

CITY COUNCIL AGENDA

AUGUST 22, 2017

SYNOPSIS

CHAPPIE JONES
SERGIO JIMENEZ
RAUL PERALEZ
LAN DIEP
MAGDALENA CARRASCO
VICE MAYOR

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS
TAM NGUYEN
SYLVIA ARENAS
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*** — 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.
- ***Environmental and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety*** — 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 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. 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=5322>. 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 City.Clerk@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**
 - 9:34 a.m. - Closed Session, Call to Order in Council Chambers
All present
 - 1:34 p.m. - Regular Session, Council Chambers, City Hall
All present
 - 6:00 p.m. - Public Hearings, Council Chambers, City Hall
All present

- **Invocation (District 7)**
Pastor Tony Williams, Maranatha Christian Center provided the invocation.

- **Pledge of Allegiance**

- **Orders of the Day – To be heard after Ceremonial Items**
Approved as posted.

- **Closed Session Report**
City Attorney Richard Doyle provided the following Closed Session Report:

The City Council authorized the City Attorney to join in Amicus Curiae briefs along with the County of Santa Clara and other major cities and counties in support of the City of Chicago in the federal court case brought by the City of Chicago to challenge the new conditions that the U.S. Attorney General is placing on the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program in *City of Chicago v. Sessions*, Civil Action No. 1:17-cv-5720 (N.D. Il.). The Council further authorized the City Attorney to join in any Amicus Curiae briefs filed on behalf of the plaintiffs in the following two federal court cases that have also been brought that challenge these new grant conditions: *State of California, ex rel. Xavier Becerra v. Sessions et al*, Case No. 17-cv-4701 (N.D. Ca.) and *City and County of San Francisco v. Sessions, et al*, Case. No. 17-4642 (N.D. Ca.).

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Monjish Bhattacharya and Maya Nayak, founders of FunMath4Kids, who have enriched the lives of hundreds of students in grades K-8 with their unique math tutoring program. (Nguyen)
Presented in the afternoon
- 1.2 Presentation of a commendation to Elisa Marina Alvarado for her leadership and support to the betterment of San José’s arts community and the quality of life for our citizens. (Carrasco)
Presented in the evening
- 1.3 Presentation of a commendation to the Leland Robotics FIRST Team 604 members and mentors for their achievements at the annual FIRST Championships in Houston, Texas. (Khamis)
Presented in the evening

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of City Council Minutes.**

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final Adoption of Ordinances:

- (a) ORD. NO. 29976 – An ordinance of the City of San José amending Title 20 of the San José Municipal Code to revise land use provisions for temporary and incidental shelter of homeless people, including amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and adding Sections 20.80.1630, 20.80.1640 and 20.80.1650 to Part 17, Chapter 20.80; adding definitions of “Assembly Use”, “Incidental Shelter”, and “Places of Assembly”; creating standards for incidental shelter of homeless individuals and families; allowing incidental shelter as an incidental permitted use to an existing legal assembly use where the shelter is provided inside existing buildings that are constructed and operating in compliance with the San José Municipal Code. CEQA: Initial Study/Negative Declaration for the Temporary and Incidental Homeless Shelter Municipal Code Amendment. (Planning, Building and Code Enforcement)

PP17-015 – Citywide

Ordinance 29976 adopted.

2.3 Approval of Council Committee Minutes.

None

2.4 Mayor and Council Excused Absence Requests.

None

2.5 City Council Travel Reports.

None

2.6 Report from the Council Liaison to the Retirement Boards.

None

2.7 Actions Related to the Amendment to the Agreement with Price Waterhouse Coopers (PwC) for Internet of Things Strategy.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Master Consultant Agreement with Price Waterhouse Coopers for digital inclusion and broadband strategy consulting services to provide additional consulting services related to the Internet of Things strategy and increase the City’s compensation in the amount of \$200,000, funded in full by a Knight Foundation Grant, for a total contract amount not to exceed \$515,000.

