



MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, DECEMBER 5, 2017

The Council of the City of San José convened in Regular Session at 9:32 a.m. in the Council Chambers at City Hall.

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

Absent: Councilmembers - All Present.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:35 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: 1 (one); (B) To Confer with Legal Counsel – Anticipated Litigation (Claim Filed) – Pursuant to Sections 54956.9(d)(2) and 54956.9(e)(3) of the Government Code: (1) In re; Claim of Souza; City Department: Emergency Services; (C) To confer with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) City of San José v. City of Santa Clara; Names Of Partie(s) Involved: City of San José, City of Santa Clara; Court: Superior Court of California, County of San Mateo; Case No.: 16-CIV-02303; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; (2) City of Santa Clara v. City of San José, et al.; Names Of Partie(s) Involved: City of Santa Clara, City of San José, City of San José City Council, Does I through X; Federal Realty and Investment Trust, and Does 1-20; Court: Superior Court of California, County of San Mateo; Case No.: 17-CIV-00547; Amount of Money or Other Relief Sought: Petition for Writ of Mandate and Complaint for Declaratory Relief; Under Negotiation: Direction will concern price and terms of payment; Likely Range of Value of Property: Negotiated Price based on appraisal and comparable property values. (3) San José Retired Employee’s Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley; City of San José, the Board of Administration for the Federated City’s Retirement Plan; Court: Court: Superior Court of California, County of Santa Clara; Case No.: 1-14-CV-268085; Amount of Money or Other Relief Sought: Change to City Medical Plan; (4) City v. Trump, Donald J.; Elaine C. Duke; and the United States of America; Names Of Partie(s) Involved: City of San José; Donald J. Trump, President of the United States, in his official capacity; Elaine C. Duke, United States of America; Court: U.S. District Court, Northern District of California; Case No. 3:17-CV-05329-WHA; Amount of Money or Other Relief Sought: Damages according to proof; (5) SJJC Aviation

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccenter/tv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

CLOSED SESSION (Cont'd.)

Services, LLC v. City of San José, et al. Names Of Partie(s) Involved: City of San José v. County of Santa Clara; Names Of Partie(s) Involved: SJJC Aviation Services, LLC v. City of San José; City Council of the City of San José; Court: California Court of Appeal, Sixth Appellate District; Santa Clara County Superior Court; Case No.: H041946; 1-13-CV-246057; Amount of Money or Other Relief Sought: Damages according to proof; (6) Markowicz v. City, et al.; Names Of Partie(s) Involved: Ricardo Markowicz, City of San José, GCA Services Group of California, Inc.; GCA Group Services, Inc., Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 17-CV-315851; Amount of Money or Other Relief Sought: Damages according to proof; (7) Shahrivar, Farid v. City, et al.; Names Of Partie(s) Involved: Farid Shahrivar, City of San José, a municipality; Rodney Rapson, an individual; David Sykes, an individual; Harry Freitas, an individual; Katherine Jensen, an individual; David Printy, , an individual; Danny Tsao, an individual; Katrina Allen, an individual; Doug Baker, an individual; Alex Gurza, an individual; Sarah Nunes, an individual; Les White, an individual; Allen Demers, an individual; Rajiv Das, an individual ;Adam Stempel, an individual; Steve Pagan, an individual; Angela Chen, an individual; Robert Fabela, an individual; Susan Lacy, and Does 1 through 45; Court: U.S. District Court, Oakland Division; Cases No.: CV-10-01029 PSG; Amount of Money or Other Relief Sought: Damages according to proof; (8) Great Oaks Water, Inc. v. City, et al.; Names Of Partie(s) Involved: Great Oaks Water Company, Inc., John W.S. Roeder, Betty B. Roeder, Betty B. Roeder Trust A and William C. Miller, Jr., and Betty B. Roeder, Trustees of the Walter S. Roeder Trust B, the City of San José, the San José Redevelopment Agency, Southbay Water Recycling, Does 1 through 100; Court: Superior Court of California, County of Santa Clara; Case No.: 1-04-CV012008; Amount of Money or Other Relief Sought: Damages according to proof; (9) Sharks Sports & Entertainment LLC, City of San José, San Joe City Council, and Does 1-10; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 16-CV-296834; (10) County of Alameda, et al. v. AMBAC Financial, et al.; Names Of Partie(s) Involved: County of Alameda; City and County of San Francisco; City of Los Angeles; Los Angeles Department of Water and Power; Los Angeles World Airports; City of Oakland; City of Richmond; Redwood City; East Bay Municipal Utility District; City of Sacramento; Sacramento Municipal Utility District; City of San José; City of Stockton; the Redevelopment Agency of the City of Stockton; the Public Financing Authority of the City of Stockton; County of Tulare; the Regents of the University of California; the Redevelopment Agency of the City of San José; AMBAC Financial Group, Inc.; AMBAC Assurance Corporation; MBIA, Inc.; MBIA Insurance Corporation; MBIA Insurance Corp. of Illinois a/k/a National Public Finance Guarantee Corporation; Syncora Guarantee, Inc. f/k/a XL Capital Assurance, Inc., Financial Security Assurance, Inc.; CIFG Assurance North America, Inc.; Assured Guaranty Corp.; Jason Kissane; Does 1 through 50; Court: Superior Court of California, in and for the County of San Francisco; Case No.: CJC-08-004555; Amount of Money or Other Relief Sought: Damages according to proof; (11) RDA/City vs. Bank of America, N.A., et al. Names Of Partie(s) Involved: City of San José, the San José Redevelopment Agency, Bank of America, N.A., Merrill Lynch & Co., Inc., UBS AG, UBS Financial Services, Inc., UBS Securities, LLC, MBIA, Inc., Citibank, N.A., Citigroup Financial Products Inc., Citigroup Global Markets Holdings Inc., Morgan Stanley, Rabobank Group, Bayerische, Landesbank Gironzentrale, Piper Jaffray & Co, Societe Generale SA, Financial Security Assurance, Inc., Assured Guaranty US Holdings Inc., Dexia S.A. National Westminster Bank, PLC, Natixis Funding Corp., Natixis S.A., the Goldman Sachs Group, Inc., Goldman Sachs Mitsui Marine Derivative Products, L.P., Goldman Sachs Bank USA, CDR Financial Products, Winiters & Co., Advisors, LLC, George K. Baum & Co., Sound Capital Management, Inc., Investment Management Advisory Group, Inc., First Southwest Company, PFM Investment, LLC., PFM Asset Management LLC; Court: U.S. District Court, Northern District of California; Case No. CV 10 2199; Amount of Money or Other Relief Sought: Damages according to proof; (12) Padilla, et al. v. City of San

