



City Council Meeting

SYNOPSIS

Tuesday, February 27, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10

- **Call to Order and Roll Call**

9:00 a.m. - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: None.

6:00 p.m.- Public Hearings, Council Chambers, City Hall - **CANCELLED**

- **Invocation (District 2)**

Father Saju Joseph of St. Julie Billiard Parish provided the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

None provided.

1. CEREMONIAL ITEMS

- 1.1 18-248** Presentation of a proclamation recognizing March 3, 2018 as National Play Outside Day. (Peralez)
Mayor Sam Liccardo and Councilmember Raul Peralez presented a proclamation recognizing March 3, 2018 as National Play Outside Day.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

None provided.

2.2 Final Adoption of Ordinances.

18-269

Recommendation:

(a) ORD.NO. 30069 - An ordinance of the City of San José amending Chapter 4.79 and Chapter 4.80 of Title 4 of the San Jose Municipal Code and amending Chapter 14.32 of Title 14 of the San Jose Municipal Code to establish the Library Parcel Tax Capital Fund, the Convention and Cultural Affairs Capital Fund, the Convention Center Facility District Revenue Fund, and the Convention Center Facility District Capital Fund, and to make technical and clarifying changes. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; 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.

Ordinance No. 30069 passed for publication.

(b) ORD. NO. 30073 - An ordinance of the City of San José rezoning certain real property of approximately 0.48 acre situated at the west side of Meridian Avenue, approximately 370 feet southerly of Fruitdale Avenue (923 and 927 Meridian Ave), from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency with the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval.

Ordinance No. 30073 passed for publication.

(c) ORD. NO. 30074 - An ordinance of the City of San José rezoning certain real property of approximately 14.0-gross acres situated on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) from the IP(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District.

CEQA: Addendum to North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

Ordinance No. 30074 passed for publication.

2.2 Final Adoption of Ordinances (Cont'd.)

(d) ORD. NO. 30075 - An ordinance of the City of San José rezoning certain real property of approximately 1.54-gross acres situated at the northeast corner of Commercial Street and Oakland Road (1202 Oakland Road) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.
CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration.
Ordinance No. 30075 passed for publication.

2.3 Approval of Council Committee Minutes.

18-211 Approval of Council Committee Minutes.

Recommendation: (a) Transportation and Environment Committee Minutes of December 2, 2017. (Carrasco)
(b) Rules and Open Government Committee Minutes of December 13, 2017. (Mayor)
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
Approved.

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.

Councilmember Dev Davis reported out on the February 15th meeting of the Federated Board. She reported on post-employment benefits and noted a decrease in unfunded liability.

2.7 18-233 Approval of Free Use for Innovation and Impact Symposium on May 31, 2018.

Recommendation: Adopt a resolution authorizing “Free Use” for private, ticketed events and activities held at City Hall for the Innovation and Impact Symposium on Thursday, May 31, 2018 co-hosted by the City of San José Mayor’s Office and Prospect Silicon Valley.
CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Mayor)
Resolution No. 78516 adopted.

2.8 18-245 Retroactively Approve Ryan Neighborhood Dumpster Day 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.

Recommendation: As recommended by the Rules and Open Government Committee on February 7, 2018:

(a) Retroactively approve the Ryan Dumpster Day scheduled on January 27, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Carrasco)

[Rules Committee referral 2/07/18 - Item G.1.b]

Approved.

2.9 18-246 Retroactively Approve Community Meeting 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.

Recommendation: As recommended by the Rules and Open Government Committee on February 7, 2018:

(a) Retroactively approve the Community Meeting scheduled on January 20, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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 physical changes to the environment. (Carrasco)

[Rules Committee referral 2/07/18 - Item G.1.c]

Approved.

2.10 18-247 Retroactively Approve Participatory Budget Celebration 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.

Recommendation: As recommended by the Rules and Open Government Committee on February 7, 2018:

(a) Retroactively approve the Participatory Budget Celebration scheduled on January 4, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Carrasco)

[Rules Committee referral 2/07/18 - Item G.1.d]

Approved.

2.11 18-244 Approval of Neighborhoods Commission Appointments.

Recommendation: Approve the following Neighborhoods Commission appointments:
(a) District 7 Seat: Appoint Jonathan Velasquez for the term February 27, 2018 through June 30, 2018; and
(b) District 8 Seat: Appoint Jeremy Barousse for the term February 27, 2018 through June 30, 2020.
CEQA: Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
Approved.

2.12 18-243 Establishment of the General Purpose Parking Capital Fund.