Resolution 78313 adopted.

2. CONSENT CALENDAR

2.7 Actions Related to the Amendment to the Agreement with Price Waterhouse Coopers (PwC) for Internet of Things Strategy. (Cont'd.)

Recommendation:

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Increase the City Manager's Office Non-Personal/Equipment appropriation in the amount of \$200,000; and
- (2) Increase the estimate for Other Revenue by \$200,000.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (City Manager)
Resolution 78320 and Ordinance 29980 adopted.

2.8 Agreement with United Neighborhoods of Santa Clara County for the CALMS/Metcalf Area Homeowner Reimbursement Program. *DROP*

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement between the City of San José and United Neighborhoods of Santa Clara County (UNSCC) to provide UNSCC a grant of \$595,000 to administer and disburse reimbursements to homeowners under the CALMS/Metcalf Area Homeowner Reimbursement program, utilizing funds associated with the 2001 Cooperative Agreement with Calpine Metcalf Energy. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 2. (City Manager)

* **DROP**

2.9 Amendment to the Sublease for Spartan Keyes Neighborhood Action Center.

Recommendation: Adopt a resolution authorizing the City Manager or his designee to execute a Fourth Amendment to the Sublease for the use of real property for the Spartan Keyes Neighborhood Action Center, between the City of San José and Roem Development Corporation, allowing for continued use of 2,256 square feet of commercial space for community gatherings as well as office space for staff retroactive to July 1, 2017. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development)

Resolution 78314 adopted.

2.10 Approval of the Transfer of Land to the State of California as Part of the Completion of the I-280/I-880/Stevens Creek Boulevard Interchange Improvement Projects.

Recommendation: Adopt a resolution authorizing the City Manager or his designee to execute all documents needed to transfer 4,643 total square feet of land to the State of California to support the I-280/I-880/Stevens Creek Boulevard interchange improvement projects. CEQA: Environmental Impact Report for the Improvements at SR-17/I-280/I-880 Interchange and I-880/Stevens Creek Boulevard Interchange Project that was adopted by City of San Jose, Resolution No. 76398. Council District 6. (Economic Development)

Resolution 78315 adopted.

2. CONSENT CALENDAR

2.11 Amendment to the City's Pay Plan for Park Ranger Series Classifications.

Recommendation:

- (a) Adopt a resolution to:
 - (1) Amend the City of San José Pay Plan effective August 27, 2017, to change the salary range for the following classification:
 - (a) Park Ranger FT/PT (2423/2424) with a salary range of \$63,793.60- \$77,771.20 annually;
 - (2) Amend the City of San José Pay Plan effective August 27, 2017, to create the following classification:
 - (a) Senior Park Ranger (2426) with a salary range of \$70,220.80- \$85,571.20 annually; and
 - (3) Amend the City of San José Pay Plan effective August 27, 2017, to retitle and change the salary range for the following classification:
 - (a) Supervising Park Ranger (2425) (formerly Senior Park Ranger) with a salary range of \$77,230.40- \$94,099.20 annually.
- (b) Approve the addition of 1.0 Supervising Park Ranger and 4.0 Senior Park Ranger and the elimination of 5.0 Park Ranger and 2.0 Park Ranger PT.

CEQA: Not a project, File No. PP10-068(b), Municipal Code, Title 3. (Human Resources/Parks, Recreation and Neighborhood Services/City Manager)

Resolution 78316 adopted.

2.12 Cambrian Schools Fun Run.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on August 16, 2017:

- (a) Approve the Cambrian Schools Fun Run scheduled for Sunday, October 15, 2017 as a City Council sponsored Special Event.
- (b) Approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Rocha)
[Rules Committee referral 8/16/17 – Item G.1.a.]

Approved.

