



CITY COUNCIL AGENDA

NOVEMBER 17, 2015

SYNOPSIS

CHAPPIE JONES
ASH KALRA
RAUL PERALEZ
MANH NGUYEN
MAGDALENA CARRASCO

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO
TAM NGUYEN
ROSE HERRERA VICE MAYOR
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

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 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 or (408) 294-9337 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**
 - 9:09 a.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
 - 1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent Councilmembers: All Present.

- **Invocation (District 10)**
Andy Gridley, Campus Pastor, WestGate Church, South Hills Campus, presented the Invocation.

- **Pledge of Allegiance**
Mayor Liccardo led the Pledge of Allegiance.

- **Orders of the Day** – *Heard after the Ceremonial Items.*
The Orders of the Day and the Amended Agenda were approved unanimously, and included a Sunshine Waiver for Item 2.2. Vice Mayor Rose Herrera asked that this meeting be adjourned in honor of victims of the recent terrorist attacks in Paris, France and Beirut, Lebanon.

- **Closed Session Report** – *Heard after the Ceremonial Items.*
None provided.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy and representatives of San José’s neighborhood business associations declaring November 28, 2015 as “Small Business Saturday” in the City of San José. (Herrera/Economic Development)
Mayor Sam Liccardo and Vice Mayor Rose Herrera presented a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy and representatives of San José’s neighborhood business associations.
- 1.2** Presentation of a commendation celebrating the achievements of volunteers with the Silicon Valley Talent Partnership that regularly innovate government services within the City of San José. (Mayor)
Mayor Sam Liccardo and Councilmember Ash Kalra recognized and celebrated the achievements of volunteers with the Silicon Valley Talent Partnership that regularly innovate government services within the City of San José.
- 1.3** Administer the Oath of Office to the Youth Commissioner. (City Clerk)
City Clerk Toni J. Taber, CMC, administered the Oath of Office to Youth Commissioner Elizabeth Plancarte.
Heard in the evening.
- 1.4** Presentation of a commendation to Geography for Tomorrow for their contributions to East San José youth. (Carrasco)
Mayor Sam Liccardo and Councilmember Magdalena Carrasco presented a commendation to Geography for Tomorrow for their contributions on teaching East San José youth about our beautiful earth.
Heard in the evening.

2. CONSENT CALENDAR

- 2.1 Approval of Minutes.**
None provided.
- 2.2 Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29601 – An ordinance amending Title 17 of the San José Municipal Code to implement Assembly Bill 2188 by creating an expedited, streamlined permitting process for small residential rooftop solar systems. CEQA: Exempt, Guidelines Section 15268. Ministerial Projects. File No. PP15-073.
Ordinance No. 29601 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances (Cont'd.)

Recommendation: Final adoption of ordinances.

- (b) ORD. NO. 29607 – An ordinance rezoning certain real property of approximately 3.69 acres at the southeast corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway), from the HI Heavy Industrial Zoning District and LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Section 15168, Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041).
Ordinance No. 29607 adopted.

- (c) ORD. NO. 29608 – An ordinance rezoning certain real property of approximately 0.3 gross acre situated approximately 300 feet north of Heather Drive on the east side of Warwick Road (15350 Warwick Road) from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District. CEQA: Section 15168, Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041).
Ordinance No. 29608 adopted.

- (d) ORD. NO. 29614 – An ordinance establishing a temporary six (6) month moratorium on the closure or conversion of Mobilehome Parks to any other use, through February 25, 2016 pending the review and possible amendment of land use regulations related to Mobilehome Park conversions, setting forth the findings to support the temporary moratorium. CEQA: Exempt, Guidelines Sections 15061 (b)(3) No Significant Impact on the Environment and 15308 Actions by Regulatory Agencies for Protection of the Environment.
Ordinance No. 29614 adopted.

- (e) ORD. NO. 29616 – An ordinance rezoning certain real property of approximately 3.34 gross acres situated at the southern terminus of Dove Hill Road, approximately 1,890 feet southerly of Yerba Buena Road (3830 Dove Hill Road) from the Agricultural Zoning District to the R-1-2 Single-Family Residence Zoning District. CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No 76041).
Ordinance No. 29615 adopted.