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José, et al.; Names Of Partie(s) Involved: Thomas H. Padilla Sr., and Darlene Padilla, Individually and as Trustees of the Padilla Living Trust, individually and on behalf of all other similarly situated; City of San José; and Does 1 through 50, inclusive; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 17-CV-307419; Amount of Money or Other Relief Sought: Damages according to proof; (13) Seibert v. City of San José; Names Of Partie(s) Involved: Grant Seibert, City of San José, San José Civil Service Commission, Debra Figone as San José City Manager, Alex Gurza as San José Director of Employee Relations, William McDonald as Fire Chief for San José Fire Department, Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No.: 11-11CV 204096; Amount of Money or Other Relief Sought: Damages according to proof; (14) Ward, Debra and Patricia Tapia v. City, Fire Chief William McDonald, et al.; Names Of Partie(s) Involved: Debra Ward; Patricia Tapia; City of San José; Fire Chief William McDonald; Court: Superior Court of California, County of Santa Clara; Case No.: 1-11-CV203561; (15) Wallace, et al. v. City of San José; Names Of Partie(s) Involved: Darren Wallace, Keith Hart, Mark Leeds, and other employees similarly situated; City of San José; Court: U.S. District Court, Northern Division; Case No. 5:16-CV-04914-SVK; Amount of Money or Other Relief Sought: Damages according to proof; (16) Anderson, et al. v. City of San José & San José City Council; Names Of Partie(s) Involved: Sarah Anderson, Joana Cruz, Urban Habitat Program and Housing California, City of San José, a governmental entity, San José City Council, and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-297950; Amount of Money or Other Relief Sought: Damages according to proof; (17) Cali-Arioto, LLC v. City of San José; Names Of Partie(s) Involved: Cali-Arioto, LLC, the City of San José and Does 1-10; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-296549; Amount of Money or Other Relief Sought: Damages according to proof; (18) Zhou, Yuefeng and Ying Shi v. City of San José; Names Of Partie(s) Involved: Yuefeng Zhou and Ying Shi; City of San José and Does 1-25, inclusive; Court: Superior Court of California, County of Santa Clara; Case No.: 16-CV-299426; Amount of Money or Other Relief Sought: Damages according to proof; (19) Stand for San José, et al. v. City, et al.; Names Of Partie(s) Involved: Stand for San José and Eileen Hannan; City of San José; City Council of the City of San José; Redevelopment Agency of the City of San José; Diridon Development Authority; Court: Santa Clara County Superior Court; Case No.: 1-11-CV-214196; Amount of Money or Other Relief Sought: Injunctive Relief; (20) Stand for San José, et al. v. City, et al.; Names Of Partie(s) Involved: Stand for San José and Eileen Hannan; Michelle Breenot; Robert Brown; and Robert Shields; City of San José; City Council of the City of San José; Redevelopment Agency of the City of San José; Successor Agency Oversight Board; Diridon Development Authority; Does 1 through 10, inclusive; Athletics Investment Group, LLC; Does 1 through 20, inclusive; Court: Superior Court for the State of California in and for the County of Santa Clara; Case No. 1-13-CV-250379; Amount of Money or Other Relief Sought: Writ of Mandamus and Complaint for Declaratory Relief and Injunction Relief and for Attorney Fees; (21) Friends of the Willow Glen Trestle, an unincorporated association; City of San José and City Council of the City of San José; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 1-14-CV-260439; Amount of Money or Other Relief Sought: Damages according to proof; (22) Alemayehu v. City of San José, et al.; Names Of Partie(s) Involved: Dawit Alemayehu, the City of San José and the City of San José Police Department, a municipal corporation; Officer Jorge Garibay #4218; a sworn San José police officer and as an individual; Sgt. D. Tran, Badge #3269, a San José police officer and as an individual; and Does 1 through 40; Court: U.S. District Court, Northern Division; Case No. C14-1738 EJD; Amount of Money or Other Relief Sought: Damages according to proof; (23) Armstrong, David v. City of San José, Alexander Keller, et al.; Names Of Partie(s) Involved: David Armstrong, City of San José, San José Police Officer Alexander Keller, San José Police Officer Baldwin, San José Police Officer Arate, and San José Police Officer Bortolotti; Court: U.S. District Court, Northern Division; Case No. 16-CV-02938-EJD; Amount of Money or Other Relief Sought: Damages according to proof; (24) Burt v.