2.13 Evergreen Music, Art & Wine Stroll.

- * **Recommendation:** As recommended by the Rules and Open Government Committee on August 16, 2017:

- (a) Retroactively approve the Evergreen Music, Art & Wine Stroll held on August 4, 2017 as a City Council sponsored Special Event.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Mayor/Arenas)
[Rules Committee referral 8/16/17 – Item G.1.b.]

Approved.

2. CONSENT CALENDAR

2.14 Viva Parks-Welch Park.

* **Recommendation:** As recommended by the Rules and Open Government Committee on August 16, 2017:

- (a) Retroactively approve the Viva Parks-Welch Park held on August 3, 2017 as a City Council sponsored Special Event.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)
[Rules Committee referral 8/16/17 – Item G.1.c.]

Approved.

2.15 District 7 Community Events.

* **Recommendation:** As recommended by the Rules and Open Government Committee on August 16, 2017:

- (a) Retroactively approve the Appreciation Reception for the Vietnamese American Summer Program at the Vietnamese American Community Center scheduled for Saturday, August 11, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the following District 7 events as City Council sponsored Special Events and approve the expenditure of funds:
 - (1) Flood Recovery Townhall Meeting on August 23, 2017 at the Franklin McKinley School District;
 - (2) Mid-Autumn Celebration on September 30, 2017 at Yerba Buena High School;
 - (3) Ice Cream Social on September 23, 2017 at Woodbridge Mobilehome HOA;
 - (4) Celebration of National Hispanic Heritage Month on October 14, 2017 at Seven Trees Library;
 - (5) One Year Anniversary Celebration of Vietnamese American Community Center on October 15, 2017 at the Vietnamese American Community Center.

- (c) Approve and accept donations from various individuals, businesses, or community groups to support the events listed in paragraphs 1-2.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Nguyen)
[Rules Committee referral 8/16/17 – Item G.1.d.]

Approved.

2.16 District 9 Grant.

* **Recommendation:** As recommended by the Rules and Open Government Committee on August 16, 2017, approve a \$3,000 grant for Cambrian School District to help equip their music classrooms with instruments and music supplies to support student music education programs. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Rocha)

[Rules Committee referral 8/16/17 – Item G.5.]

Approved.

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None.

3.3 Towing Services Agreement. *DEFERRED*

Recommendation: As recommended by the Rules and Open Government Committee meeting on June 21, 2017, provide the following updates regarding the City's Tow Services Agreement:

- (a) Update on staff's discussion with tow contractors on how the current towing services agreement is working.
- (b) Update on the financial model of the contract and areas of concern that may be affecting the tow companies. Examples might include, but are not limited to:
 - (i) The cost of the towing, storage, and disposal of vehicles such as RVs, motorhomes, trailers, or homemade vehicles that are abandoned, inoperable, and of no value.
 - (ii) The Contract Compensation Fee contractors are required to pay the City of San José for the towing of an abandoned vehicle, regardless of the cost to dispose of the vehicle.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Rocha)
[Rules Committee referral 6/21/2017 – Item G.4.]

DEFERRED TO 9/26/17 PER ADMINISTRATION

3.4 City Council Agenda Order.

* **Recommendation:**

- (a) Discuss moving Open Forum on the City Council Agenda, in both afternoon and evening meetings, to the beginning of the Council Meeting before the Consent Calendar.
- (b) If the action in subsection (a) is approved, adopt a resolution amending Rule 2 of the Council Rules of Conduct (superseding Resolution No's. 78063 and 78145) to move Open Forum on the City Council Agenda, in both afternoon and evening meetings, to the beginning of the Council Meeting before the Consent Calendar.

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

(Council referral 8/15/17 – Item 3.3)

Public testimony from Scott Largent was heard. No Action Taken.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2017-2018.

Recommendation: Adopt a resolution:

- (a) Approving the Willow Glen Community Benefit and Improvement District Annual Report for Fiscal Year 2017-2018 as filed or modified by Council;
- (b) Confirming the individual assessments as proposed, or modified by Council; and
- (c) Directing the Director of Public Works to deliver the assessment role to the County for collection with the property taxes.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. Council District 6. (Public Works)

Approved and Resolution 78317 adopted.

