



# **City Council Meeting Synopsis**

**Tuesday, August 28, 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



**Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.**

**All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.**

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

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

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers

**All present.**

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

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

- **Invocation (District 7)**

Alum Rock Filipino American Seniors Association provided the Invocation by performing Bulaklakan - Filipino Traditional Cultural Folk Dance which translates into flower.

- **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 with no changes.

- **Closed Session Report**

City Manager, David Sykes reported the appointment of Shivaun Nurre as Interim Independent Police Auditor.

## **1. CEREMONIAL ITEMS**

There were none presented.

## **2. CONSENT CALENDAR**

The Consent Calendar was approved as recommended, and the below listed actions taken as indicated.

### **2.1 18-1055 Approval of City Council Minutes.**

**Recommendation:** (a) Regular Council Meeting Minutes of January 23, 2018.  
(b) Regular Council Meeting Minutes of February 6, 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.  
**Approved.**

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

### **2.3 Approval of Council Committee Minutes.**

### **2.4 Mayor and Council Excused Absence Requests.**

### **2.5 City Council Travel Reports.**

### **2.6 Report from the Council Liaison to the Retirement Boards.**

### **2.7 18-1123 Actions Related to the Purchase Orders for Landscape Management and Maintenance Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Amend Purchase Orders 55189 and 55191 with Bayscape Landscape Management (San José, CA) to increase the not-to-exceed amount for each purchase order from \$290,000 to \$490,000 for the initial year through December 18, 2018, for a combined total maximum compensation of \$980,000;
- (b) Exercise the first option to extend the term through December 18, 2019, at the same rates as the initial year, subject to the annual appropriation of funds; and
- (c) Exercise up to five one-year options to extend the term through December 18, 2024, with price adjustments to reflect increased costs such as prevailing/living wage requirements, subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements and Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)  
**Resolution No. 78757 Adopted.**

**2.8 18-1125 Naming of the New Park Located at East Mission Street and North Tenth Street.**

**Recommendation:** Approve the name “Cannery Park” for the park site located at the intersection of East Mission Street and North Tenth Street in the Northside Neighborhood of San José. CEQA: Mitigated Negative Declaration for Cannery Park/Hanover, File Nos. GP15-001, PDC15-001, PD15-004, and PT15-001. Council District 3. (Parks, Recreation and Neighborhood Services)  
**Approved as Recommended.**

**2.9 18-1126 Vacation of Light and Air Easements (Setback Easements) Within Tract No. 470 (1322 Glen Eyrie Avenue).**

**Recommendation:** (a) Adopt a resolution of intention to vacate the 20- to 25-foot, 15-foot, and 12.5-foot light and air easements (setback easements) located within Tract No. 470.  
(b) Set a Public Hearing on Tuesday, September 18, 2018, at 1:30 p.m., for consideration of the vacation.  
(c) Direct the City Clerk to file the vacation map and advertise said public hearing. CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, File No. PP18-063. Council District 6. (Public Works)  
**Resolution No. 78758 Adopted.**

**2.10 18-1127 Vacation of Light and Air Easement (Setback Easements) Within Tract 65 (1982 McDaniel Avenue).**

**Recommendation:** (a) Adopt a resolution of intention to vacate the 25-foot and 12.5-foot light and air easements (setback easements) located within Tract No. 65.  
(b) Set a Public Hearing on Tuesday, September 18, 2018, at 1:30 p.m., for consideration of the vacation.  
(c) Direct the City Clerk to file the vacation map and advertise said public hearing. CEQA: Categorically Exempt, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, File No. PP18-061. Council District 6. (Public Works) District 6. (Public Works)  
**Resolution No. 78759 Adopted.**

**2.11 18-1149 Retroactive Approval of Caltrans Community Meeting 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. -- DROP**

**Recommendation:** As recommended by the Rules and Open Government Committee on August 15, 2018:  
1. Retroactively approve the Caltrans Community Meeting scheduled on August 1, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.  
2. Approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Peralez)  
[Rules Committee referral 8/15/18 - Item G.1.b to City Council 8/21/18 - Item 2.12]  
**Dropped.**

**2.12 18-1136 Retroactive Approval of D1 Eats Sponsored By Council District 1 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

**Recommendation:** As recommended by the Rules and Open Government Committee on August 15, 2018:  
1. Retroactively approve the D1 Eats scheduled on Friday, August 10th as a City Council sponsored Special Event and approve the expenditure of funds.  
2. Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jones)  
[Rules Committee referral 08/15/18 - Item G.1.a]  
**Approved as Recommended.**

**2.13 18-1152 Retroactive Approval of Village Home Dinner 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 August 22, 2018:  
1. Retroactively approve the Village Home Dinner scheduled on August 17, 2018 as a City Council sponsored Special Event and approve the expenditure of funds.  
2. Retroactively approve and accept donations from various individuals, businesses, or community groups to support the event.  
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Carrasco)  
[Rules Committee referral 8/22/18 - Item G.1.a]  
**Approved as Recommended.**

**3. STRATEGIC SUPPORT**

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

City Manager, David Sykes reported on hiring rates and key appointments made to fill vacant positions, cutting vacancies filled from 50% to 10%.