Recommendation: Approve an ordinance amending Part 13 of Chapter 4.80 of Title 4 of the San José Municipal Code to amend Section 4.80.670 and add new Sections 4.80.680 and 4.80.690 to establish the General Purpose Parking Capital Fund and to make technical and clarifying changes.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; 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. (City Manager)
Ordinance No. 30076 passed for publication.

2.13 18-178 Agreements with Haley & Aldrich, Inc. and Langan Engineering & Environmental Services, Inc. for Geotechnical Consulting Services for City Improvement Projects.

Recommendation: Approve the Master Agreements with Haley & Aldrich, Inc. and Langan Engineering & Environmental Services, Inc. from the date of execution through December 31, 2022 in an amount not to exceed \$1,000,000 for each agreement. CEQA: Not a Project, File No. PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Public Works)
Approved.

2.14 18-180 Amendment to Master Agreement with GHD, for City Trail Projects.

Recommendation: Approve the First Amendment to the Master Agreement with GHD, Inc. extending the expiration of the agreement from June 30, 2018 to June 30, 2020 for the limited purpose of allowing the Consultant to complete services for the Coyote Creek Trail (Brokaw Rd - UPRR) under Service Order No. 8, at no additional cost to the City.
CEQA: Mitigated Negative Declaration for the Coyote Creek Trail Master Plan (Montague Expressway to Watson Park), File No. PP09-218. Council District 4. (Public Works)
Approved.

2.15 18-215 Report on Bids and Award of Contract for the Park Avenue Green Bike Lane Enhancement Project.

Recommendation: (a) Report on bids and award of a construction contract for the Park Avenue Green Bike Lane Enhancement Project, to the low bidder, Chrisp Company in the amount of \$454,517.
(b) Approve a 10% contingency in the amount of \$45,572.
CEQA: Exempt, File No. PP13-069, CEQA Guidelines Section 15301(c), Existing Facilities and 15304(h), Minor Alterations to Land. Council Districts 3 & 6. (Transportation)
Approved.

2.16 18-255 Retroactively Approve the District 4 Office Hours Event Sponsored By Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Retroactively approve the District 4 Office Hours event scheduled on February 22, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(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. (Diep)
[Rules Committee referral 2/14/18 - Item G.1.a]
Approved.

2.17 18-249 Retroactive Approval of Traffic Safety Meeting Sponsored By Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 14, 2018:
(a) Retroactively approve the Traffic Safety Meeting scheduled on January 29, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(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. (Arenas)
[Rules Committee referral 2/14/18 - Item G.1.b]
Approved.

2.18 18-250 Approval of Dumpster Day Sponsored By Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on February 14, 2018:

- (a) Approve the Dumpster Day scheduled on March 10, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (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. (Rocha)

[Rules Committee referral 02/14/18 - Item G.1.c]

Approved.

2.19 18-251 Approval of the San Jose Earthquakes Flag Raising Sponsored By Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on February 14, 2018:

- (a) Approve the San Jose Earthquakes Flag Raising scheduled on February 28, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (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)

[Rules Committee referral 2/14/18 - Item G.1.d]

Approved.

2.20 18-252 Approval of the Cesar Chavez Day Flag Raising Sponsored By Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation:

As recommended by the Rules and Open Government Committee on February 14, 2018:

- (a) Approve the Cesar Chavez Day Flag Raising Ceremony scheduled on March 22, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (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)

[Rules Committee referral 2/14/18 - Item G.1.e]

Approved.

2.21 18-253 Retroactive Approval of Coffee with the Chief Sponsored By Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 14, 2018:

(a) Retroactively approve the Coffee with the Chief scheduled on February 10, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Jimenez)

[Rules Committee referral 2/14/18 - Item G.1.f]

Approved.

2.22 18-254 Approval of the District 4 Spring Cleaning Event Sponsored By Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 14, 2018:

(a) Approve the District 4 Spring Cleaning Event scheduled on April 21, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Diep)

[Rules Committee referral 2/14/18 - Item G.1.g]

Approved.

2.23 18-257 Approval of the 13th Annual Santos Family Car Show Sponsored By Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 14, 2018:

(a) Approve the 13th Annual Santos Family Car Show scheduled on September 1, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (Diep)

[Rules Committee referral 2/14/18 - Item G.1.h]

Approved.

2.24 18-261 Actions Related to Councilmember Peralez's Travel to Tokyo-Okayama, Japan.

