



# CITY COUNCIL AGENDA

**DECEMBER 13, 2016**

## **SYNOPSIS**

CHAPPIE JONES  
SERGIO JIMENEZ  
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 14<sup>th</sup> 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 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**
  - 9:06 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**
  - 1:34 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**
  - 7:05 p.m.** - General Plan/Public Hearings, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (Mayor)**  
Pastor David Cannistraci, Gateway City Church offered the Invocation.
- **Pledge of Allegiance**  
*Heard Following the Ceremonial Items.*  
Mayor Sam Liccardo, accompanied by Third Grade Students from Castlemont and Cedar Grove Elementary Schools, led the Pledge of Allegiance.

- **Orders of the Day**  
*Heard Following the Ceremonial Items.*  
The Orders of the Day and the Amended Agenda were approved, with Item 10.1(a) heard as a separate item; Item 10.1(b) was dropped and 10.1(c) was heard, with the implementation factor dropped, to be renoticed.
- **Closed Session Report**  
No Report.

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a commendation to supporters of the annual Day in the Park Festival for their commitment to volunteering and providing valuable resources to District 8 residents. (Herrera)  
*Heard at 7:00 p.m.*  
**Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended the annual Day in the Park Festival.**
- 1.2 Special presentation to the “Partners in Reading Literacy Program”. (Mayor)  
*Heard at 1:30 p.m.*  
**Mayor Sam Liccardo offered a special presentation to the “Partners in Reading Literacy Program” on behalf of Vice Mayor Rose Herrera, Council Member Pierluigi Oliverio and Council Member Manh Nguyen. Library Director Jill Bourne accepted the books for the “Partners in Reading Literacy Program.”**
- 1.3 Presentation of a commendation to Pacific Coast Farmer’s Market Association for their commitment to providing farm-fresh foods and nutritional education to San José families for over 25 years. (Herrera)  
*Heard at 1:30 p.m.*  
**Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended the Pacific Coast Farmer’s Market Association.**
- 1.4 Presentation of a commendation to the California Department of Fish and Wildlife Wardens for supporting the City of San José and Santa Clara Valley Water District to enhance our creeks and waterways and assisting the homeless response team. (Mayor)  
*Heard at 1:30 p.m.*  
**Mayor Sam Liccardo recognized and commended the California Department of Fish and Wildlife Wardens. Steve Holmes, South Bay Clean Creeks Coalition presented a brief video presentation highlighting the creeks and waterways.**

# 1. CEREMONIAL ITEMS

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- 1.5 Presentation of a commendation to Lieutenant Edward J. Ames, a 93-year old resident of San José and the only crew member from the USS Astoria to have witnessed the attack on Pearl Harbor, for his 40 years of service to the United States Navy. (Mayor/Herrera)  
*Heard at 1:30 p.m.*

**Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended Lieutenant Edward J. Ames for his 40 years of service to the United States Navy.**

- 1.6 Presentation of a commendation to 2016 Science Fair Winners from District 8 for showcasing their talents on project-based research competition. (Herrera)  
*Heard at 7:00 p.m.*

**Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended the 2016 Science Fair Winners from District 8.**

# 2. CONSENT CALENDAR

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## 2.1 Approval of City Council Minutes.

**Recommendation:** Approval of City Council Minutes.

- (a) Regular Minutes of November 15, 2016.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

**Approved.**

## 2.2 Final Adoption of Ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 29835 – An ordinance of the City of San José rezoning certain real property of approximately 9.3 gross acres situated at the north side of Samaritan Drive approximately 700 feet south of the intersection of South Bascom Avenue and Samaritan Drive from the Co Commercial Office Zoning District and A(PD) Planned Development Zoning District to the CG(PD) Planned Development Zoning District. CEQA: Samaritan Medical Center Master Plan Project EIR, File No. GP15-014, PDC15-028 and PDC15-029. (Planning, Building and Code Enforcement)

**Ordinance No. 29835 adopted.**

- (b) ORD. NO. 29836 – An ordinance of the City of San José rezoning certain real property of approximately 3.71 gross acres situated at the Terminus of Samaritan Court (2506 Samaritan Court) from the Co Commercial Office Zoning District to the CO(PD) Planned Development Zoning District. CEQA: Samaritan Medical Center Master Plan Project EIR, File No. GP15-014, PDC15-028, and PDC15-029. (Planning, Building and Code Enforcement)

**Ordinance No. 29836 adopted.**

## 2. CONSENT CALENDAR

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

**Recommendation:**

- (c) ORD. NO. 29837 – An ordinance of the City of San José rezoning certain real property of approximately 0.64 gross acres situated on the southwesterly corner of Stevens Creek Boulevard and South Bascom Avenue (2202 Stevens Creek Boulevard) from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District. CEQA: Exempt per CEQA Guidelines Section 15303(c), for New Construction or Conversion of Small Structures. (Planning, Building and Code Enforcement)

**Ordinance No. 29837 adopted.**

### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of November 16, 2016. (Mayor)  
(b) Public Safety, Finance and Strategic Support Committee Minutes of November 17, 2016. (Oliverio)

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.  
(Deferred from 12/6/16 – Item 2.3)

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

**There were none.**

### 2.5 City Council Travel Reports.

**No Report.**

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

**No Report.**

### 2.7 Actions Related to the 2016 JAG Spending Plan.

**Recommendation:**

- (a) Approve the proposed Spending Plan for the 2016 Edward Byrne Memorial Justice Assistance Grant.  
(b) Adopt a resolution accepting the 2016 Justice Assistance Grant in the amount of \$284,921 and authorizing the City Manager to execute any documents required to effectuate the grant.  
(c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:

## 2. CONSENT CALENDAR

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### 2.7 Actions Related to the 2016 JAG Spending Plan. (Cont'd.)

**Recommendation:**

- (c) (1) Increase the estimate for Revenue from the Federal Government by \$223,351;
- (2) Establish an appropriation to the Police Department for the 2016 Justice Assistance Grant in the amount of \$223,351.

CEQA: Not a Project, File No. PP10-067(c), Non-Project Specific Funding Mechanism, Grant Distribution that would not result in a physical change to the environment.

(Police/City Manager)

(Deferred from 11/8/16 – Item 2.7 and 11/29/16 – Item 2.7)

**Dropped.**

### 2.8 Actions Related to the Sole Source Requirements for Projects within the Airport Capital Improvement Program.

**Recommendation:** Adopt a resolution authorizing the Airport to “sole source” certain products and/or services as part of any future Airport Capital Improvement Program project that expands certain existing Airport systems based on a finding that sole sourcing is needed to match products already in use. CEQA: Not a Project, File No. PP10-066(c), Agreements/Contracts, Contract Award for purchase of supplies and equipment.  
(Airport/Public Works)

**Resolution No. 78012 adopted.**

### 2.9 Actions Related to the Purchase Order for Passenger Boarding Bridges at the Airport.

**Recommendation:** Adopt a resolution authorizing the City Manager to award a Purchase Order to John Bean Technologies Corp. (Ogden, UT) for the purchase of two passenger boarding bridges at the Mineta San Jose International Airport, in an amount not to exceed \$1,708,764 inclusive of a 15% contingency, plus any applicable sales tax. CEQA: Not a Project, File No. PP10-066(a), Purchase Order. (Airport/Finance)

**Resolution No. 78013 adopted.**

## 2. CONSENT CALENDAR

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### 2.10 Actions Related to Amendments to Agreements for Legal Services with Ice Miller LLP, Renne Sloan Holtzman & Sakai LLP, and Hanson Bridgett LLP.

**Recommendation:**

- (a) Adopt a resolution authorizing the City Attorney to negotiate and execute amendments to agreements for legal services relating to implementation of the Alternate Pension Reform Settlement Framework approved by the voters at election in November 2016, as follows:
- (1) A fourth amendment to the continuation agreement with Renne Sloan Holtzman & Sakai LLP for legal services in connection with labor relations matters, adding additional compensation rates, increasing the amount of compensation by \$50,000 for a total amount not to exceed \$1,695,000, and extending the term through June 30, 2018;
  - (2) A seventh amendment to the agreement with Hanson Bridgett LLP for legal services in connection with the City of San José's retirement plans and other benefit plans and programs, increasing the amount of compensation by \$100,000 for a total amount not to exceed \$450,000, and extending the term through June 30, 2018; and
  - (3) An eighth amendment to the agreement with Ice Miller LLP for legal services in connection with retiree health and dental benefits and related tax issues, increasing the contract amount by \$100,000 for a total amount not to exceed \$500,000, and extending the term through June 30, 2018.