- (f) ORD. NO. 29617 – An ordinance rezoning certain real property of approximately 0.4 gross acre on the northeast corner of Lincoln Avenue and Savaker Street (590 Lincoln Avenue) from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041).
Ordinance No. 29617 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (g) ORD. NO. 29618 – An ordinance rezoning certain real property of approximately 5.54 gross acres on the southwesterly corner of McLaughlin Avenue and Carnelian Drive (1523 McLaughlin Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi Public Zoning District. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76014).
Ordinance No. 29618 adopted.

- (h) ORD. NO. 29619 – An ordinance rezoning certain real property of approximately 42.53 acres situated on the southeast corner of Winchester and Stevens Creek boulevards (Santana Row) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Santana Row Expansion Project Environmental Impact Report (Resolution No. 77532), File No. PDC13-050.
Ordinance No. 29619 adopted.

- (i) ORD. NO. 29620 – An ordinance rezoning certain real property of approximately 0.72 gross acre situated at the northwest corner of North Capitol Avenue and Hostetter Road (1601 North Capitol Avenue) from the A(PD) Planned Development Zoning District to the CN(PD) Planned Development Zoning District. CEQA: Exempt, Guidelines Section 15303(c) for New Construction of Small Structures.
Ordinance No. 29620 adopted.

- (j) ORD. NO. 29622 – An ordinance conforming the public right-of-way on portions of Ocala Avenue, Adrian Way, Alfred Way and Berona Way that form Hillview Park to reflect the existing, as-built street widths. CEQA: Exempt, Guidelines Section 15301(c), Existing Facilities. File No. PP15-082.
Ordinance No. 29622 adopted.

- (k) ORD. NO. 29623 – An ordinance rezoning certain real property of approximately 0.16 acre situated on the north side of South Almaden Avenue approximately 100 feet west of Sutter Street (863 South Almaden Avenue), from the CN Commercial Neighborhood Zoning District to the R-M Multiple Residence Zoning District. CEQA: Exempt, Guidelines Section 15303 New Construction or Conversion of Small Structures. File No. C15-015.
Ordinance No. 29623 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (l) ORD. NO. 29631 – An ordinance amending Title 20 of the San José Municipal Code to add new Sections 20.70.140 and 20.70.150 and to amend Sections 20.70.020 and 20.70.100 of Chapter 20.70; to add new Sections 20.200.111.5, 20.200.625 and 20.200.835 and amend Sections 20.200.070, 20.200.100, 20.200.700, 20.200.1090 and 20.200.1110 of Chapter 20.200 to add and regulate Art Display Structures and Lighting Displays as allowable uses and modify the permitting process for Amusement Game Arcades in the DC-Downtown Primary Commercial Zoning District, to add auction, second-hand stores, photography studios, weight loss centers, interior decorating, auditoriums and community centers as allowable uses in the DG-Downtown Ground-floor Overlay Area, to clarify that residential uses are only allowed in the Downtown Zoning Districts where the General Plan designation for a Site supports Residential Use, to add new definitions related to Outdoor Art, Art Display Structure and Lighting Displays and to clarify definitions related to Adult Entertainment Establishments, Amusement Game Arcades, Lot Line, Front Setback Area and Side Setback Area. CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Downtown Strategy EIR (Resolution No. 72767), Diridon Station Area Plan EIR (Resolution No. 77096).
Ordinance No. 29631 adopted.

- (m) ORD. NO. 29633 – An ordinance granting a Commercial Solid Waste and Recyclables Collection Franchise to Bay Area Dumpsters. CEQA: Exempt Guidelines Section 15308. Actions by Regulatory Agencies for the Protection of the Environment. File No. PP08-228.
Ordinance No. 29633 adopted.

- (n) ORD. NO. 29635 – An ordinance conforming the public right-of-way on Saint John Street between Market Street and San Pedro Street to reflect the existing alignment and width of Saint John Street. CEQA: Exempt, Guidelines Section 15301(c) Existing Facilities, File No. PP15-083.
Ordinance No. 29635 adopted.