Recommendation: Authorize travel for Councilmember Peralez to Tokyo-Okayama, Japan on April 5- April 15, 2018 for Okayama Sister Cities Delegations Trip, and excuse his absence from the Regular Meeting of the City Council on April 10, 2018 and Neighborhood Services and Education Committee on April 12, 2018. Source of Funds: District 3 Office Funds (Personal Travel or activities on April 6-7, 2018 and April 13-14, 2018 will be paid for using personal funds).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Peralez)
[Rules Committee referral 2/21/18 - Item A.1.a]
Authorized.

2.25 18-267 Actions Related to Mayor Liccardo's Travel to Washington D.C.

Recommendation: (a) Authorize travel for Mayor Liccardo to Washington D.C. to attend the Silicon Valley Leadership Group Advocacy Trip from February 27-28, 2018, as an official representative of the City of San José.
(b) Authorize an excused absence for Mayor Liccardo from the following meetings due to Authorized City Business:
(1) Any duration of the February 27, 2018 meeting of the San José City Council after Mayor Liccardo departs the San José International Airport.
(2) February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole. Source of Funds: Mayor/Council Travel Budget.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Mayor)
[Rules Committee referral 2/21/18 - Item A.1.a]
Authorized.

2.26 18-276 Deferred Compensation Committee Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on February 14, 2018, approve Roberto Peña, as the representative nominated by the group of employees designated as “Management Employees” for a four-year term starting March 2, 2018 and ending on March 1, 2022 to the Deferred Compensation Advisory Committee.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Human Resources)
[Rules Committee referral 2/14/18 - Item F.1]
Approved.

2.27 18-277 Approval of 2018 State of the District Sponsored By Council District 6 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on February 21, 2018:
(a) Approve the 2018 State of the District scheduled on March 3, 2018 as a City Council sponsored Special Event and approve the expenditure of funds; and
(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)
[Rules Committee referral 2/21/18 - Item G.1.a]
Approved.

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)
None provided.

3.2 Labor Negotiations Update.
Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 18-241 Actions Related to the Agreement with Calpine Energy Solutions, LLC, for Data Management and Call Center Services for San José Clean Energy.

Recommendation: Approve the Professional Services Agreement for Data Management and Customer Call Center Services with Calpine Energy Solutions, LLC for San José Clean Energy for a period of two years from the date of execution in an amount not to exceed \$5,783,800, and up to two one-year agreement extension options, each for an additional \$4,950,000, for a total contract amount not to exceed \$15,683,800, with no expenditure of funds in 2017-2018 and subject to appropriation of funds in 2018-2019 and subsequent fiscal years.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)
Approved.

3.4 18-209 Status Report on Deferred Maintenance and Infrastructure Backlog.

Recommendation:

As recommended by the Transportation and Environment Committee on February 5, 2018, accept status report on the City's Deferred Maintenance and Infrastructure Backlog.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Public Works)
[Transportation and Environment Committee referral 2/05/18 - Item (d)2]
Deferred from 2/27/18 to 3/6/18 per Administration.

3.5 18-179 Actions Related to the FEMA - Watson Park - Turf Soccer Fields and Field Lighting.

Recommendation:

Adopt a resolution authorizing the Director of Public Works to:
(a) Award a construction contract for the 8713 FEMA - Watson Park - Turf Soccer Fields and Field Lighting (SCSJG82/PW-1169) Project to the lowest responsive and responsible bidder for the Base Bid, Repair Bid Alternates Nos. 1, 2, 3, and/or 4, and Bid Alternates Nos. 5, 6, and/or 7, in an amount not to exceed \$3,805,750 and to approve a fifteen (15) percent (of the Base Bid) change order reserve/contingency in an amount not to exceed \$395,000;
(b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project; and
(c) Negotiate and execute any single and/or multiple change orders paid from the contingency for the project in any amount up to the amount of the contingency.
CEQA: Determination of Consistency with the Watson Park Remedial Action Plan and Master Plan Mitigated Negative Declaration for FEMA-Watson Park Flood Repair Project, File No. PP17-074. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)
Resolution No. 78517 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-217 Actions Related to the End of Watch Police Memorial Project.

Recommendation:

(a) Receive the report on the design for the End of Watch Police Memorial design; and
(b) Continue to approve and accept donations from various individuals, businesses, and community groups to support the End of Watch Police Memorial project.
CEQA: Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities. (Economic Development)
Approved.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-213 Public Hearing on the Air Service Support Program.

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City’s Air Service Support Program, as authorized by the Federal Aviation Administration to Southwest, Frontier Airlines, and Delta Air Lines.