**Resolution No. 78014 adopted.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance amendments in the General Fund:
- (1) Increase the City-Wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by \$165,000; and
  - (2) Decrease the Fiscal Reform Plan Implementation Reserve by \$165,000.
- CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney/City Manager)

**Ordinance No. 29838 adopted.**

### 2.11 Certification of the Results of the Run-Off and Special Municipal Elections Held November 8, 2016.

**Recommendation:** Adopt a resolution declaring the results of the November 8, 2016 Run-Off and Special Municipal Elections pursuant to Elections Code Section 15400. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (City Clerk)  
**Resolution No. 78011 adopted.**



## 2. CONSENT CALENDAR

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### 2.12 Actions Related to the Acceptance of Council Member Johnny Khamis' Surplus Campaign Funds.

**Recommendation:** Adopt the following 2016-2017 Appropriation Ordinance and Funding Source Resolution Amendments in the General Fund:

- (a) Increase the estimate for Other Revenue by \$9,569; and
- (b) Increase the Council District #10 appropriation by \$9,569.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Clerk/City Manager)

**Ordinance No. 29839 adopted.**

**Resolution No. 78015 adopted.**

### 2.13 Fall 2016 Boards and Commissions Appointments.

**Recommendation:** Approve the following Board and Commission Appointments:

- (a) Arts Commission:
  - (1) District 3 Seat: Appoint Chris Morrish to a term expiring 6/30/20.
- (b) Housing and Community Development Commission:
  - (1) Citywide Seat: Appoint Nhi Nguyen to a term expiring 6/30/17;
- (c) Human Services Commission:
  - (1) District 3 Seat: Appoint Rich Dotson for the term 1/1/17 to 12/31/20;
  - (2) District 6 Seat: Appoint Shannon Was for the term 1/1/17 to 12/31/20;
  - (3) District 10 Seat: Appoint Thomas Estrada for the term 1/1/17 to 12/31/20;
  - (4) CAAC-Disability Service Provider/Disabled Community Representative Seat: Appoint Tiffany Maciel for the term expiring 12/31/18;
  - (5) CAAC-Domestic Violence Service Provider/Survivor Seat: Appoint Tracy Fowler for the term 1/1/17 to 12/31/20.
- (d) Library and Early Education Commission:
  - (1) CAAC-Early Education/Child Care Seat: Appoint Thaddeus Aid for the term expiring 6/30/18;
  - (2) CAAC-Early Education/Child Care Seat: Appoint Carol Leimroth for the term 1/1/17 to 6/30/20;
  - (3) CAAC-Early Education/Child Care Seat: Appoint Michael Melillo for the term expiring 6/30/18.

CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (City Clerk)  
**Approved.**

### 2.14 Sales Tax Independent Citizen Oversight Committee.

**Recommendation:** Adopt a resolution designating the City's Neighborhoods Commission as the local Sales Tax Independent Citizens Oversight Committee, as outlined in the City's Measure B Sales Tax ballot measure approved by the voters on June 7, 2016. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (City Manager)

**Resolution No. 78016 adopted.**

**Noes: Khamis, Oliverio.**

## 2. CONSENT CALENDAR

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### 2.15 Implementation of an Electrician I/II Hiring Incentive and Referral Bonus Pilot Program.

**Recommendation:** Adopt a resolution as follows:

- (a) Approve the creation of an Electrician I/II Hiring Incentive Pilot Program for new hires into the Electrician I/II classifications, effective January 1, 2017, for a period of up to two (2) years; and
- (b) Approve the creation of an Electrician I/II Referral Bonus Pilot Program for employees represented by the International Brotherhood of Electrical Workers, Local No. 332 (IBEW) who refer a new Electrician I/II hire to the City, effective January 1, 2017, for a period of up to two (2) years.

CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy Change, Title 3 (Personnel). (City Manager)

**Resolution No. 78017 adopted.**

### 2.16 Extension of the Terms of Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) Related to the Public Safety Radio Dispatcher Classification Series.

**Recommendation:** Adopt a resolution approving the extension of the terms of an Agreement between the City of San José and the Municipal Employees' Federation, AFSCME Local 101 (MEF) to provide employees in the Public Safety Radio Dispatcher class series with overtime or compensatory time at 2.0 times the hourly rate for all hours worked past twelve (12) hours in a single shift for a period of twenty-six (26) consecutive pay periods, effective December 4, 2016. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy change, Title 3 (Personnel). (City Manager)

**Resolution No. 78018 adopted.**

### 2.17 Cooperative Agreement No. 8 with Santa Clara Valley Transportation Authority for BART Public Art.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to Cooperative Agreement No. 8 between the City and Santa Clara Valley Transportation Authority (VTA), for the design, construction, and reimbursement relating to the public art component of the BART extension to Berryessa, to extend the existing term until December 31, 2017. CEQA: Final Environmental Impact Report prepared by the VTA for the extension of the BART system to Berryessa in City certified and related findings adopted by the VTA Board on December 9, 2004, and the Final Supplemental Environmental Impact Report prepared for the certified and related findings adopted by the VTA Board on June 7, 2007, and the Final Supplemental Environmental Impact Report #2 prepared for the Project certified and related findings adopted by the VTA Board on March 3, 2011. By Resolution 76126 adopted January 24, 2012, City Council adopted findings as a responsible agency under CEQA concurring with the analysis in the EIRs. Council District 4. (Economic Development)

**Resolution No. 78019 adopted.**

## 2. CONSENT CALENDAR

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### 2.18 Actions Related to the Grant Funding from the David and Lucile Packard Foundation and the John S. and James L. Knight Foundation.

**Recommendation:** Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund to recognize grant funding received from the David and Lucile Packard Foundation (\$130,000) and the John S. and James L. Knight Foundation (\$30,000):

- (a) Increase the estimate for Other Revenue by \$160,000;
- (b) Establish a City-Wide appropriation to the Office of Economic Development for the Building Public Will for the Arts 2016-2017 in the amount of \$130,000;
- (c) Establish a City-Wide appropriation to the Office of Economic Development for the Creative Industry Incentive Fund in the amount of \$30,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager)

**Ordinance No. 29840 adopted.**

**Resolution No. 78020 adopted.**

### 2.19 Strategic Economics to California State Employment Development Department ES202 Industry and Employment Data and Access to California State Board of Equalization Sales and Use Tax Records.

**Recommendation:** Adopt a resolution to:

- (a) Authorize Strategic Economics (SE) to examine all California State Board of Equalization sales and use tax records for the City of San José in order to *inform the San José Retail Study Analysis*.
- (b) Authorize *the Office of Economic Development and Strategic Economic* to examine California State Employment Development Department (EDD) ES202 industry and employment data for the City of San José in order to *inform the San José Retail Study Analysis*.
- (c) Authorize the City Manager or his designee to negotiate and execute an *Agreement* with the EDD to examine ES202 industry and employment data for economic development purposes.

CEQA: Not a Project, File No. PP10-066(d), Agreements and Contracts, Consultant Services. (Economic Development)

**Resolution No. 78021 adopted.**

## 2. CONSENT CALENDAR

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### 2.20 Agreement for Refund of Construction Taxes for Federal Realty Investment Trust.

**Recommendation:** Approve an Agreement for the refund of construction taxes in the amount of \$2,128,962.89 paid under the incorrect rate by Federal Realty Investment Trust for a project located at 3090 Olsen Drive and direct the Director of Finance to make payment in accordance with the Agreement. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council District 6. (Economic Development/Planning, Building and Code Enforcement/Transportation)

**Approved.**

### 2.21 Settlement Agreement related to the Organics Processing Services Agreement with Zero Waste Energy Development Company, LLC.

**Recommendation:** Approve the Settlement Agreement related to the Organics Processing Services Agreement with Zero Waste Energy Development Company, LLC, to allow a one-time waiver of disposal payment requirements to offset enhancements made to processing and diversion services. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts, Services that involve no changes to the physical environment. (Environmental Services)

**Approved.**

### 2.22 Report on Request for Proposal for a Business Intelligence Enterprise Solution.

**Recommendation:** Accept the report on the Request for Proposal for the purchase and implementation of a Business Intelligence Enterprise Solution, and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with AgreeYa Solutions, Inc. (Folsom, CA) for the implementation of a Business Intelligence Enterprise Solution, including related professional services such as business requirements development, configuration, training, testing, technical support, and maintenance, for an initial five-year term commencing on or about December 14, 2016 and ending on or about December 13, 2021, with a maximum compensation amount not to exceed \$369,415, subject to the appropriation of funds;
- (b) Negotiate and execute any necessary documents or agreements with Microsoft or through Microsoft's Large Account Resellers including PCM-G, Inc. (Chantilly, CA) and SoftwareOne (Dallas, TX) as applicable, to purchase various Microsoft Business Intelligence, Azure and related software licenses, subscriptions, data storage, and hosting services for this project, with a maximum compensation amount not-to-exceed \$273,000 during the initial five-year term, subject to the appropriation of funds;
- (c) Execute change orders to cover any additional requirements, not to exceed \$200,000 during the initial five-year term, subject to the appropriation of funds;

## 2. CONSENT CALENDAR

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### 2.22 Report on Request for Proposal for a Business Intelligence Enterprise Solution. (Cont'd.)