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City of San José; Names Of Partie(s) Involved: Shauncey Burt, the City of San José, the San José Police Department; Unidentified San José Police Officers Numbered 1 through 6 and Does 7 through 50; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 1-15-CV-280121; Amount of Money or Other Relief Sought: Damages according to proof; (25) Ceballos-Archie v. City of San José; Roseanna Ceballos-Archie, individually as successor-in-interest to Matthew C. Castillo deceased; B.R., a minor, by and through her guardian ad litem Roseanna Ceballos-Archie; City of San José; Court: U.S. District Court, Northern District of California, San José Division; Case No. 16-CV-05570-NC; Amount of Money or Other Relief Sought: Damages according to proof; (26) Chavez-Alvarez v. City of San José; Names Of Partie(s) Involved: Rafael Chavez-Alvarez; San José Police Department and Does, inclusive; Court: U.S. District Court, Northern District of California, San José Division; Case No. 16-CV-02796-EJD; Amount of Money or Other Relief Sought: Damages according to proof; (27) Cooper v. City of San José, et al.; Names Of Partie(s) Involved: Benjamin Cooper; City of San José, a municipal corporation; and Does 1-30, inclusive; Court: U.S. District Court, Northern District of California, San José Division; Case No. 16-CV-06237-BLF; Amount of Money or Other Relief Sought: Damages according to proof; (28) Fujikawa, Michael v. City, Chief Chris Moore, et al.; Names Of Partie(s) Involved: Michael Fujikawa, the City of San José; Police Chief Chris Moore, Officers Payne (Badge No. 3971), Officer Pfiefer (Badge No. 3951); Officer Jeffrey (Badge No. 3926); Officer Burke (Badge No. 3949); Officer Akery (Badge No. 3495) and Does 1-50; Court: Superior Court of California, County of Santa Clara; Case No.: 1-12-CV-219612; Amount of Money or Other Relief Sought: Damages according to proof; (29) Jacquez, et al. v. City of San José, 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; Chandra Jacquez, individually and as successor-in-interest to Richard Jacquez, deceased; City of San José, Jacob Morris, and Does 1-50, inclusive; Court: U.S. District Court, Northern District of California, San José Division; Case No. 16-CV-05330-NC; 16-CV-05343-NC; Amount of Money or Other Relief Sought: Damages according to proof; (30) Hernandez, Juan, et al., v. City of San José, et al.; Names Of Partie(s) Involved: Juan Hernandez, an individual; Nathan Velasquez, an individual; Frank Velasquez, an individual; Rachel Casey, an individual; Mark Doering, an individual; Mary Doering, an individual; Barbara Arigoni, an individual; Dustin Haines-Scrodin, an individual; Andrew Zambetti, an individual; Christina Wong, an individual; Craig Parsons, an individual; I.P., a minor individual; Greg Hyver, an individual; and Todd Broome, an individual; on behalf of themselves and all others similarly situated, City of San José, a municipal corporation; Sam Liccardo, sued in his individual capacity; Edgardo Garcia, sued in his individual capacity; Anthony Yi, an individual; H.A. a minor individual; S.M a minor individual; and Does 1-38; Court: U.S. District Court, Northern District of California, San José Division; Case No. 5:16-CV-03957 LHK; Amount of Money or Other Relief Sought: Damages according to proof; (31) Hernandez, Yanira v. City, Geoffrey Evatt Graves, et al.; Names Of Partie(s) Involved: City of San José, Geoffrey Evatt Graves, and Does 1-50; Court: Superior Court, County of Santa Clara; Case No. 114CV270467; Amount of Money or Other Relief Sought: Damages according to proof; (32) Hung Lam v. City of San José, et al.; Names Of Partie(s) Involved: Hung Lam, individually, through his next friend Kathy Lam; City of San José, a municipal corporation, Larry Esquivel, in his capacity of Chief of Police for the City of San José; Officer Dondi West, individually and in her official position; Court: U.S. District Court, Northern District of California, San José Division; Case No. 14-CV-00877 PSG; Amount of Money or Other Relief Sought: Damages according to proof; (33) Paulino, Eliel v. Marco Cruz, et al v. City of San José, et al.; Names Of Partie(s) Involved: Eliel Paulino, Marco Cruz, individually and as an Officer of the San José Police Department; Gerardo Silva, individually and as an Officer of the San José Police Department; Gurbaksh Sohal, individually and as an Officer of the San José Police Department; and Does 1-10; Court: U.S. District Court, Northern District of California, San José Division; Case No. CV-16-2642 NC; Amount of