Public hearing held.

(b) Adopt a resolution authorizing the Director of Aviation or the Director’s designee to provide the City’s Air Service Support Program to new air carrier service as outlined in the tables below:

TABLE 1: Southwest Routes

Airline: Southwest
Market: Spokane
Airport: GEG
Frequency: 1 Daily
Support Period: 12 Months
Landing Fee Waivers: (\$115,474)
Marketing Funds: (\$25,000)

Airline: Southwest
Market: Houston
Airport: HOU
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

Airline: Southwest
Market: St. Louis
Airport: STL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

Airline: Southwest
Market: Chicago
Airport: MDW
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

Public Hearing on the Air Service Support Program (Cont'd.)

Airline: Southwest
Market: Orlando
Airport: MCO
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$173,211)
Marketing Funds: (\$50,000)

TABLE 2: Frontier and Delta Routes

Airline: Frontier
Market: Atlanta
Airport: ATL
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$195,070)
Marketing Funds: (\$195,070)

Airline: Frontier
Market: Cincinnati
Airport: CVG
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$195,070)
Marketing Funds: (\$195,070)

Airline: Frontier
Market: Colorado Springs
Airport: COS
Frequency: 1 Daily
Support Period: 12 Months
Landing Fee Waivers: (\$130,047)
Marketing Funds: (\$130,047)

Airline: Delta
Market: New York
Airport: JFK
Frequency: 1 Daily
Support Period: 18 Months
Landing Fee Waivers: (\$196,136)
Marketing Funds: (\$50,000)

For each airline and corresponding route, landing fees are waived under the program for the qualifying periods and/or marketing funds are provided to promote the new services.

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

Resolution No. 78518 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 18-214 Climate Smart San José Plan.

Recommendation:

- (a) Accept the Climate Smart San José plan.
 - (b) Direct the City Manager to return to Council in fall 2018 with a progress update on Climate Smart San José.
- CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR, Supplemental EIR, and Addenda thereto, File No. PP18-009.
(Environmental Services)

Item heard directly after the Consent Calendar.

Accepted, including the joint memorandum from Mayor Sam Liccardo and Councilmembers Jimenez, Davis and Arenas, dated February 23, 2018, to

Adopt Climate Smart San Jose with the following recommendations:

1. Direct the City Manager to ensure organizational commitment to implement Climate Smart San Jose (CSSJ) to meet our sustainability goals.
2. Develop CSSJ work plans, with an emphasis on priority items, and report progress on CSSJ to the City Council semi-annually.
3. Direct City Clerk to update Council memo template to include an alignment with CSSJ.
4. Where the following priorities have “green light” for staff capacity, prioritize the following items for the next 9 months:
 - a. Launch San Jose Clean Energy (SJCE) and stabilize the program fiscally;
 - b. Aggressively identify options for financing access to solar and energy-efficiency measures that provide benefits broadly — with a particular emphasis on providing access to low- and modest-income households — in collaboration with state, regional, non-profit, and private-sector partners. Return to Council with options within 6 months that specifically address the limitations and opportunities of PACE financing and power-purchase agreements, while exploring other tools and resources, including future SJCE revenues;
 - c. Create innovative policies and programs to spur commercial building energy efficiency initiatives through the grant-funded City Energy Project;
 - d. Develop an electric vehicle (EV) strategy to advance public and private charging infrastructure. The strategy should focus, in part, on fully exploring and leveraging opportunities for external funding - e.g., through PG&E, the Volkswagen settlement, the cap-and-trade program, and the Air Resources Board - to accelerate EV adoption as well as access to EV shared mobility options. Return to Council with a proposed strategy in the Fall of 2018, with specific numerical targets for public and private chargers;
 - e. Develop a community engagement plan to build awareness and to activate San Jose residents and businesses to provide feedback as we move toward implementing CSSJ. Engage council offices on community engagement plan, and report on this effort to the Transportation and Environment Committee in the first 6 months.

(Item continued on the next page)

7.11 8-214 Climate Smart San José Plan (Cont'd.)