**Recommendation:**

- (d) Exercise up to five one-year options to extend the terms of the various Agreements after the initial terms as may be applicable, to provide ongoing software subscriptions, maintenance, hosting, data storage, technical support, and related professional services as required, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase of Supplies, Equipment & Professional services that involve no changes to the physical environment. (Finance)

**Report Accepted.**

**Resolution No. 78022 adopted.**

### 2.23 Actions Related to the Agreement with Alliant Insurance Services, Inc. for the Owner Controlled Insurance Program for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

**Recommendation:** Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Alliant Insurance Services, Inc. to provide broker, claims, and administrative services to establish and maintain a multiline, rolling Owner Controlled Insurance Program for capital improvements at the San José-Santa Clara Regional Wastewater Facility for the term December 14, 2016 through December 13, 2021, with maximum compensation of \$900,000, subject to the appropriation of funds;
- (b) Exercise up to two five-year options to extend the term of the Agreement through December 13, 2031, with maximum compensation not to exceed \$245,000 annually, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance)

**Report Accepted.**

**Resolution No. 78023 adopted.**

## 2. CONSENT CALENDAR

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### 2.24 Actions Related to the Agreement with the County of Santa Clara to Allocate 2016 Emergency Management Performance Grant Funds.

#### **Recommendation:**

- (a) Adopt a resolution that:
  - (1) Certifies that the City shall provide all matching funds required for the grant protect and any cash match will be appropriated as required.
  - (2) Certifies that any liability arising out of the performance of the agreement shall be the responsibility of the City Council.
  - (3) Certifies that the grant funds shall not be used to supplant expenditures controlled by the City Council.
  - (4) Authorizes the City Manager to execute an Agreement between the City of San José and the County of Santa Clara to accept the 2016 EMPG grant allocation in the amount of \$51,915, and to negotiate and execute additional amendments and related documents without further City Council action.

#### **Resolution No. 78204 adopted.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
  - (1) Establish a City-Wide Expenses appropriation to the Fire Department for the Emergency Management Performance Grant - Fire 2016 in the amount of \$51,915;
  - (2) Increase the estimate for Revenue from Federal Government by \$51,915.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Fire/City Manager)

#### **Ordinance No. 29841 adopted.**

#### **Resolution No. 78025 adopted.**

## 2. CONSENT CALENDAR

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### 2.25 Actions Related to the Violence Against Women Act – Housing Opportunities For People with Aids Project Demonstration Grant.

**Recommendation:**

- (a) Adopt a resolution authorizing the Director of Housing to:
  - (1) Accept the VAWA-HOPWA Project Demonstration grant award in the amount of \$1,286,520 and approve grant agreements CAH15-001 and CAH15-002 with the U.S. Department of Housing and Urban Development (HUD);
  - (2) Negotiate and execute Grant Agreements to implement the services identified in the memorandum to Council with the following two agencies:
    - (i) \$1,059,300 to The Health Trust to provide permanent housing placement assistance, rental assistance, motel vouchers, and training and capacity building services to support victims of domestic violence who are also living with HIV/AIDS;
    - (ii) \$192,215 to Next Door Solutions to Domestic Violence to provide individual advocacy and self-sufficiency case management to participants of the Health Trust program described above in subsection 2(i).

**Resolution No. 78206 adopted.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:
  - (1) Increase the estimate for Revenue from the Federal Government by \$1,286,520;
  - (2) Increase the appropriation to the Housing Department for HOPWA SHAPPS Grants by \$1,286,520.

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts for Services that involve no physical changes to the environment. (Housing/City Manager)

**Ordinance No. 29842 adopted.**

**Resolution No. 78027 adopted.**

### 2.26 Agreement with Managed Health Network for Employee Assistance Programs and Critical Incident Stress Management, and MHN Services for Substance Abuse Treatment Services.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement between the City of San José and Managed Health Network for Employee Assistance Programs and Critical Incident Stress Management, and MHN Services for Substance Abuse Treatment Services for the period of January 1, 2017, through December 31, 2021, for a total cost not to exceed \$2,346,114, subject to the annual appropriation of funds. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Human Resources)

**Resolution No. 78028 adopted.**

## 2. CONSENT CALENDAR

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### 2.27 Agreement with Service Systems Associates, Inc. for Concession Services at Happy Hollow Park and Zoo.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute:

- (a) An Agreement with Service Systems Associates, Inc. (SSA) to provide retail concession services at Happy Hollow Park and Zoo, effective from January 9, 2017 through five years, with a Minimum Annual Guarantee of \$60,000 per year to be paid to the City;
- (b) Extensions or amendments to the Agreement which include three additional two year options to extend the agreement after the initial term.

CEQA: Not a Project, File No. PP10-066(e), Agreement and Contracts, Services that involve no physical changes to the environment. Council District 7. (Parks, Recreation and Neighborhood Services)

**Resolution No. 78029 adopted.**

### 2.28 Actions Related to the Rincon South Park Master Plan.

**Recommendation:**

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Rincon South Park Master Plan (File No. PP16-077) as having been completed in compliance with the California Environmental Quality Act, and adopting a related Mitigation Monitoring and Reporting Program;

**Resolution No. 78030 adopted.**

- (b) Approve the Rincon South Park Master Plan regarding a 0.9 acre site at the intersection of Kerley Drive and Rosemary Street (APN 235-05-010); and
- (c) Approve “Rincon South” as the name for this new neighborhood park.

CEQA: Rincon Park Master Plan Mitigated Negative Declaration, File No. PP16-077. Council District 3. (Parks, Recreation and Neighborhood Services)

**Approved.**



## 2. CONSENT CALENDAR

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### 2.29 Actions Related to the 2017-2018 Hazardous Vegetation Commencement Report.

**Recommendation:** Adopt a resolution:

- (a) Accepting the 2017-2018 Hazardous Vegetation Commencement Report (see Weed Abatement Program Commencement Report attached to the memorandum to Council) compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation;
- (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance; and
- (c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail notices of a Public Hearing on January 31, 2017, at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

CEQA: Exempt, Section 15301(h), Existing Facilities, File No. PP13-097. (Planning, Building, and Code Enforcement)

**Resolution No. 78031 adopted.**

### 2.30 Amendment to the 2016-2017 Schedule of Fees and Charges for the Urban Agriculture Tax Incentive Application Fee.

**Recommendation:** Adopt a resolution amending the 2016-2017 Schedule of Fees and Charges (Resolution No. 72737, as amended) to establish an Urban Agriculture Tax Incentive Application Fee in the amount of \$1,540 per application for eligible parcels in an Urban Agriculture Incentive Zone. CEQA: Not a Project, Section 15378 Definition of Project and Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP16-119. (Planning, Building and Code Enforcement/City Manager)

**Resolution No. 78032 adopted, as amended, Staff recommendation Alternative #1 was approved: charging a fee of \$308 for two hours of Staff time. Two applications will be paid by donations from Vice Mayor Rose Herrera, District 8 and Council Member Raul Peralez, District 3, in the amount of \$308 each, totaling \$616.**

## 2. CONSENT CALENDAR

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### 2.31 Amendment to Title 23 (Sign Code) for Commercial and Industrial Zoning Districts and Neighborhood Business Districts.

**Recommendation:**

- (a) Adopt a resolution approving a Third Addendum to the Sign Code Negative Declaration (Resolution No. 76826), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended.

**Resolution No. 78033 adopted.**

- (b) Approve an ordinance amending Title 23 (the Sign Code) of the San José Municipal Code to amend Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, Section 23.04.20 Attached Signs, to allow large ground-level single tenant spaces located within a Shopping Center Site to have additional and large Attached Signs, flexibility in placement of Attached Signs on an Occupancy Frontage, and specify the maximum size and number of Attached Signs; and make nonsubstantive, ministerial, technical, or typographical changes to various Sections of Chapter 23.04 of the Sign Code.