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Money or Other Relief Sought: Damages according to proof; (34) Redmond, Blair v. City of San José, et al. Names Of Partie(s) Involved: Blair Redmond; City of San José, San José Police Department, Officer Tony Diep, Officer Daniel Pfiefer, Officer Matthew Blackerby, Sergeant Richard Galea, Sergeant Donald Perrier, Officer Wendy Hoskin, Officer Alan Mishaga, Officer Andrew Wong, Officer Raquel Melo; Court: U.S. District Court, Northern District of California, San José Division; Case No. 14-CVj-02345-BLF; Amount of Money or Other Relief Sought: Damages according to proof; (35) Rodriguez, Lori v. City of San José; Names Of Partie(s) Involved: Lori Rodriguez, City of San José; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-241669; Amount of Money or Other Relief Sought: Damages according to proof; (36) Sutter's Place, Inc. dba Bay 101 v. City of San José; Names Of Partie(s) Involved: Sutter's Place, Inc., dba Bay 101; City of San José; the Division of Gaming Control; Court: Superior Court of California, County of Santa Clara; Case No.: 1-13-CV-258057; Amount of Money or Other Relief Sought: Damages according to proof; (37) Watkins, Sharon, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Sharon Watkins; Sylvia Buchanan, and Deviny Buchanan, on her own behalf and on behalf of her minor child, Laniyah Watkins, the City of San José; San José Police Officer Ryan Dote; and San José Police Officer James Soh; Court: U.S. District Court, Northern District of California, San José Division; Case No. 15-CV-05786-LHK; Amount of Money or Other Relief Sought: Damages according to proof; (38) Watson, Lee Darnell v. City of San José; Matthew Brackett; Ryan Hansen; Ronald Hughes, et al.; Names Of Partie(s) Involved: Watson, Lee Darnell, City of San José; Matthew Brackett; Ryan Hansel; Ronald Hughes and Does 1-10; Court: U.S. District Court, Northern District of California, San José Division; Case No. 15-CV-04054-NC; Amount of Money or Other Relief Sought: Damages according to proof; (39) Camacho v. City, et al; Names Of Partie(s) Involved: Carolina Camacho, individually and as Successor in interest to Jessenia Camacho-Torres, deceased; the City of San José, Amy M. Dorr, Sarah R. Coz; Court: Court of Appeal of the State of California, Sixth Appellate District; Case No. H041762; Amount of Money or Other Relief Sought: Damages according to proof; (40) Herrera, et al. v. City, et al.; Names Of Partie(s) Involved: Martha Herrera, Michelle Rodriguez, Jessica Rodriguez, Minors, by and through their Guardian ad litem Martha Herrera; City of San José, John Doe and John Doe Company et al.; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 1-10-CV-165689; Amount of Money or Other Relief Sought: Damages according to proof; (41) City of San José v. CSAA Insurance Exchange; Names Of Partie(s) Involved: City of San José, CSAA Insurance Exchange and Does 1-10; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 1-15-CV-284966; Amount of Money or Other Relief Sought: Damages according to proof; (42) Avila, et al. v. City of San José, et al.; Names Of Partie(s) Involved: Ilidio Avila, Angelina Avila, Sonny Avila, a minor, Dominic Avila, a minor and Jovina Avila, a minor, Oscar Chacon, Mayra Ortega and Blanca Martinez and City of San José, and Does 1-20; Court: Superior Court of California, County of Santa Clara; Case No. 1-13-CV-245894; Amount of Money or Other Relief Sought: Damages according to proof; (43) Pabla v. City of San José, et al; Names Of Partie(s) Involved: Parveen Pabla and the Estate of Kiran Pabla, by and through the Executor of the Estate Parveen Pabla; City of San José, State of California, California Department of Transportation (CalTrans) Gabriele Anthony Becerra Esparza, Armando Becerra, Manuel Anthony Maldonado Avalos, AT&T/Pacific Bell, and Does 1 through 50; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 15-CV-289342; Amount of Money or Other Relief Sought: Damages according to proof; (44) Blevins, Lisa v. City of San José; Names Of Partie(s) Involved: Lisa Blevins, City of San José Court: Superior Court of California, County of Santa Clara; Case No. 1-14-CV270060; Amount of Money or Other Relief Sought: Damages according to proof; (45) City of San José v. County of Santa Clara; Names Of Partie(s) Involved: City of San José, a municipal Corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in his official capacity

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as Santa Clara County Director of Finance, County of Santa Clara; Court: Superior Court, County of Sacramento; Case No. 34-2012-80001190; Amount of Money or Other Relief Sought: Damages according to proof; (46) City of San José v. County of Santa Clara; Names Of Partie(s) Involved: City of San José, a municipal Corporation, as Successor Agency to the Redevelopment Agency of the City of San José, Vinod K. Sharma, individually and in his official capacity as Santa Clara County Director of Finance, County of Santa Clara; Court: Superior Court, County of Sacramento; Case No. 34-2012-80001190; Amount of Money or Other Relief Sought: Damages according to proof; (47) City of San José v. First Serve Productions, Inc.; Court: Superior Court of California, County of San Mateo; Case No. CIV536836; Amount of Money or Other Relief Sought: Damages according to proof; (48) Ted Smith v. City, et al.; Names Of Partie(s) Involved: Ted Smith, City of San José, a municipal entity; San José Redevelopment Agency, a municipal entity; Harry Mavrogenes, in his official capacity as Executive Director of the San José Redevelopment Agency; Mayor Chuck Reed, in his official capacity as Mayor of the City of San José; Pete Constant, in his official capacity as a Councilmember for the City of San José; Ash Kalra, in his official capacity as a Councilmember for the City of San José; Sam Liccardo, in his official capacity as a Councilmember for the City of San José; Pierluigi Oliverio, in his official capacity as a Councilmember for the City of San José; Madison Nguyen, in her official capacity as a Councilmember for the City of San José; Rose Herrera, in her official capacity as a Councilmember for the City of San José; Judy Chirco, in her official capacity as a Councilmember for the City of San José; Kansen Chu, in his official capacity as a Councilmember for the City of San José; Nora Campos, in her official capacity as a Councilmember for the City of San José; Nancy Pyle, in her official capacity as a Councilmember for the City of San José; and Does 1-20; Court Santa Clara County Superior Court; Case No. 1-09-CV-150427; Amount of Money or Other Relief Sought: Damages according to proof; (49) Vietnamese-American Community of Northern California v. City, et al.; Names Of Partie(s) Involved: Vietnamese-American Community of Northern California; City of San José; City Council of San José; Court: Superior Court of California, County of Santa Clara; Case No. 1-08-CV-107082; Amount of Money or Other Relief Sought: For declaratory and injunctive relief according to proof; (50) Plata, Raymond and Michelle v. City of San José; Names Of Partie(s) Involved: Raymond and Michelle Plata, individually and on behalf of other members of a class of similarly situated residents and taxpayers, City of San José; Court: Superior Court of California, County of Santa Clara; 1-14-CV-258879; Amount of Money or Other Relief Sought: Declaratory Relief, Injunctive Relief; (51) Lablanc et al. v. City of San José, et al.; Names Of Partie(s) Involved: Steven LaBlanc, individually and as the successor-in-interest to the Estate of Kyle LaBlanc and Gina LaBlanc; Tri City Recovery, Mark Staton, State of California, City of San José, Santa Clara Valley Transportation Authority; Court: Superior Court of California, County of Santa Clara, Unlimited Jurisdiction; Case No.: 17-CV-305290; Amount of Money or Other Relief Sought: Damages according to proof; (D) Confer with Real Property Designated Representatives Pursuant to Government Code Section 54956.8: (1) 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 259-48-053); 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, 259-28-043, 259-28-044); 697 W. San Carlos (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 for payment; (E) 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.