4.2 SB 35 – Planning and Zoning: Affordable Housing: Streamlined Approval Process. (Wiener, Atkins, Allen, Vidak).

- * **Recommendation:** As recommended by the Rules and Open Government Committee on August 16, 2017, adopt a position of support for SB 35 (Wiener) if certain amendments are included in the final bill and direct staff to engage with the Author to introduce a clean-up bill in 2018 so that the City’s Legislative Representatives can advocate the City’s position if amended. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Housing/Planning, Building and Code Enforcement)

[Rules Committee referral 8/16/17 – Item G.4.]

Approved (10-1; No: Diep)

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Structure of the Neighborhoods Commission.

Recommendation:

- (a) Accept the staff report on the Neighborhoods Commission retreat and staff recommendations regarding the structure of the Neighborhoods Commission as follows:
 - (1) Maintain the current scope of the Commission;
 - (2) Maintain the 10-district caucus method for nominations in the Neighborhoods Commission appointment process;
 - (3) Reduce the size of the Neighborhoods Commission from 20 members to 11, with one seat per district and one city-wide seat; and
 - (4) Maintain the current staffing levels in support of the Commission’s work; and

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

- (b) If the staff recommendations are approved, approve an ordinance amending Sections 2.08.3410 and 2.08.3440 of Title 2 of the San José Municipal Code to implement these recommendations (Attachment A to the memorandum to Council).

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

* **HEARD IN THE EVENING**

The following people provided testimony: Ed Rast, Nicole Edraos, Jim Carter, Bruce R. Sullivan, Nick Labosky, Mimi M. Hernandez, and Jonathan Fleming. Memo co-authored by Councilmembers Rocha, Peralez, Davis and Mayor Liccardo approved to accept the staff recommendation, except for: (a)(3) Reduce the size of the Neighborhoods Commission from 20 members to 11, with one seat per district and one city-wide seat; and (a)(4) Maintain the current staffing levels in support of the Commission's work, and direct the City Manager to ensure that Commission recommendations are included in staff memos to Council with a brief summary of discussions heard, and create new procedures to more efficiently support the work of the commission. This should be done without increasing current staffing levels, and in partnership with the Neighborhoods Commission Bylaws ad hoc group, and the provision in the memo coauthored by Councilmembers Jones and Jimenez to direct staff to return to the Neighborhood Services and Education Committee in June 2018 with an update on the Neighborhoods Commission.

5.2 Actions Related to the 7620-Arcadia Softball Facility Project. DEFERRED

Recommendation:

- (a) Report on bids and award of contract for the 7620-Arcadia Softball Facility Project to the low bidder, Goodland Landscape Construction, Inc., for the base bid and Bid Alternate No. 1 in the amount of \$16,791,161, and approval of a five percent contingency in the amount \$840,000.
- (b) Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Parks and Recreation Bond Projects Fund:
 - (1) Increase the Beginning Fund Balance by \$748,000; and
 - (2) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department by \$748,000.
- (c) Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes:
 - (1) Decrease the Beginning Fund Balance by \$65,100;
 - (2) Decrease the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$65,100;
 - (3) Increase the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department by \$1,300,000; and
 - (4) Decrease the Infrastructure Backlog Reserve by \$1,300,000.