CEQA: Negative Declaration, File No. PP13-067, and Addenda thereto File Nos: PP13-083, PP14-007 and PP16-083. (Planning, Building, and Code Enforcement)

**Ordinance No. 29843 passed for publication.**

### 2.32 Actions Related to the Spending Plan for the SLES Grant.

**Recommendation:**

- (a) Approve the proposed 2016-2018 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$1,604,880 and authorize the Chief of Police to amend the Spending Plan in conformity to the budget priorities set out in the memorandum to Council in the event State SLES Grant payments are less or more than expected.
- (b) Approve the revised 2015-2017 Spending Plan for the Supplemental Law Enforcement Services (SLES) Grant in the amount of \$2,061,872, including the addition of a new Crime Prevention Community Policing Program.

**Approved.**

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

- (1) Increase the estimate for Revenue from State of California by \$609,623;
- (2) Establish an appropriation for Revenue from the Use of Money/Property in the amount of \$7,105;
- (3) Increase the appropriation to the Police Department for the SLES Grant 2015-2017 in the amount of \$473,017;
- (4) Establish an appropriation to the Police Department for the SLES Grant 2016-2018 in the amount of \$143,711.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Police/City Manager)

**Ordinance No. 29844 adopted.**

**Resolution No. 78034 adopted.**

## 2. CONSENT CALENDAR

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### 2.33 **Actions Related to the Agreement with County of San Francisco for the 2016 Urban Areas Security Initiative Grant Funds Allocation.**

**Recommendation:**

- (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative (UASI), to accept the 2016 UASI grant allocation in the amount of \$1,403,416, and to negotiate and execute additional amendments and related documents without further City Council action.

**Resolution No. 78035 adopted.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
- (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2016 in the amount of \$733,382;
  - (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2016 in the amount of \$340,694;
  - (3) Increase the estimate for Revenue from Federal Government by \$1,074,076.

CEQA: Not a Project, File No. PP10-066(g), Grant Agreements and Memorandum of Understanding. (Police/Fire/City Manager)

**Ordinance No. 29845 adopted.**

**Resolution No. 78036 adopted.**

### 2.34 **Amendment to the Agreement with Kinetics Mechanical Service Inc. for the 7417 – City Facilities On-Call Mechanical Contract for Facility Project.**

**Recommendation:** Approve the First Amendment to the 7417 – City Facilities On-Call Mechanical Contract with Kinetics Mechanical Service Inc. to:

- (a) Extend the Contract term by six months from the expiration date of December 31, 2016 to June 30, 2017;
- (b) Make the California Department of Industrial Relations 2016-2 Wage Index applicable to the payment of prevailing wages for the period of December 31, 2016 to June 30, 2017.

CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.35 Report on bids and Award of Contract for the 8149 – Large Trash Capture Device Installation - Phase IV Project.

**Recommendation:** Report on bids and award of contract for the 8149 – Large Trash Capture Device Installation - Phase IV project to the low bidder, KJ Woods Construction, Inc. in the amount of \$3,248,000, and approval of a contingency in the amount of \$324,800. CEQA: Citywide Large Trash Capture Device Installation, File No. PP15-081 dated September 1, 2015 is an Addendum to a Mitigated Negative Declaration for a previous project File No. PP08-257 adopted on January 22, 2009. (Public Works)  
**Approved.**

### 2.36 Report on Bids and Award of a Design-Build Construction Contract for the 7338 – PAC Fire Alarm Replacement Rebid.

**Recommendation:** Report on bids and award of a design-build construction contract for 7338 – PAC Fire Alarm Replacement Rebid to the low bidder, Rollin Electric, in the amount of \$740,716, and approval of a contingency in the amount of \$111,107. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP15-052. Council District 3. (Public Works)  
**Approved.**

### 2.37 Agreement with IBI Group and Group 4 Architecture Research + Planning, Inc. for Various City Facility Projects.

**Recommendation:** Approve Master Agreements with IBI Group and Group 4 Architecture Research + Planning, Inc. for architectural design and master planning services from the date of execution through December 31, 2020 in an amount not to exceed \$1,000,000 for each agreement. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Public Works)  
**Deferred to January 10, 2017 Per Administration.**

### 2.38 Actions Related to the 7636 – Mineta San José International Airport – Northeast Cargo Switchgear And Generator Relocation Project.

**Recommendation:** Report on bids and award of contract for the 7636 - Mineta San José International Airport – Northeast Cargo Switchgear and Generator Relocation project to the low bidder, Rosendin Electric, Inc., in the amount of \$1,345,509; and approve a contingency in the amount of \$134,551. CEQA: Resolution Nos. 67380 and 71451, File No. PP16-060. (Public Works/Airport)  
**Approved.**

## 2. CONSENT CALENDAR

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### 2.39 Report on Bids and Award of a Construction Contract for the 7267 – Bramhall Park Lawn Bowling Green Renovation Project.

**Recommendation:**

- (a) Report on bids and award of a construction contract for 7267 – Bramhall Park Lawn Bowling Green Renovation project to the low bidder, Goodland Landscape Construction, Inc. for the base bid in the total amount of \$1,104,350 and approval of a five percent contingency in the amount of \$55,218;

**Approved.**

- (b) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
- (1) Increase the Bramhall Park Lawn Bowling project to the Parks, Recreation and Neighborhood Services Department by \$455,000;
  - (2) Decrease the Future PDO/PIO Project Reserves by \$455,000.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP15-065. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

**Ordinance No. 29846 adopted.**

### 2.40 Vehicle Registration Fee Grant Agreement with Santa Clara Valley Transportation Authority for Transportation Infrastructure and Signal Retiming Projects.

**Recommendation:** Approve a Vehicle Registration Fee Grant Agreement with the Santa Clara Valley Transportation Authority in an amount not to exceed \$958,000 to fund five transportation infrastructure and signal retiming projects throughout San José. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-112. (Transportation)

**Approved.**

### 2.41 Cost Sharing Agreement with the Santa Clara Valley Transportation Authority for the Alum Rock/Santa Clara Bus Rapid Transit Project.

**Recommendation:** Approve a Cost Sharing Agreement with the Santa Clara Valley Transportation Authority for construction of improvements to the existing pavement and sidewalk as part of the Alum Rock/Santa Clara Bus Rapid Transit Project in the amount of \$3,600,000. CEQA: Exempt, File No. PP13-075. Council District 5. (Transportation)

**Approved.**

### 2.42 Report on the Traffic Impact Fee Program in Accordance with Mitigation Fee Act.

**Recommendation:** Accept the annual and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 *et seq.*) on the status of the City's four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Transportation)

**Accepted.**

## 2. CONSENT CALENDAR

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### 2.43 Council Appointee Actions.

**Recommendation:**

- (a) Adopt a resolution to appoint Walter Katz as the City's Independent Police Auditor for a four-year term, commencing January 1, 2017 through December 31, 2020.

**Resolution No. 78037 adopted.**

- (b) Adopt a resolution to grant an additional 100 hours of Executive Leave to the City Manager for the 2017 payroll calendar year.

CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Mayor)

**Resolution No. 78038 adopted.**

### 2.44 Independent Police Auditor Community Trust in Policing Forum and Strengthening Community Relations Project.

**Recommendation:** As recommended by the Rules and Open Government Committee on December 7, 2016:

- (a) Approve the Independent Police Auditor Community Trust in Policing Forum scheduled on Saturday, January 21, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the Independent Police Auditor Strengthening Community Relations Project as City Council sponsored Special Events and approve the expenditure of funds.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor/Carrasco)  
[Rules Committee referral 12/7/16 – Item G.1.a.]

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No Report.

### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 9:06 a.m.**

**No Report.**

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.3 Open Audit Recommendations Status Report.**

**Recommendation:** Accept the Open Audit Recommendations Status Report. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Auditor/City Manager)  
**Accepted.**

#### **3.4 2015-2016 Comprehensive Annual Financial Report.**

**Recommendation:** Accept the Fiscal Year 2015-2016 Comprehensive Annual Financial Report for the City of San José. CEQA: Not a Project. File No. PP10-069(a), Organizational and Administrative Activities, Staff Reports. (Finance)  
*Heard Jointly with Items 3.5 And 9.2.*  
**Accepted.**

#### **3.5 External Auditor's Reports: Single Audit Report and Report to Those Charged with Governance for the Year Ended June 30, 2016.**

**Recommendation:** Accept the Single Audit Report and Report to Those Charged with Governance for the year ended June 30, 2016 as issued by Grant Thornton LLP, the City's external auditor. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Finance)  
*Heard Jointly with Items 3.4 And 9.2.*  
**Accepted.**

#### **3.6 Comprehensive Annual Debt Report For Fiscal Year Ended June 30, 2016.**

**Recommendation:** Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2015-2016. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Staff Reports. (Finance)  
**Accepted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Business Tax Modernization and Minimum Wage Increase Outreach Plan.