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(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: Salaries, Hours, Working Conditions, etc.; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' 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 the Closed Session at 12 p.m. and reconvened to Regular Session at 1:36 p.m. in the Council Chambers.

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

Absent: Councilmembers - Arenas. (Excused)

INVOCATION

Pastor Jennifer Goto of St. Paul's United Methodist Church provided the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by third-grade students from Lynhaven Elementary School.

ORDERS OF THE DAY

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

CEREMONIAL ITEMS

- 1.1 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a proclamation recognizing November 11th as Veterans Day in the City of San José.**
- 1.2 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a proclamation honoring the YMCA of Silicon Valley and commemorating its 150th anniversary.**

CONSENT CALENDAR

Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Tam Nguyen and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Arenas.)

2.1 Approval of City Council Minutes

None provided.

2.2 Final Adoption of Ordinances.

None provided.

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.

Mayor Sam Liccardo reported on his trip to Paris, France, where he spoke at a conference co-hosted by Bloomberg Philanthropies Atlantic regarding Smart City efforts.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

- 2.7 17-382** Adopt a resolution terminating the proclamation of the existence of a local emergency as a result of flooding. (City Manager)

Documents Filed: Memorandum from City Manager, David Sykes, dated November 20, 2017, recommending adoption of a resolution.

Action: Resolution No. 78432, entitled: “A Resolution of the Council of the City of San José Terminating the Proclamation of Existence of a Local Emergency Issued by the Director of Emergency Services”, was adopted. (10-0-1. Absent: Arenas.)

- 2.8 17-430** Appoint Frank Vado as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2021. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated November 22, 2017, recommending appointment to the Board. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated November 28, 2017, providing results of the employee election.

Action: Frank Vado was appointed as the Police Department Employee Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a term ending November 30, 2021. (10-0-1. Absent: Arenas.)

- 2.9 17-398** Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority (VTA), for the design, construction, and reimbursement relating to the public art component of the BART extension to Berryessa, to extend the existing term until June 30, 2018, and further authorizing the City Manager to enter into further extensions of time, provided that there is no increase in compensation and the Master Agreement remains in effect. CEQA: Determination of Consistency to the Environmental Impact Report for the BART Extension to Berryessa Project that was adopted by City of San José, Resolution No. 76126. Council District 4. (Economic Development)

Documents Filed: Two City Council Action Requests from Deputy City Manager/Director of Economic Development Kim Welsh, both dated November 20, 2017, recommending adoption of a resolution and extension of an agreement.

Action: Resolution No. 78433, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority for Design, Construction, and Reimbursement Relating to the Public Art Component of the BART Extension to Berryessa to Extend the Existing Term Until June 30, 2018, and Further Authorizing the City Manager to Enter into Further Extensions of Time, Provided that there is No Increase in Compensation and the Master Agreement Remains in Effect”, was adopted. (10-0-1. Absent: Arenas.)

2.10 17-400

Adopt a resolution authorizing the City Manager to:

- (a) Execute Purchase Orders with Bayscape Landscape Management (San José, CA) and Brightview Landscape Services (San José, CA) for landscape renovation and repairs services for special district landscape areas, for an initial twelve-month period, starting on or about December 1, 2017 and ending on or about November 30, 2018, for a total aggregate amount not-to-exceed \$1,530,000;
 - (b) Approve a 10% contingency of \$153,000 to use if the City's requirement for the service exceeds estimates; and
 - (c) Execute up to four additional one-year options to extend the term of the Purchase Order, with the last option year ending on or about November 30, 2022, subject to the annual 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 November 20, 2017, recommending adoption of a resolution.

Action: Resolution No. 78434, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Execute Purchase Orders with Bayscape Landscape Management (San Jose, Ca) And Brightview Landscape Services (San Jose, Ca) For Landscape Renovation And Repair Services for Special District Landscape Areas, for an Initial Twelve-Month Period, Starting on or about December 1, 2017 and Ending on or about November 30, 2018, for a Total Aggregate Amount Not-To-Exceed \$1,530,000; (2) Approve a 10% Contingency of \$153,000 to Use if the City's Requirement for the Service Exceeds Estimates; and (3) Execute up to Four Additional One-Year Options to Extend the Term of the Purchase Order, with the Last Option Year Ending on or about November 30, 2022, Subject to the Annual Appropriation of Funds", was adopted. (10-0-1. Absent: Arenas.)

