



City Council Meeting

Synopsis

Tuesday, February 13, 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



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

- Call to Order and Roll Call

9:00 a.m. Closed Session, Call to Order in Council Chambers
Absent: All Present

1:30 p.m.- Regular Session, Council Chambers, City Hall
Absent: All Present

- **Invocation (Mayor)**

Pastor Micaiah Irmeler of Southridge Church 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 17-350** Presentation of a commendation to the San José Walk n' Roll Task Force Advisory, Board Members for their leadership and support to over 65 schools in promoting walking, biking or rolling to school and sustaining/expanding the program to advance pedestrian safety and healthy lifestyles in our City. (Mayor)
Mayor Sam Liccardo presented a commendation to the San José Walk n' Roll Task Force Advisory Board Members for their leadership and support to over 65 schools in promoting walking, biking or rolling to school and sustaining/expanding the program to advance pedestrian safety and healthy lifestyles in our City.
- 1.2 18-181** Presentation of a commendation to the Iranian Federated Women's Club for outstanding volunteer and charitable efforts throughout 2017. (Khamis)
Mayor Sam Liccardo and Councilmember Johnny Khamis presented a commendation to the Iranian Federated Women's Club for outstanding volunteer and charitable efforts throughout 2017.
- 1.3 18-206** Presentation of a commendation to Evolve Sense, Philz Coffee, Casino M8trix and the Sierra Club Loma Prieta Chapter for their commitment to beautifying and supporting our communities during the 2017 Great American Litter Pick Up. (Peralez)
Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Evolve Sense, Philz Coffee, Casino M8trix and the Sierra Club Loma Prieta Chapter for their commitment to beautifying and supporting our communities during the 2017 Great American Litter Pick Up.
- 1.4 18-240** Presentation of a proclamation recognizing February 2018 as Children's Dental Health Month in the City of San José. (Arenas)
Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a proclamation recognizing February 2018 as Children's Dental Health Month in the City of San José.

2. CONSENT CALENDAR

The Consent Calendar was approved with the following changes: Item 2.2 Ordinance 30067 was deferred to March 13, 2018. The date for Item 2.14 (c) should read February 12, 2023 NOT 2024.

18-184 Approval of City Council Minutes.

Recommendation: (a)Regular Council Meeting Minutes of 6/20/17
(b)Regular Council Meeting Minutes of 6/27/17
(c) Regular Council Meeting Minutes of 8/8/17
(d) Regular Council Meeting Minutes of 8/15/17
(e) Regular Council Meeting Minutes of 9/12/17
(f) Regular Council Meeting Minutes of 9/19/17
(g) Regular Council Meeting Minutes of 9/26/17
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.

2.2 18-208 Final Adoption of Ordinances.

Recommendation: ORD. NO. 30067 An ordinance of the City of San José rezoning Certain real property of approximately 63 gross acres situated at the terminus of America Center Drive, (APNs: 015 45 013, 024, 032, 048, 049, 050, 051, 051, 052, and 053) from the A(PD) Planned Development Zoning District. CEQA: Subsequent Environmental Impact Report to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392). Planning Commission Recommends approval (5 0 1 1: Bit Badal absent, Vora abstained). (Planning, Building and Code Enforcement)
Deferred to March 13, 2018.

2.3 18-183 Approval of Council Committee Minutes.

Recommendation: (a) Neighborhood Services and Education Committee Minutes of November 9, 2017. (Rocha)
(b) Community and Economic Development Committee Minutes of November 27, 2017. (Khamis)
(c) Rules and Open Government Committee Minutes of January 24, 2018. (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 18-207 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Sylvia Arenas from the Public Safety, Finance, and Strategic Support on February 15, 2018 due to authorized City Business.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment.
(Arenas)
Approved.

2.5 City Council Travel Reports.

None provided

2.6 Report from the Council Liaison to the Retirement Boards.

None provided

2.7 18-188 Actions Related to City Auditor's Travel to Denver, Colorado.

Recommendation: Authorize travel for City Auditor Sharon Erickson to Denver, Colorado on March 5 9, 2018 to participate in a peer review of the Office of the Auditor of the City and County of Denver, Colorado. Source of Funds: Travel expenses reimbursed by the Office of the Auditor of the City and County of Denver, Colorado. CEQA: Not a Project, File No. PP17 010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Auditor)
Approved.