- (o) ORD. NO. 29637 – An ordinance rezoning certain real property located at the northwesterly corner of East Santa Clara Street and North 5th Street (33 North 5th Street) from the CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District on an approximately 1.4 acre site. CEQA: Addendum, Envision San José 2040 General Final Program EIR (Resolution No. 76041 adopted November 1, 2011), File No. C15-039.
Ordinance No. 29637 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (p) ORD. NO. 29638 – An ordinance rezoning certain real property located on the east side of Monterey Road, approximately 300 feet south of East Alma Avenue (1420-1600 Monterey Road) from the CG(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District on an approximately 19.74 gross acre site. CEQA: Determination of Consistency with the Sun Garden Redevelopment Project Final EIR, (Resolution No. 75929 adopted June 21, 2011), File No. PDC15-037.

Ordinance No. 29638 adopted.

- (q) ORD. NO. 29639 – An ordinance pre-zoning certain real property located on the northeast corner of Roehampton Avenue and Story Road (14335 Story Road) from Unincorporated to the PQP Public/Quasi-Public Zoning District on an approximately 0.78 gross acre site. CEQA: Addendum, Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041 adopted November 1, 2011), File No. C15-012.

Ordinance No. 29639 adopted.

- (r) ORD. NO. 29640 – An ordinance rezoning certain real property located north of East Hamilton Avenue and east of South Bascom Avenue (2055, 2085, 2105, 2125, and 2145 East Hamilton Avenue and 1550 South Bascom Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District on an approximately 24.6 acre site. CEQA Addendum to the PDC83-034 Greylands Business Park EIR (Resolution No. 56883), File No. PDC15-030 & PD15-026.

Ordinance No. 29640 adopted.

- (s) ORD. NO. 29642 – An ordinance amending Sections 12.02.040, 12.02.050, 12.02.070, and 12.02.090 of Chapter 12.02, Sections 12.04.025, 12.04.060, 12.04.100, and 12.04.120 of Chapter 12.04, Section 12.05.080 of Chapter 12.05, Sections 12.06.210, 12.06.290, 12.06.295, 12.06.600, 12.06.610, 12.06.710, 12.06.720, 12.06.910, 12.06.920, 12.06.930, 12.06.1000, 12.06.1010, and deleting Section 12.06.140 and Part 5 of Chapter 12.06 and 12.06.620 of Title 12 of the San José Municipal Code relating to municipal elections and campaign and officeholder contributions. CEQA: Not a Project, File No. PP10-068(c), Code or Policy change that involve no change in the physical environment.

Ordinance No. 29642 adopted.

- (t) ORD. NO. 29644 – An ordinance rezoning certain real property of approximately 2.6 gross acres situated on the east side of Edenvale Avenue approximately 1,000 feet north of Chynoweth Avenue (APN 685-03-002) from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, File No. PDC14-060/PD15-019/PT15-023.

Ordinance No. 29644 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (u) ORD. NO. 29645 – An ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to add new Sections 9.10.151 and 9.10.545 to add the definition of illegal dumping and language prohibiting illegal dumping. CEQA: Not a Project, File No. PP10-068, General procedure and policy making that involve no change in the environment. CEQA: Not a Project, File No. PP10-068, General procedure and policy making that involve no change in the environment. **Ordinance No. 29645 adopted.**

- (v) ORD. NO. 29641 – An ordinance rezoning certain real property of approximately 0.47 acre situated at the southeast corner of Meridian Avenue and Fruitdale Avenue from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District. CEQA: An Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 76041, adopted November 1, 2011). **Ordinance No. 29641 adopted.**

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of October 28, 2015. (Mayor) CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical change to the environment. **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. None provided.