2.11 17-401

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Universal Maintenance (San José, CA) for steam cleaning services for walkways, benches & hard surfaces for an initial twelve-month term starting on or about December 1, 2017 and ending on or about November 30, 2018, in the amount not-to-exceed \$105,655;
 - (b) Approve additional funds in the event additional services are required during the initial term, subject to the same unit pricing, terms and conditions, and subject to the appropriation of funds; and
 - (c) Exercise up to four additional one-year options to extend the term with the final option year ending on or about November 30, 2022, 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 November 20, 2017, recommending adoption of a resolution.

2.11 (Cont'd.)

Action: Resolution No. 78435, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Execute a Purchase Order with Universal Maintenance (San Jose, CA) for Steam Cleaning Services for Walkways, Benches and Hard Surfaces for an Initial Twelve-Month Term Starting on or about December 1, 2017 and Ending on or about November 30, 2018, in the Amount not to Exceed \$105,655; (2) Approve Additional Funds in the Event Additional Services are Required During The Initial Term, Subject To The Same Unit Pricing, Terms And Conditions, And Subject to the Appropriation of Funds; and (3) Exercise up to Four Additional One-Year Options to Extend the Term with the Final Option Year Ending on or About November 30, 2022, Subject to the Appropriation of Funds”, was adopted. (10-0-1. Absent: Arenas.)

- 2.12 17-402** Retroactively approve travel by the Independent Police Auditor, Aaron Zisser, to Denver, CO from November 29, 2017 to December 1, 2017 to attend the regional meeting of the National Association for Civilian Oversight of Law Enforcement. Source of Funds: The Independent Police Auditor's Office will cover all costs of travel and lodging. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Independent Police Auditor)

Documents Filed: Memorandum from Independent Police Auditor, Aaron Zisser, dated November 17, 2017, requesting approval for travel.

Action: The travel was retroactively approved. (10-0-1. Absent: Arenas.)

- 2.13 17-448** As recommended by the Rules and Open Government Committee on November 29, 2017:
(a) Retroactively approve the World AIDS Day Flag Raising Ceremony held on December 1, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Peralez)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 1, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The World Aids Day Flag Raising Ceremony 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. (10-0-1. Absent: Arenas.)

- 2.14 17-453** As recommended by the Rules and Open Government Committee on November 29, 2017:
- (a) Retroactively approve Roses and Reels: Movie Night held on Saturday, September 23, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 1, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Roses and Reels: Movie Night 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. (10-0-1. Absent: Arenas.)

- 2.15 17-454** As recommended by the Rules and Open Government Committee on November 29, 2017:
- (a) Retroactively approve the Valley Palms Neighborhood Association Thanksgiving Celebration on Tuesday, November 21, 2017 at the Valley Palms Family Resource Center as a City Council sponsored Special Event and approve the expenditure of funds.
 - (b) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - (1) Santee Community Holiday Celebration on Saturday, December 9, 2017 at Bridges Academy;
 - (2) Iola Williams Senior Holiday Celebration on Saturday, December 2, 2017 at the Seven Trees Community Center;
 - (3) Seven Trees Neighborhood Association Ugly Sweater Potluck on December 6, 2017 at the Seven Trees Community Center;
 - (4) Tully Santa Program on Saturday, December 9, 2017 at the Tully Branch Library;
 - (5) Seven Trees Santa Program on Saturday, December 16, 2017 at the Seven Trees Community Center; and
 - (6) West Evergreen Neighborhood Holiday Celebration on Wednesday, December 20, 2017 at OB Whaley Elementary School.
 - (c) 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. (Nguyen)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 1, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 7 Community Events as City Council Sponsored Special Events were retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Arenas.)

- 2.16 17-451** As recommended by the Rules and Open Government Committee on November 29, 2017:
- (a) Retroactively approve the Walk Around the Lake Ribbon Cutting Ceremony held on Saturday, December 2, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Khamis)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 1, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Walk Around the Lake Ribbon Cutting Ceremony as a City Council Sponsored Special Event was retroactively approved, and expenditure of funds and authorization to accept donations from various individuals, businesses or community groups to support the event, was approved. (10-0-1. Absent: Arenas.)

2.17 17-452 African American History Month Flag Raising Ceremony and Reception.

- Recommendation:** As recommended by the Rules and Open Government Committee on November 29, 2017:
- (a) Approve the African American History Month Flag Raising Ceremony and Reception scheduled on February 2, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
- CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)

Documents Filed: Memorandum from City Clerk Toni J. Taber, dated December 1, 2017, transmitting the recommendations of the Rules and Open Government Committee.

Action: The African American History Month Flag Raising 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. (10-0-1. Absent: Arenas.)

END OF CONSENT CALENDAR

3. STRATEGIC SUPPORT

- 3.3 17-394** As recommended by the Public Safety, Finance and Strategic Support Committee on November 16, 2017, accept the Audit of San Jose's Tier 3 Defined Contribution Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor)

3.3 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, November 22, 2017, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

City Auditor Sharon Erickson provided the audit, and Deputy City Manager Julia Edmonds-Mares responded to questions.

Action: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, the report was accepted. (10-0-1. Absent: Arenas.)