(Item continued on the next page)

5. NEIGHBORHOOD SERVICES

5.2 Actions Related to the 7620-Arcadia Softball Facility Project. *DEFERRED (CONT'D)*

Recommendation:

- (d) Adopt the following 2017-2018 Appropriation Ordinance and Funding Source Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
 - (1) Decrease the Beginning Fund Balance \$33,600;
 - (2) Decrease the Arcadia Softball Facility Maintenance Yard appropriation to the Parks, Recreation, and Neighborhood Services Department by \$33,600;
 - (3) Increase the Arcadia Softball Facility Maintenance Yard appropriation to the Parks, Recreation, and Neighborhood Services Department by \$129,000;
 - (4) Decrease the Park Yards Future Projects Reserve by \$129,000.
- (e) Adopt the following 2017-2018 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
 - (1) Establish the Arcadia Softball Facility appropriation to the Parks, Recreation, and Neighborhood Services Department in the amount of \$144,000; and
 - (2) Decrease the Future PDO/PIO Projects Reserve appropriation by \$144,000.

CEQA: Addendum to the Evergreen East Hills Vision Strategy Environmental Impact Report and Supplemental Environmental Impact Report (Resolution No. 74742), File No. PP14-088. Council District 8. (Parks, Recreation and Neighborhood Services/Public Works/City Manager)

* **DEFERRED TO 9/12/17 PER ADMINISTRATION**

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Amendment to the Agreement with Allied Waste Services for the Commercial Solid Waste and Recyclables Collection Franchises.

* **Recommendation:**

- (a) Approve the Cooperative Agreement and Fourth Amendment to the Franchises Agreement with Allied Waste Services of North America, LLC to resolve a dispute about the living wage requirements in the Commercial Solid Waste and Recyclables Collection Franchises Agreement for sorters and housekeepers at the Newby Island Recyclery.

(Item continued on the next page)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Amendment to the Agreement with Allied Waste Services for the Commercial Solid Waste and Recyclables Collection Franchises. (Cont'd)

- (b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Cooperative Agreement and Fourth Amendment to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.
CEQA: Not a Project, File No. PP10-067(a), Non-Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/Public Works/City Attorney)

(Deferred from 6/27/17 – Item 7.1(a), 8/8/17 – Item 7.1 and 8/15/17 – Item 7.1)

Public testimony was heard from Emily Finn, David Urhausen, Jeffrey Buchanon, and Doug Block. Memo co-authored by Councilmembers Rocha, Peralez, and Jimenez approved to approve staff recommendation along with the following additional items: a. An analysis of whether there are any employees who do work under the residential waste contracts who are not covered by living or prevailing wage standards in those contracts. b. If there are employees under the residential waste contracts that are not covered by wage standards or by labor peace provisions, staff should bring forward options for inserting living wage standards into those contracts that would cover employees who are currently not covered, and receive Council direction as to whether staff should seek to insert those standards into die residential contracts as part of the current effort to negotiate contract extensions. c. An opportunity for the Council to direct staff to require that residential waste contractors submit Employee and Labor Relations Plans as part of the contract extension negotiations to ensure continued labor peace on the City’s garbage contracts. d. A proposal to amend the City’s Living Wage Policy to establish that for all garbage contracts, whether residential or commercial, employees who expend any time on work for the City would be covered under the living wage policy. The current covered employee standard, which holds that all employees who expend at least half of their time on work the City are covered, would continue to apply for all contracts other than garbage contracts. 3. When staff comes back to Council with the work directed in Recommendation 2, they should also provide an overview of all City garbage contracts and the labor standards included in those contracts for the purpose of educating the Council on this issue and framing a discussion about how we can pursue a consistent approach to labor standards across multiple contracts with the addition to include a study of other City’s contracts and include whether they have a living wage provision and what the living wage rates are.

Resolution 78318 adopted.

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

The following members of the public spoke during Open Forum:
Dan Pan, Bill and Lubow spoke regarding CPI for housing.
Scott Largent spoke.

Council recessed at 3:46 p.m.

Council reconvened at 6:04 p.m.

10. LAND USE

10.1 Public Hearing on Consent Calendar.

(a) **Street Renaming of Portion of Logic Drive to All Programmable Drive.**

Recommendation: Adopt a resolution approving the renaming of an approximately 1,000 foot private street of Logic Drive to All Programmable Drive, located to the west of and intersecting Union Avenue (Xilinx Inc., Matt Jorgensen, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

ST17-003 – Council District 9

Resolution 78319 approved.