**3.2 Labor Negotiations Update.**

There were none presented.

**3.3 18-1026 Tier 1 Rehire Amortization Costs Side Letter and Ordinance.**

**Recommendation:** (a) Adopt a resolution to approve the terms of a Side Letter Agreement related to the Tier 1 Amortization Costs between the City of San José and its eleven bargaining units.  
**Resolution No. 78760 Adopted.**  
  
(b) Approve an ordinance to amend various sections of Chapter 3.28 and Chapter 3.36 of Title 3 of the San José Municipal Code to clarify certain provisions of the Alternative Pension Reform Settlement Framework Agreement with the City's employee bargaining units. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)  
**Ordinance No. 30145 passed for publication.**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

### **4.1 18-1130 Actions Related to the Multifamily Underwriting Guidelines.**

**Recommendation:** (a) Accept the staff report on the proposed underwriting guidelines and update regarding the upcoming Notice of Funding of Availability.  
(b) Adopt a resolution approving the Underwriting Guidelines proposed by the Housing Department for use in underwriting and structuring affordable housing transactions.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)  
**Approved as Recommended.**  
**Resolution No. 78761 Adopted.**

### **4.2 18-1138 Santa Clara County Regional Housing Needs Allocation Subregion Task Force.**

**Recommendation:** As recommended by the Rules and Open Government Committee on August 15, 2018, discuss the recommendations from the Santa Clara County Cities Association regarding the formation of a Santa Clara County Regional Housing Needs Allocation Subregion.  
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Liccardo/Jones)  
[Rules Committee referral 08/15/18 - Item G.5]  
**Approved as Recommended.**

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

### **6.1 18-1128 Actions Related to the Norman Y. Mineta San José International Airport Commercial Paper Program.**

**Recommendation:** (a) Hold a TEFRA ("Tax Equity and Fiscal Responsibility Act") hearing with respect to the proposed issuance by the City of one or more issues of Series B subordinated commercial paper notes in an aggregate principal amount not to exceed \$600,000,000 pursuant to a plan of finance in order to provide proceeds to finance or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport terminal and ancillary facilities that are included in or are consistent with the Airport Master Plan for the Mineta San José International Airport.  
(b) Adopt a resolution authorizing the City's designated officers to negotiate, execute and deliver the following agreements related to the City of San José, Norman Y. Mineta San José International Airport Subordinated Commercial Paper Notes, Series A-1 (Non-AMT), Series A-2 (Non-AMT/Private Activity), Series B (AMT) and Series C (Taxable):  
(1) Letter of Credit and Reimbursement Agreement with Bank of America N.A., and the associated Fee Letter;  
(2) First Amendment to the Third Amended and Restated Issuing and Paying Agent Agreement with U.S. Bank National Association; and

*(Item Continued on the Next Page)*

**6.1 18-1128 Actions Related to the Norman Y. Mineta San José International Airport (Cont'd.)**

(3) Fourth Amended and Restated Dealer Agreements with each of Barclays Capital Inc., and Citigroup Global Markets Inc., and authorizing the City's designated officers to take other necessary actions in connection therewith.

CEQA: Revised Eleventh Addendum to the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report, (EIR) (Resolution No. 67380), and Final Supplemental EIR, (Resolution No. 71451), and Addenda thereto, File No. PP18-070. (Finance)

**Heard immediately after Consent.**

**Resolution No. 78762 Adopted.**

**6.2 18-1135 Actions Related to the Airport Master Plan and New Aircraft Rescue and Fire Fighting Facility Project.**

**Recommendation:**

(a) Adopt a resolution adopting an Addendum to the Final Environmental Impact Report for the Norman Y. Mineta San José International Airport Master Plan Update, as supplemented and addended, all in accordance with the California Environmental Quality Act, as amended;

**Resolution No. 78763 Adopted.**

(b) Adopt a resolution approving a Minor Amendment to the Airport Master Plan modifying the designated use of a vacant 4.5-acre site on the southwest side of the Airport from General Aviation development to Aviation Support/General Aviation development; and

**Resolution No. 78764 Adopted.**

(c) Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration for the design and construction of the Aircraft Rescue and Fire Fighting facility project at the Norman Y. Mineta San José International Airport in a total amount not to exceed \$20,000,000.