5. Direct staff to work with the State of California, the Santa Clara Valley Open Space Authority, and other potential funding partners to agree upon a defined scope, and funding plan, for a Climate Smart San Jose Phase II spatially explicit analysis of the Plan area and incorporation of natural and working lands that addresses carbon sequestration on those lands as well as other ways that building on those lands can impact carbon emissions. Staff should return through the budget process with funding plan, scope of work, and timeline.
 6. Direct staff to report greenhouse gas emissions for the City through the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories, or other similar reporting protocol.
 7. Direct staff to collaborate with foundations, NGOs, universities, and agencies to advance CSSJ, including, in the short term, identifying funding opportunities and partners to develop data collection tools and an online dashboard to track continued progress on CSSJ. This work should leverage Smart City data efforts.
 8. Direct staff to convene technical experts annually to inform and help adaptively manage CSSJ. This group should draw on industry, labor, environmental NGOs, and academia to assist in this effort.
- (11-0.)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **18-218 Conforming Rezoning for Real Property Located at 86 North 17th Street.**

Recommendation: Consideration of an ordinance of the City of San José rezoning an approximately 1.86-gross acre site located on the north east corner of East Santa Clara and North 17th Street (86 North 17th Street) from the CG-Commercial General and LI- Light Industrial Zoning Districts to the PQP- Public/Quasi-Public Zoning District (San Jose Water Works, Owner).
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) C17-037 - Council District 3
Deferred to 3/13/18 per Administration.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

GENERAL PLAN HEARING (FIRST CYCLE) CONTINUED FROM FEBRUARY 13, 2018

10.2 18-144 General Plan Text Amendment and Related Changes: Transportation Analysis Policy to Comply with Senate Bill 743.

Recommendation: The City is updating its transportation analysis policy and related changes to conform with State law (SB 743) and to further the goals and policies of the General Plan by removing the vehicular Level of Service (LOS) metric from transportation analysis under the California Environmental Quality Act (CEQA) and replacing it with a Vehicle Miles Traveled (VMT) metric.

Items #1, #3a and 3b from the joint memorandum from Councilmembers Jimenez and Rocha, dated February 23, 2018, was accepted, approving the staff recommendation with the following modifications:

- 1. Clarify that the fee listed for commercial development in table 2 on page 14 of the proposed policy 5-1 is intended to apply to both commercial and industrial development;**
- 3. As part of Phase 2, direct staff to take the following actions: (a) Develop potential criteria for measuring "overriding benefits" and prepare a list of example benefits that could be proposed; (b) Evaluate whether it would be more desirable for the City, instead of project applicants, to hire consultants to prepare transportation and VMT analysis for EIRs, with costs charged to project applicants.**

(a) Adopt a resolution approving the General Plan Text Amendment to reflect the new City Council Transportation Analysis Policy 5-1.
Resolution No. 78519 adopted.

(b) Adopt a resolution approving a new City Council Policy 5-1 entitled "Transportation Analysis Policy" using VMT, rather than LOS, as the CEQA transportation metric, and amending City Council Policy 5-3 entitled "Transportation Impact Policy" providing a transition from LOS to VMT.
Resolution No. 78520 adopted.

(c) Adopt a resolution designating Infill Opportunity Zones (IOZs) pursuant to SB 743 to align the City's participation in the regional Congestion Management Program with the new City Council Transportation Analysis Policy 5-1.
Resolution No. 78521 adopted.

(Item continued on the next page)

10.2 18-144

General Plan Text Amendment and Related Changes: Transportation Analysis Policy to Comply with Senate Bill 743 (Cont'd.)

CEQA: Pursuant to Section 21080(b)(1), the proposed adoption of the General Plan Text Amendment, adoption of new a City Council Transportation Analysis Policy 5-1, amendment to the existing City Council Transportation Impact Policy 5-3, and adoption of Infill Opportunity Zones, are ministerial actions and pursuant to Guidelines 15268(a), ministerial actions are exempt from the requirements of CEQA. (Planning, Building and Code Enforcement) GPT17-009 & PP17-082 - Citywide (Deferred from 2/13/18 - Item 10.3)

GENERAL PLAN HEARING (FIRST CYCLE) WAS CLOSED.

• Open Forum

- (1) Blair Beekman spoke on community outreach and the need for transparency.
- (2) Manuel Vieira addressed inequities regarding parking enforcement of street parking. The Mayor continued the discussion with Mr. Vieira following the meeting.

• Adjournment

The Council of the City of San José adjourned at 6:21 p.m.

18-299 Notice of City Engineer's Pending Decision on Final Maps.

Recommendation: In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's **pending** decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Council Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
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In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's **receipt** of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Council Lots/Units</u>	<u>Type</u>	<u>Developer</u>
10443	NE/C of Rosemar Ct & Rosemar Ave	5	3/3	SFD	Rosemar Enterprise Corporation

This notice is to be posted with the City Council's regular agenda for 2/27/18.