END OF CONSENT CALENDAR

10.2 Planned Development Rezoning for Real Property Located at 1236 Minnesota Avenue. *DROP*

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property located 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 creation of a flag lot for the development of a new single-family residence behind an existing single-family residence (Cyrus and Rebecca Colburn, Owners). CEQA: Exempt per CEQA Guidelines Section 15303(a), for new Construction or Conversion of Small Structures. Planning Commission recommends denial (3-2-2; Bit-Badal and Vora opposed; Abelite and Allen absent). (Planning, Building and Code Enforcement)

PDC15-048 – Council District 6

(Deferred from 8/8/17 – Item 10.8) * ***DROP***

10. LAND USE

THE PUBLIC HEARING ON ITEM 10.3 WILL BE OPENED AND IF NEEDED, PUBLIC TESTIMONY WILL BE TAKEN. THE ITEM WILL THEN BE CONTINUED TO THE AUGUST 29, 2017 CITY COUNCIL MEETING FOR THE STAFF PRESENTATION, CONTINUED PUBLIC HEARING, COUNCIL DELIBERATION AND VOTE.

10.3 Disposition and Development Agreement, Lease Amendment, and Related Site Development Permit, Special Use Permit, and Vesting Tentative Map Located on the Northwest Corner of West San Carlos Street and South Market Street at 180 Park Avenue.

Recommendation:

- (a) Adopt a resolution certifying the Museum Place Mixed-Use Project Supplemental Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution:
 - (1) Approving the Disposition and Development Agreement with Insight King Wah LLC for the development of a mixed-use office, hotel, residential, Tech Museum expansion, and garage project;
 - (2) Authorizing the City Manager to negotiate and execute all documents related to the transfer of the City property to Insight King Wah LLC for the mixed-use project; and
 - (3) Authorizing the City Manager to negotiate and execute a Lease Amendment with the Tech Museum of Innovation for the construction and operation of the expansion space for the Tech Museum.
- (c) Adopt a resolution approving Vesting Tentative Map No. T16-024, subject to conditions, to consolidate 25 parcels into three parcels, and to subdivide one parcel into a mixed-use project consisting of approximately 306 residential condominium units and 244 commercial condominium units and the remaining two parcels will consist of the existing Tech Museum and Civic Auditorium, on an approximately 2.5 gross acre site, located on the northwest corner of West San Carlos Street and South Market Street (180 Park Avenue) (City of San José, Owner).
- (d) Adopt a resolution approving Site Development Permit and Special Use Permit No. SP17-031, subject to conditions, to allow the demolition of Parkside Hall and construction of a 24 story mixed-use development with approximately 19,000 square feet of ground floor retail, approximately 214,000 square feet of office, approximately 60,000 square feet of museum space, 184 hotel rooms, and 306 residential units, and the removal of 20 ordinance-sized trees.

(Item continued on the next page)

10. LAND USE

10.3 Disposition and Development Agreement, Lease Amendment, and Related Site Development Permit, Special Use Permit, and Vesting Tentative Map Located on the Northwest Corner of West San Carlos Street and South Market Street at 180 Park Avenue. (Cont'd.)

Recommendation:

CEQA: Supplemental Environmental Impact Report for the Museum Place Mixed-Use Project to the “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and “Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015, and the November 1, 2016 Addendum thereto. Planning Commission recommends approval (5-0-2; Ballard & Vora absent). (Planning, Building and Code Enforcement) **SP17-031 & T16-024** – Council District 3
(Deferred from 8/8/17 – Item 10.9)

The hearing was open and the following people spoke: Lee Strieb, James Kerkstra, and Don Ryman, and Council continued the item to 8/29/2017.

- **Open Forum**
Bryan Diester spoke regarding street improvement.
- **Adjournment**
Council adjourned at 7:06 p.m.