**Recommendation:** As recommended by the Community and Economic Development Committee on November 28, 2016:

- (a) Accept staff's report on the Business Tax Modernization and Minimum Wage Increase Outreach Plan;

**Accepted.**

- (b) Approve an ordinance adding a new Section 4.76.290.5 to Chapter 4.76 of Title 4 of the San José Municipal Code to extend the deadline from July 1, 2017 to December 15, 2017 for residential landlords of 1 or 2 units to register with the City and pay the Business Tax owed as of July 1, 2017 without incurring interest or penalties;

**Ordinance No. 29848 passed for publication.**

- (c) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the General Fund:
  - (1) Increase the Finance Department Non-Personal/Equipment appropriation by \$150,000; and
  - (2) Decrease the Business Tax Outreach Reserve by \$150,000.

CEQA: Exempt, CEQA Guidelines Section 15378(b)(4). (Finance/City Manager)  
[Community and Economic Development Committee referral 11/28/16 – Item (d)(7)]

**Ordinance No. 29849 adopted.**

#### 3.8 Retiree Member Appointment to the Board of Administration for Federated City Employees Retirement System.

**Recommendation:** Appoint Lawrence Jay Castellano to the Board of Administration for Federated City Employees Retirement System for the term December 1, 2016 to November 30, 2020. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (City Clerk)

(Deferred from 12/6/16 – Item 2.7)

**Not Approved.**

**Staff directed to return Item 3.8 back to the Panel for further review and analysis.**

**Noes: Khamis, Oliverio, Rocha.**

#### 3.9 City Council PTC Plan.

**Recommendation:** As recommended by the Rules and Open Government Committee on December 7, 2016:

- (a) Direct the City Attorney to draft a resolution that fixes the disparity for retirement plans offered to the Council Members. (Mayor)
- (b) Consideration of a resolution increasing the City's contribution rate for Council Members in the City's PTC Deferred Compensation Plan. (City Attorney)

CEQA: Not a Project, File No. PP10-069, City Administrative Activities.

**Resolution No. 78041 adopted.**



### 3. STRATEGIC SUPPORT SERVICES

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#### 3.10 Community Workforce Agreements.

**Recommendation:** As recommended by the Rules and Open Government Committee on December 7, 2016:

- (a) Direct the City Manager to create a six member date-limited task force to study the opportunities and impacts of implementing requirements for Community Workforce Agreements and Project Labor Agreements on City capital projects, and report back to City Council before June 30, 2017.
- (b) Appoint Assistant City Manager Dave Sykes to convene the task force as its Chair.
- (c) Appoint Council Member Jones to the panel, representing the City Council.
- (d) Direct the City Manager to coordinate with the South Bay Labor Council, San Jose/Silicon Valley Chamber of Commerce, the Santa Clara and San Benito County Building & Trades Council, and the Association of General Contractors, in appointing the remaining four members. Those seats should be divided equally between labor and business representatives.

CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Mayor)  
[Rules Committee referral 12/7/16 – Item G.3.]

**Approved.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Actions Related to the Lease Agreement for San Pedro Squared Retail Project.

**Recommendation:**

- (a) Conduct a Public Hearing regarding an economic development subsidy in connection with a below-market-rate lease with the San Jose Downtown Association, pursuant to California Government Code Section 53083.

**The Public Hearing was held.**

- (b) Adopt a resolution authorizing the City Manager or his designee to negotiate a lease of approximately 12 parking spaces inside of the City-owned parking garage at 45 N. Market St. with the San Jose Downtown Association for a period of five years with one five-year option for \$1 per year for the development of four retail units and a contribution to the tenant improvements in the amount of \$98,000 based upon the terms and conditions outlined in the memorandum to Council and to execute the lease and all other documents needed to complete the transaction.

CEQA: Not a Project, File No. PP10-069, City Administrative Activities and File No. PP10-066, Agreement and Contracts. Council District 3. (Economic Development)

**Resolution No. 78042 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 Declaration of a Continued Shelter Crisis and Overnight Warming Center Activation.

**Recommendation:** Adopt a resolution declaring the continued existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 et seq. and designating the following four city owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:

- (a) Bascom Community Center, 1000 S Bascom Ave, San José, CA 95128;
- (b) Tully Community Library, 880 Tully Rd, San José, CA 95111;
- (c) Washington United Youth Center, 921 S 1st St, San José, CA 95110;
- (d) Bibliotheca Branch Library, 921 S 1st St, San José, CA 95110.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP15-119. (Housing)

**Resolution No. 78043 adopted.**

### 4.3 Amendment to Title 23 (Sign Code) for Supergraphic Signs in the Downtown Sign Zone and the North San José Signage Area.

**Recommendation:**

- (a) Adopt a resolution approving a Fourth Addendum to the Sign Code Negative Declaration (Resolution No. 76826), for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended.
- (b) Approve an ordinance amending Title 23 (the Sign Code) of the San José Municipal Code to amend Parts 1 and Part 4 of Chapter 23.02 and Parts 1 and 2 of Chapter 23.04 to allow and regulate supergraphic signs in the Downtown Sign Zone and the North San José Signage Area, including specific regulations related to the number, size, and location of supergraphic signs; to amend and add definitions related to supergraphic signs, including but not limited to revising the definition of Banner Sign, defining “Historic Building”, “Large Downtown Convention”, “Large Downtown Special Event”, “Peak Room Nights”, and “Supergraphic Sign”; and to make nonsubstantive, ministerial, technical, or typographical changes to various Sections of Chapters 23.02 and 23.04 of the Sign Code. (File No. PP16-131).
- (c) Direct staff to report back to the City Council in three years with an evaluation of the effectiveness of the Ordinance and any recommended changes to improve outcomes.

CEQA: Negative Declaration, File No. PP13-067, and Addenda thereto File Nos. PP13-083, PP14-007, PP16-083 and PP16-131. (Planning, Building, and Code Enforcement)

*(Action Continued on the Next Page)*

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

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### **4.3 Amendment to Title 23 (Sign Code) for Supergraphic Signs in the Downtown Sign Zone and the North San José Signage Area. (Action Cont'd.)**

The memorandum from Mayor Sam Liccardo, Council Member Raul Peralez and Council Member Manh Nguyen, dated December 9, 2016, was approved, accepting the Staff recommendation with the following direction to the City Manager:

- (1) Report back to Council with a community outreach strategy expanding on Council Policy 6-30 that engages the community prior to supergraphics being displayed on any eligible building.**
- (2) Within the 14-day timeframe of the display of a supergraphic sign associated with a large convention or special event, allow for flexibility to enable the applicant to shift all or most of the timeframe to a duration prior to the actual date of the event, rather than after the conclusion of the event.**
- (3) Based on prior Council direction and on the experience of City Staff in observing the Denver “Arts District” model, analyze a fee structure and return to Council during the budget process to assess whether and how San José could use supergraphic fee revenues to fund Downtown and North San José aesthetic improvements such as cleanup, graffiti removal, beautification and murals.**

**Resolution No. 78044 adopted.**

**Ordinance No. 29850 passed for publication.**

### **4.4 Actions Related to the Extension of Downtown High-Rise Incentive Program.**

**Recommendation:** As recommended by the Rules and Open Government Committee on November 30, 2016:

- (a) Approve an ordinance amending Section 4.46.036 of Chapter 4.46 and Section 4.47.089 of Chapter 4.47 of Title 4 of the San José Municipal Code to suspend fifty percent (50%) of construction taxes on high-rise developments in the Downtown Area and to provide for payment at time of issuance of the Certificate of Occupancy.**
- (b) Adopt a resolution setting the Parkland Fees charged for residential downtown high-rise developments at fifty percent (50%) of the applicable Parkland Fees for multi-family 5+ units in the Downtown Area and to provide for payment at time of issuance of the Certificate of Occupancy.**
- (c) Discussion of memorandum from Mayor Liccardo and Council Member Peralez regarding Downtown High Rise Incentive Program.**

**CEQA: Not a Project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustments to Fees, Rates, and Fares. (Mayor/Peralez)**

**[Rules Committee referral 11/30/16 – Item G.2.]**

***(Action Continued on the Next Page)***

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

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### **4.4 Actions Related to the Extension of Downtown High-Rise Incentive Program. (Action Cont'd.)**