2.7 Youth Commission Appointment.

Recommendation: Appoint Elizabeth Plancarte to the District 5 Seat to a term expiring May 31, 2017. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities that involve no physical change to the environment. (City Clerk) **Youth Commissioner Elizabeth Plancarte was appointed.**

2. CONSENT CALENDAR

2.8 Amendment to the Agreement with GreenTeam of San José for Waste Services.

Recommendation: Approve the First Amendment to the Agreement between the City of San José and Waste Connections of California, Inc. d/b/a GreenTeam of San José to exempt multi-family large item collection service from the annual maximum compensation limit and to add an optional compactor service rate for City facility collection services. CEQA: Negative Declaration, File No. PP10-055. (ESD)

Approved.

2.9 Amendment to the Agreement with Tutor.com Inc. for Live Online Homework Help Services.

Recommendation: Adopt a resolution authorizing the City Manager to execute the Second Amendment to the Agreement with Tutor.com, Inc. (New York, NY) for live online homework help services, to exercise up to two additional one-year options to extend the term from December 2008 through November 30, 2017 for a not to exceed amount of \$158,813 each year, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts that involve no physical change to the environment. (Finance)

Resolution No. 77582 adopted.

2.10 Actions Related to the 6767 – Doerr Parkway Project.

Recommendation:

(a) Report on bids and award of contract for the 6767-Doerr Parkway Project to the low bidder, Suarez and Muñoz, in the amount of \$274,800 and approval of a ten percent contingency in the amount of \$27,480.

Accepted.

(b) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:

- (1) Establish the Trail: Doerr Parkway project to the Parks, Recreation and Neighborhood Services Department in the amount of \$245,000
- (2) Decrease the Trail: Doerr Parkway Reserve by \$220,000; and
- (3) Decrease the Trail: Doerr Parkway Real Estate Services by \$25,000.

Ordinance No. 29647 adopted.

(c) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes CD #9:

- (1) Establish the Trail: Doerr Parkway project to the Parks, Recreation and Neighborhood Services Department in the amount of \$115,000; and
- (2) Decrease the Ending Fund Balance by \$115,000.

CEQA: Exempt, Guidelines Section 15303. New Construction or Conversion of Small Structures, File No. PP15-019. Council District 9. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29648 adopted.

2. CONSENT CALENDAR

2.11 Approval of Adjusted Campaign Contribution Limits.

Recommendation: As recommended by the Rules and Open Government Committee on November 4, 2015, approve the adjusted campaign contribution limits and adopt a resolution approving the adjusted campaign contribution limits in accordance with San José Municipal Code Section 12.06.210.C. CEQA: Not a Project, File No. PP10-069 City Administrative Activities that involve no impact to the physical environment. (City Clerk)

(Rules Committee referral from 11/4/15 – Item G.4.)

Resolution No. 77583 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). None provided.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

None provided.

3.3 Urban Agriculture Incentive Zone Ordinance.

Recommendation: As recommended by the Rules and Open Government Committee on October 7, 2015, adopt a resolution:

- (a) Authorizing parcels that are located in both unincorporated Santa Clara County and within the Sphere of Influence of the City of San José to be eligible for incentives under the County’s Urban Agriculture Incentive Zone Ordinance; and
- (b) Consenting to establishment of the Urban Agriculture Incentive Zones (UAIZ) in certain Unincorporated County areas in the City of San Jose’s Urban Service Area/Urban Growth Boundary (USA/UGB) consistent with State Assembly Bill 551 and subject to the following conditions:
 - (1) The UAIZ shall not be established in areas that are outside the City of San José’s USA/UGB.
 - (2) The UAIZ shall be established only in areas and for parcels where the land use designation under the City of San José General Plan supports agriculture or urban agriculture use including but not limited to Open Hillside, Lower Hillside, Rural Residential, Residential Neighborhood, and Neighborhood/Community Commercial.
 - (3) Parcels that are identified as adequate sites for housing in the Housing Element Inventory of the City of San José General Plan Housing Element certified by the California Department of Housing and Community Development (HCD) shall not be included within a UAIZ.

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Urban Agriculture Incentive Zone Ordinance (Cont'd.)