- 3.4 17-395** As recommended by the Public Safety, Finance and Strategic Support Committee on November 16, 2017, accept the Audit of Employee Travel Expenses. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor)
[Public Safety, Finance and Strategic Support Committee referral 11/16/17 - Item (d)6.]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, November 22, 2017, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

City Auditor Sharon Erickson provided the audit, and staff responded to questions.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, the report was accepted. (8-0-3. Absent: Arenas, Carrasco, Rocha.)

- 3.5 17-393** As recommended by the Public Safety, Finance and Strategic Support Committee on November 16, 2017, accept the following First Quarter (period ending September 30, 2017) Financial Reports for Fiscal Year 2016-2017 for the following programs:
(a) Debt Management Report.
(b) Investment Management Report.
(c) Revenue Collection Report.
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 11/16/17 - Item (c)1.]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, November 22, 2017, providing recommendations of the Public Safety, Finance & Strategic Support Committee.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Chappie Jones and carried unanimously, the report was accepted. (10-0-1. Absent: Arenas.)

3.6 17-281

Retirement Services Audit. *DEFERRED*

As recommended by the Public Safety, Finance, and Strategic Support Committee on October 19, 2017, accept the audit of Retirement Services. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City actions. (City Auditor) [Public Safety, Finance, and Strategic Support Committee referral 10/19/17 - Item (d)5]
(Deferred from 11/7/17 - Item 3.3 and 11/28/17 - Item 3.3)

Action: Deferred to January 9, 2018 per Administration.

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 17-399

Conduct a Public Hearing and adopt a resolution:

- (a) Accepting the summary of costs and findings of the Summary Report pursuant to Section 33433 of the California Health and Safety Code for the disposition of a property located at 278 N. 2nd Street to be acquired by the City under an exercise of option to Affirmed/PATH Ventures under the terms and conditions of the proposed Ground Lease;
- (b) Authorizing the Director of Housing to negotiate and execute documents and document amendments related to a lease rider for a planned permanent supportive housing community for formerly-homeless individuals in favor of the California Tax Credit Allocation Committee and subject to satisfaction of certain conditions; authorizing the Director of Housing to execute a lender's consent to the Tax Credit Allocation Committee lease rider; and
- (c) Approving a change in the affordability mix of 278 N. 2nd Street, a 100% supportive housing community for formerly-homeless individuals to be comprised of 83 studio apartments: 42 units will be income-restricted at 30% of Area Median Income; 41 units will be price-restricted to 50% of Area Median Income; and one unit will be an unrestricted manager's unit. After 55 years, these restrictions will float up to 60% AMI for new residents.

CEQA: Addendum to the San José Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, File Nos. C16-020, CP16-014, and AT16-030. Council District 3. (Housing)

Documents Filed: Memorandum from Director of Housing Jacky Morales-Ferrand, dated November 13, 2017, recommending holding 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.

4.1 (Cont'd.)

Staff responded to questions from Council.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Johnny Khamis and carried unanimously, Resolution No. 78436, entitled: “A Resolution of the Council of the City of San José Accepting the Summary Report Pursuant to California Health and Safety Code Section 33433 for the Ground Leasing of Future City-Owned Property to Affirmed/Path Ventures and Related Actions for the Villas on the Park Affordable Apartment in Downtown San José”, was adopted. (10-0-1. Absent: Arenas.)

4.2 17-396

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 a 25-foot light and air easement (“setback easement”) located at 5159 and 5181 Brewster Avenue;
- (b) Vacating the 25-foot setback easement located at 5159 and 5181 Brewster Avenue; 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: Exempt, File Nos. PP17-054 & PP17-055, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

Documents Filed: (1) Memorandum from Director of Public Works Barry Ng, dated November 13, 2017, recommending holding a public hearing and adopting a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on November 21, 2017, submitted by the City Clerk.

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, Resolution No. 78437, entitled: “A Resolution of the Council of the City of San José Vacating a 25-Foot Setback Easement Located at 5159 & 5181 Brewster Avenue”, was adopted. (10-0-1. Absent: Arenas.)

4.3 17-085

Accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Economic Development/Planning, Building and Code Enforcement)

Documents Filed: (1) Joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Chappie Jones, Councilmember Raul Peralez and Councilmember Dev Davis, dated December 1, 2017, recommending staffs’ recommendations with modifications. (2) Joint memorandum from Councilmember Donald Rocha and Councilmember Sergio Jimenez, dated December 1, 2017, recommending staffs’ recommendations with additional direction. (3) Joint memorandum from Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement and Deputy City Manager/Director of Economic Development Kim Welsh, dated December 1, 2017, providing feedback from the development community.

4.3 (Cont'd.)

Mayor Sam Liccardo opened the public hearing.

Public Comments: Expressing concerns, recommendations, and comments, were: Mathew Reed, Dennis Martin, Nathan Ho (Silicon Valley Leadership Group), Jocelyn Tidwell (SPUR), and Gerry DeYoung.

Mayor Sam Liccardo closed the public hearing.

Rosalynn Hughey, Interim Director, Planning, Building and Code Enforcement, and Senior Business Development Manager, Chris Burton, provided a presentation.

Motion: Councilmember Chappie Jones moved approval of the memorandum he coauthored with Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, and Councilmembers Peralez and Davis, dated December 1, 2017, with changes to part 'b' as indicated in "Action". Councilmember Dev Davis seconded the motion.