CEQA: Addendum to the Final Environmental Impact Report for the San Jose International Airport Master Plan Update, as Supplemented, File No. PP18-075. (Airport)

**Resolution No. 78765 Adopted.**

**6.3 18-1129 Actions Related to the Design-Build Procurement to Construct an Aircraft Rescue and Fire Fighting Facility at the Airport.**

**Recommendation:**

Adopt a resolution in accordance with San José Municipal Code Section 14.07.310:

(a) Finding that the cost of the proposed design-build contract for the Aircraft Rescue and Fire Fighting Facility Project (the "Project") at the Norman Y. Mineta San José International Airport will exceed \$5,000,000, and that the use of the design-build delivery method process is likely to save money and/or result in faster Project completion than if the City used the traditional design-bid-build method of project delivery;

(b) Approving the Request for Proposals ("RFP") and the evaluation criteria and process by which the City shall select a design-build entity for the Project; and

*(Item Continued on the Next Page)*

**6.3 18-1129 Actions Related to the Design-Build Procurement to Construct an (Cont'd).**

(c) Authorizing the Director of Public Works to issue addenda to the RFP to add any additional requirements or to make such other revisions to the RFP that are consistent with the scope and selection criteria as approved by Council.

CEQA: Thirteenth Addendum to the Norman Y. Mineta San José International Airport Master Plan Update Project Environmental Impact Report, (EIR) (Resolution No. 67380), and Final Supplemental EIR, (Resolution No. 71451), and Addenda thereto, File No. PP18-075. (Public Works/Airport)

**Resolution No. 78766 Adopted.**

**7. ENVIRONMENTAL & UTILITY SERVICES**

**8. PUBLIC SAFETY**

**9. REDEVELOPMENT – SUCCESSOR AGENCY**

**• Open Forum**

David Schwegel commented on SJC Improvement money.

- The Council of the City of San Jose recessed at 2:30 p.m.**
- The Council of the City of San Jose resumed at 6:00 p.m.**

**10. LAND USE**

**10.1 Land Use on Consent Calendar**

- (a) **18-1131 ST18-004 - Street Renaming of a Private Street from All Programmable Drive to Logic Drive.**

**Recommendation:** Adopt a resolution approving the renaming of a private street from All Programmable Drive to Logic Drive.

CEQA: Statutorily Exempt, CEQA Guidelines Section 15061(b), Review for Exemption, File No. ST18-004. Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

ST18-004 - Council District 9

**Resolution No. 78767 Adopted.**

- (b) **18-1132 PDC17-005/PD17-003 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 895 South 2nd Street.**

**Recommendation:** (a) Consideration of an ordinance of the City of San José rezoning an approximately 0.2-gross acre site located on the northwest corner of South 2nd Street and Martha Street, at 895 South 2nd Street from the CN Commercial Neighborhood Zoning District to the R-M(PD) Planned Development Zoning District to allow up to three attached dwelling units (Jia Yan Yuan, Owner).

**Ordinance No. 30146 passed for publication.**



(b) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the construction of three family attached residential units (townhomes).

CEQA: Categorically Exempt, CEQA Guidelines Section 15303(a), for New Construction or Conversion of Small Structures, File Nos. PDC17-005 and PD17-003. Planning Commission recommends approval with addition of a new Condition No. 18 (5-0-2, Vora and Griswold absent). (Planning, Building and Code Enforcement) PDC17-005 & PD17-003 - Council District 3

**Resolution No. 78768 Adopted.**

## END OF CONSENT CALENDAR

### 10 Land Use - Regular Agenda

#### 10.2 18-1133 PDC14-051/PD16-019 - Planned Development Rezoning and Planned Development Permit for Real Property Located at 4200 Dove Hill Road.

**Recommendation:**

(a) Adopt a resolution adopting the Dove Hill Medical Care Facility Project Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting a related Mitigation Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended.

(b) Consideration of an ordinance of the City of San José rezoning an approximately 21.0-gross acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway, from the A Agricultural Zoning District to the PQP(PD) Planned Development Zoning District to allow a Medical Care Facility with up to 248 beds on an approximately 3.0-acre portion of a 21-gross acre site, with the remaining 18.0 acres to be kept as open space (Kuehne Stanislaus and Eleanore Trustee & Et, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the demolition of approximately 25 buildings/structures, the construction of a Medical Care Facility with up to 248 beds, and the removal of seven ordinance-size trees on an approximately 3.0-acre portion of a 21.0-gross acre site.

CEQA: Mitigated Negative Declaration for Dove Hill Medical Care Facility Project, File Nos. PDC14-051 and PD16-019. Planning Commission recommends approval (5-0-2, Vora and Griswold absent). (Planning, Building and Code Enforcement) PDC14-051 & PD16-019 - Council District 8

**This Item is continued for two weeks, (to be on the September 11, 2018 Council Agenda.)**

- **Open Forum**

Blair Beekman commented on projects next to the 101.

Minh Tam Thi Nguyen commented on her increased rent and articulated her need for mobile home.

- **Adjournment: 8:14 p.m.**

**This meeting is adjourned in memory of Thomas Labon Davis, who passed on June 23, 2018 at 76 years of age and is survived by his beloved wife Elaine as well as daughters Tracey, Paula and Michele. Mr. Davis heroically served his community for over two decades first as a firefighter in the Santa Clara County Central Fire Department and later as Fire Engineer with the San Jose Fire Department. As his family tells it, ‘Tom will be remembered for his great sense of humor, his ability to get people to join him in his many activities, his quick wit, and especially for his love of family and friends’.**