- (b) (4) In compliance with the Santa Clara County Code of Ordinances, including but not limited to Section 5.20.060 (City General Plan Conformance), Section 5.20.070 (Properties Subject to Annexation), and Section C1-52 (Properties Subject to Annexation), the County shall complete or require the completion of a Contiguity/Annexation Statement form and refer the proposal for the UAIZ incentive and contract for such parcels to the City of San José for the City's determination as to whether the proposed use will require annexation.
- (5) The production, cultivation, growing and harvesting of marijuana shall be prohibited in the UAIZ.
- (6) The raising of livestock (except poultry for egg laying), fur-bearing animals, and dairy-producing animals shall be prohibited in the UAIZ.

CEQA: Exempt, Guideline Section 15304, Minor Alterations to Land, File No. PP15-108. (City Attorney/Planning, Building and Code Enforcement)

[Rules and Open Government Committee referral 10/07/15 - Item g(4)]

(Deferred from 10/27/15 – Item 3.3 and 11/10/15 – Item 3.3)

Resolution No. 77584 adopted.

3.4 Statement of Policy and Questions for the Director of Transportation.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a permanent Director of Transportation as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions that involve no impact to the physical environment. (City Manager)

Adopted, including nominees' ideas for accomplishing goals with the "Walk n' Roll" program, NACTO Urban Bikeway Design Guidelines, and San José's Transportation Innovation Zone.

3.5 Reimbursement of Cost of Sidewalk Repairs for Fiscal Year 2016-2017 Santa Clara County Secured Property Tax Bill.

Recommendation:

- (a) Conduct a Public Hearing on recording liens on properties for the reimbursement of the cost of sidewalk repairs.
- (b) Adopt a resolution:
 - (1) Confirming the Report from the Director of Finance concerning the delinquent sidewalk repair costs and the assessments contained in the report; and

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.5 Reimbursement of Cost of Sidewalk Repairs for Fiscal Year 2016-2017 Santa Clara County Secured Property Tax Bill (Cont'd.)

Recommendation:

- (b) (2) Directing the recording of liens and the placement of charges as set forth therein on the 2016-2017 Santa Clara County Secured Property Tax Bill for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP10-067(a), Specific Funding Mechanism for Increase of Adjustment to Fees, Rates and Fares. This activity involves no change in the physical environment. (Finance)

Resolution No. 77585 adopted.

3.6 Amendment to the Agreement with AN West, Inc. and MTH Engineers, Inc. for Various City Projects.

Recommendation: Approve the First Amendment to the Master Agreement with AN West, Inc. and MTH Engineers, Inc., a Joint Venture for various City projects to: (1) increase the total compensation by \$600,000 for a total agreement amount not to exceed \$1,100,000, and (2) extend the term of the agreement from December 31, 2015 to December 31, 2018. CEQA: Statutorily Exempt, File No. PP10-066(d), CEQA Guidelines Section 15262, Feasibility and Planning Studies that involve no impact to the physical environment. (Public Works)

(Deferred from 11/10/15 – Item 2.9)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Urban Village Master Plan Consulting Services.

Recommendation: Accept the report on the Request for Proposal (“RFP”) for consultants to assist with the development of the City’s Urban Village Master Plans and other City projects including adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and Execute Master Agreements for consultants to provide Urban Village Master Plan and other City projects in seven technical areas: 1) Urban Design, 2) Circulation Improvements, 3) Environmental Review Analysis, 4) Online Engagement, 5) Public Finance, 6) Public Art, and 7) Traffic Impact Analysis, for an initial five-year term ending November 2020, with the various consultants and respective amounts listed below, for a maximum aggregate compensation not to exceed \$12,580,000 for all Agreements, subject to the appropriation of funds.

(Item Continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Urban Village Master Plan Consulting Services (Cont'd.)

