny Khamis seconded the motion.

Mayor Sam Liccardo requested consideration for an amendment to include free public high speed Wi-Fi plus debrief within 30 days after the events.

Action: On a call for the question, the motion carried, and the report was accepted, including the joint memorandum from Mayor Liccardo and Councilmembers Davis, Peralez, and Khamis, dated September 14, 2018 to (1) Accept the staff report on preparations for 2019 College Football Playoff; (2) Direct City Manager or his appointee to work with council offices to promote Championship Campus (CFP) activities and volunteer opportunities in newsletters and other communications to residents. (3) Provide free public Wi-Fi in entire Championship Campus surrounding downtown. (4) Continue to refine the template for future large, national events to occur in San Jose post CFP.

Also including the memorandum from Councilmember Peralez, dated September 17, 2018, to (I) Request that staff ensure that all communications related to this event includes: (a) Announcements made to San Jose residents about the early closure of Christmas in the Park. (b) Strong advocacy to all broadcasting networks to prominently use images of San Jose and the name San Jose, rather than "Silicon Valley", "Bay Area" and "San Francisco Bay Area"; (2) Direct staff to return to the City Council by early Spring 2019 with an update on how staff will leverage any received resources from the event for ongoing maintenance activities including but not limited to graffiti abatement, tree trimming, gateway clean-ups and human trafficking/prostitution. (3) Direct staff to return to the City Council by December 2018 with an update on the preparation of CFP National Championship including, if applicable, any activities that may amend existing policies and procedures related to homeless encampment abatement activities and other deviations from current practices regarding San Jose's homeless residents.

Also including Mayor Sam Liccardo's suggestion to include free public high speed Wi-Fi plus debrief within 30 days after the events.

(10-0-1. Absent: Rocha.)

## 4.2 18-1216 **Establishing a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019.**

(a) Approve an uncodified ordinance to establish a Special Event Zone in Downtown San José from December 28, 2018 to January 8, 2019 to prohibit certain activities on public property, temporarily suspend the issuance of permits for temporary outdoor use of private property and limit the installation of Supergraphics to five non-City-owned buildings in the Downtown Sign Zone.

(b) Adopt a resolution authorizing the City Manager to negotiate and execute a property use agreement between the City of San José and

## 4.2 (Cont'd.)

Bay Area Host Committee for non-parking use of the Almaden Blvd./Woz Way Parking Lot, December 26, 2018 - January 8, 2019 for \$18,900.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. Council District 3. (Economic Development)

*Item heard concurrently with Item 4.1. See Item 4.1 for additional recommendations/actions taken.*

Documents Filed: Joint memorandum from Deputy City Manager/Director of Economic Development Kim Welsh and John Ristow, Deputy Director of Department of Transportation, dated September 6, 2018, recommending approval of an uncodified ordinance and adoption of a resolution.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, Ordinance No. 30156, entitled “An Ordinance of the City of San José to Provide for the Designation of Specified Areas of the City Of San Jose as a Special Event Zone to Prohibit Certain Activities on Public Property Including Peddling, Distribution of Merchandise, Goods or Coupons for a Commercial Purpose, the Sale of Counterfeit Merchandise, and the Flying of Unmanned Aircraft Systems within the Special Event Zone and to Provide for the Temporary Suspension of the Authority of the Director of the Office Of Cultural Affairs Under Part 16 Of Chapter 20.80 Of Title 20 of the San Jose Municipal Code to Issue Permits for Temporary Outdoor Uses of Private Property Within the Special Event Zone During the Time Period Beginning at Six O’clock (6:00) a.m. on Friday, December, 28, 2018 and Ending at Six O’clock (6:00) p.m. on Tuesday, January 8, 2019, Relative to the Use of these Areas in Conjunction with the 2019 College Football Playoff’s National Championship Related Activities and Events”, was passed for publication; and Resolution No. 78791, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Property Use Agreement Between the City Of San Jose and Bay Area Host Committee for Non-Parking Use of the Almaden Blvd./Woz Way Parking Lot From December 26, 2018 Through January 8, 2019 at a Cost Of \$18,900”, was adopted. (10-0-1. Absent: Rocha.)

*Item heard concurrently with Item 4.1. See Item 4.1 for additional recommendations/actions taken.*

## 4.3 18-1217 **Action Related to the Purchase and Sale of 1123 Coleman Avenue.**

Adopt a resolution:

(a) Declaring the City property located at 1123 Coleman Avenue, APN 230-46-084 plus portions of AP 230-46-071 and APN 230-46-072, surplus to the needs of the City.

(b) Authorizing the City Manager to negotiate and execute a Purchase and Sale Agreement with Coleman Airport Partners for approximately 12.674- acres of land located at 1123 Coleman Avenue, APN 230-46-084 plus portions of AP 230-46-071 and APN 230-46-072, as well as any related documents necessary to effectuate the land transaction consistent with the attached Term Sheet. The sale price is \$24,843,575 or \$45 per square foot of land.