2.8 18-189 Actions Related to City Auditor's Travel to Colorado Springs, Colorado.

Recommendation: Authorize travel for City Auditor Sharon Erickson to Colorado Springs, Colorado on May 6 8, 2018 to participate in the Association of Local Governments Auditors 2018 Annual Conference. Source of Funds: City Auditor non personal appropriation and professional development. CEQA: Not a Project, File No. PP17 010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Auditor.)
Authorized.

2.9 18-126 Approval of the Updated Guaranteed Purchasing Power Benefit Costing for the Settlement Agreement with the San Jose Retired Employees' Association (SJREA)

Recommendation: Approve the updated Guaranteed Purchasing Power benefit costing for the San Jose Retired Employees' Association (SJREA) Settlement Agreement and authorize the changes to the Guaranteed Purchasing Power included in the Settlement Agreement. CEQA: Not a Project, 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 with may result in a potentially significant physical impact on the environment. (City Manager)
Approved

2.10 18-152 Amendment to the Agreement with History San Jose.

Recommendation: Approve an amendment to extend the term of the current agreement with History San Jose (HSJ) to operate and maintain History Park, the Peralta Adobe - Fallon House Historic Site, and the Collection Center at the City Central Service Yard for a period of three months through June 30, 2018. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 & 7. (Economic Development)
Approved.

2.11 18-141 Amendment to the Master Service Agreement with Hydrosience Engineers, Inc. for the Regional Wastewater Facility.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Second Amendment to the Master Service Agreement with HydroScience Engineers, Inc. to extend the term of the Agreement through December 31, 2018. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services)
Resolution No. 78502 Adopted

2.12 18-149 Actions Related to the Purchase Order 54415 with Enviser for Temporary Electrician Services.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Amend Purchase Order 54415 with Enviser (Garden Grove, CA) for temporary electrician staffing services, to increase compensation by \$193,257, for a revised maximum compensation not-to-exceed \$483,257 for the current term ending June 30, 2018; and
(b) Purchase additional services as needed, subject to the same pricing and terms and conditions of the Purchase Order, and 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)
Resolution No. 78503 adopted.

2.13 18-150 Report on Request for Proposal for Landscaping Maintenance Services for Civic Grounds and Small Parks.

Recommendation: Accept the report on the Request for Proposal for Landscaping and Maintenance Services for Civic Grounds and Small Parks and adopt a resolution authorizing the City Manager to:
(a) Execute an Agreement with Bayscape Management Inc. (San José, CA) for Landscaping Maintenance Services for Civic Grounds and Small Parks for an initial twelve-month term commencing on or about February 13, 2018 and ending on or about February 12, 2019 with maximum compensation not-to-exceed \$835,000;
(b) Negotiate and execute amendments and/or change orders to add or delete sites, or change service levels due to seasonal changes or budget constraints, subject to the appropriation of funds.
(c) Execute up to five one-year options to extend the term of the Agreement with the final option year ending on or about February 12, 2024, subject to the appropriation of funds. CEQA: Exempt, File No. PP13-057, CEQA Guidelines Section 15301, Existing Facilities. (Finance)
Resolution No. 78515 adopted.

2.14 18-151 Actions Related to the Purchase Orders for Preventative Maintenance and Repair Services for HVAC Systems.

Recommendation: Adopt a resolution authorizing the City Manager to:
(a) Execute Purchase Orders with Accel Air Systems, Inc. (Santa Clara, CA), Kinetics Mechanical Service (Livermore, CA), and Prime Mechanical (Livermore, CA) for preventative maintenance and repair services for HVAC systems, for an initial twelve-month period, starting on or about February 13, 2018 and ending on or about February 12, 2019, for a total aggregate amount not-to-exceed \$750,000;
(b) Approve a contingency of \$75,000 in the event actual service needs exceed estimates; and
(c) Execute up to four additional one-year options to extend the term of the Purchase Orders, with the last option year ending on or about February 12, 2024, 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)
Resolution No. 78504 Adopted, with the last option year to end on or about February 12, 2023 and NOT 2024.