Vendor Name	Maximum Compensation
(1) AECOM, Inc. (San Diego, CA)	\$1,000,000
(2) Alta Planning & Design (San José, CA)	\$500,000
(3) Bottomley (Oakland, CA)	\$500,000
(4) Circlepoint (San José, CA)	\$270,000
(5) David J. Powers (San José, CA)	\$1,000,000
(6) Dyett & Bhatia (San Francisco, CA)	\$500,000
(7) Economic & Planning (Oakland, CA)	\$500,000
(8) ESA Associates (San Francisco, CA)	\$1,000,000
(9) Fehr & Peers (San José, CA)	\$500,000
(10) Gehl Studio (San Francisco, CA)	\$270,000
(11) Hexagon (San José, CA)	\$270,000
(12) HKS Architects (Dallas, TX)	\$500,000
(13) Keyser Marston (San Francisco, CA)	\$500,000
(14) Kimley & Horn (San José, CA)	\$500,000
(15) Metropolitan Planning (Mountain View, CA)	\$270,000
(16) Moore Iacofano Goltsman (Berkeley, CA)	\$1,000,000
(17) Nelson\Nygaard (San Francisco, CA)	\$500,000
(18) Opticos Design (Berkeley, CA)	\$500,000
(19) Placeworks (Berkeley, CA)	\$500,000
(20) Skidmore, Owings & Merrill New York, NY)	\$500,000
(21) Strategic Economics (Berkeley, CA)	\$500,000
(22) Wallace, Roberts & Todd (San Francisco, CA)	\$500,000
(23) ZGF (Portland, OR)	\$500,000
(b) Execute amendments to the Master Agreements to increase or decrease the maximum compensation of each agreement, not to exceed the aggregate compensation amount for all of the Agreements.	
(c) Execute three one-year options to extend the term of the Agreements, after the initial five-year term through November 30, 2023, subject to the appropriation of funds.	

CEQA: Exempt, CEQA Guidelines Section 15262. Feasibility and Planning Studies.
(Planning, Building and Code Enforcement/Finance)
(Deferred from 11/10/15 – Item 4.3)

Resolution No. 77586 adopted, including Item (a) from Mayor Sam Liccardo’s memorandum dated November 16, 2015, modified as follows: “Authorizing the City Manager to procure consultant services in a maximum aggregate compensation not to exceed \$3,000,000 for a 5-year term”.

5. NEIGHBORHOOD SERVICES

5.1 Audit of the Golf Course Fund of the Parks, Recreation and Neighborhood Services Department.

Recommendation: As recommended by the Neighborhood Services and Education Committee on September 10, 2015, accept the report with information on the causes of decline in net operating and maintenance income to the Golf Course Fund. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports. (City Auditor)

[Neighborhood Services and Education Committee referral 9/10/15 – Item d(1)]
(Deferred from 10/6/15 – Item 5.1 and 10/20/15 – Item 5.1)

Heard last in the evening.

Report accepted, including recommendations as outlined in the joint memorandum from Mayor Sam Liccardo, Councilmember Magdalena Carrasco, Councilmember Manh Nguyen and Councilmember Tam Nguyen, dated November 13, 2015, and with an emphasis on broadening the outreach process.

Noes: Rocha.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the Agreement with Taxi San José for the On-Demand Ground Transportation Program.

Recommendation: As recommended by the Transportation and Environment Committee on October 5, 2015, accept the report regarding Citywide taxicab regulations and operations of taxicabs and Transportation Network Companies (TNC) at the Airport. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

[Transportation and Environment Committee referral from 10/5/15 – Item (d)(5)]
(Deferred from 11/3/15 – Item 6.1 and 11/10/15 – Item 6.1)

Accepted, including direction as outlined in the joint memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Peralez, Rocha and Khamis, dated November 13, 2015. (11-0).

With permits allocated, 50-50, between taxi companies and individual drivers, until May 2016, with a 60-40 split following the Transportation and Environment Committee check-in in May 2016, the existing waiting list for permits is to be reactivated. (9-1-1. Noes: Khamis. Absent: Oliverio.)

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Amendment to the Assignment Agreement with County of Santa Clara for the North San Pedro Project.