CEQA: Determination of Consistency with the FMC/Coleman Avenue Environmental Impact Report (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (SCH# 2009052053), the Envision San José 2040 General Plan Final

### 4.3 (Cont'd.)

Environmental Impact Report (SCH# 2009072096), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (SCH# 2009072096), and addenda thereto (File No. PP18-083). Council District 3. (Economic Development)

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, dated September 7, 2018, recommending adoption of a resolution.

Economic Development Assistant Director, Nanci Klein provided a presentation.

Public comments: Offering support to the proposal were Sean Carscadden (Positive Coaching Alliance); Don Gaglierdi (Soccer Silicon Valley); Tom Fox, Mark Christie and Dan Degeer (San José Earthquakes); Victor Morales (Barcelona Bay Area); Jennifer Smith (Bay Areas Women's Sports Initiative); Deke Hunter (Coleman Airport Partners) and Jeffrey Buchanan. Expressing environmental concerns and opposition were members of the Guadalupe River Park Conservancy: Leslee Hamilton, Jodi Starbird, Michael Parrish and Jeff Lawson; and Marcelle Kube (River Oaks Neighborhood Association); and Shani Kleinhaus, Santa Clara Valley Audubon Society.

Mayor Sam Liccardo recommended a conversation with the Guadalupe River Park Conservancy.

Motion: Councilmember Raul Peralez moved approval of the staff recommendations with the caveat that the 4-acre section be excluded, and with a conversation to be initiated with the Guadalupe River Park Conservancy. Councilmember Sylvia Arenas seconded the motion.

Action: On a call for the question, the motion carried, and Resolution No. 78792, entitled: "A Resolution of the Council of the City of San José 1) Declaring 552,079 Square Feet Of Land at 1123 Coleman Avenue Surplus to the Needs of the City; and 2) Authorizing the City Manager to Negotiate and Execute a Purchase and Sale Agreement with Coleman Airport Partners, LLC in the Amount of \$24,843,575 for the Purchase of Approximately 552,079 Square Feet of City-Owned Property Located at 1123 Coleman Avenue, and all Other Documents Necessary to Effectuate the Transaction", was adopted, with the staff recommendation accepted, but with the 4-acre section excluded, and with a conversation initiated with the Guadalupe River Park Conservancy.  
(10-0-1. Absent: Rocha.)

### 4.4 18-1218 **Funding Award for Homeless Outreach, Case Management and Prevention Service.**

Adopt a resolution authorizing the Director of Housing to negotiate and execute contracts funded by Community Development Block Grant, Emergency Solutions Grant, and Housing Authority Litigation Award totaling \$1,657,255 for implementation of the City's Homeless Outreach, Case Management and Prevention Program from October 1, 2018 through June 30, 2019, to the following agencies and amounts:

- (a) \$829,494 to People Assisting the Homeless for homeless outreach services and mobile case management;
- (b) \$580,000 to HomeFirst Services of Santa Clara County for homeless outreach services; and
- (c) \$247,761 to Bill Wilson Center for homeless prevention services.



#### 4.4 (Cont'd.)

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated September 6, 2018, recommending adoption of a resolution.

Director of Housing Jacky Morales-Ferrand provided comments.

Public comments: Amanda Clifford offered support for family advocacy services. Presenting questions and comments on needs of the homeless population were Robert Aguirre and Kathryn Farr.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Raul Peralez and carried unanimously, Resolution No. 78793, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Housing to Negotiate and Execute Contracts Funded by Community Development Block Grant, Emergency Solutions Grant, and Housing Authority Litigation Award Funds Totaling \$1,657,255 for Implementation of the City’s Homeless Outreach, Case Management and Prevention Program from October 1, 2018 Through June 30, 2019”, was adopted. (10-0-1. Absent: Rocha.)

#### 4.5 18-1219 **Vacation of the 25-Foot and 12.5-Foot Setback Easements within Tract No. 65 (1982 McDaniel Avenue).**

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot and 12.5-foot light and air easements (“setback easements”) located within Tract No. 65;
  - (b) Vacating the 25-foot and 12.5-foot setback easements located within Tract No. 65; 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: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation, File No. PP18-061. Council District 6. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Matt Cano, dated September 6, 2018, recommending conducting a public hearing and adopting a resolution.

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 Dev Davis, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78794, entitled: “A Resolution of the Council of the City of San José Vacating the 25-foot and 12.5-foot Light and Air Easements Located within Tract 65”, was adopted. (10-0-1. Absent: Rocha.)