2.15 18-148 Naming of New Park Located at William Manly Street and Jayhawkers Place.

Recommendation: Approve the name “William Lewis Manly Park” for the park site located near the intersection of William Manly Street and Jayhawkers Place within the Communications Hill Neighborhood in South San José. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. Council District 7. (Parks, Recreation and Neighborhood Services)
Approved.

2.16 18-193 Actions Related to Councilmember Jimenez's Travel to Washington, DC.

Recommendation: Authorize travel for Councilmember Sergio Jimenez to Washington, DC from March 10, 2018 to March 18, 2018, and excuse absences from the Regular meeting of the City Council on March 13, 2018, and Public Safety, Finance, and Strategic Support Council Committee on March 16, 2018. Source of Funds: District 2 Office funds and personal funds (personal travel or activities on March 15, 2018-March 18, 2018 will be paid using personal funds). CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jimenez)
Authorized.

2.17 18-210 Actions Related to Councilmember Khamis's Travel to Washington, DC.

Recommendation: Authorize travel for Councilmember Johnny Khamis to Washington, DC from February 27, 2018 to March 1, 2018 for Silicon Valley Leadership Group and excuse absence from the February 28, 2018 meeting of the Rules and Open Government Committee and Committee of the Whole for travel on City business. Source of Funds: District 10 Office funds. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Khamis)
Authorized.

2.18 18-212 Actions Related to Councilmember Jones's Travel to Washington, DC.

Recommendation: Authorize travel for Councilmember Chappie Jones to Washington, DC from February 27, 2018 to March 1, 2018 to attend the Silicon Valley Leadership Group’s 2018 Spring Advocacy Trip, and excuse absence from the Regular Meeting of the Rules and Open Government Committee on February 28, 2018. Source of Funds: Mayor/Council Travel Fund. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jones)
Authorized.

2.19 18-219

Approval of Community Events Sponsored by Council District 7 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation:

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

- (a) Retroactively approve the Meet and Greet at Almaden Family Apartments on January 18, 2018 at the Almaden Family Apartments as a City Council Sponsored Event and approve the expenditure of funds.
- (b) Retroactively approve the Seven Trees Neighborhood Association Clean Up on February 3, 2018 at Seven Trees Community Center as a City Council Sponsored Special Event and approve the expenditure of funds.
- (c) Retroactively approve the Los Lagos Golf Course Community Meeting on February 5, 2018 at the Los Lagos Golf Course as a City Council Sponsored Special Event and approve the expenditure of funds.
- (d) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - (1) TET Festival Celebration at Seven Trees on February 10, 2018 at Seven Trees Library and Community Center;
 - (2) TET Festival Celebration at Tully Library on February 24, 2018 at Tully Library and Community Room;
 - (3) TET Festival Celebration at Vietnamese American Community Center on February 24, 2018 at the Vietnamese American Community Center;
 - (4) One Year Anniversary of Coyote Creek Flood BBQ on February 26, 2018 at Shirakawa Elementary School;
 - (5) Clean Up with Tam on March 3, 2018 at College Connection Academy;
 - (6) Easter Egg Hunt on March 23, 2018 at Los Lagos Golf Course;
 - (7) Immigration Forum on March 21, 2018 at Saint Maria Goretti Church.
 - (8) Dump Your Junk on April 7, 2018 at Yerba Buena High School; and
 - (9) Clean Up with Tam on April 14, 2018 at Midfield and Havana.
- (e) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment and File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Nguyen)

[Rules Committee referral 02/07/18 - 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.

None provided

3.3 18-140 Approval of the 2017-2018 Mid-Year Budget Review Report.

Recommendation: (a) Approve the 2017-2018 Mid-Year Budget Review Report.
Approved.