Recommendation: Approve a First Amendment to Assignment Agreement between the County of Santa Clara (“County”) and the Successor Agency to the Redevelopment Agency of the City of San José (“Successor Agency”) assigning a portion of the Successor Agency’s remaining interest in the Net Sales Proceeds from the sale of real property for the North San Pedro Project to the County in exchange for the release of the lien of the County Deed of Trust from the following Successor Agency owned properties: 201 N. Market Street (Old Fire Station No. 1); 226 Balbach Avenue; and 96 South Almaden Avenue (former Plaza Hotel). CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts that involve no change to the physical environment. Council District 3. (Finance/Successor Agency)

Deferred to 12/01/15 per Administration.

- **Open Forum**

Expressing concerns that the Renters Advisory Committee Meeting did not allow individual speakers adequate time to express their views on revisions to the rent control ordinance and urging more open dialog; a need for strong “just cause” eviction policies, citing the impact on marginalized communities; and the need for rent control were: Victor Locha III (NASW and South Bay Tenant’s Union), Brittany Simons, Ben O’Hara (South Bay Tenant’s Union) and Katie Martin.

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 6:36 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

(a) **Rezoning the Real Property Located at 2090 Mount Pleasant Road.**

Consideration of an ordinance rezoning the real property located at 2090 Mount Pleasant Road from the R-1-5 Single-Family Residence Zoning District to the R-1-8 Single-Family Residence Zoning District on a 0.8 gross acre site (Dan Smith, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, File No. C15-036, Resolution No. 76041, and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement)
C15-036 – District 8

Ordinance No. 29649 passed for publication.

(b) **Rezoning the Real Property Located at 18590 Almaden Road.**

Consideration of an ordinance rezoning the real property located at 18590 Almaden Road from the R-1-1 Single-Family Residence Zoning District to the R-1-2 Single-Family Residence Zoning District on a 1.3 gross acre site (Bertelsen, David and Ping Li, Owners). CEQA: Envision San José 2040 General Plan Final Program EIR, File No. C15-040, Resolution No. 76041, and Addendum thereto. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement).
C15-040 – District 10

Ordinance No. 29650 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning the Real Property Located at 696 North 6th Street.

Recommendation: Consideration of an ordinance rezoning the real property located at 696 North 6th Street from the R-M Multiple Residence Zoning District to the CP(PD) Planned Development Zoning District to allow up to 600 residential units, up to 25,000 square feet of commercial space and a private community center on a 5.25 gross acre site (City of San José, Owner). CEQA: Japantown Corporation Yard Redevelopment Project EIR, File No. PDC15-018, Resolution No. 74384, and Addenda thereto. Planning Commission recommends approval (5-0-1) (Bit-Badal absent). (Planning, Building and Code Enforcement) PDC15-018 – District 3

Ordinance No. 29651 passed for publication.

11. PUBLIC HEARINGS

11.3 Rezoning the Real Property Located at 356 South Cypress Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of South Cypress Avenue, across from Alden Way, approximately 485 feet south of Stevens Creek Boulevard (356 South Cypress Avenue) from the R-M Multiple Residence Zoning District to the RM(PD) Planned Development Zoning District to allow up to four single-family detached residences in a courthome configuration with on-site parking on a 0.23 gross acre site (Tran Xuan Nhut Trustee & Et Al, Owner). CEQA: Exempt, Guidelines Section 15303(b). New Construction of Small Structures. File No. PDC14-070. Planning Commission recommends approval (5-0-1) (Bit-Badal absent). (Planning Building and Code Enforcement).

PDC14-070 – District 1

Ordinance No. 29652 passed for publication.

11.4 Rezoning the Real Property Located at 2850 Stevens Creek Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek Boulevard and Clover Avenue (2850 Stevens Creek Boulevard) from the CN Neighborhood Commercial Zoning District to the CP Pedestrian Commercial Zoning District on a 0.57 gross acre site (Villa Developers and Investors LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Final Program EIR, File No. C15-043, Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement).

C15-043 – District 6

Ordinance No. 29653 passed for publication.

- **Adjournment**

The Council of the City of San José adjourned at 11:18 p.m. in honor of victims of the recent terrorist attacks in Paris, France and Beirut, Lebanon.