**4.6 18-1220 Vacation of the 20- to 25-Foot and 15-Foot, and 12.5-foot Setback Easements within Tract No. 470 (1322 Glen Eyrie Avenue).**

Conduct a Public Hearing and adopt a resolution:

(a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 20- to 25-foot, 15-foot, and 12.5-foot light and air easements (“setback easements”) located within Tract No. 470;

(b) Vacating the 20- to 25-foot, 15-foot, and 12.5-foot setback easements located within Tract No. 470; 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: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation, File No. PP18-063. Council District 6. (Public Works)

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 Dev Davis, seconded by Councilmember Tam Nguyen and carried unanimously, Resolution No. 78795, entitled: “A Resolution of the Council of the City of San José Vacating the 20- to 25-foot, and 12.5-foot Light and Air Easements Located within Tract 470”, was adopted. (10-0-1. Absent: Rocha.)

**4.7 18-1296 Actions Relating to the Santa Clara County Civil Grand Jury Report Entitled “Affordable Housing Crisis: Density Is Our Destiny” and to Potential Commercial Impact Fees.**

(a) Accept staff’s updated response to the June 21, 2018, Civil Grand Jury of Santa Clara County Report on “Affordable Housing Crisis: Density is our Destiny” with any modifications to reflect direction below.

(b) Discuss and provide direction regarding:

(1) Preparation a nexus study to support a city-wide commercial linkage fee for affordable housing and a feasibility study to assess market impacts of development with variations of fee levels, geographic location, land use, and building type.

(2) Exploration of feasibility studies for a Downtown Core Commercial (office and R & D) development impact fee, which would address affordable housing and infrastructure needs (i.e. transit and parks).

(3) A report back to the City Council in November including the following:

(a) Scope of work for a nexus study and feasibility study, including consultant selection, a funding strategy, and timeline for completion of the studies.

(b) Include a Regional Commercial Linkage Fee as a legislative priority of the City, as previously discussed by the City Council.

(c) Progress report on (a) the formation of the City Council-authorized RHNA sub region, sponsored by the Santa Clara County Cities Association, with specific "next steps" identified for Staff and Council, and (b) formation of a Bay Area wide commercial linkage fee, requiring

#### 4.7 (Cont'd.)

state legislation, similarly based on relative jobs/housing ratios.

(d) Data regarding ongoing and one-time tax revenues generated from employers in the City of San José.

(4) Exploration of a funding partnership with the Silicon Valley Community Foundation, which has funded similar studies, consistent with its housing and transit strategic grant priority.

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/Economic Development)

Documents Filed: (1) Joint memorandum from Vice Mayor Carrasco and Councilmembers Peralez, Rocha and Jimenez, dated September 14, 2018, recommending staff recommendations and the Mayor's September 10, 2018 memorandum with modifications and clarifications. (2) Mayor Sam Liccardo's memorandum, dated September 10, 2018. (3) Memorandum from Director of Housing Jacky Morales-Ferrand, dated August 29, 2018, recommending acceptance to staff's response to the Civil Grand Jury's Report. (4) Supplemental memorandum from Director of Housing Jacky Morales-Ferrand, dated September 18, 2018, altering the City's proposed response to the Civil Grand Jury Report. (5) Civil Grand Jury Report, dated June 21, 2018: "Affordable Housing Crisis, Density is our Destiny"; (6) Attachment B: City's Responses to the Grand Jury Report. (7) Letters from the public: SV@home, dated September 10 & 17, 2018; Working Partnerships, dated September 7, 2018; Silicon Valley Organization (SVO), dated September 10, 2018; Goodwill of Silicon Valley, dated September 14, 2018; and Rick Beatty of Lehigh Hanson, dated September 13, 2018.

Mayor Sam Liccardo opened the floor for public comment.

Public Comment: Nine members of the public offered support and a need for prioritization.

Motion: Councilmember Sergio Jimenez moved approval of the memorandum he coauthored with Vice Mayor Magdalena Carrasco and Councilmembers Rocha and Peralez, dated September 14, 2018. Vice Mayor Carrasco seconded the motion.

Action: On a call for the question the motion failed. (5-5-1. Noes: Jones, Diep, Davis, Nguyen, Khamis. Absent: Rocha.)

Motion: Councilmember Raul Peralez moved accepting staff's updated response to the June 21, 2018, Civil Grand Jury of Santa Clara County Report on "Affordable Housing Crisis: Density is our Destiny" and deferring further action a future meeting of the City Council. The motion was seconded by Councilmember Sergio Jimenez.

Action: On a call for the question, the motion carried, with discussion and action to be taken on a Regional Commercial Linkage Fee as a legislative priority of the City at a future meeting of the City Council. The Staff's updated response was accepted. (9-1-1. Noes: Diep. Absent: Rocha.)