(b) Approve an ordinance:

(1) Amending Section 4.79.020 and adding a new Section 4.79.030 to Chapter 4.79 of Title 4 of the San José Municipal Code to establish the Library Parcel Tax Capital Fund and to make technical and clarifying changes;

(2) Amending Part 8 of Chapter 4.80 of Title 4 of the San José Municipal Code to add a new Section 4.80.430 to establish the Convention and Cultural Affairs Capital Fund and to make technical and clarifying changes;

(3) Amending Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code to amend Section 14.32.300 and add new Sections 14.32.310 and 14.32.320 to establish in the Municipal Code the Convention Center and Facility District Revenue Fund which had been established previously through the annual budget process, and to establish the Convention Center Facility District Capital Fund and to make technical and clarifying changes; and

(4) Amending Part 3 of Chapter 14.32 of Title 14 of the San José Municipal Code to amend Section 14.32.300 and add new Sections 14.32.310 and 14.32.320 to establish in the Municipal Code the Convention Center Facility District Revenue Fund which had been established previously through the annual budget process, and to establish the Convention Center Facility District Revenue Fund and the Convention Center Facility District Capital Fund and to make technical and clarifying changes.

Ordinance No. 30069 passed for publication.

(c) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2017-2018 Mid-Year Budget Review Report. Amendments in the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund shall be effective on the dates on which the ordinances establishing the Library Parcel Tax Capital Fund, Convention and Cultural Affairs Capital Fund, General Purpose Parking Capital Fund, and Convention Center Facility District Capital Fund become effective.

Ordinance No. 30070 Adopted

Resolution No. 78505 Adopted.

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3.3 18-140

Approval of the 2017-2018 Mid-Year Budget Review Report. (Cont'd)

(d) Approve the following revisions to the City Manager's Office staffing in 2017-2018: Add 1.0 Deputy City Manager; add 1.0 Director; and delete 1.0 Senior Deputy City Manager.
Approved.

(e) Accept a gift of \$1,000,000 from FCL Tech, Inc. into the Gift Trust Fund to support digital inclusion, work force development, and education programs. 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)

Approved.

Including Memorandum from Councilmember Jones to:

1. Approve staff recommendations with the following modifications:

2. Adopt the following 2017-2018 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:

a. Establish the Pueblo De Dios Master Plan and Design project in the amount of \$525,000;

b. Decrease the Pueblo de Dios Parksite Improvements project by \$210,000; and

c. Decrease the Future PDO/PIO Projects Reserve appropriation by \$315,000; and

3. Adopt the following 2017-2018 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purpose Council District #1:

a. Establish the Pueblo De Dios Master Plan and Design project in the amount of \$250,000; and

b. Eliminate the Pueblo de Dios Parksite Improvements Reserve in the amount \$250,000.

3.4 18-139

Annual Summary of Labor Negotiations.

Recommendation:

Accept staff report and public input on the Annual Summary of Upcoming Labor Negotiations.

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

Accepted

3.5 18-147

Actions Related to the Planning, Building, and Code Enforcement Department Organization/Staffing.

Recommendation:

Approve the following position additions effective February 11, 2018:

(a) Add 1.0 FTE Deputy Director (U) (Job Code 1640); and

(b) Add 1.0 FTE Assistant to the Director (Job Code 3548).

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy

Making resulting in no changes to the physical environment. (City Manager)

Approved as Recommended

3.6 18-167 2017 Flood Recovery Construction Projects.

Recommendation:

- (a) Accept the status report on the 2017 flood recovery projects.
- (b) Consider this item together with the request to approve the issuance of commercial paper notes in an amount not to exceed \$21 million to support funding of the necessary reconstruction work while insurance and FEMA payments are pending.

Accepted.

- (c) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in the various funds as detailed in Attachment A to the staff memorandum to Council.

CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Parks, Recreation and Neighborhood Services/ Public Works/City Manager)

Heard jointly with SJFA Item 2 (File 18-166)

Approved as Recommended

Ordinance 30071 Adopted

Resolution 78506 Adopted.

3.7 18-171 Actions Related to the Petition Initiative Amending the Envision San José 2040 General Plan.