Action: On a call for the question, the motion carried, to accept the progress report on the implementation of the Urban Village component of the Envision San José 2040 General Plan, and provide comments on the proposed approach for implementation including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Jones, Peralez and Davis, dated December 1, 2017, with changes to 1(b) as indicated:

1. Return to Council in April of 2018 with a proposed Urban Village financing plan.
 - a. Prior to April, hold additional community meetings to review and obtain feedback from neighborhood residents, Urban Village advisory groups, and developers before returning to Council with final recommendations on the Urban Village financing plan.
 - b. In the absence of Council approval of a fully-developed financing plan in April, accept applications for an interim period, beginning on that date, for mixed-use and residential development within Urban Villages. *In the absence of an approved financing plan, then with a recommendation for an interim Urban Village Enhancement Contribution or provide amenities based on a percentage basis, to be recommended by staff and approved by Council in April 2018.*
 - c. New applications and existing pipeline projects can move forward pursuant to 1.b. for an interim period, and staff shall continue to develop an Urban Village financing plan pursuant to Council direction for future applicants and Urban Village development.
2. Ensure the entitlement process for the Urban Village Mixed-Use Zoning District is a single conforming rezoning - initiated by the applicant, processed within 90-120 days, and brought directly to Council for approval - to enable development of mixed use projects on parcels within urban villages citywide.
3. Exempt Signature Projects from adhering to the requirements of an Urban Village financing plan.
4. Drop the recommendation for the establishment of a Community Facilities District (CFD) for each Urban Village, or closely related group of Urban Villages, for the purposes of developing a citywide urban village financing rate structure. Retain consideration of CFD's to fund needed infrastructure on large, consolidated multi-parcel development proposals. Property owners will be solely responsible for the maintenance of amenities built on site.

(Item continued on the next page)

4.3 (Cont'd.)

5. Dedicate Planning staff resources to planning urban villages that will be located in Horizon 1, with the exception of signature projects. 6. Complete the total cost of development fee study, including hypothetical development examples, and provide that data to the Council concurrently with the Urban Village financing plan.

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

PUBLIC SAFETY

8.1 17-422

(a) Approve the proposed 2017-2019 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,600,506 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in this Memorandum in the event State SLES Grant payments are less or more than expected.

(b) Approve the revised 2016-2018 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$2,242,597.

(c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Supplemental Law Enforcement Services Fund:

(1) Increase the estimate for Revenue from State of California by \$791,419;

(2) Establish an estimate for Revenue from the Use of Money/Property in the amount of \$5,131;

(3) Increase the appropriation to the Police Department for the SLES Grant 2016-2018 in the amount of \$637,717; and

(4) Establish an appropriation to the Police Department for the SLES Grant 2017-2019 in the amount of \$158,833.

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, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

Documents Filed: Joint memorandum from Chief of Police Edgardo Garcia and Assistant Budget Director Margaret McCahan, dated November 20, 2017, recommending approval of the spending plan and adoption of an appropriation ordinance and funding sources resolution amendments.

Staff responded to questions from Council.

(Item continued on the next page)

8.1 (Cont'd.)

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, Resolution No. 78438, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 78229 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2017-2018 to Adjust Revenues in the Supplemental Law Enforcement Services (SLES) Fund”; and Ordinance No. 30040, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29962 to Appropriate Moneys in the Supplemental Law Enforcement Services (SLES) Fund for the SLES Grant 2016-2018 and SLES Grant 2017-2019; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (10-0-1. Absent: Arenas.)

8.2 17-397 Actions Related to the Purchase Order with Airbus Helicopters Inc.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to:
 - (1) Execute a Purchase Order with Airbus Helicopters Inc. (Grand Prairie, TX), to purchase one model H125 Helicopter in an amount not to exceed \$5,211,074 including the base configuration helicopter, configuration options as required by the Police Department, and pilot training, exclusive of any applicable taxes and fees; and
 - (2) Approve a contingency of \$500,000 for any unforeseen changes or modifications to the final configuration to the helicopter, subject to the appropriation of funds.
 - (b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the Federal Drug Forfeiture Fund:
 - (1) Establish a new appropriation for Police Helicopter Replacement in the amount of \$3,473,500; and
 - (2) Decrease the Ending Fund Balance by \$3,473,500.
- CEQA: Not a Project, File No. File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment and 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. (Police/Finance/City Manager)

Documents Filed: Joint memorandum from Chief of Police Edgardo Garcia, Director of Finance Julia H. Cooper and Assistant Budget Director Margaret McCahan, dated November 20, 2017, recommending adoption of a resolution.

Action: Upon motion by Councilmember Raul Peralez, seconded by Councilmember Sergio Jimenez and carried unanimously, Resolution No. 78439, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to: (1) Execute a Purchase Order with Airbus Helicopters Inc. (Grand Prairie, TX), to Purchase One Model H125 Helicopter in an Amount not to Exceed \$5,211,074 including the Base Configuration Helicopter, Configuration Options as Required by the Police Department, and Pilot Training, Exclusive of any Applicable Taxes and Fees; and (2) Approve a Contingency of \$500,000 for any Unforeseen Changes or Modifications to the Final Configuration to the Helicopter, Subject to the Appropriation of Funds”; and Ordinance No. 30041, entitled: “A Ordinance of the Council of the City of San José Amending Ordinance No. 29962 to Appropriate Moneys in the Federal Drug Forfeiture Fund for the Police Helicopter Replacement; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (10-0-1. Absent: Arenas.)

Adjournment

The Council of the City of San José was adjourned at 3:13 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber, CMC
City Clerk

rmk/12-5-17 MIN