- \*** The memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated November 22, 2016, was approved, with direction to the City Manager to extend the Downtown High Rise Incentive Program for new construction of residential buildings of at least 12 stories in height for the next 1,500 units (including existing allocations) in the Downtown Growth Area, as defined by the Planned Growth Area Diagram in the Envision 2040 San José General Plan (Attachment 1).
- (1) Similar to the preexisting incentive structure, the renewed incentive program should consist of the following elements:**
    - (a) Identification of a single point of contact in the Planning Department for high rise projects.**
    - (b) Expediting the site development permit process such that a decision will be reached at a Director's Hearing within 120 days upon filing of a completed application and with the applicant's full compliance of regulations relating to public outreach and architectural review.**
    - (c) Deferral of fees and taxes to be paid at the time of issuance of a Certificate of Occupancy.**
    - (d) Reduction of the aggregate fee and tax burden at levels commensurate with the following:**
      - 1. Reduce Park Fees by 50%**
      - 2. Reduce Construction related taxes by 50%**
      - 3. Other fees or taxes that Staff may publicly propose to Council, upon Council approval**
  - (2) To qualify for any of these incentives, the high rise residential development must:**
    - (a) Break ground by July 2018 and be completed by December 2020.**
    - (b) Retain contractors licensed by the State of California and the State of San José.**
    - (c) Employ only construction workers who possess licenses and certifications required by the State of California.**
    - (d) Post bids on websites such as The Bay Area Builders Exchange for subcontractors to readily access work to bid on for local works in the 9 Bay Area Counties, including Santa Cruz, Monterey and San Benito Counties.**
  - (3) In addition, the developer who opts in to the Downtown High Rise Residential Incentive Program shall make good faith efforts to:**
    - (a) Comply with the State of California's apprenticeship program requirement that at least 16.7% of the hours worked by their respective construction workforces on the project must be worked by registered apprentices from approved apprenticeship training programs.**
    - (b) Ensure that 25% of those registered apprentices are identified as having an employment barrier such as homeless, veterans or at risk youth.**

*(Action Continued on the Next Page)*

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

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### **4.4 Actions Related to the Extension of Downtown High-Rise Incentive Program. (Action Cont'd.)**

\* **From the memorandum from Council Member Donald Rocha, dated December 12, 2016, the following two items were approved:**

- (2) Staff was directed to analyze all the proposals (except for the public safety impact fee proposal) outlined on Page 2 of the attached joint letter from the Construction Trades Council, the South Bay Labor Council, and Working Partnerships as part of Staff's existing work plan item on the topic of local hire.**
- (3) Staff was further directed to take steps necessary to return to Council with their analysis of the local hire issue, including the analysis above in Recommendation (2) by June 2017. If any budget allocation or other Council action is needed to facilitate that timeline, Staff was directed to put those decisions before Council in a timely fashion to ensure that the timeline can be met.**

\* **Staff was directed to update the Nexus Study as part of the Greenprint process.**

\* **Staff was further directed to provide a verbal update on the timeline status of the Request for Qualifications (RFQ) at Rules and Open Government Committee and/or the Community and Economic Development Committee in January 2017.**

**Ordinance No. 29847 passed for publication.**

**Resolution No. 78039 adopted.**

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Annual Capital Improvement and Bond Projects Report.**

**Recommendation:** As recommended by the Neighborhood Services and Education Committee on November 10, 2016, accept the annual update on capital improvement and bond projects. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Annual Reports that involve no approvals of any City actions. (Parks, Recreation and Neighborhood Services)

(Neighborhood Services and Education Committee referral 11/10/16 – Item d.3)

**Accepted.**

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

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### **6.1 Actions Related to Projects for the Airport Capital Improvement Program.**

#### **Recommendation:**

- (a) Adopt the following 2016-2107 Appropriation Ordinance and Funding Sources Resolution amendments in the Airport Capital Improvement Fund:
- (1) Establish an appropriation to the Airport Department for Lighting System Upgrade for the CAT II Approach in the amount of \$806,000;
  - (2) Establish an appropriation to the Airport Department for Airfield Electrical System Upgrade in the amount of \$6,448,000;
  - (3) Establish an appropriation to the Airport Department for Zero Emissions Buses in the amount of \$12,089,000;
  - (4) Increase the estimate for Revenue from Federal Government in the amount of \$19,343,000.
  - (5) Provide that these amendments will automatically expire in the event that revenue from the federal government is not received.

**Ordinance No. 29851 adopted.**

**Resolution No. 78045 adopted.**

- (b) Adopt the following 2016-2107 Appropriation Ordinance amendments in the Airport Renewal and Replacement Fund:
- (1) Establish an appropriation to the Airport Department for Lighting System Upgrade for the CAT II Approach in the amount of \$194,000;
  - (2) Establish an appropriation to the Airport Department for Airfield Electrical System Upgrade in the amount of \$1,552,000;
  - (3) Establish an appropriation to the Airport Department for Zero Emissions Buses in the amount of \$2,911,000; and
  - (4) Decrease the Unrestricted Ending Fund Balance in the amount of \$4,657,000.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Airport/City Manager)

**Ordinance No. 29852 adopted.**

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.2 Staffing and Resource Plan for Diridon Station and Regional Rail Megaprojects.

**Recommendation:** Accept the report on the City Administration’s Staffing and Resource Plan for the Diridon Station and Regional Rail Megaprojects. CEQA: Not a Project. File No. PP10-067(a), Non-Project Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. Council District 3. (Economic Development/Planning, Building and Code Enforcement/Transportation)

**The memorandum from Mayor Sam Liccardo, dated December 9, 2016, was approved. Accept the Staffing and Resource Plan for the Diridon Station and Regional Rail Megaprojects as outlined by the Administration, with additional direction to: Engage with the Metropolitan Transportation Commission, Association of Bay Area Governments, Santa Clara Valley Transportation Authority and the California High Speed Rail Authority on the availability of funding sources to support the significant workload related to public and private investments that are envisaged in the area over the next decade.**

### 6.3 Actions Related to State Agencies Maintenance and Cleaning of Property within City Boundaries – “Clean City.”

**Recommendation:** Direct the City Attorney to examine whether or not the City of San José can fine State Agencies for not maintaining or cleaning property within City Boundaries, and determine if the City of San José can bill State Agencies for these services. CEQA: Not a Project, File No. PP10-069, City Administrative Activities. (Oliverio)

**The memorandum from Council Member Pierluigi Oliverio, dated December 7, 2016, was referred to the City Manager to analyze the City of San José’s options.**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to the Issuance of a Non-Exclusive Franchise Agreement with Del Toro Trucking for the Collection, Transport, and Disposal of Residential Clean-Out Material and Construction and Demolition Debris.**

**Recommendation:**

- (a) Conduct a Public Hearing on the application of Del Toro Trucking for a Non-Exclusive Franchise for the non-exclusive collection, transport, and disposal of residential clean-out material and construction and demolition debris.

**The Public Hearing was Held.**

- (b) Approve an ordinance granting the franchise.

**Ordinance No. 29853 passed for publication.**

- (c) Approve the Non-Exclusive Franchise Agreement for the collection, transport, and disposal of residential clean-out material and construction and demolition debris for a retroactive one-year term from July 1, 2016 to June 30, 2017 with the option of two one-year extensions.

CEQA: Exempt, File No. PP08-228. (Environmental Services)

**Approved.**

## **8. PUBLIC SAFETY SERVICES**

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## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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### **9.1 Approval of the Sale of the Successor Agency Interests in the Marriott and Sheraton Four Points Hotels.**

**Recommendation:** Successor Agency Board approve:

- (a) Purchase and Sale Agreement of Interest in Declaration of Covenants and Restrictions Affecting Real Property, between the Successor Agency to the Redevelopment Agency, as seller, and the County of Santa Clara, as buyer, to acquire the Successor Agency's interest in the Declaration of Covenants and Restriction Affecting Real Property recorded against the Marriott Hotel, for the Appraised Value of \$12,470,000;
- (b) Purchase and Sale Agreement of Interest in Declaration of Covenants and Restrictions Affecting Real Property, between the Successor Agency to the Redevelopment Agency, as seller, and the County of Santa Clara, as buyer, to acquire the Successor Agency's interest in the Declaration of Covenants and Restrictions Affecting Real Property recorded against the Sheraton Four Points Hotel, for the Appraised Value of \$1,960,000.

CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts for services that involve no physical changes to the environment. (Successor Agency)

**Dropped.**



## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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### **9.2 Successor Agency to the Redevelopment Agency of the City of San José – Fiscal Year 2015-2016 Audited Financial Statements.**

**Recommendation:** Accept the Fiscal Year 2015-2016 Independent Auditor’s Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Not a Project, File No. PP10-069(a), City Organizational and Administrative Activities, Annual Reports. (Successor Agency/Finance)

*Heard Jointly with Items 3.4 and 3.5.*

**Accepted.**

### **9.3 Agreement with Jones Hall, a Professional Law Corporation, for Bond and Disclosure Counsel Services.**

**Recommendation:** Adopt a resolution authorizing the General Counsel to negotiate and execute an agreement with Jones Hall, a Professional Law Corporation, for bond and disclosure counsel services in connection with the potential refunding of Successor Agency Bonds in an amount not to exceed \$450,000. CEQA: Not a Project; File No. PP10-066(e), Agreements and Contracts, Services that involve no physical changes to the environment. (City Attorney)

**SARA Resolution No. 7055 adopted.**

- **Open Forum**  
There were none.

- **Adjournment**  
Mayor Sam Liccardo adjourned the afternoon Council Session at 6:39 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.1 Tentative approval of General Plan Consent Calendar items.

*Note: Item 10.1(a) was heard as a Separate Item per Orders of the Day.*

(a) **General Plan Text Amendment: General Plan Four-Year Review.**

**Recommendation:** City-initiated General Plan Text Amendments associated with the General Plan Four-Year Review. CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan Final Program EIR (Resolution No. 77517). Planning Commission recommends approval (4-0-3) (Commissioners Bit-Badal, Ballard, and Vora absent). (Planning, Building and Code Enforcement) **GPT16-009** – Citywide

\* **The memorandum from Mayor Sam Liccardo and Council Member Chappie Jones, dated December 9, 2016, was approved, approving the Staff recommendations with the additional direction to the City Manager to:**

- (1) **Attachment D, Chapter 4, “Affordable Housing” section, Page 31, H-2.9, 3. – Revise as bolded and underlined: The site has adjacent properties with a residential General Plan Land Use/Transportation Diagram designation on at least ~~one side~~ two sides and the development would be compatible with the surrounding neighborhood.**
- (2) **Attached E, 2d: Return to Council during the Spring General Plan Hearing with amendments and rezonings for retail uses, as directed by Council in April 2015 with special focus to identifying prime retail sites in retail starved areas of the City, such as North San José and the North 13<sup>th</sup> Street Corridor.**
- (3) **Attachment E, 2f.(1): Return to Council with further study per the April 2015 Council direction to maintain a minimum FAR for employment uses in the range of .35-.4 for high priority Urban Villages along transit corridors in the near term, as plans are developed.**

\* **The memorandum from Council Member Chappie Jones, dated December 12, 2016, was approved, accepting the Staff Report with the following changes:**

- (1) **Remove/delete General Plan Policy IP Industrial Park Zoning Districts-2.10, which reads: “*To facilitate the development of complete Urban Village areas, following construction of a Signature Project within a future Horizon Urban Village, move the subject Urban Village into the current Planning Horizon.*” (Envision San José 2040, Chapter 7, Implementation, Page 9).**

*(Action Continued on the Next Page)*

## 10. GENERAL PLAN PUBLIC HEARINGS

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10.1 (a) **General Plan Text Amendment: General Plan Four-Year Review. (Action Cont'd.)**

- \* **The memorandum from Council Member Donald Rocha and Council Member Raul Peralez, dated December 9, 2016, was approved, recommending approval of the Staff recommendations, with additional direction: Before Planning Staff begins planning efforts on additional urban village areas, direct Staff to agendize a Council item for the purpose of seeking input from the Council and the public on where new urban village planning efforts should be targeted. Staff may make recommendations as to which villages they believe should be planned next but should also make an effort to evaluate a range of alternatives for Council consideration. Staff should consider whether planning specific villages can help achieve City policy, whether a village has shown market interest or other criteria Staff believes is relevant.**
- The General Plan Text Amendment was tentatively approved.**  
**Noes: Jimenez.**

(b) **General Plan Text Amendment: Implementation Chapter for Roosevelt Park and Little Portugal Urban Village Plans.**

**Recommendation:** Tentative approval of the General Plan Text Amendment to the Roosevelt Park and Little Portugal City Council adopted Urban Village Plans to include an Implementation Chapter. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan Final Program EIR (Resolution No. 77517). Planning Commission recommends approval (4-0-3) (Ballard, Bit-Badal, and Vora absent). (Planning, Building and Code Enforcement)

**GPT16-010 – Council Districts 3 and 5**  
**Dropped per Orders of the Day.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

#### (c) Alameda Urban Village Plan Policy Framework. (Cont'd.)

**Recommendation:** Tentative approval of the Alameda Urban Village Plan prepared by the City and community to provide a Policy framework to guide new job and housing growth within the Urban Village boundary and guide the preservation of existing neighborhoods and historic buildings. The Plan will also guide the characteristics of the future developments, including buildings, parks, plazas and public art, streetscape and circulation, and financing within this area. This Plan supports the identified growth capacity for this Urban Village in the Envision San José 2040 General Plan, providing the capacity for development of approximately 411 new dwelling units and 1,610 new jobs (483,000 square feet of commercial space).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan Final Program EIR (Resolution No. 77517). Planning Commission recommends approval (4-0-3) (Commissioners Ballard, Bit-Badal, and Vora absent). Council District 6. (Planning, Building and Code Enforcement)

**The Almaden Urban Village Plan and SPUR's recommendation of a minimum density of 45 unit/acre were tentatively approved. The implementation factor was dropped per Orders of the Day, to be renoticed and to return to Council in 2017.**

### END OF CONSENT CALENDAR

### 10.2 General Plan Amendment: Land Use/Transportation Diagram Amendment at the Northeasterly Corner of Yerba Buena Road and San Felipe Road.

*Item 10.2 was heard following 11.1(a).*

#### **Recommendation:**

- (a) Adopt a resolution approving the Evergreen Valley Community College General Plan Amendment Negative Declaration (File No. GP16-007).
- (b) Tentative approval of the General Plan Land Use/Transportation Diagram Amendment from the Public-Quasi-Public designation to the Neighborhood Community Commercial designation on a 27 gross acre site, located at/on the northeasterly corner of Yerba Buena Road and San Felipe Road (San Jose Evergreen Community College District, Owner).

CEQA: Evergreen Valley Community College General Plan Amendment Negative Declaration (File No. GP16-007). Planning Commission recommends approval (5-2-0) (Commissioners Pham and Yesney opposed). (Planning, Building and Code Enforcement)

**GP16-007** – Council District 8

(Deferred from 11/15/16 – Item 10.3)

*(Action Continued on the Next Page)*

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.2 General Plan Amendment: Land Use/Transportation Diagram Amendment at the Northeasterly Corner of Yerba Buena Road and San Felipe Road. (Action Cont'd.)

\* The memorandum from Vice Mayor Rose Herrera and Council Member Raul Peralez, dated November 10, 2016, was tentatively approved as follows:

- (1) Support the Planning Department's recommendation to approve the Evergreen Valley Community College General Plan Amendment Negative Declaration.
- (2) Support of Planning Commission's recommendation to approve the General Plan Land Use/Transportation Diagram Amendment from the Public-Quasi/Public designation to the Neighborhood Community Commercial designation for the entire surplus 27 acre site.
- (3) ~~Direct Staff to work with applicant on a development agreement which must include conditions on the prohibition of housing. Not approved.~~
- (4) If additional City services from Planning and Public Works have to be used, the developer will agree to pay additional fees to recover costs.
- (5) Conduct extensive community outreach with the greater District 8 community during the Planned Development Zoning and Planned Development Permit process.

\* The memorandum from Vice Mayor Rose Herrera, Council Member Raul Peralez and Council Member Donald Rocha dated December 9, 2016, was tentatively approved as follows:

- (1) Reaffirm support of the Planning Department's recommendation to approve the Evergreen Valley Community College General Plan Amendment Negative Declaration.
- (2) Support the Planning Commission's recommendation to change the Land Use/Transportation Diagram Land Use Designation from Public/Quasi-Public to Neighborhood/Community Commercial on the entire 27 acre site.
- (3) The College District is not asking for residential housing and there will be no support for housing when the Planned Development Zoning comes back to Council.
- (4) Condition for the Applicant: Conduct a master planning process for the entire 27 acre site which will include significant community engagement.

Resolution No. 78047 tentatively adopted.

The General Plan Text Amendment was tentatively approved.

Noes: T. Nguyen.

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.3 General Plan Text Amendment: Alviso Master Plan Height Restriction.