Recommendation:

- (a) Accept staff's report analyzing the Petition Initiative Amending the Envision San José 2040 General Plan (Initiative) pursuant to California Elections Code section 9212; and either
- (b) Direct staff to return on February 27, 2018 to adopt a resolution calling for an election to submit the Initiative to the voters at the next General Election to be held on Tuesday, June 5, 2018; or
- (c) If Council wishes to adopt the Initiative, without alteration, under the Elections Code, the Council must:
 - (1) Call a special meeting, to occur by Friday, February 23, 2018, to adopt the Initiative's amendments to Envision San Jose 2040 General Plan and Evergreen-East Hills Development Policy, adopt the Initiative's Evergreen Senior Homes Specific Plan; and adopt the Initiative's changes to the Municipal Code and Zoning District Map; and
 - (2) Approve for passage for publication of title an ordinance to implement the Initiative's amendments to Title 5, Title 18, and Title 20 of the San Jose Municipal Code and Zoning District Map.
- (d) As recommended by the Rules and Open Government Committee on February 7, 2018:
 - (1) Discuss of general principles and elements of potential City-sponsored ballot measure(s):
 - (2) Agendize for approval at a Council meeting on or before March 6, 2018, specific ballot measure(s) language proposed by the Mayor pursuant to the San Jose City Charter Article V, Section 501- for submittal to voters for the June 5, 2018 General Election; and

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3.7 18-171

Actions Related to the Petition Initiative Amending the Envision San José 2040 General Plan. (Cont'd)

(3) Direct to the City Clerk to submit the Evergreen Senior Homes Initiative, without alteration, to the voters at the next General Election to be held on June 5, 2018. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)

Staff presented several edits to the Report which are on file in the Office of the City Clerk. Approved to defer acceptance of staffs' report analyzing the Petition Initiative Amending the Envision San Jose 2040 General Plan (Initiative) pursuant to California Elections Code section 9212 and direct staff to return on March 6, 2018 to adopt a resolution calling for an election to submit the Initiative to the voters at the next General Election to be held on Tuesday, June 5, 2018 as outlined in the staff report dated February 2, 2018 related to the petition initiative amending the San Jose 2040 General Plan; and return to Council on March 6, 2018 with proposed measure or measures for Council consideration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 18-177

Actions Related to the Diridon Planning Reserve and Service Reimbursement Agreement.

Recommendation:

(a) Adopt a resolution authorizing the City Manager to negotiate and execute a Service Reimbursement Agreement with Google to pay for certain services associated with planning for development in the Diridon Station Area in the amount of \$1.33 million, subject to full appropriation.

Resolution No. 78507 adopted.

(b) Adopt the following 2017-2018 Appropriation Ordinance amendments in the General Fund:

(1) Establish a new City-Wide appropriation to the Office of Economic Development for Diridon Station Area Development Planning in the amount of \$415,000; and

(2) Decrease the Diridon Planning Reserve in the amount of \$415,000.

CEQA: Exempt, File No. PP17-001, Feasibility and Planning Studies that are statutorily exempt under CEQA Guidelines Section 15262.

(Economic Development/City Manager)

Heard jointly with Item 9.1 (18-192)

Ordinance No. 30072 adopted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 18-168 Grant Agreement with Our City Forest for Rental Property Located at 646 N King Road.

Recommendation: Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a new grant agreement between the City of San José and Our City Forest (OCF) to fund OCF's rental of property located at 646 N King Road, San José, California, 95133 from on or around March 1, 2018 through June 30, 2019 in an amount not to exceed \$175,000.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Transportation)
Resolution No. 78508 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

CONVENE JOINT MEETING OF THE CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

9.1 18-192 Actions Related to the Compensation Agreement for Diridon Properties.

Recommendation: (a) The City Council approve a Compensation Agreement by and among the Successor Agency to the Redevelopment Agency of the City of San José, the City of San José, the County of Santa Clara and other affected taxing entities under Health and Safety Code Section 34180 for real property including 8 South Montgomery Street, 105 South Montgomery Street; 510 West San Fernando Street/102 South Montgomery Street; 150 South Montgomery Street and 645 Park Avenue (collectively, "Properties"), for the purpose of transit oriented development consistent with the Diridon Station Area Plan, the Downtown Strategy and the City's General Plan.
(b) The Successor Agency Board approve a Compensation Agreement by and among the Successor Agency to the Redevelopment Agency of the City of San José, the City of San José, the County of Santa Clara and other affected taxing entities under Health and Safety Code Section 34180 for real property including 8 South Montgomery Street, 105 South Montgomery Street, 150 South Montgomery Street, 510 West San Fernando Street/102 South Montgomery Street, and 645 Park Avenue for the purpose of transit oriented development consistent with the Diridon Station Area Plan, the Downtown Strategy and the City's General Plan. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Successor Agency/City Manager)
Heard jointly with Item 4.1 (18-177)
Approved as Recommended

The Joint Meeting of the City Council and The Successor Agency to The Redevelopment Agency of the City of San Jose recessed at 5:32 p.m.