*Note: Commercial Linkage Fee item was heard at the December 11, 2018 meeting of the City Council, Item 4.6.*

## ENVIRONMENTAL & UTILITY SERVICES

### 7.1 18-1221 **Energy, Renewable, and Greenhouse Gas-Free Power Contracts for San José Clean Energy.**

Adopt a resolution authorizing the Director of Community Energy or her designee to negotiate and execute contracts for Calendar Year 2019 for Renewable Energy, and Renewable Energy Credits, to meet San José Clean Energy's minimum compliance obligations pursuant to the California Renewable Portfolio Standard using the Edison Electric Institute Agreement or the Western Systems Power Pool Agreement in an amount not to exceed \$32,000,000 in aggregate. Such procurement shall be subject to the Risk Management Policy and Regulations approved by City Council on May 1, 2018

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

Documents Filed: (1) Replacement memorandum from Director, Community Energy Department, Lori Mitchell, dated September 12, 2018, recommending adoption of a resolution. (2) Supplemental memorandum from Director, Environmental Services, Kerrie Romanow, dated June 22, 2018, updating Council on the progress of recent negotiations.

Action: Upon motion by Vice Mayor Magdalena Carrasco, seconded by Councilmember Sylvia Arenas and carried unanimously, Resolution No. 78796, entitled: "A Resolution of the Council of the City of San José Authorizing the Director Of Community Energy or Her Designee to Negotiate and Execute Contracts for Calendar Year 2019 for Renewable Energy and Renewable Energy Credits to Meet San Jose Clean Energy's Minimum Compliance Obligations Pursuant to the California Renewables Portfolio Standard, Using Either the Edison Electric Institute Agreement or the Western Systems Power Pool Agreement, in an Amount Not to Exceed \$32,000,000 in Aggregate, Subject to the Energy Risk Management Policy and Regulations", was adopted. (10-0-1. Absent: Rocha.)

### 7.2 18-1222 **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); 9/11/18 Item 7.1 (18-1178), et. al.]

*Deferred to 10/16/18 per Rules and Open Government*

### 7.3 18-1223 **Actions Related to the Negotiations of Recycle Plus Residential Solid Waste Agreements.**

[Deferred from 6/5/18 Item 7.5 (18-774); 9/11/18 Item 7.2 (18-1179), et. al.]

*Deferred to 10/16/18 per Rules and Open Government*

- 7.4 18-1224 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); 9/11/18 (18-1180), et. al.]  
*Deferred to 10/16/18 per Rules and Open Government*

## LAND USE

### 10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

### END OF CONSENT CALENDAR

**10.2 18-1226 PDA07-007-02 and ABC18-003 - Planned Development Permit Amendment and Determination of Public Convenience or Necessity for Real Property Located at 1520 Southwest Expressway.**

Adopt a resolution approving a Planned Development Permit Amendment and Determination of Public Convenience or Necessity to allow the off-sale of a full range of alcoholic beverages as incidental to a new 6,600-square foot grocery store at a new grocery market (290 square feet dedicated to alcohol sales) in a vacant tenant space on a 2.25-gross acre site zoned A(PD), located at the southeast corner of Southwest Expressway and Fruitdale Avenue (1520 Southwest Expressway).

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(a), Existing Facilities, PDA07-007-02 and ABC18-003. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

PDA07-007-02 and ABC18-003 - Council District 6

Documents Filed: Memorandum from Planning Commission Secretary, Rosalynn Hughey, dated September 13, 2018 transmitting the Planning Commission recommendations, including the Planning Commission Staff Report, dated September 14, 2018.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Chappie Jones, and carried unanimously, Resolution No. 78797, entitled: “A Resolution of the Council of the City of San José Approving, Subject to Conditions, a Planned Development Permit Amendment and Granting a Determination of Public Convenience or Necessity to Allow the Off-Sale of a Full-Range of Alcoholic Beverages as Incidental to a New 6,600 Square Foot Grocery Store in a Vacant Tenant Space on a 2.25-Gross Acre Site, Located at the Southeast Corner of Southwest Expressway and Fruitdale Avenue (1520 Southwest Expressway)” was adopted. (10-0-1. Absent: Rocha.)

## **OPEN FORUM**

- (1) KD Poynter questioned the City's disbursing grant funds to United Veterans Council, an IRC 501(c)(19) that has been suspended, alleging funds were received using false documentation.

## **ADJOURNMENT**

Mayor Sam Liccardo adjourned the meeting of the City of San José City Council at 7:12 p.m. in memory of Mertze Dahlin who passed away on July 4, 2018 at 87 years of age. He played an integral role in the founding of the South Bay Islamic Association, and was actively involved in purchasing the Downtown San José Islamic Center as a place of worship. Mertze was a pillar of support and leadership for San José's Islamic community and will be missed by many.

Minutes Recorded, Prepared and Respectfully Submitted by,

***draft***

Toni J. Taber, CMC  
City Clerk

mk/9-18-18 MIN