#### **Recommendation:**

- (a) Adopt a resolution adopting the TopGolf @ Terra Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

#### **Resolution No. 78046 tentatively adopted.**

**Noes: Carrasco, Peralez.**

- (b) Tentative approval of the General Plan Text Amendment to the Alviso Master Plan to modify the height restriction for a portion of area within the “Village Area” from 45 feet to 65 feet for buildings and allow non-structural uses such as energy saving devices, wireless communication antennae, net poles, and other associated structures to a maximum height of 170 feet. CEQA: Mitigated Negative Declaration for the “Topgolf at Terra Project”. Planning Commission recommended approval (5-0-2). (Commissioners Bit-Badal and Vora absent). (Planning, Building and Code Enforcement)

**GPT16-001** – Council District 4

(Deferred from 12/6/16 – Item 10.3)

#### **Heard with Item 11.4.**

The memorandum from Mayor Sam Liccardo, Council Member Manh Nguyen and Council Member Chappie Jones, dated December 9, 2016, was tentatively approved, approving the Staff recommendations with the following direction to the City Manager:

- (1) **Revise the General Plan Amendment to the text of the Alviso Master Plan as follows: Modify the height allowed for a portion of the “Village Area” from 40 feet in height to 65 feet in height for buildings and to allow a maximum height of 170 feet for non-building structures, such as ~~energy saving devices, wireless communication antennae, net poles and safety netting only and other associated structures.~~**
- (2) **Ensure that the hours of operation do not exceed midnight on Sunday through Thursday and work towards adjusting the hours of operation from Friday and Saturday that meet the demands of the operator and the community, during the Planned Development permit process.**

The General Plan Text Amendment was tentatively approved.

**Noes: Carrasco, Peralez.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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### 10.4 General Plan Amendment: Land Use/Transportation Diagram Amendment Located at 6100 Winfield Boulevard.

**Recommendation:** Denial of the General Plan Amendment to the Land Use/Transportation Diagram from the Open Space, Parklands, and Habitat designation to the Residential Neighborhood designation on a 2.28 gross acre site located at 6100 Winfield Boulevard (Valley Christian Schools, Owner). CEQA: Winfield Boulevard Residential General Plan Amendment Negative Declaration. Planning Commission recommended approval of the Initial Study/Negative Declaration (5-0-2) (Commissioners Bit-Badal and Vora absent) and Denial of the General Plan Amendment (5-0-2) (Commissioners Bit-Badal and Vora absent). (Planning, Building and Code Enforcement)

**GP16-003** – Council District 10  
(Deferred from 12/6/16 – Item 10.4)

**Dropped per the Applicant Request.**

### 10.5 Adopt a Resolution Approving All General Plan Amendment Actions on November 15, 2016, December 6, 2016, and December 13, 2016.

**Recommendation:** Adopt a resolution approving all General Plan Amendment actions taken on November 15, 2016, December 6, 2016, and December 13, 2016.

**Resolution No. 78048 adopted.**

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar.

#### (a) Conforming Rezoning for the Real Property Located at 16455 Almaden Expressway.

**Recommendation:** Consideration of an ordinance rezoning a 0.85-gross acre site located at 16455 Almaden Expressway from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District (R.C. Petroleum, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). Planning, Building and Code Enforcement Director recommends approval. (Planning, Building and Code Enforcement)

**C16-043** – Council District 10

**Ordinance No. 29855 passed for publication.**

**END OF CONSENT CALENDAR**

# 11. PUBLIC HEARINGS

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## 11.2 Conforming Rezoning and Conditional Use Permit for the Real Property Located at 278 North 2<sup>nd</sup> Street.

### **Recommendation:**

- (a) Adopt a resolution adopting the Villas on the Park Project Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report, and the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Environmental Impact Report, all in accordance with the California Environmental Quality Act, as amended, and adopting a related mitigation monitoring and reporting program.
- (b) Consideration of an ordinance rezoning certain real property located on a 0.35 gross acre site located at 278 North 2nd Street from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District (Mcmanis, James and Sara W., Owners).
- (c) Adopt a resolution approving a Conditional Use Permit, subject to conditions, to allow the demolition of an existing building, the construction of a six story, 78-unit residential care facility, and the removal of six ordinance size trees.

CEQA: Addendum to the Downtown Strategy 2000 Final Program EIR (Resolution No. 72767), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). Planning Commission recommends approval (6-0-1) (Commissioner Bit-Badal absent). (Planning, Building and Code Enforcement)

**C16-020 & CP16-014** – Council District 3

**Dropped; To Be Renoticed.**

## 11.3 Planned Development Rezoning of Real Property Located at 1236 Minnesota Avenue.

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property on a 0.32-gross acre site located at 1236 Minnesota Avenue from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow the development of a single-family residence on a new flag lot behind an existing single family residence (Cyrus and Rebecca Colburn, Owners).

CEQA: Exempt under CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures. (Planning, Building and Code Enforcement)

**PDC15-048** – Council District 6

**Dropped; To Be Renoticed.**



## 11. PUBLIC HEARINGS

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### 11.4 **Planned Development Rezoning of Real Property Located at the Southeasterly Corner of North First Street and Liberty Street (4701 North First Street and 1561 & 1537 Liberty Street).**

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property on a 39.9 gross acre site, located at the southeasterly corner of North First Street and Liberty Street (4701 North First Street and 1561 & 1537 Liberty Street) from the CN Commercial Neighborhood and RM Multi-Family Residence Zoning Districts to the CIC(PD) Planned Development Zoning District, to allow up to 72,000 square feet indoor/outdoor recreation and entertainment use (Topgolf), a 200-room hotel, and up to 110,000 square feet of commercial/retail space (Sainte Claire Corp., Owner).

CEQA: Mitigated Negative Declaration for the “Topgolf at Terra Project”. Planning Commission recommended approval (3-2-2) (Commissioners Ballard and Yesney opposed, Bit-Badal and Vora absent). (Planning, Building and Code Enforcement)

**PDC16-013** – Council District 4

(Deferred from 12/6/16 – Item 11.5)

**Heard with Item 10.3.**

**Ordinance No. 29854 passed for publication.**

**Noes: Carrasco, Peralez.**

- **Open Forum**
  - (1) **Mark Dobson complained about various societal issues.**
  - (2) **Kevin Larsen thanked the Mayor and Council for their service.**
  - (3) **Blair Beekman presented his thoughts pertaining to the Riparian Corridor, TopGolf and alternatives for the Bollinger Road Cell Phone Tower.**

**Mayor Sam Liccardo thanked Vice Mayor Rose Herrera, Council Member Pierluigi Oliverio and Council Member Manh Nguyen for their exemplary service and leadership to the City of San José and the community.**

- **Adjournment**

**The Council of the City of San José was adjourned at 2:17 a.m. in memory of Mrs. Floarvis I. Douglas, affectionately called “Miss Flo”, a beloved resident of East San José for over 52 years and business owner for over 40 years. (Herrera)**

**JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY/  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF  
THE CITY OF SAN JOSE AGENDA**

**6:23 P.M.**

**TUESDAY, DECEMBER 13, 2016**

**CHAMBERS**

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- 1. Call to Order and Roll Call  
Absent Council Members: All Present.**
- 2. Actions Related to the Approval of Selection of Underwriters.**

**Recommendation:** City Council, City of San José Financing Authority and City of San José Successor Agency Board take the following actions:

- (a) Adopt a resolution of the City Council approving the underwriters' syndicate for the issuance of airport revenue refunding bonds and the underwriters' pool for the issuance of City of San José Financing Authority lease revenue refunding bonds;

**Resolution No. 78040 adopted.**

- (b) Adopt a resolution of the Successor Agency Board approving the underwriters' syndicate for the issuance of Successor Agency refunding bonds; and

**SARA Resolution No. 7056 adopted.**

- (c) Adopt a resolution of the City of San José Financing Authority Board approving the underwriters' pool for the issuance of City of San José Financing Authority lease revenue refunding bonds.

CEQA: Not a Project, PP10-069, City Organizational and Administrative Activities.  
(Finance)

**SJFA Resolution No. 131 adopted.**

- 3. Open Forum  
There was no testimony from the floor.**
- 4. Adjourn the Joint City Council/San José Financing Authority/Successor Agency To The Redevelopment Agency.  
Mayor Sam Liccardo adjourned the meeting at 6:24 p.m.**

- **Notice of City Engineer's Pending Decision on Final Maps**

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10377	S/E Corner of Sierra Rd. and Mercado Way	4	KB Home California LLC	26/162	SFA	Approval

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10390	Area generally bounded by Hwy. 85, Great Oaks Blvd., and Little Ave.	2	iStar San Jose, LLC	20/0	Residential

This notice is to be posted with the City Council's regular agenda for December 13, 2016.