The Joint Meeting of the City Council and The Successor Agency to The Redevelopment Agency of the City of San Jose resumed at 6:05 p.m.

10. LAND USE

10.1 Land Use on Consent Calendar

- (a) **18-142** **Conforming Rezoning for Real Property Located at 923 & 927 Meridian Avenue.**

Recommendation: Consideration of an ordinance of the City of San José rezoning a 0.48-gross acre site, located at 923 & 927 Meridian Avenue from Agricultural Planned Development A(PD) Zoning District to Commercial Pedestrian (CP) Zoning District (Bhimla Trust 10/13/14, Owner). 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. (Planning, Building and Code Enforcement) C17-048 - Council District 6
Ordinance No. 30073 passed for publication.

- (b) **18-145** **Conditional Use Permit and Determination of Public Convenience or Necessity for Real Property Located at 5170 Stevens Creek Boulevard.**

Recommendation: Adopt a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale alcohol and on-sale of alcohol for instructional tasting and samples (Total Wine & More) in an existing 25,668-square foot commercial tenant space on a 10.5-gross acre site located on the south side of Stevens Creek Boulevard, approximately 210 feet easterly of Lawrence Expressway (5170 Stevens Creek Boulevard) (Stevens Creek, Inc., Owner). CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. Planning Commission recommends approval (6-0-1, Abelite absent).(Planning, Building and Code Enforcement) CP17-025 & ABC17-005 - Council District 1
Resolution No. 78509 adopted.

- (c) **18-146** **Planned Development Rezoning for Real Property Located at 370 West Trimble Road.**

Recommendation: (a) Adopt a resolution adopting the Addendum to the Final Program Environmental Impact Report for the North San José Development Policies Update, the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, and the Supplemental EIR ("SEIR") for the Envision San José 2040 General Plan, and Addenda thereto in accordance with the California Environmental Quality Act, as amended.
Resolution 78510 Adopted.

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(c) 18-146 **Planned Development Rezoning for Real Property Located at 370 West Trimble Road. (Cont'd)**

(b) Consideration of an ordinance of the City of San José rezoning an approximately 14.0-gross acre site, located on the southwest corner of West Trimble Road and Orchard Parkway from the Industrial Park IP(PD) Planned Development Zoning District to Industrial Park IP(PD) Planned Development Zoning District, to allow up to approximately 100,000 square feet for commercial uses and up to 250-room hotel (370 West Trimble Rd Corp, Owner).

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. Planning Commission recommends approval (6-0-1, Bit-Badel absent). (Planning, Building and Code Enforcement)PDC17-026 - Council District 4 **Ordinance 30074 passed for publication.**

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

OPEN GENERAL PLAN AMENDMENT HEARING (FIRST CYCLE)

10.2 18-143 General Plan Amendment, Rezoning, Conditional Use Permit and Determination of Public Convenience or Necessity for Site Located at 1202 Oakland Road.

Recommendation: (a) Adopt a resolution denying the application for a General Plan Amendment to change the General Plan Land Use Designation, denying the application to change the Zoning to the CIC Combined Industrial/Commercial Zoning District, and denying the application for a Conditional Use Permit and Determination of Public Convenience or Necessity to authorize the demolition of an existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers with the off-sale of beer and wine and 24-hour use;
No action taken.

Take the following actions in Item 10.2 (b) through (e):

(b) Adopt a resolution adopting the Rotten Robbie No. 67 Project Mitigated Negative Declaration, for which an Initial Study was prepared, in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.

Resolution No. 78511 adopted.

(Item Continued on the Next Page)

General Plan Amendment, Rezoning, Conditional Use Permit and Determination of Public Convenience or Necessity for Site Located at 1202 Oakland Road. (Cont'd)

(c) Adopt a resolution approving a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial on an approximately 1.54-gross acre site, located on the northeast corner of Oakland Road and Commercial Street (1202 Oakland Road).

Resolution No. 78512 adopted.

(d) Consideration of an ordinance of the City of San José rezoning an approximately 1.54 gross acres, located at 1202 Oakland Road, from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District (Robinson Oil Corporation).

Ordinance No. 30075 passed for publication.

(e) Adopt a resolution approving the Conditional Use Permit and Determination of Public Convenience or Necessity, subject to conditions, for the removal of existing building and fueling dispensers, and the construction of a 3,750-square foot convenience store, auto retail fueling dispensers, fuel island canopies, and card lock fueling dispensers with proposed off-sale of alcohol and 24-hour use, and to exceed the 55-decibel noise standard of the Zoning Ordinance at the residential property line by six decibels, on a 1.54-gross acre site. (1202 Oakland Road).

CEQA: Rotten Robbie No. 67 Project Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends denial (6-0-1, Ballard absent). (Planning, Building and Code Enforcement) File Nos. GP16-011, C17-008, CP17-015, & ABC17-007 - Council District 3
Resolution No. 78513 adopted.

Including Memorandum from Councilmembers Peralez, Jones, Diep, Rocha and Khamis to accept the staff supplemental memo dated February 9, 2018 and approve the ordinances and resolutions to adopt the Initial Study and Mitigated Negative Declaration and approve the General Plan Amendment, Conforming Rezoning, Conditional Use Permit, and Determination of Public Convenience or Necessity to allow the construction of a gas station with a carwash, 24-hour use, and the off-sale of beer and wine.

10.3 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.

(a) Adopt a resolution approving the General Plan Text Amendment to reflect the new City Council Transportation Analysis Policy 5-1.

(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.

(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.

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. Adoption of the Transportation Analysis Policy is ministerial because it implements the directives from SB 743 to modify local environmental review processes by removing Transportation LOS as a CEQA transportation analysis metric and replacing it with VMT. The Infill Opportunity Zones are associated with the adoption of this new City Council Transportation Analysis Policy 5-1. (Planning, Building and Code Enforcement) GPT17-009 & PP17-082 - Citywide
Deferred to 2/27/18 (afternoon session) per Administration

GENERAL PLAN AMENDMENT HEARING TO CONTINUE FEBRUARY 27, 2018

• Open Forum

1. Blair Beekman offered comments on City Council’s Study Session on Domestic Violence.

• Adjournment

The meeting of the City Council was adjourned at 6:55 p.m. in memory of Peter Taber. Peter passed away on January 30, 2018. Peter was a longtime co-owner of the renowned Hobeas Restaurants, and served as their President for over 20 years. Peter cherished life and loved people, treating everyone with kindness and compassion; traits that were evident each and every time you visited one of his restaurants. Peter was also a gifted chef, as creator of Hobeas world famous blueberry coffeecake. Peter passed away with his husband and fellow former owner Edward Fike by his side after a yearlong battle with melanoma. Peter's energy, talent, generosity and infectious smile will be missed. (Rocha).

JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA

2 18-166 Issuance of City of San José Financing Authority Commercial Paper Notes for the Flood Recovery Construction Projects of City Improvements.

Recommendation:

(a) City Council take the following actions:

(1) Conduct a Public Hearing concerning the approval of the issuance by the City of San José Financing Authority of commercial paper notes in order to finance certain public capital improvements of the City, consisting of flood recovery and construction for parks and community facilities.

Public hearing held.

(2) Adopt a resolution to approve the issuance of commercial paper notes pursuant to the previously established commercial paper program designated as "City of San José Financing Authority Lease Revenue Commercial Paper Notes" to provide financing for the flood recovery and construction for parks and community facilities in an amount not to exceed \$21 million and to state the City Council's determination that there will be significant public benefits accruing from such financing.

Resolution No. 78514 adopted.

(b) City of San José Financing Authority Board adopt a resolution to approve the issuance of City of San José Financing Authority Commercial Paper Notes to provide financing for the flood recovery construction project in an amount not to exceed \$21 million.

CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269, Emergency Projects. (Finance)

Heard Jointly with Item 3.6 (FILE 18-167)

SJFA Resolution No. 141 adopted.